

**PUBLIC HEARING  
NOVEMBER 10, 2014**

**Fire Protection District No. 1 and 3**

Minutes of a public hearing held on the above date beginning at 6.45 pm in the meeting room of the North Elba Town Hall, 2693 Main Street, Lake Placid, New York.

**Members Present:** Supervisor Politi, Councilman Favro, Councilman Rand, Councilman Doty, Councilman Miller, and Laurie Dudley

**Others Present:** Attorney Ron Briggs, Larry Straight

Supervisor Politi opened the public hearing on the Fire Protection District No. 1 and 3 at 6:45 pm by reading the Public Notice which he stated was properly published and posted.

Please take notice that the Town of North Elba will hold public hearing on Monday, November 10, 2014 at 6:45 pm at the North Elba Town Hall, 2693 Main Street, Lake Placid, New York, to consider entering into a contract pursuant to §184 of the Town Law, for the North Elba Fire Protection District No. 1 and 3 for the Year 2015. A copy of said contract is on file with the Town Clerk of the Town of North Elba and available for review and inspection.

Supervisor Politi – Our percentage of contribution is down from 72% to 68.83%. Paragraph 10 in the contract was added.

10. The Village and the Lake Placid Volunteer Fire Department agree that any contemplated expenditure from the capital reserve fund shall be duly considered at a meeting on reasonable notice to the Town. The Town shall have the right to have a representative present at such meeting to fully participate in the discussions concerning the expenditure but whom shall have no vote.

Supervisor Politi – Tell me why we don't have a vote. It is just a curiosity question. We are paying 68.83% of the budget and it's an Inter-Municipal Agreement. Regardless of who owns the equipment, it's an agreement between two Municipalities. Why wouldn't we have a vote?

Attorney Briggs – It's a very good question. Does the Village Board have a vote on whether or not the Fire Department buys a piece of equipment?

Councilman Favro – Yes, they do. Over the years, they have always asked the Town Board if we are okay with it.

Attorney Briggs – It is only one vote. We should have a vote. I was drafting it from my understanding that the Village didn't have a vote and that it was just the Fire Department.

Councilman Miller – At the very least we should be invited to the meetings and be able to participate even though we didn't have a vote.

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Attorney Briggs – Roby is going one step forward and saying why don't we have a vote?

Councilman Doty – It's either a vote or we say no when it comes up.

Councilman Favro – I don't see it being an issue. I don't think anyone will have a problem with it.

Councilman Miller – For us to have a vote, we need to be part of the budget process. We need to take part of that discussion. We cannot just vote without participating in a discussion.

Councilman Favro – This is about buying fire trucks and you are talking about the fire budget.

Supervisor Politi – Let me ask you this, Jack, who pays 68.83% of the budget? Why wouldn't we have a vote on the Budget?

Councilman Favro – From a conversation with Artie this morning about the Comprehensive Plan, do you feel you are getting input into the purchase of trucks? They have been asking us lately. I am okay with that. In the past, no.

Councilman Doty – We are fortunate because you know the fire business inside and out so you've been our go-to guy. If we didn't have you, it would be different. It would be nice if it were written out in the agreement.

Supervisor Politi – If we have a vote then we will have an input.

Councilman Rand – The first vote I ever took as a Town Councilman was on a new fire truck. Both the Town and the Village voted. Bob Peacock was there. I was the deciding vote.

Councilman Favro – If you put it in both ways then it is there from now on.

Attorney Briggs – It's not a big deal. You only have one vote. I don't know how many people on the council but one vote. We should add to paragraph 10; and shall be able to vote on such expenditures.

Supervisor Politi – If we have a right to vote, how many people vote?

Councilman Favro – The Fire Commissioners bring it up to the Village Board and the Board then votes.

Supervisor Politi – If the Village Board votes, that means there are five votes. Why would we have only one when we are paying 68%?

Attorney Briggs – The entire Board should be able to vote.

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Supervisor Politi – It should be an approval by both Boards. The point is that it is an Inter-Municipal Agreement which means that it is a joint venture between the two Municipalities. If in fact we have appointed people to go to these meetings and discuss the budget and capital expenditures, why wouldn't we have the same equal say even though we are paying more. Maybe we should get 68.83% of the vote and they get 31%.

Councilman Miller - The Village invited you, Jack, in on the discussions because you are involved with the Fire Department. I have not been invited to one single meeting.

Councilman Rand – I have spoken with our Police Chief to ask if he can bring us down to show us around a little bit but I didn't hear back.

Supervisor Politi – The contract should also say that the Town Board shall appoint two members to participate in the budget and expenditure process but that the ultimate decision on the appropriating of said funds shall be based upon a majority of approval by both Boards.

Attorney Briggs – I will redraft it.

Supervisor Politi – Does anyone have a problem with that?

Councilman Miller – And they can't reject that?

Supervisor Politi – They can reject anything they want but why would they?

Attorney Briggs – You have 68% leverage, Are you uncomfortable with that, Bob?

Councilman Miller – I like the idea but we have been asking them for years to participate in the process and they refused to allow us to participate. I don't know what is going to change now?

Supervisor Politi – the Mayor came to me and said they want to have MOUs of everything. We had a big meeting and Janet and Ron were going to do everything. I never heard a word. We never did anything. The point is, we have a stake in this part of our community. I don't understand what is wrong with us having a vote and participate in the decision making process when we are paying \$626,246 which is a lot of money.

Attorney Briggs – I will re-write that; two representatives to participate in the budget process and at the end of the day the budget will have to be approved by both Boards.

Supervisor Politi – Jay and Bob have said they have not heard from anybody. That may be our fault. Maybe if we had this type of agreement, that says we will appoint two. As soon as they are appointed, I write a letter to the Mayor saying our two appointees to the Fire Board are...

Councilman Miller – Craig knows. I've voiced my opinion about not being informed about meetings. I hope they work with us.

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Supervisor Politi – This will make it crystal clear that we want a say. We don't have a stake in the Police Department. We do not pay a percentage based on assessments. Therefore we should not have a say. When we are paying 68% of a department within the Village that amounts to \$625,000 I don't want to read about it in the paper.

Attorney Briggs will make the changes to the contract.

There being no further comments, Supervisor Politi closed the Public Hearing at 5:58 pm.

Supervisor Politi – I entertain a resolution to modify the Fire Contract 1 and 3 as so stated moments ago.

Councilman Favro moved and Councilman Doty seconded the motion to approve a resolution to modify the Fire Contract 1 and 3 as stated. There being no further discussion, the motion was unanimously carried.

Respectfully submitted,

Laurie Curtis Dudley, Town Clerk