

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Minutes of the Regular Board meeting held on the above date beginning at 6:00 pm in the Meeting Room of the North Elba Town Hall, 2693 Main Street, Lake Placid, New York.

Members Present: Supervisor Rand, Councilman Favro, Councilman Doty, Councilwoman Kilburn Politi, and Councilman Cummings

Others Present: Attorney Briggs, Ken Porter, Mike Orticelle, Chelsie Geesler, Cathy Edman, Bill Hurley, Art Lussi, Ivan Zdrahal, Larry Reagan, Joe Regan, Allison from MJ Engineering, and Elizabeth Izzo

Via GoToMeetings: Butch Martin, Mary Jane Lawrence, Jim McKenna, AJ Coppola, Chris Babcock, Gabe Regan, and Art Devlin

Supervisor Rand opened the Regular Town Board meeting at 6:00 pm by asking everyone to stand for the Pledge of Allegiance.

Supervisor Rand asked for a motion for the minutes of the Board meeting of June 9th, 2020.

Councilman Favro moved and Councilman Cummings seconded the motion to approve the minutes as written and presented. There being no further discussion, the motion was unanimously carried.

LARRY REGAN & TEAM: "MACKENZIE OVERLOOK" - SET DATE FOR PUBLIC HEARING - LUSSI PROPERTY

Larry Reagan – We have a number of our development team here on the screen. AJ Coppola is our market tech, my other son Gabe is here, our attorney Chris Babcock I see is represented and he is here to answer any questions. Ron, I think you have spoken to both Chris and Geoff on our conference calls. I know codes officials have discussed things with AJ and Jamie Easton along with Allison is here from MJ Engineering. If you would like I can give everyone a brief overview.

A minute of background, we really didn't institute this process on our own, we were asked to come to a number of meetings and I know a number of you have been at those meetings. We were at a meeting about a year in a half or two years ago at the request of invitations from Senator Little and I think we had it at the house across the Lake. We sat and discussed the possibilities of workforce housing and things really didn't get going from that meeting but then about 4 months ago Senator Little invited us to sit down with Art Lussi, Emily Kilburn-Politi, Jay Rand and number of other staff members, and a representative from the State Housing offices. The purpose of the meeting was how to put the pieces of the puzzle together to provide workforce housing, rental housing for the community. We came to the meeting, we have always had a strong interest in building up in the North Country and we basically are very excited to come to this second meeting and give this another go around. We are fortunate to have the benefactor of the Lussi family coming to the table with such a fantastic parcel of property on WesValley Road, I think you all know generally where that property is. We walked the property along with MJ Engineering, AJ, and our team and a number of representatives from our construction staff. We took a look and we thought it was a very possible project to do and we are thankful to the Lussi family that they are able to provide about 5 acres of property so that we can build the 60 units of workforce housing hopefully at that site. Generally we at Regan Development think of ourselves as tools for building community workforce housing. We do family workforce, senior, special needs, it depends on what the needs in the community are.

After listening at the meetings we have been to and hearing Emily share the market study that was done for the region and we have commissioned our own market study we have satisfied ourselves that there is a demand for 60 units of workforce housing at affordable levels. Working with HCR and the state to provide the funding and the tax credits. The way these projects generally work is we as developers put in an application to the state. It is a competitive application in this instance for 9% tax credits. In this economic climate at the state right now we are thinking that there are not going to be state funds available as gap fillers for the deal but there will be federal funds that they will be providing. It puts our deal in a better position than most

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

other deals because we are able to build at a price in Essex County and do it at prevailing wage and still get the project built at a price that works within the financial structure of the development. Whereas deals downstate or in certain other areas where the federal residential labor rates at the federal rates for residential would blow a deal out of the water. We feel that if we can move forward expeditiously with the blessings of the community and all the Boards we have to go to, we have discussed this transaction with Darren Scott, and the Assistant Commissioner spoke to the Commissioner, not that it is a guarantee but they feel that this would be a very strong application going into what we feel will be a September funding round from HCR. We have the support of the Senator, the Senator and you as community members and elected leaders have obviously gotten the word out to all of the state officials. They have heard you guys there is tremendous support for this type of project and as you all know the goal we are looking to do is not only to bring workforce housing to the community, permanent workforce housing at affordable rates but to make sure that we are able to use this facility hopefully for the World student games coming up at the beginning of 2023. The state is aware of it, the housing staff at the state is aware of this and there is an effort to try and synergize all of this state funding so that we are not only building the workforce housing but we are building the temporary housing for the student games that can be rolled into the workforce housing after. There is precedent for this as we mentioned down at the meeting at Senator Little's office, they've done it at the Salt Lake City Olympics and the LA Olympics did it so there is a road map that we can follow that we know it will work. We have to work closely with our tax credit partners and our investors to make sure that the timing works of when we place the building into service for the workforce housing isn't until after the games but we are very confident that we can achieve the schedule as long as HCR and the state housing offices open the funding round even by December we would still be okay. We have a little time to go and we are first supposed to open the round in June and then July so we are hoping it is going to be this month because of COVID and the state budget shortages and the losses of budget as I'm sure you all know being elected officials, things are tight at the state so they are monitoring every penny. They are not sure when they want to put this RFP out but we are hearing it is supposed to be out within the next 10 days to open it up in September.

That is a bit about who we are and how we got here. I think you all know that Art's family, it is so rare that this happens we are tickled pink that the Lussi family came and said this is something they realize the need for and the location is so stellar for workforce housing because it is such a short walk into the Village and all of the amenities that the Village has to offer. Getting into a couple of the details, this is a 60 unit development there is only 1 & 2 bedroom apartments. The majority of the apartments are 1 bedroom so AJ correct me if I am wrong but do we have 45, 1's and 15, 2's?

AJ Coppola – 40, 1's and 20, 2's.

Larry Regan – 40 1's total and 20 2's and one of those will be a full-time super so we believe in having in a 60 unit development a presence of a full-time superintendent. We believe it is important to provide not only for security on site but if anything goes wrong there is someone there because we are not based here. Although our management company is regional and we have other places including our development we are finishing up down in Glens Falls because we are not here and this is not our backyard we want to have a full-time super there to provide the comforts so that we know the managing of the property efficiently and any problems can be handled immediately if they come up. Basically the project is a little bit north of an \$18,000,000.00 total development cost. The construction is going to run a little short of \$13,000,000.00 and then there is soft costs and reserves that are put in. Most of our sources are coming from the syndication of the housing credits but there is a home fund that is going to be done and that is federal dollars that float through HCR and we are deferring over 50% of our developer fee, it's a little tight but we are deferring close to 60% of our developer fee into the deal to make the numbers work because it is a big bite with the construction costs. We get that back in the form of the equity of the project and over time that is paid out in lieu of cash flow we in return get our developer fee back.

We will be partnering with Emily and the Housing Assistance Program of Essex County. Bruce and I met onsite when we did the walk with Art and we were introduced through Darren Scott from HCR, I went to Darren because at Regan Development we always want a local grass roots partner, generally a not for profit that can provide services to our clients and our tenants in the

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

form of exactly what HAPEC does and in this instance there was an immediate synergy. It is sort of what HPEC does and not in the ownership side but we have talked to the HAPEC Board about and what they are deciding on is we have asked and invited them to become actually participants in the project itself. They will be sponsor owners in the development hopefully if they say yes, they haven't decided yet but we have provided them with the information. What that does for us is that provides us with the grass roots outreach to clients that may want to move in and then the knowledge of the people on the Board of HAPEC. When they all introduced themselves on the Zoom call that we had last week it was very clear to me that they will be great partners because everyone has 20 or 30 years of expertise in the areas that we are looking to do which is workforce housing and providing services for workforce housing and providing outreach to those in the community that need assistance. Everybody in the public and this Board needs to understand that we want to partner with HAPEC we believe hopefully they will be our partners and that provides strength to our application at HCR because they see we have a not for profit partner. They will see we have a presence in the community and it will add an extra little push to the application that I think, not that we really need it but it is an added bonus to the application because we'll have the local presence that we want to have because we are not from your community. That is a positive aspect as well. Other things just to go over briefly, AJ would you like to take a couple of minutes going over the building and talk about the silver and green building. Then Chris maybe you could talk a bit about the legal side of what we are asking this Board to do in the form of if HAPEC does come in and in the form of forming the HDFC (housing development fund company).

AJ Coppola – Thank you. My name is AJ Coppola, I am an architect at our office in Newburgh we have been doing affordable housing projects with Regan Development for I think over 30 years. That sounds scary but I think that's actually true and we have done probably 15 - 20 projects with Larry and his brother Ken. We have done over 50 affordable housing projects in NYS so we are very much familiar with HDR requirements. This building size, the building itself as we said will be 60 units that's 40, 1 bedroom apartments and 20, 2 bedroom apartments. It is basically a 3 or 4 story building, its 317 ft. long and about 66,000 sq. ft. total. ACR pretty much controls much of what we put in the building, the sides of the apartment are within a certain range, a common room or community room, and a common laundry among other things that are part of the requirement for amenities. As far as the building itself the HDR requires a much more stringent and much higher level of green and sustainable construction that even the NYS energy code is pretty good. The two available programs that we will be doing on this project. The first is LEED for homes. LEED is the number 1 green agency in the world. LEED stands for Leadership in Energy and Environmental Design and is based in Washington and as part of that we will be required to do a LEED certificate or better so LEED is divided into certified silver, gold, and platinum. We would be silver or better which is what we would achieve at the end. LEED will look at all aspects of sustainability throughout the building, not just energy efficiency but everything to do with water, the site, everything, it's a very comprehensive checklist we could share at some point. The second program is NYSERTA low rise energy efficiency program. Councilman Favro moved and Councilman Cummings seconded the motion to approve the personnel actions as written and presented. There being no further discussion, the motion was unanimously carried. That is something that is more or less true in NYS and the utilities contribute to NYSERTA agency and that basically promotes energy efficient in terms of fossil fuels. Those are the two green programs, in terms of the overall construction it is going to be wood framed, it is a fully sprinkled building. As far as handicap accessibility the state building code requires an elevator building, there is one elevator in the building so all of the units are accessible to the front door and all of the units are handicap adaptable. Beyond that HDR requires us to fully adapt a certain number of units when the building is put into service with the certificate of occupancy so there will be at that point a 10% or 6 fully adaptive apartments and 4% that will be 3 audio, visual adaptive apartments. That is everything in a nut shell, everything is very high quality. On the elevations just in terms of design it is a long building so we go on the number of reverse gables, two different size reverse gables so in the center there is a large reverse that covers the front entrance of the front porch and then there are smaller reverses as the building goes left and right. In terms of exterior material we are using crusher stone at the base which is lineated in both rendering of the elevation, concrete plank siding so it's not vinyl siding. Then two different types of roofs one is a fiberglass shingle that is on the upper roof then on the lower roof we are going to do an aluminum panning roof.

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Larry Regan – On materials, we are open. We know that the community has standards and the community has different ideas on what they want impactful buildings such as this to look like. This was a vision that AJ had with his associate Mario and myself, it is not fixed in stone. The building is what we would like to do but we are open as long as it fits the price point for what we can build. Any suggested changes that the Boards would like to make, code officials would like to make, this is a vision and a starting point and we are open to changes as long as we are able to afford to make them.

Councilwoman Kilburn Politi – To add to that, the Review Board has final discretion over the architecture so the Town Board is out but we have full faith in our Review Board to review the architecture.

Larry Regan – AJ, do you have anything else?

AJ Coppola – No, that is it for me. Thank you.

Larry Regan – As far as everything else goes, I believe Emily shared the market study.

Councilwoman Kilburn Politi - I don't believe I shared it with this Board yet.

Larry Regan – Okay, well we are very confident about the market. We are very cautious about the developments we choose to do. We want to make sure there is a long term depth of renters in the communities and in the region where we are looking to do our developments. It is not only us, it is our tax credit investors who invest in the properties that invest their tax credit dollars that actually are owners in the property for long term and it's the state who are investing in this development so there are many, many, conservative and very careful eyes that watch this process. This is what we do. We feel because we have done so many developments we know which deals will work and which deals will not work. When you see us here before we start and get approvals from your Boards and the state for these credits you are going to see us in 30 and in 40 years because as you see I have one son who is listening in and my other son who is here, this is our family real estate business. These are our assets and we are partners community not for profits we feed our families and we sustain ourselves off these developments so we feel very good about it. Not only do we provide and give back to residents in communities such as Essex County and Lake Placid residents we are doing well and we are still able to feed our families. It makes us feel good but the message I want to send to everyone listening in and to the Board members is that we are here for the long term and I have told Jay this and said this at the meetings, we are not just here to get an approval, build the building and then flip it to a developer or another owner. We are here, this is what we do. We pride ourselves on what we are building and we keep it up because we have pride in what we do. We love what we do and that is why I am bringing our kids into the business because we feel it is a great model on how to be the right type of person, give back to the community but feed our families at the same time. It is an important message that I like to tell members of the community so they know who Regan development is and I know that when we had our call with the HAPEC Board they are going to visit a number of our developments, we are happy to have anyone who would like to see come down and tour our developments that we have in the Hudson Valley or our other properties close to here is up in Plattsburgh. That is an open invitation to whoever would like to come please reach out to us and we are happy to do that.

Councilwoman Kilburn Politi – One thing I thought of is the HAPEC Board we asked for a reference for another nonprofit partner so maybe the Board would feel comfortable if we could have a reference with the local government that you've worked with over time.

Larry Regan – Absolutely. I think if you wanted to reach out to the leadership in Glens Falls it is close to here, they could tell you it is a similar track in Glens Falls to what happened here. They received the DRI award from the state. Darren Scott from HCR and I were in a meeting, he suggested I go up and look for a development. I met with the Mayor I met with Ed Bartholomew who is the Economic Development Director, I met with the head of the planning Board, and I met with the head of the council. Before we even really move forward we wanted to get a consensus from the local leadership that this is the type of development that they wanted. I think if you talk to the Mayor, Dan Hall or if you talk to anyone in Glens Falls that would be a great start and then if you want more references we are happy to provide them.

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Councilman Doty – Thank you all very much

Councilwoman Kilburn Politi – Art, is there anything you would like to add?

Art Lussi – There isn't anything I would like to add, I think Larry gave an excellent presentation. Clearly if we weren't confident in him and his organization we wouldn't be trying to move forward. It really is a community project that we know is in high demand and I think we need to get going.

Attorney Briggs – This may be a question for your lawyer. The way I understand it, the Lussi family will donate to the Town this property?

Larry Regan – Since our fall we found out that we thought we needed to do that to maximize on the scoring which is important. We found out that since our conversations concerning the pilot and the tax that can get us to the same place without the donation. We can deal directly and it is easier. We had a very productive call between our financial professionals, our lawyers, Ron, Jay, Emily, and Todd Anthony. We went over a very detailed budget which everyone had in front of them. We sort of went over how the tax evasion process works for the article 11 process. We went over the amount that based on the assessed values that our financial professionals talked about with Ron and the assessor we came up with a number that would be \$26,424.00 in year one and that number would go up 2% a year for 30 years if we do request a 30 year pilot to be coterminous with our permanent financing on this project. Even though there is no permanent debt here we underwrite the deal with HCR for that period so HCR wants to see how the project will model over the fiscal life of the project because generally they are very conservative they want to see a deal that will work. They prefer to see deals with a tax agreement that are 30 years because those are the ones that provide security and conservative underwriting for the life of the project.

Attorney Briggs – Here is another question for your lawyer, I see in the handout you are talking about forming an entity and 1% of that entity will be the HDFC? Housing Development Fund Company? That satisfies Article XI of the state private housing finance law?

Larry Regan – Correct. Chris do you have anything to add on that?

Chris Babcock – Yes. They actually do not even need to have that ownership interest to satisfy Article XI, they just fee title itself they were qualified but I think because Larry wants HAPEC to be a part of this project, they will have an ownership interest advantage member of the tax credit owner.

Attorney Briggs – Got it.

Councilman Doty – Larry, what do you project for occupancy levels in the initial period. Now you are done building the application will go out after the games, certainly there is a time period where it is not really working yet.

Larry Regan – Right. The way we structure these deals in the financial budgets and I think in what we shared with Emily and Ron and with the teams are there is a working capital line. That is for burning interest and cost to manage the project during a time when it is not at 100% occupancy. That is the type of underwriting that the state requires and that all our deals require so there is nothing a working capital line to cover those periods where we are not at 100%. If the games are in January, renting up in February and March is not going to be a high season. It is for I guess the winter season here but for moving in, normally we have a harder time renting up in the winter months than we do in the other three seasons of the year. There will be enough in the budget to cover that period plus I think we will be able to market in anticipation of the termination of the games and the turning over and placing in service of the building for a residential permit occupancy. I think we would market before and while the games were going on and then it would be with the anticipation of whatever minimal maintenance, painting and in the inevitable impact from the students living there.

Councilman Doty - As long as there is protections built in.

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Larry Regan – We are thinking it out and although we haven't done this before nor have many people done this before I think if we approach it properly we should be okay.

Councilwoman Kilburn Politi – Larry what do you anticipate the timeframe from the ending of the games until you can start leasing? There is not significant construction changes it is more cosmetic.

Larry Regan – I think it is just whatever post game maintenance and painting or repairs that need to be done and the immediately after that. I can see 30 days and then flipping it over.

Art Lussi – I would just add that my wife was in Korea with the winter games and she stayed in an apartment dwelling similar to this and they actually sealed off the refrigerators, stoves, the washer and dryers, left the wrapping on so there was no damage to those items. It is purely a housing only and not food service.

Larry Regan – We haven't gotten to that level of thought on this yet but that is something to consider.

Councilman Doty – Thank you.

Larry Regan – Thank you.

Supervisor Rand – Bill, do you have anything?

Bill Hurley – No, we saw a very preliminary plan from the looks of the site plan sheet. It has changed since we saw it so until we get a good look at it but the Board is very positive and I'm sure we are going to have some changes to the building because of its size but we will do our due diligence.

Supervisor Rand – We need to entertain a motion to hold a public hearing on changing the Lussi property from Village Center (VC) to Planned Development (PD). Does anyone have an idea of a date they would prefer?

Councilwoman Kilburn Politi – How much lead time do we need? 10 days? Do we want to try and do it on a Tuesday again because that is our general meeting? That would bring us to August 11th, so 5:30 on the 11th?

Councilwoman Kilburn Politi moved and Council Doty seconded the motion to hold a public hearing on Tuesday, August 11th at 5:30 pm for changing the Lussi property from Village Center to Planned Development. There being no further discussion, the motion was unanimously carried.

Bill Hurley – Before they leave, have you seen the recommendations from the Review Board for setbacks?

Larry Regan – Yes. Allison has them and has distributed them to everybody on our team and did confirm that the building is okay and we are okay.

Bill Hurley – I just wanted to make sure the Board realizes that setbacks are only for buildings, it's not for driveways, parking areas, or other amenities. It is just for the main building itself in this case. So if the Board has any questions with how or why we came up with these numbers we will be happy to answer them we did do an onsite. Our recommendation is pretty straight forward.

Attorney Briggs – You designed the siting of the building relative to the recommended setbacks, is that correct?

Allison MJ Engineering – Yes.

Attorney Briggs – That was fine, you didn't have to make any compromise to anything to meet those standards?

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Allison MJ Engineering – It was a 50 ft. setback which was the largest and the building was about 57ft away.

Supervisor Rand – That gives it good space between the neighbors and the road?

Allison MJ Engineering – We do, yes.

Supervisor Rand – We really appreciate you all coming and for the presentation.

Larry Regan – Thank you for the opportunity. Emily knows how to contact us if there are any questions or if anyone would like to set up a meeting.

JOE BARILE AND IVAN ZDRAHAL: CELL SCIENCE CENTER

Joe Barile – What we have is a property located on Old Barn Rd, 34 acres formally the Cell Science Center Building which is 50,000 sq. ft. It is in two separate tax parcels and what we are proposing is 13 apartment buildings and a number of garages that will also have apartments above to break up some of the architecture. The apartments will be 650 – 1,400 sq. ft. about 255,000 sq. ft. of losable space. Price point will be about \$900.00 - \$1,000.00 up to \$2,000.00 a month right in that study that was done, the third party study we are looking at out of four brackets on the AMI for Essex County second and third bracket. First being low income and fourth bracket being high income so we are at moderate to moderate plus. The existing structure as I mentioned two level 50,000 sq. ft. right now it is about 53 ft. in height. How do we measure that? From the back lower level all the way up to the peak. There will be a condominium piece, there will be 92 condominiums that is the 34% out of the overall volume of the 271 apartments. This will be a ‘for sale’ product and we will be looking at this being governed by a homeowners association. You have about 175,000 sq. ft. of sellable space in this building of the 92. You are looking at I believe on the average 1,800 – 1,900 sq. ft. per residence. Every one of the buildings other than the garages with apartments above, everyone is what is called a four in one. One being the parking garage below and four residential levels up above. That goes for the apartment and the condominiums. The way we measure the building we use the Walmart APA Rule which is from the lowest point of the outside of the structure. We take it from the parking garage, finish floor, up to the peak. The apartment, this building is 55 ft. The existing structure which is now 53 ft. will be 63 ft. That again is from the rear parking garage up to the peak. The condominium building first, you’ll have two parking spaces in the parking garage per condominium unit. The apartments will have one per apartment. I think under the present code it is 1.5 parking spaces. I think it is important given our climate that we are going to offer underground parking for all the residents including what we are calling our carriage homes.

As we all know the first use is going to be for the World University Games. Our responsibility is to have the product completely finished and turned over by the early part of December 2022. They will be leasing furniture and moving it in in December. They will be putting up a tent in our Village green area for a community cafeteria for athletes, coaches and media. They will also have in the clubhouse area some medical facility. Once they vacate then we will look to move our long term residents in sometime late February early March. We are ongoing with traffic studies, dorm owner management, soil analysis, archeology, we don’t need paleontology in this area. You have Algonquin Drive and the Fawn Ridge residential development there is an easement here that we are going to utilize. Right now this is a dead end and there is a problem with pressure in the event here is a fire there is not enough pressure for the fire department. We will be putting a brand new line in through the whole complex and connecting it with Old Barn Road that will increase the pressure for fire protection but also the quality of water for this whole upper part of town. The sewer line 8 in exiting down 86 to the pump station over by the bridge at Hannaford, that is being evaluated on whether or not that that pump needs to be increased or not.

Councilman Doty – Is that the line that comes in to the back parking lot?

Ivan Zdrahal – It has broken many times and is in tough shape.

Joe Barile – Of course this is very steep here which will be our preservation area the APA will also restrict us on that area which is no problem. The steepness goes down into the Fawn Ridge ownership and there is wetland. Just to get a new water line up through this easement does not

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

make any sense. Since that as put in in the late 1960's early 1970's this has arrived and an easement is existing so we can solve a number of issues there by bringing in totally new. We would have to give an easement to the Village.

Councilman Doty – You will need pressure relief in a lot of those buildings.

Joe Barile – That is up to our mechanical engineers and what not. I would suspect that I would be the one paying for it.

Emily, I know you had a question this will not be phased. We are going to go from start to finish.

Councilwoman Kilburn Politi – Including the condos and the apartments?

Joe Barile – Yes. We will start most likely next May or June a campaign locally for leasing and selling. Similar to what we did with the Whiteface Lodge by having a Main Street location. Sort of an entry for the project because it is remote in comparison to Main Street or the traffic corridor. That will be the public's first real introduction with construction ongoing. We do plan on closing a title on the property December and that is predicated on APA approval so we are hopeful that will happen. Starting some kind of demo operation on the main building we will be taking the roof off and taking it right down to the first floor concrete deck.

Councilwoman Kilburn Politi – Can I ask one quick technical question? Can you please just change the elevation numbers for height to how we measure by code? It is more realistic.

Joe Barile – If you want me to go to International Code, that's fine. My understanding of that is going to be if you take it from the finish first floor or the ground?

Mike Orticelle – Our Land Use Code says from the midpoint of the grade to the midpoint of the roof.

Joe Barile – Okay, midpoint of the gable roof.

Councilwoman Kilburn Politi- It actually takes your height down.

Joe Barile – Yes, it will take it down considerably. We will give both versions that is easy.

Attorney Briggs – Given the using the Land Use Code definition for measuring height then what would be the maximum height you would need under that definition to do this?

Joe Barile – Well the parking garages and the apartment's buildings are 11 to 12 ft. from finish floor to finish floor or first level. Then you are going on four levels with 9 ft. ceilings so that is 36 plus the gable itself. You are going to be somewhere in the mid-40 range. Now if you take the existing building it is a little bit different because you have finished floor, basement to first floor is 13 ft. it is about 2 ft. higher than the first basement level parking garage. It is a few ft. This is the only area that you are going to see this lowest point up to the ridge which is 62 or 63 ft. If we take that off from your finished floor here to here you are going to be somewhere around 51ft. in total height. If you take the Hampton Inn it is 55 ft. from finished floor up to the peak, again this is APA I am speaking of not this center gable. If you take the Crowne Plaza the addition they did that is 62 ft. in height.

Councilwoman Kilburn Politi – 62 ft. from top to bottom?

Joe Barile – Yes.

Councilwoman Kilburn Politi – So I think if you look at those numbers for our code I assume the Hampton Inn is under 45.

Joe Barile – Yes. If you take the center line from your top plate on the vertical wall to the ridge.

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Councilwoman Kilburn Politi – My question with that is that in our PD district our height is limited to 45 ft. If you are going above the 45 ft. I don't know what that means in relation to how we evaluate a PD district and maybe that is a question for Ron.

Attorney Briggs - Based upon the way the Land Use Code measures elevation and height right now, the tallest building what would the maximum height be that you would have to have based upon the way it's measured under the Land Use Code today?

Joe Barile – I don't know if I can answer that right now but let me think about it.

Attorney Briggs – If you can't that's fine that is the question though.

Joe Barile – Certainly less than the 70 ft. that we spoke about. The APA law is much more strict than yours.

Bill Hurley – The problem is, our definition says building height and it defines it. That is the number we need.

Joe Barile – That's fair but we went to the APA for a preliminary meeting and they said we are lead agency. So that is what we thought we were going by.

Bill Hurley – If your basement or your drive in is 13 ft. okay midpoint of that you lose 6 ft. Subtract 6 ft. If your gable is 12 ft. you lose 6 ft. so it brings your building down. We just need that number.

Councilwoman Kilburn Politi – You might very well be under 45 ft. as it is.

Bill Hurley – For the main building it might be 48 or so.

Attorney Briggs – For the main building right but the other ones seem fine.

Bill Hurley – So Emily I think the answer to your question is if the Town Board, the Town Board is basically changing the law.

Councilwoman Kilburn Politi – Well that is my question.

Bill Hurley – They are going to change the law by mapping and in changing this law they can say in this district doesn't need the 45 ft. we are changing the law for this piece of property.

Councilwoman Kilburn Politi – But it doesn't apply to all PD's, they don't need a variance?

Bill Hurley – It depends on how they write the law.

Joe Barile – It looks like we are somewhere in the 47 ft. to 48 ft. range. I would have to try and calculate it without talking to the architect so it is not 70 under your definition.

Bill Hurley – It is just the legalities that's what we need.

Joe Barile – That's fine. We are preparing for APA.

Bill Hurley – Unfortunately you have to prepare for both.

Joe Barile – That's easy.

Attorney Briggs – We need that number.

Joe Barile – That is why we are here, to clarify it. I will get you that information and get you guys digested.

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Bill Hurley – I think it is logical if you do need to eliminate the 45 ft. height restriction if the Board chooses to do that you might give them a 2 ft. leeway. Don't put it right at what the property says it is but give them a little. That is up to you guys.

Joe Barile – Confirm that is nonstructural so it does not include chimneys. The APA does, so that is why we were looking at the 70 ft. for the Verizon antenna and for vents and chimneys. So if we are at 63 ft. based upon their dimensions and then we have a Verizon antenna, so that is where we are coming from on it but we will clarify it and have both.

Mike Orticelle – At this point the APA is the leading agency but eventually it is going to be the Review Board to give you the final decision. That is why you have to go both ways on this.

Joe Barile – I will gladly do that. I didn't feel we were at that point yet but absolutely.

Mike Orticelle – It is coming quick so that is why you should plan for both.

Bill Hurley – I know it is going to come to us to make a recommendation again maybe. Maybe you'll ask for our opinion, maybe not. Internally Joe, just for I think this would be good information for the public. In your condo buildings how long are the condominium buildings, what is the width of them?

Joe Barile – Right now the existing structure is 420 ft. long.

Bill Hurley – When you're going to build the new ones.

Joe Barile – Depth if you will is going to be somewhere in the 72 to 76 ft. This way is 84 to 96 ft.

Bill Hurley – So if you have two buildings right there together tail to tail they are 84 ft. each approximately?

Joe Barile – That is correct.

Bill Hurley – Okay. Can you give the distance between them?

Joe Barile – Anywhere from 40 to 50 ft. of separation.

Bill Hurley – Okay. The ratio generally speaking a good ratio is half the distance of the length of the building.

Joe Barile – That is a fire safety issue also.

Bill Hurley – Well also but it is a cosmetic error. That would be a number and then for the public's knowledge in the future too, the closet building to the outer boundary?

Joe Barile – 25 ft. This is probably the most sensitive area. This is all state owned this is very steep non-developable. You have identification by the Hollrock property and by the Swiss Acres and Pirates Cove just to give an idea of proximity.

I did leave out a few other very important points. We will have recreation on site, a trail system around the whole 34 acres, we will have a pond both for stone order management and recreation. This is something we did at the Whiteface Lodge so it acts for waterscape. We will have greenhouses, community gardens so garden to table type for the whole community. Condominium and apartments will have separate clubhouse for each. We feel that ownership needs its own fitness center and pool, the apartments will have the same fitness center and pool.

Councilwoman Kilburn Politi – In a separate building?

Joe Barile – In a separate building, yes.

Councilwoman Kilburn Politi – Not within in each unit?

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Joe Barile – No. Separate building so you have some combination of recreation, trail system, ball fields. This is a big village green 200 by about 800 ft. which is bigger than a football or soccer field, really nice space. One of the most important things that we are really proud of is that this will be the first net zero energy complex in North America of this size ever built. We will have solar panels up on every roof we will have geothermal fields. This will be a passive designation for triple pane windows and very thick 1 ft. thick insulated walls. The electric energy consumption based upon a NYS code building heated with electric will be 75% less. That is a huge savings, remarkable. Up on all the roofs you will have solar panels both on the condo building and apartments. Largest of its kind, we are somewhat challenged because of the price point of the apartment range revenue but that is the way it is. To offset some of that higher cost and to satisfy the lenders, and my wife we have a for sale product. That reduces some of the risk for all of us that we can take some of that revenue and put it into a long term investment. Otherwise it is non-sustainable as far as net zero energy. If we utilize the Governors 2040 or 50 plan it is very difficult with today's technology and the price point. If I took ten points that achieve for that certification we are going to try to hit 5 of them. That is less steel you know you have to study where the product comes from, how far the distance, all of these type of things that some of you are very familiar with. We have consultants on LEED certification, consultants' passive, and consultants geothermal, a lot of studies have been going on behind the scenes to make this happen. To be frank with you the local and regional lenders do not think that the third party study is correct. They think it is blown out of proportion they don't even want to go near the project, they think they would cringe at 50 apartments being built in Lake Placid. The big institutional lenders like JP Morgan, Bank of America, you have to be in the top 100 zip codes in the country to do something of this size so the burden comes back down to us as the developers. Knowing the community, living here for 40 years or more, understanding what is needed and what is not and that is why we are taking the risk. Also, it is nice to work together to go for a common goal so between those things I get energized with something like this.

Councilwoman Kilburn Politi – My follow up to that, what I think you are saying is that in the Camoin study if you look at 150% of AMI which is what your contract agreement has, that 150% of AMI is a family making \$112,000.00. If you do the math on what is affordable rent...

Joe Barile – No Emily, let me interrupt. I don't mean to be rude. It is the absorption rate. It is 1,500 units in the community. 700 or 800 low income, 500 - 600 of those two middle brackets.

Councilwoman Kilburn Politi- So you think the numbers are bigger?

Joe Barile – They are bigger, yes. I am hopeful they are correct, we are betting a lot on this.

Councilwoman Kilburn Politi – You are hoping these are incorrect.

Joe Barile – No, I'm hoping they are correct.

Councilwoman Kilburn Politi – But it says that the need is for 6 rental units at 120 to 200% of AMI.

Joe Barile – Right but let's go to the middle two brackets, what is the volume? When I show this to lenders they just don't believe it. They don't believe that 1,500 units can be absorbed into this community.

Councilwoman Kilburn Politi – That is all on the lower income end though.

Joe Barile – 1,000 of them. 306 and 158 on those two middle brackets.

Councilwoman Kilburn Politi – So Joe you are saying that you are going to do the 50 – 120.

Joe Barile – Yes to 150 since you just increased it from 120 to 150.

Councilwoman Kilburn Politi – So going back to this I see now that you have even if you say this is wrong, which is fine and your people say that it's wrong. This still proves that there is enough of a demand to get to your 270 number.

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Joe Barile – Yes that is based upon living in this community for 40 years and building quite a bit of residential I believe so but my point is I cannot convince the local or regional lender. Even though it is a great company that did the third party study and I think some of the challenges are the virus the situational living but I can't sell them anymore than I have on the community. This is just one of our challenges they don't care about net zero energy, they don't care about local carbon they want to know how they are going to get paid. They want from me as the developer and sponsor more equity and they want to reduce our risk so I have to put more cash in it. Above and beyond what normal apartment and condominium developers need so those are the challenges that is what we are focused on right now along with all the other design and aspects.

Councilwoman Kilburn Politi – All your rents would generally be between those ranges 80 - 2,100. Is that determined on bedroom size or amenities? What is the range for or is it just bedroom size?

Joe Barile – The apartments will be standard they will have stone countertops, I don't know any other way. I can't do laminated plastic countertops but all of the long term residents, renters it will all be in their rent. The pools, the fitness, the hot pools, the spa. The daycare is going to be a separate line item because I can't burden everyone that doesn't have families, children to be in daycare. So have a daycare on site but they are going to have to deal with our vendor or third party daycare provider but we will provide the space. The fitness, pool, recreation aspect, the trails, that is all really part of the rent. Above and beyond market rate so that can help separate the two.

Councilwoman Kilburn Politi – I would just want to know what your break down is on how many are going to be at that \$2,000.00 range.

Joe Barile – Oh, I will have to get back to you on volumes. I believe right now our one bedroom and two bedroom are almost even, three bedrooms the studies were showing and again based on what is offered in town it is not the most desirable. It is going to be 271 you are probably somewhere in the low I am just going to through a number at you but I will confirm that with you somewhere in the 225 - 235 range. Between one and two bedrooms and then maybe 30 or so in the three bedrooms. If you have other insight please let me know.

Councilwoman Kilburn Politi – Then it is where you get to those three bedrooms that you are obviously reaching that higher goal. I don't really have any more insight on that but when I think of a family unit I think of three bedrooms but the study might have found something different than that.

Joe Barile – The price point per apartment is less if it is three bedroom because I still have to put in the kitchen right? I still have to put in the heating and cooling system, I would put in an extra bathroom. The big expense is really the kitchen that goes in with each unit so if its three bedroom we are actually saving per sq. ft.

Councilwoman Kilburn Politi – But you don't think the demand is there to have more three bedrooms?

Joe Barile – When I and again the analysis we've done are just speaking with the rental brokers in Town and what's renting. Now on the Air B&B that is totally different that is not what this is. Yeah they want 3, 4, 5, 20 people in a home we know that and we know the challenges but for the long term resident that lives here and works here, I need more information on that.

Councilman Doty – Joe, any plans to ask the Town to take care of any roads or dedicate anything within the property?

Joe Barile – No we will provide the new water main from the Fawn Ridge project to Old Barn will have an easement for that of course, the fire hydrants and all of that within an easement but no, we own it all. We will own and maintain the roads, snow removal and lawn care. There will not be any burden with the Town and that has been like that on a lot of our projects.

Councilman Doty – How about the easement that you will use for water off Algonquin, is there a provision for another entrance there or not?

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Joe Barile – No, no entrance.

Councilman Doty – Okay, so will there be another entrance somewhere else?

Joe Barile – Yes, we have a secondary entrance. That was comments to the APA, we are very sensitive we want to be self-contained, we don't want to burden anybody but we also want to keep our privacy and of course they will want to keep theirs. From the density and fire protection and police with the two entrances it is balanced nicely. The separation between the buildings we will have to see if you need a true road underneath the grass to get the fire engine on it so you don't sink on the grass that is something we will look into. Every building will be sprinklered from the attic all the way down to the parking garage so that is going to help and the increase in the water pressure. Right now Algonquin Drive is not adequate and there is a few other spots and places in Town that is not, I don't remember what the test was in Price Chopper building or the clock tower when we built it. The new line is going to help quite a bit and the booster station.

Councilman Doty – I have one that will seem kind of negative but I always play devil's advocate. Explain what would happen should APA say no to Hamlet status, is density the number one?

Joe Barile – Yes. Given the 5.5 million purchase price, you can't do it, it doesn't work. I lose about \$250,000.00 paid to date for this and everybody goes home. They vote on Tuesday, they put it off a month because they didn't have a quorum because of the virus or something. Otherwise I think we would have had it last month. It sounds like we communicated with the APA on the three alternatives and we can live with all of them.

By the way the existing asphalt gets removed and we do put a parking garage there but the nice thing again is the parking garage is green. There is grass, trees, shrubs, flowers, like we did at the Whiteface Lodge. So between the Whiteface Lodge and the pavilion building the banquet building that is an underground parking garage and you wouldn't know it. We would do the same thing here that same concept and then everybody has the two parking spaces up above.

Bill Hurley – The APA if you don't get Hamlet it is a density issue. What if you don't get the PD district here? Its gateway corridor now the setbacks wouldn't affect this project that much, is there a density change does that help you or is it just the height?

Joe Barile – The density is very important.

Bill Hurley – Well the density in gateway is 10 units per acre.

Joe Barile – What we are 10.5 or something right now?

Bill Hurley – I'm asking the question.

Joe Barile – We are about 10.5 on the density right now per acre.

Bill Hurley – So it would be a little over what is allowed now in a PD is a wide open number.

Joe Barile – That is correct. So we are pretty close. World University Games I need all the apartments of course to make that work.

Bill Hurley – If this was going through us that would be money right there that you would have to provide. You are allowed this, PD grants you this, so it is a good thing to base your recommendations on.

Joe Barile – Okay, so we will have that on a side of the map and narrative the break down on permeable vs. non permeable.

Bill Hurley – It is the density numbers.

Joe Barile – What is your density up there is that 1 acre zoning?

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Bill Hurley – No, it is 10 units per acre. So you are just over it, yeah it hurts you but it doesn't kill you. The biggest change is the height and it might not be that big because you're not measuring it the way we measure it. That is the information the Board should have to make a decision, is what is allowed and what you are asking for.

Joe Barile – I think we are within 10% on the height.

Bill Hurley – To make a decision it is really nice to have that number.

Councilwoman Kilburn Politi – I will say that these are not just my concerns but I did have a meeting last night with the Joint Community Housing Committee which commissioned the Camoin study. I am going to try and share some of their concerns and you have addressed a lot of them. There is a couple you haven't gotten to yet. Is there any sort of residency requirement? The concern is in this new escape from the city pandemic era, what is to prevent someone from a metro area coming up and long term leasing one of these units, I mean it is a good rate.

Joe Barile – It's really good and if the community and the region doesn't have that absorption then I hope they come. It will take some pressure off of vacation rentals, it will take pressure off and bring money into the community. If you have another product being offered but I can't discriminate and say what is your net worth? I don't know how we can define that.

Councilwoman Kilburn Politi – No not net worth, residency. You live there as what STR defines as 184 days a year. Not the income part of it but that you actually live there I mean this is supposed to be community housing and we wouldn't want because you couldn't rent it up, 60% of the units going to someone who is a vacationer.

Joe Barile – I don't know if I can answer that.

Attorney Briggs – Well if you couldn't rent it and there weren't enough residents to fill it and there was a residence requirement what would happen to the project?

Joe Barile – The property tax and school tax wouldn't be paid. To put that restriction on me, one how to monitor it? You are saying over a 6 month period that would be the trigger for their primary residence?

Councilwoman Kilburn Politi – That is just comparing to what we did in the STR law so it was if someone spent the winter months in Florida they could still rent this and be considered a long term resident.

Joe Barile – Right. We are going to have a sub-lease restriction that is going to help I think so it is not an income producing piece of property for them, the condominium. That is the first thing that comes to mind and the HOA will oversee that enforcement. Plus we are going to do the property management so we will keep a close eye on that but I don't know if I can answer it any better than that right now.

Councilwoman Kilburn Politi – I understand your answer as a developer and as someone who needs this to make money and you don't want your building sitting empty and going into foreclosure. I just would hate to see this turn into a project where 60% of the units were not rented by local people. I have expressed my concerns.

Joe Barile – If anybody has any feedback...

Councilman Cummings – One thing we could look at is the fact of when you start marketing this property like you did for the Whiteface Lodge, let's say it takes off and your office downtown or presentation downtown and you've got all these applications for it, would you give preference to locals? I understand the fact that if all of a sudden things are slow you've got to rent them, I understand that but let's say it does take off and you've got more than you ever dreamed of. Would you be willing to say okay, you're a resident here you have been a resident here, you work in the community. Just throwing that out there.

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Joe Barile – Legally, I would have to talk to a lawyer and say is that discriminating? I don't know if it is.

Councilwoman Kilburn Politi – Or maybe, this is my other pitch that I just thought of. What is your marketing plan? So you said you're having an office on Main Street, I don't think there are a lot of locals that are strolling down Main Street going into real estate offices. Maybe that is for your condos and for the apartments it's a different marketing plan.

Joe Barile – That's fine. It will be the same staff though so we will be offering both products to the same people who come through the door or inquire online or however we start a lead and let the consumer decide what they want.

Bill Hurley – 60% of the units are in this tiers of the housing study, correct?

Joe Barile – 64%.

Bill Hurley – Okay and that is in their deed restrictions, correct? It is deed restricted?

Joe Barile – As far as what? What part of the building?

Bill Hurley – The long term residential, the renters. Those units are deed restricted to fall in this affordable scale?

Joe Barile – Moderate to moderate plus.

Bill Hurley – The Town doesn't own anything doesn't live near it. Is the Town going to be a party of standing to enforce the deed restrictions? Internally I don't think it is internal to the project I don't think there is much incentive to carry that deed restriction.

Attorney Briggs – Why? It is part of the multi-party agreement.

Bill Hurley – In my opinion I think the Town has to have standing to have the right to enforce the deed restrictions.

Joe Barile – I think part of the bigger picture we want a quiet residential community. We don't want a commercial operation of Air B&B, we don't want traffic in and out and we don't want people asking neighbors 'Where is this apartment?' Carrying on or whatever they do in rentals and the problems we have locally so as part of a proper property management company, yeah that is going to be well enforced. That is going to support and keep our resident there long term. We don't want a big turnaround. Every time you turn around there is carpet cleaning and painting and all of these things. We want the long term resident to stay there.

Councilwoman Kilburn Politi – Is it going to be a year lease?

Joe Barile – 6 month minimum and again as we discussed earlier today the Adirondack Medical Center has PA's coming in and out. Even though it might be a yearly lease we might have different families you know every three or four months coming out of that apartment. We are going to have to deal with that on a management basis.

Bill Hurley – No you'll deal with that with the prison system. They have wardens and troopers who come and go. It might be NYS renting the apartment but it is going to be different troopers.

Joe Barile – Exactly so that is something on our management end that we are going to have to train for and make sure it is a smooth transition so the long term resident is not affected or disturbed in any way, that is very important. Those are professionals this is not crazy kids on weekends.

Bill Hurley – That happens now. Troopers come for 6 months at a time for training up here then get transferred, they leave and another one comes. Houses rent that way.

Joe Barile – Again that is part of the in house management and vertically integrated.

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Councilman Doty – Adequate power for new transformers and stuff for this project? I mean how much billed out will the Village of Lake Placid have to assume to help this get going?

Joe Barile – We've had meetings with Kimball Daby and we've had meetings with New York State Power Authority, it all looks surprisingly much lower than anticipated. If you compare it with a NYS code building it is 75% less energy use because of the geothermal and the solar. I don't have the answer if there are any increases that are going to have to happen, they don't think so. Right now there is a surplus in the last 4 to 5 years in the North Country from hydro Quebec so I guess that is a good thing for us so it doesn't look like any increases are going to be needed. We will have a third party certified engineer that will report if you want to this Board on the study to prove that.

Councilman Doty – No it was just a general question because generally there is some major buildups.

Joe Barile – Our goal is to make sure the resident is not, that the peak is not prematurely hit because of our complex and that everybody has to pay a higher rate and that is very sensitive for everybody. I believe we are thinking of everything almost. Other than what Emily just came up with.

Councilwoman Kilburn Politi – I have a couple more. I know in the agreement it says 150% of AMI but your saying you don't want to go above 120?

Joe Barile – No! Not at all.

Councilwoman Kilburn Politi – So can we change the agreement?

Joe Barile – Up to \$2,800.00 on a three bedroom, I'm at \$1,900 - \$2,000.00.

Councilwoman Kilburn Politi – I guess from reasons of what happens 10 years from now or if something changes I think that if you're saying its 120 then lets change the agreement to 120. Did you think it was 120?

Joe Barile – Well I was going to come back to you and say wait a minute for a rental project they don't get fitness centers, pools, weight work type of center, trail systems, green houses, so I should get a line item credit for those things because its built into the rent, right?

Laughter among the Board and others present

Catherine Edman – The built in HOA fees.

Joe Barile – The HOA will be under its own separate section and operations.

Councilwoman Kilburn Politi – I would suggest that we change that. It just seems that is what you want to do.

Joe Barile – I don't have all my budgets back. Right now I am looking at \$250,000.00 for steel in a parking garage underneath each apartment that is twice as much as I thought. So I would rather not but I think the market is going to dictate it really. It is whether or not how much longer we look at this as some kind of rate of return for us taking the risk.

Councilwoman Kilburn Politi – You also asked for the extension from 5.6 which is income based housing. Originally I was very much against that because you were going to 150% of AMI in your rents and I was thinking that they would all be at 150% AMI at \$2,800.00 a month. I didn't want to excuse you from that so if you go to 120% you have a much better argument to be exempt from that.

Joe Barile – Still I don't know what the definition of for that other entity if you want to call it. Is it a \$10,000.00 per key or something?

Councilwoman Kilburn Politi – It's a whole formula. You're talking about the number?

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Joe Barile – Yes.

Councilwoman Kilburn Politi – But in this project Joe you wouldn't have to give a number. You would have the units, you already have the units. Because you are staying below you just have to have 10% below 120. You meet that, so why not just adhere to it and do all below 120? But the catch is, it is supposed to be 120 of their income and you are not capping anything at income you are capping the rent rate.

Joe Barile – Are you trying to fool me? I didn't follow all of that. Income vs cap in rent.

Councilwoman Kilburn Politi – Say you were required, which you are, to have inclusionary income based housing in this project so it is 10 for 1. 27 units would have to be affordable just add 120% of AMI it would also require...

Attorney Briggs – It would actually be 37.

Councilwoman Kilburn Politi – Okay, 37. It would require that you income verify those people. It is a process rate and I don't think you want to do that.

Joe Barile – No, that is too difficult.

Councilwoman Kilburn Politi – I'm amenable, I am 1 of 5 who thinks that there is a reason to exempt you from that if you keep everything below 120% and don't go to 150.

Joe Barile – My thought is that we are satisfying quite a bit of your needs so we shouldn't be penalized if say \$10,000.00 a resident to go into a fund.

Councilwoman Kilburn Politi – It is not a fund you have the units there.

Joe Barile – I need time to think.

Bill Hurley – You have to look at the numbers and look at everything. Again, this is if you are going to ask for this in the change of the law it has to be defined what you are asking for.

Joe Barile – But again we go back to far horizon, you didn't know what the low income housing what the formula was, how much of the burden, it was 10% of the project on \$500,000.00 lots I've got to put into a fund. Who is going to manage it, who is going to build it? No one even knew what was going on but we solved it.

Attorney Briggs – You are asking to be exempt from it?

Joe Barile – Right but I don't know the ground rules of where this program has evolved to. I need more information. Now I do know that the money from far horizon went to a third party study that we are utilizing.

Bill Hurley – Emily is bringing up a point which everybody in the public has the right to know, what are you asking for?

Attorney Briggs – He is asking to be exempt.

Bill Hurley – Right but what does that mean? Does that mean \$300,000.00 of relief of paying for it?

Attorney Briggs – No, the 5.6 imposes the affordable housing mandate. He is asking to be exempt from it and Emily is making a point that he shouldn't be and she is a member of the Board and she is one vote so that is what is he asking so the public knows.

Bill Hurley – But what does exempt mean?

Attorney Briggs – It is not applicable. That's what it means.

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Bill Hurley – If it was applicable what would it mean? That’s what I’m saying the public doesn’t know what he is being granted.

Joe Barile – It is a \$3,630,000.00 and if I have to do that, I walk. I am solving an issue, this is where I get agitated.

Bill Hurley – Because you don’t listen to what I’m saying Joe.

Joe Barile – If you accuse first then I have to prove my innocence.

Bill Hurley – I am not accusing I am asking for information. The only thing I ask for is that you are asking to be exempt from a portion of the code, what does that mean?

Joe Barile – A code that is vague. I’m still trying to figure out 4 years ago where the money went, how it was going to be spent, how are you going to take care of Joe Lamb’s property. Where did that money go to? Was the affordable housing ever built? No. Is the developer that donated the money is he getting interest? If it folds in 10 years where does that money go to? If it was never used properly. These are the questions I’ve asked for 4 years, still haven’t gotten anything back but I paid some money into it.

Mary Jane Lawrence – Am I allowed to say something here or am I just a bystander? Hi everybody, I have been listening for over you know an hour and more on this conversation. I understand everybody’s concerns and I think that we just need to take a step back and just take a minute to understand what we are trying to accomplish in the big picture. All of these details can be worked out and agreed upon in a committee or you know however the Town wants to create this think tank to work together to figure this out. But let’s just step back for a minute and understand what are we trying to accomplish? We are trying to create a sustainable for community for everybody that is what we are fighting against right now. We just talked to Roger Catania today our enrollments since 2004 in our school system is down 50%. There are restaurants that cannot operate because we don’t have J 1’s. So we need to understand that Adirondack Health is struggling because they can’t get doctors, they can’t get nurses so we are here to solve a community issue. We can keep drilling down and fighting back and forth about this, that and the other thing but if we could all agree on the goal and what we are trying to accomplish then all of these other things can be worked out collaboratively in a committee meeting and not here necessarily tonight. This is a much bigger picture and we have somebody here right now today that is willing to put his life savings and his investments on the line to solve this and I feel like it’s becoming very combative and that is not productive. I think this is more than a Town Board meeting conversation. I think it needs to be a committee that is developed to flush out these details.

Joe Barile – MJ we discussed this property is not going to solve everything. We can’t shoe horn every single challenge we have in this community on this project and the burden of it. We can take care of a good part of it and I think the diversity, the size of the apartments and condominiums we can take care of it, certainly not 50%. You need to look in the community, what other properties are there other than revitalization and tearing old structures down and putting properties together and having a developer come in and look for perhaps a PUD or a PPD because this is not the first. You have the Hampton Inn revitalization, the Lake Placid Inn, Price Chopper used to be an old motel and other projects we have done they had an older use. We come in we acquire additional continuous properties and we redesign it is part of the evolution, It is part of getting rid of the old where the life cycle of that building is gone, dilapidated, it is unsafe and it is energy ineffective. This is the right procedure moving forward.

Mary Jane Lawrence – I also want to say Joe, I know there are other initiatives going on in other communities; Tupper Lake, Saranac Lake, Wilmington, and we need those initiatives for our Lake Placid to be healthy because we are not going to be healthy as an isolated community with dilapidated communities around us. It behooves us for all these initiatives to happen not just in Lake Placid so Emily there is going to be other places to live other than in the hub of Lake Placid. That does include Tupper Lake, Saranac Lake, and it includes Wilmington and it probably includes communities beyond that. All I am asking is tonight is I am concerned that we are getting too far down a rabbit hole, too early. Yes I do think and respect and appreciate your questions and your passion and I support it but I also think that Joe has a big nut to crack and we

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

should be trying to support that and ask the questions in a way that is collaborative and not 'I am at a meeting now and I am going to fire all these questions and you need to have the answers' because that is not the way we work collaboratively.

Supervisor Rand – Okay, thank you. The purpose of tonight's meeting was to give people an opportunity to get a better understanding and to convey whatever issues and questions they have. I know we have had a few that people have various opinions, one way or another but I think this is very helpful and I really respect everything Joe is doing. I think we have a fabulous project here but at the same time Bill has his responsibilities and it is the right of the Board to ask questions. I think we need to...

Interruption.

Mary Jane Lawrence – Supervisor, I'm just saying at this point maybe it is time to...

Supervisor Rand – We have heard you, thank you.

Councilman Favro – It is our meeting, thank you.

Supervisor Rand – Emily, if you have one more question go ahead.

Councilwoman Kilburn Politi – That was all of my questions that came from the Joint Community Housing Committee and so maybe that is the committee that drills down with you and I definitely don't want to be combative with you. I think we have been combative in the past and after today you have satisfied 90% of my concerns, so thank you.

Supervisor Rand – That was very good. We had some great questions and Joe has a tremendous job ahead of him so certainly I think we all want to work together to make sure that we can do this as well as possible and take care of all the responsibilities the joint Review Board has and the Town Board. I think personally you are going to have some issue that everyone is not going to agree upon but ultimately we have to keep this moving if it is going to happen, it is a once in a lifetime opportunity.

Councilman Favro – The deal is, many communities would love to have this opportunity so we are lucky to be sitting here talking about it. I think it is very positive and exciting and it is going to drive the future of the whole community. I can see the older people who have a house with 3 or 4 bedrooms say 'hey it is time to turn this over to the family and I am going to live up here.' I think that is where a lot of the market is going to be. I think it is very positive.

Joe Barile – The Town really has no burden they are not going to be taking care of the roads. We will take care of the roads, our own sidewalks and liability. You have to look at that also.

Councilman Cummings – Looking at the pictures of the development, it is not just apartments and condos you have developed a community with amenities and everything.

Joe Barile – We are trying to create a Mountain Village and it is difficult to a certain extent. You have to go vertical, the cost to go horizontal is so much more so you have to go up at least that extra level to get the density to really support and offset the cost of the property. The infrastructure, the roads are basically the same whether it is a 3 or 4 level complex.

Councilman Cummings – I also appreciate the fact of understanding what you are going through with the financial backers that they won't give you as much as you would like contributed and are having to stick to your neck out to a point.

Bill Hurley – Do not take tough questions of doing what the community or members of the community think is due diligence as a personal slay. I am 100% behind this project, I think it will work out great, it is a game changer for Lake Placid. The World University Games is pushing this game changing event. I think it is the Boards duty to due diligence and I think the information that I request from you and you didn't have that answer and I didn't expect you to have an answer but it is part of the information that they need to do their due diligence.

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Joe Barile – Okay, so if we can get clarification it is my understanding to build a hotel, motel, home development, apartments, condos, it is \$10,000.00 per residence. Above 10 and number 11 triggers that and that is my understanding from 4 years ago. If I take that, that's not 60 not 363 we are susceptible to 353 units that is \$3,600,000.00 into a fund. Financially we cannot do that. That is my understanding of the law. That is why we asked for an exemption, not because of the cost but because under this third party agreement we are solving a lot of the community's needs.

Bill Hurley – You have valid reasons to ask for an exemption. I am not arguing for or against these things. I want that number that you are saying is what you are asking for. An exemption is as a value of something and you are putting a value on it right there. Whether that number is correct or not, I'm not sure. There is a formula and it can be done, all I am asking for is that number.

Councilwoman Kilburn Politi – It is the reasoning that you said, I am creating this many units that are at this level. In an explanation of why you are asking for the exemption.

Councilman Doty – One thing is for sure, we all understand the project and that is a huge step forward for all of us so thank you very much for coming.

Joe Barile – Some quick information as I exit. The APA votes on Thursday between 2 and 3 from your submission from the present classification to Hamlet. We then will be allowed to submit to the APA our application and we were going to do that simultaneously with the Joint Review Board.

Bill Hurley – The Review Board has agreed to start renewing this project even though the PD isn't granted but we are willing to move forward and start the process. We are not going to hold it off waiting for your public hearing and your actions.

Joe Barile - In tandem thank you, that is wonderful. Thank you all for your time.

PUBLIC HEARING, AUGUST 5TH, 2020, CELL SCIENCE CENTER PROPERTY/ STR NUMBER OF RENTAL DAYS

PUBLIC NOTICE

A Joint Public Hearing of the Town Board and Review Board
of the Town of North Elba

Please take notice that the Town Board and Review Board of the Town of North Elba will hold a joint public hearing on a proposed local law to amend the Village of Lake Placid/Town of North Elba Land Use Code, on August 5, 2020, at 5:00 p.m. at the North Elba Town Hall, 2693 Main Street, Lake Placid, New York, for the purpose of discussing a proposed amendment to the Land Use Code as follows:

The proposed local law would amend the Land Use Code as follows: (1) to reclassify lands described by tax map parcel numbers 42.10-1-1.100 and 42.10-1-1.200, commonly known as the former Cell Science Center Property, from Gateway Corridor (GC) to Planned Development (PD), and (2) to increase the maximum number of days short term rental units may be rented in a calendar year from 90 days to 120 days for such units located within the Town of North Elba and outside of the Village of Lake Placid.

Copies of this proposed amendment to the Land Use Code are available for inspection by any interested person at the office of the Town Clerk of the Town of North Elba located at the Town Hall.

All interested persons are invited to remotely attend the public hearing in accordance with Governor Cuomo's Executive Orders and will be given an opportunity to be heard.

Councilman Favro moved and Councilman Cummings seconded the motion to hold a public hearing on Tuesday, August 5th at 5:00 pm for the Town Board and Joint Review Board of the

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Town of North Elba for a proposed local law to amend the Village of Lake Placid/ Town of North Elba Land Use Code. There being no further discussion, the motion was unanimously carried.

IVAN ZDRAHAL – MIRROR LAKE SIDEWALK – BEECH HILL DRAINAGE ISSUE

Supervisor Rand – Ivan, did you get a chance to walk with Brad Hathaway concerning that drainage issue on Beech Hill for the sidewalk project? We had previously discussed there was a drainage issue up there.

Ivan Zdrahal – No I did not. I know the contractor gave an estimated price and I saw that they would know by the unit prices from the bid schedule which is in the comptroller. Either way the cost will be somewhere between \$100,000.00 - \$150,000.00. The one thing which can be considered in that section of the road which needs a complete reconstruction which was proposed as a complete reconstruction in our opinion we don't have to do a complete reconstruction there. Consequently there will be a savings in that area. In my opinion it is important to do the drainage from the Beech Hill down to the Northwood School.

Supervisor Rand – Why don't you call me tomorrow and we can plan to get together with Brad.

Ivan Zdrahal – There is a grant coming from DOT that has to be clarified.

Supervisor Rand – We talked to Senator Little about that today. We need a change order, correct?

Ivan Zdrahal – There would have to be a change order on some of the items, yes. Typically I handle the change order.

Supervisor Rand – We should proceed on that then?

Ivan Zdrahal – I would say you should, yes.

Ken Porter – With the time it is unfortunate if we would have figured it in prior we wouldn't be having this conversation but it is one of those things that is needed and maybe looked at like a Mirror Lake project and not Beech Hill. The problem is they connect to each other and while we are there it makes sense.

Supervisor Rand – The only option would be to have our own crews do it but you guys are so booked anyway so we will go ahead and proceed with it.

Ivan Zdrahal – I will send you a memo.

MEMORANDUM OF AGREEMENT – TOWN OF NORTH ELBA AND ROOST

Supervisor Rand – We have discussed this and Cathy you had made a few changes.

Cathy Edman – I have put a copy of the Memorandum of Agreement for ROOST for the legal fees concurred by the Town and ROOST for Ron's work. Mary Jane indicated to me today that ROOST has received more money than they budgeted for their occupancy tax and are willing to pay \$15,000.00 out of that and are asking us only for \$18,570.00 to be paid back in three equal payments between August, September, and October.

Supervisor Rand – Jim said that the occupancy tax revenues were better than he thought it was going to be so he cut the loan in half.

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Memorandum of Agreement
between
Town of North Elba
and
Regional Office of Sustainable Tourism (ROOST)

Subject: Payment of Attorney Fees

WHEREAS: ROOST, in coordination with the Town of North Elba, requested Ronald J. Briggs, Esq. to perform legal services in relation to what is commonly referred to as the Cell Science Center project, now known as the The Peaks. The project will provide 271 middle income, long term community 1,2 & 3 bedroom apartments and 90 for-sale condominiums. The goal for this project is to grow the towns population by providing resident housing, with no short term rentals at The Peaks. This will result in a stronger workforce, an enhanced school district, an expanded tax base and a long term sustainable community.

WHEREAS: ROOST has experienced a decline in available cash flow to compensate Mr. Briggs for his invoiced services, and

WHEREAS: ROOST has approached the Town of North Elba for assistance in paying Mr. Briggs for his services;

BE IT RESOLVED: The Town of North Elba, with primary offices located at 2693 Main Street, Lake

Placid, NY 12946 has agreed to loan ROOST funds sufficient to assist in paying Mr. Briggs for his invoiced services.

FURTHERMORE: ROOST has agreed:

- 1) The Town of North Elba will receive three equal installments beginning August 15, 2020 and continuing monthly until October 15, 2020 as reimbursement (see attached schedule)
- 2) ROOST will not use the Community Tourist Enhancement Fund as the source of payments agreed to in 1) above.

- Attachments: 1) Invoice from Ronald J. Briggs, Esq. dated 5/28/2020 6 pages as attached
2) Payment schedule



Jay Rand, Supervisor
Town of North Elba

7/14/2020

Date



James McKenna,
CEO

ROOST

7/14/20

Date

BRIGGS LAW FIRM LLP

Page No.: 6

Total New Charges

Total Expenses \$35.50

\$33,605.50

Councilman Doty moved and Councilman Cummings seconded the motion to approve the Memorandum of Agreement between the Town of North Elba and ROOST. There being no further discussion, the motion was unanimously carried.

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Jim McKenna – Supervisor may I say something quick. I think those two proposals you just heard is pretty significant. I think Jack said it and a couple of people have said it that is 420 housing units in the community. I think you have shown some real leadership there so thank you very much. I think it is really significant the process we are going through, 420 units is a significant dent on what we feel we need that the report shows. I think it is a really good step so thank you.

Supervisor Rand – Thank you, Jim. Also thank you for all you have done for the project to get it off the ground. The whole Board deserves thanks for some really good comments and Bill you as well. I think we have a real good team here and we will work through it and keep this thing moving.

ADIRONDACK PARK LOCAL GOVERNMENT REVIEW BOARD – STATEMENT CONDEMNING RACIST ACTS

Supervisor Rand – As you know last month coming to media attention was an act of bigotry and racism in Saranac Lake. The Adirondack Park Local Government Review Board in partnership with Senator Little, Assemblyman Jones and Assemblyman Stec have created a statement condemning these types of acts. We have an opportunity to support this Resolution as a Board.



TOWN OF NORTH ELBA

RESOLUTION

Adirondack Park- Local Government Review Board

The Town Board unanimously approved the following Statement Condemning Racist Acts on July 14, 2020.

 Supervisor Rand	 Councilman Favro	 Councilwoman Kilburn-Politi	 Councilman Doty	 Councilman Cummings
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A disturbingly ugly act has tarnished one of the most beautiful places on Earth.

The recent display of racism, hatred and intolerance in our regional community is deplorable and has no place in the Adirondack Park or anywhere in our world. When apprehended, the perpetrator, who acted under the cover and cowardice of darkness, should be punished to the greatest extent of the law.

We, the undersigned, unequivocally condemn any and all actions that discriminate against, threaten or embarrass a fellow human being based on race, religion, national origin, gender, sexual orientation or disability. We call on our fellow Adirondackers to join us in rejecting hateful behavior and promoting a culture and community of mutual respect for all.

Our Adirondack towns and villages were settled and took shape on the strength, determination and vision of people of diverse nationalities and color. We have built our communities together, celebrated great accomplishments together, fought disease, disasters and wars together.

At its heart, we know the Adirondacks are a welcoming place with welcoming people — opening our communities, businesses and spectacular recreational amenities to new residents and visitors from around the globe with open arms and kind words.

Four thoughtless, sickening words spray painted on a railroad bridge do not speak for, and will not define, our Adirondack communities.

At the same time, however, let this be an opportunity to learn, educate and do better. While those hateful words were quickly removed by a kind-hearted community member, we cannot let them fade from our consciousness. Instead, we must ask ourselves what more we can do to stop atrocities like this from ever happening again.

From our living rooms to our children's classrooms, workplaces to athletic fields, community centers to online message boards, the time has come to recommit ourselves to doing more: More listening, more understanding, more mutual respect.

We cannot and will not tolerate any form of racism or discrimination in this spectacular place we call home. We believe in the Adirondack Diversity Initiative's mission to educate our regional community on matters of race and inclusiveness, and we look forward to continuing to work with ADI and people throughout the Park to remove racism and discrimination from our communities and ensure they remain safe, comfortable and desirable places to live and visit for all people at all times.



I, Laurie C. Dudley Town Clerk of the Town of North Elba, Essex County, New York.

I DO HEREBY CERTIFY, that I have compared the foregoing with the original minutes of the Town Board of the Town of North Elba at a Meeting of said Board of the Town of North Elba held on the 14th day of July, 2020 and that the foregoing is a true and correct transcript of said original resolution and of the whole thereof, and that said original resolution is on file in my office.

I DO FURTHER CERTIFY that each of the members of said Town Board had due notice of said meeting and that Supervisor Jay Rand, and Town Councilmen, Jack Favro, Derek Doty, Emily Kilburn-Politi and Richard Cummings were present at such meeting.

IN WITNESS THEREOF, I have hereto set my hand seal of the Town of North Elba, this the 14th day of July, 2020.


Laurie C. Dudley, North Elba Town Clerk

CLINTON COUNTY | ESSEX COUNTY | FRANKLIN COUNTY | FULTON COUNTY | HAMILTON COUNTY | HERKIMER COUNTY
LEWIS COUNTY | ST. LAWRENCE COUNTY | SARATOGA COUNTY | WARREN COUNTY | WASHINGTON COUNTY

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

The Town Board unanimously approved the resolution Statement Condemning Racists Acts by the Adirondack Park - Local Government Review Board. There being no further discussion, the motion was unanimously carried.

APPROVE BID FOR THE AIRPORT TAXIWAY B&C REHAB - LUCK BROTHERS, INC.

Supervisor Rand – We have a motion to accept the low bid from Luck Brothers Inc. for \$337,160.00 for the airport Taxiways B & C Rehabilitation as recommended by C & S Engineering.

JAY RAND
SUPERVISOR
LAURIE C. DUDLEY
TOWN CLERK/TAX COLLECTOR
523-2182
JACK FAVRO
DEREK DOTY
RICHARD CUMMINGS
EMILY KILBURN POLITI
TOWN COUNCIL
KENNETH PORTER
SUPT. OF HIGHWAYS
523-9081
CATHERINE EDMAN
BUDGET OFFICER
523-9617

TOWN OF NORTH ELBA
2693 MAIN STREET
LAKE PLACID, NEW YORK 12946
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EUGENE MARTIN
PARK DIST. MGR.
523-2881
MIKE ORTICELLE
DARCI LAFAYE
CODE ENFORCEMENT OFFICIALS
523-9518
TODD ANTHONY
ASSESSOR
TEL: 523-1975
FAX: 523-1921
TOWN COURT OFFICE
523-2141
RONALD J. BRIGGS
ATTORNEY FOR THE TOWN

July 8, 2020

Mr. Glen Conacchio
New York Airport District Office
One Aviation Plaza
Jamaica, New York 11434

Re: Lake Placid Airport
Taxiway "B" & "C" Rehabilitation
FAA AIP No. 3-36-0051-044-2018 (D)
NYSDOT Project No. 1904.74 (D)

Dear Mr. Conacchio,

3 bids for the above referenced project were received on or prior to Thursday, May 7, 2020 at 11:00am. The bids were opened by the Town of North Elba. The bids were tabulated by C&S Engineers, Inc. The low bidder is as follows:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Luck Bros., Inc. 73 Trade Road Plattsburgh NY, 12901 Jamie Hemingway P: 518-561-4321 F: 518-561-8462 jamie@luckbros.com	\$337,160.00

The low bid was reviewed by C&S Engineers, Inc. and found to be in order. For a complete breakdown of the bid amounts and the remaining bidders, please refer to the attached bid tabulation.

C&S performed a search of the General Services Administration's "System for Award Management (SAM)" website for Luck Bros., Inc. and determined that they do not have an active exclusion. In addition, we have verified that the low bidder is not on the NYSDOL List of Debarred Contractors

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

The low bid submitted is 1.4% below the Engineer's Opinion of Construction Cost for the project and is considered reasonable.

The low bidder has completed several similar projects at airports in upstate New York.

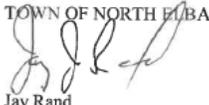
We have reviewed Luck Bros., Inc.'s DBE Plan. A copy is attached. They have committed to 3.0%, which exceeds the DBE utilization goal of 1.52% for this Contract.

Based on the Town of North Elba and C&S's review of the information submitted and our past experience with this contractor, we respectfully request concurrence to award the Taxiway "B" & "C" Rehabilitation Contract in the amount of \$337,160 to Luck Bros., Inc. in accordance with the conditions of award stipulated in their bid.

If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,

TOWN OF NORTH ELBA



Jay Rand
Town Supervisor

Councilman Doty – That project is for next spring right?

Supervisor Rand – Yes, most likely.

Councilman Favro moved and Councilman Cummings seconded the motion to approve the bid for the airport Taxiway B & C Rehabilitation project to Luck Brothers Inc. There being no further discussion, the motion was unanimously carried.

HIGHWAY FUND BALANCE – PURCHASE OF REMAINING PAVERS AND SAND

Catherine Edman – The highway would buy the paver stones that are not being used from the capital project thereby making that capital project funding back to its full level. Then the highway would then carry the inventory under balance sheet until and when they are sold with the understanding that at the rates that we agreed to sell them at the highway will have a loss but they are able to absorb that loss.

Supervisor Rand – In a nutshell, the resolution would authorize the sale of pavers from Mirror Lake capital project fund to Park/Town Highway fund.

Catherine Edman – Correct.

Councilman Doty moved and Councilman Favro seconded the motion to approve the purchase of the remaining paver stones from the Mirror Lake capital project fund to the park/Town Highway fund. There being no further discussion, the motion was unanimously carried.

Councilman Doty – I know it is a little late so we didn't agree to raise the price so prices stay the same on the pavers?

Supervisor Rand – Correct. I spoke with Mayor Randall and his Board thought they weren't going quick enough now so why raise it.

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Roll call vote: Councilman Doty; Aye, Councilman Favro; Aye, Councilwoman Kilburn Politi; Aye, Councilman Cummings; Aye, and Supervisor Rand; Aye.

TRANSFER OF FUNDS – MIRROR LAKE SIDEWALK BUDGET

Catherine Edman – The second resolution is regarding the change order that is coming down for the culvert work with Beech Hill and Mirror Lake sidewalk. Based on Ivan's recommendation and the contractor's recommendation it is going to be a part of the project and we have had approximately \$38,000.00 sitting in our Town Highway fund for over 5 years. I spoke with our Highway Superintendent he indicates to me that technically the Town doesn't really have any bridges that we have to maintain and it is mostly just very large culverts but regardless of that DA fund the \$38,000.00 is for maintenance for bridges and culverts. It is my recommendation that we use the money that has been sitting there and send it over to the Mirror Lake sidewalk for that purpose if necessary.

Supervisor Rand – The resolution would be authorizing transfer of funds from the DA highway fund to the Mirror Lake Sidewalk Capital Project.

Catherine Edman – For the purpose of the culvert work, specifically to help offset that cost.

Councilman Favro moved and Councilman Cummings seconded the motion to approve transfer of funds from the DA Highway fund to the Mirror Lake sidewalk capital project for culvert work. There being no further discussion, the motion was unanimously carried.

Catherine Edman – Can I make a statement in regards to the Mirror Lake sidewalk as Ivan indicated and I think you are all aware, we do have a contract from DOT coming down for a grant funding. That grant funding is a reimbursement based grant so we can submit it for all of the funding because we will pay for it up front and it will come back to us. If we have any unspent funds it will have to go back to the DB fund and it will have to be set up as a restricted for debt service because the highway is the one that is paying the debt service on the Mirror Lake bond right now. If anybody has any other questions regarding that you can come see me.

Councilman Doty – What is the figure on that grant?

Catherine Edman – We have officially \$300,000.00 and the Village got \$700,000.00 but we are still working with Senator Littles office on that.

Supervisor Rand – I think that is going to get reversed, we spoke with her today and Mayor Randall was there in the room and it should have been because the Town has a larger portion so the Towns share should have been \$700,000.00 and the Village \$300,000.00 and that is in progress here. Senator Little is checking on it for us and I think it will happen.

Roll call vote: Councilman Favro; Aye, Councilman Doty; Aye, Councilwoman Kilburn Politi; Aye, Councilman Cummings; Aye, and Supervisor Rand; Aye.

ADIRONDACK FLYING SERVICE – ABATEMENT OF RENT DUE TO COVID -19 EFFECTS

Supervisor Rand – As most everybody knows we had a letter from Adirondack Flying Service because of COVID-19 and its effect on their business they asked us for an abatement of their rent. We thought was going to be part of the Cares Act Grant funding, Cathy checked in with them and did a lot of work on that. It was very complicated because there is an awful lot of documentation even the FAA for a while wasn't quite sure if it was or wasn't but in the end it turns out that it is not. I would recommend to abate the rent in full of the months of just May and June when we had the lull which amounts to \$2,875.00.

Councilman Cummings - Did they request a third one? Or was it just for 2 months?

Supervisor Rand – Well he requested whatever we could do. He had already paid March and April so it was around May when he asked for the abatement so I think May and June. July and August hopefully are starting to pick up again.

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Councilman Doty moved and Councilwoman Kilburn Politi seconded the motion to approve the abatement of rent for May and June for the Adirondack Flying Service. There being no further discussion, the motion was unanimously carried.

HIGHWAY FUND BALANCE – MOVING OF FUNDS FOR NEW GARAGE LIFT

Catherine Edman – I gave everyone a copy of the quote from Rotary Lift for what Ken is requesting. It is just shy of \$48,000 it is state contract. It includes the installation although I believe there really is no installation because it's portable. This would be part of the budget adjustments appropriated out of the fund balance.

Councilman Cummings – Ken, you said 6 weeks?

Ken Porter – No, they said 4.

Councilman Favro moved and Councilman Cummings seconded the motion to approve the moving of funds for the new garage lift. There being no further discussion, the motion was unanimously carried.

PERSONNEL ACTIONS

TOWN OF NORTH ELBA
PERSONNEL ACTIONS FOR BOARD MEETING

July 14, 2020

ACCEPT RECOMMENDATION OF NEW HIRES:

NAME	POSITION	DATE OF HIRE	UNION CLASSIFICATION	RATE OF PAY	CIVIL SERVICE CLASSIFICATION
Chloe Hodgson	Lifeguard	6/9/2020	n/a	\$14.00/hr	non competitive
Else Bielarski	Lifeguard	6/28/2020	n/a	\$14.00/hr	non competitive

ACCEPT RETURNING SEASONAL EMPLOYEE APPOINTMENTS

NAME	POSITION	Date of reappointment	UNION CLASSIFICATION	RATE OF PAY	CIVIL SERVICE CLASSIFICATION
Glen Mullarney	Craigwood	6/8/2020	n/a	\$14.70/hr	labor
Drew Maiorca	Craigwood	7/6/2020	n/a	\$12.05/hr	labor

Office of the New York State Comptroller
NYSLRS
New York State and Local Retirement System
110 State Street, Albany, New York 12244-0001
Please type or print clearly
in blue or black ink

Received Date

**Standard Work Day and
Reporting Resolution for
Elected and Appointed Officials**

Employer Location Code
3 0 0 6 0

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

RS 2417-A

(Rev. 11/19)

BE IT RESOLVED, that the TOWN OF NORTH ELBA / 30090 hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities:

Name	Social Security Number	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
Elected Officials:									
EMILY KILBURN POLITI	5462	R11063013	COUNCIL PERSON	1/1/20-12/31/23	6.0	8.75	<input type="checkbox"/>	BIWEEKLY	<input type="checkbox"/>
LAURIE CURTIS DUDLEY	9149	R10402147	TOWN CLERK/TAX COLLECTOR	1/1/20-12/31/23	7.0	30.79	<input type="checkbox"/>	BIWEEKLY	<input type="checkbox"/>
DEAN DIETRICH	9695	R11463621	TOWN JUSTICE	1/1/2018-12/31/21	6.0	3.70	<input checked="" type="checkbox"/>	BIWEEKLY	<input type="checkbox"/>
Appointed Officials:									
TIMOTHY SMITH	3005	R12012300	JOINT REVIEW BOARD ATTORNEY	1/1/20-12/31/20	6.0	4.34	<input type="checkbox"/>	BIWEEKLY	<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>
							<input type="checkbox"/>		<input type="checkbox"/>

I, Laurie Curtis Dudley, secretary/clerk of the governing board of the TOWN OF NORTH ELBA, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 14 day of July, 2020 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the TOWN OF NORTH ELBA on this July day of July, 2020.

Laurie Curtis Dudley
(Signature of Secretary or Clerk)

Affidavit of Posting: I, Laurie Curtis Dudley being duly sworn, deposes and says that the posting of the Resolution began on 7-14-2020 and continued for at least 30 days. That the Resolution was available to the public on the:

Employer's website at: www.northelba.org

Official sign board at: _____

Main entrance Secretary or Clerk's office at: 2693 Main Street Lake Placid NY 12946 Page 1 of 1 (for additional rows, attach a RS 2417-B form.)

Councilman Doty moved and Councilman Cummings seconded the motion to approve the personnel actions as written and presented. There being no further discussion, the motion was unanimously carried.

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

BUDGET ADJUSTMENTS

ACTION	ACCOUNT	DESCRIPTION	AMOUNT	REF	ADDITIONAL INFO
Increase Expenditures	A000.1110.0417	Municipal Court. Equipment repairs	580.00		Twinstate setup of new court computers
Decrease Expenditures	A000.1110.0200	Municipal Court. Equipment and Capital Outlay	(580.00)		
			-		
Increase Expenditures	DA00.9950.0900.0000	Interfund transfers	38,803.32		to transfer funds to mirror lake sidewalk for culvert work
Appropriate Fund Balance	DA00.0000.0915.0000	Assigned Unappropriated Fund Balance	(38,803.32)		
			-		balance as of 07/07/2020 is \$38,803.032
Increase Expenditures	D800.5130.0200.0000	Highway Machinery & Equipment. Equipment and Capital Outlay	47,963.56	Rotary Lift Equipment Quotation	State Contract
Appropriate Fund Balance	D800.0000.0915.0000	Assigned Unappropriated Fund Balance	(47,963.56)		
			-		balance as of 07/07/2020 is \$820,472

Councilman Cummings moved and Councilman Favro seconded the motion to approve the budget adjustments as written and presented. There being no further discussion, the motion was unanimously carried.

APPROVE AUDITS

TOWN OF NORTH ELBA

CLAIMS APPROVED FOR PAYMENT 07/14/2020

	Batch Number	Batch Totals Prepaid	Fund Totals Prepaid
PREPAID CLAIMS (NBT General Funds, NBT Park District, NBT Health Reimb. Bank Accounts)			
A000 FUND GENERAL FUND	177	1,358.22	2,682.12
B000 FUND GENERAL OUTSIDE VILLAGE	178	457.91	119.52
DB00 FUND TOWN OUTSIDE VILLAGE HIGHWAY	179	8,970.36	4,791.97
RD04 FUND TAHAWAS ROAD DISTRICT			-
SF02-FIRE PROTECTION DISTRICT 2			-
SP00 FUND PARK DISTRICT			2,390.97
SW03 FUND RAY BROOK			344.00
T000 FUND TRUST & AGENCY			457.91
(Prepays NBT Bank Accounts) (06/01/2020-06/30/2020)		10,786.49	10,786.49
183960-183961; 183962; 183995-184009			
ADK PAYROLL			
T000 FUND TRUST & AGENCY	169	32,111.26	
	170	82,932.75	
(Payroll) (06/01/2020-06/30/2020)		115,044.01	115,044.01
183818-183830; 183832-183833; 183835-183836; 183890-183906			
REGULAR CLAIMS (Adirondack Claims Bank Account)			
A000 FUND GENERAL FUND	171	52,043.47	64,074.14
B000 FUND GENERAL OUTSIDE VILLAGE	172	6,568.93	1,013.09
DB00 FUND TOWN OUTSIDE VILLAGE HIGHWAY	173	191,162.63	11,053.08
H017-TOBOGGAN SLIDE	174	409.90	-
H018-Replace RW14 PAPI & TW AB&C light construction	175	49,722.62	-
H020- MIRROR LAKE DR./WHITNEY RD DRAINAGE	176	13,391.96	-
H021-MIRROR LAKE SIDEWALK			12,665.16
H022-On & Off Airport Obst. Mitigation			-
H023-TWY B & C Rehabilitation			7,000.00
H024-GA APRON Rehabilitation			-
H025- On & Off Airport Obst. Mitigation Const.			155,417.64
H032-Ray Brook Storage Tank and Distribution			170.00
H042-Equipment Bonding Fund			-
H044-Athletic Fields			-
H046-Ausable Watershed Management Pass through			-
RD04-Tahawas Road District			-
SF01-FIRE PROTECTION DISTRICT 1			72.66
SF02-FIRE PROTECTION DISTRICT 2			-
SF03-FIRE PROTECTION DISTRICT 3			27.34
SP00 PARK DISTRICT			61,511.20
SS21-CONSOLIDATED SEWER DISTRICT			-
SW03 RAY BROOK			295.20
			-
DELETED VOUCHERS: 183947 & 183949			-
Paid Vouchers:		313,299.51	313,299.51
183653-183682; 183685-183687; 183689-183700; 183718-			

Councilman Doty moved and Councilman Favro seconded the motion to approve the audits as written and presented. There being no further discussion, the motion was unanimously carried.

COMMITTEE REPORTS - TRANSFER STATION PUNCH CARDS

Supervisor Rand – Ken you had a number of great suggestions coming in. We had talked about possibly raising prices at the Transfer Station and I think all of us agreed it is not a really good thing to do right now. I think the second punch suggestion on the punch cards was really good.

Ken Porter – I think anything outside of a 13 gallon requires more than one punch. Just do the weight on the cost.

Supervisor Rand – What is the biggest one? Say start at the smallest and move up.

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Councilman Cummings – Smallest is a 10 gallon which is a tall kitchen bag. So anything over a tall kitchen bag.

Ken Porter – We have an abundance of tickets so why don't we use them and just increase the punches instead of increasing the cost. It keeps it simple.

Councilman Favro – The good thing about those cards is right on the bottom it says 1 punch is for 40 gallons or less.

Catherine Edman – 40 gallons, there you go. Contractor bags are larger. I think we will probably go through the cards we bought by the end of the year. Maybe January or February at the latest just because some things have slowed down but we are still selling well.

Councilman Cummings – We just need to change the website and get the word out.

Catherine Edman – When do you want to make it effective?

Ken Porter – August 3rd, the first Monday in August.

Catherine Edman – We can get some flyers made up to have posted at the transfer station and on the website.

Councilman Favro moved and Councilman Doty seconded the motion for any bags larger than 40 gallons will require 2 punches at the transfer station. There being no further discussion, the motion was unanimously carried.

RIGHT OF WAY PERMITS

Ken Porter – Yes. The open road cuts my biggest concern was the refundable \$50.00 deposit that people were getting and I think that needs to be increased and a non-refundable. They should call it a deposit.

Councilman Favro – Do you want it at \$500.00?

Ken Porter - \$500.00 makes perfect sense.

Councilman Cummings – For the boring and tunneling.

Supervisor Rand – Any road cut or sidewalk cut fee of \$5,000.00 deposit?

Ken Porter – Right now it is \$2,500.00.

Supervisor Rand – Refundable or not by the Highway Superintendents approval according to the permit requirements.

Councilman Favro moved and Councilman Cummings seconded the motion to change the pricing structure of the right of way permits for the Highway Department proposing price change from \$50.00 to \$500.00 for tunneling/boring also making it a nonrefundable fee according to the permit requirements. There being no further discussion, the motion was unanimously carried.

COMMERCIAL VOLUME AT RECYCLING CENTER

Supervisor Rand – Our last suggestion from Ken is suggesting we charge commercial vehicles that back in and unload a significant amount of recycling.

Ken Porter – If you are commercial/bulk user who needs to back in. It is a \$3.00.00 process, the markets are really dropping and we barely get a return. This may offset possible future shipping costs if we do move forward with any type of equipment that might help with maintenance fees. You would prepay before you come in.

Councilman Doty – What about someone who has a charge account? You still have to go through the scales?

TOWN BOARD MEETING

TUESDAY, JULY 14, 2020

Ken Porter – Yes.

Supervisor Rand – The general definition of these users is anyone that needs or requests to back in to unload recyclable items in volume. These would be directed to the scale house to prepay the bulk user fee before entry, these fees could help offset shipping costs and maintenance associated in the recycling center.

Councilman Favro moved and Councilman Doty seconded the motion to approve the \$3.00.00 user fee to the nonresidential commercial/volume users at the recycling center. There being no further discussion, the motion was unanimously carried.

EXECUTIVE SESSION

Councilman Favro moved and Councilman Doty seconded the motion to go into executive session at 8:30 pm for the purposes of discussing personnel. The motion was unanimously carried.

Councilman Doty moved and Councilman Favro seconded the motion to come out of executive session at 8:45 pm.

ADJOURNMENT

There being no business transacted during Executive Session and no further business to come before the Town Board, Councilman Favro moved and Councilman Doty seconded the motion to adjourn the meeting at 8:45 pm.

Respectfully Submitted,

Chelsie Geesler
Deputy Town Clerk