

TOWN BOARD MEETING

TUESDAY, NOVEMBER 10, 2014

Minutes of the Regular Board meeting held on the above date beginning at 7:00 pm at the meeting room of the North Elba Town Hall, 2693 Main Street, Lake Placid, New York

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

Others Present: Attorney Ron Briggs, Larry Straight

Supervisor Politi opened the Regular Town Board meeting at 7:00 pm by asking everyone to stand for the Pledge of Allegiance.

Supervisor Politi asked for a motion for the minutes of October 14, 2014 and Public Hearing minutes of November 3, 2014.

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

APPROVE 2015 TOWN BUDGET

Supervisor Politi – We have to approve the Town Budget for 2015. We stayed within the tax cap. We did hold a public hearing. Do I have a motion?

Councilman Miller moved and Councilman Rand seconded the motion to approve the 2015 Budget as presented. There being no further discussion, the motion was unanimously carried.

Roll Call Vote: Councilman Favro; Aye, Councilman Miller; Aye, Councilman Doty; Aye, Councilman Rand; Aye, Supervisor Politi; Aye

The 2015 Town of North Elba Budget and the Park District Budget was unanimously approved.

APPROVE UNION CONTRACT

Supervisor Politi – The Union Contract is from January 1, 2015 to December 31, 2017. Bob, do you want to discuss it?

Councilman Miller – We've discussed it already. We can move to approve it.

Supervisor Politi – Thank you gentleman for your work on this. I know that it is extremely frustrating.

Councilman Miller moved and Councilman Doty seconded the motion to approve the Union Contract for January 1, 2015 to December 31, 2017. There being no further discussion, the motion was unanimously carried.

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Roll Call Vote: Councilman Favro; Aye, Councilman Miller; Aye, Councilman Doty; Aye, Councilman Rand; Aye, Supervisor Politi; Aye

APPROVE RESOLUTION - NORTH ELBA ATHLETIC FIELDS

Supervisor Politi asked for approval of the following Resolution for SEQR Determination for the North Elba Athletic Field project.

**Resolution for SEQR Determination
North Elba Athletic Fields Project**

Whereas, the Town has received grant funding to construct an additional field and supporting parking and related support improvements at the North Elba Athletic Fields site; and,

Whereas, the project site is already developed as an athletic complex of fields, crushed stone parking, grass parking areas and other open land; and,

Whereas, the Town has reviewed the attached opinion of our planning and design consultant, Behan Planning and Design that the project fits the description of a Type II action under SEQR regulations, now;

Therefore be it resolved the Town Board determined the action to be considered a Type II Action according to SEQR regulations at NYCRR Part 617 and therefore is not subject to further environmental review.

Councilman Favro moved and Councilman Miller seconded the motion to approve the Resolution for SEQR Determination for the North Elba Athletic Field project. There being no further discussion, the motion was unanimously carried.

BUDGET ADJUSTMENTS

Supervisor Politi – There will be more and more budget adjustments as we get to the end of the year. This is primarily housekeeping. You will notice there is a Dell laptop for the Assessor and a new desktop computer for the Town Clerk. There is also a cost for the installation of a heater at the Highway Garage and the installation of cameras at the Transfer Station. They are all offset by various cost savings in related departments.

Councilman Doty – I thought we said okay for additional cameras for the Highway Garage?

Superintendent Straight – It's not on there yet. We are already installing them.

(Budget Adjustments Attached)

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

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RAY BROOK WATER CONTRACT

Supervisor Politi – I received a contract by the LP Village Water Department with the Town of North Elba to administer the regular operating activities of the Ray Brook Water District. The Town's contractual amount for 2014-2015 would be \$28,759.50 which is up from \$26,145 last year. This covers the period of June 1, 2014 thru May 31, 2015. Any expenses incurred will be paid for by the Village and billed to the Town of North Elba at a minimum of quarterly and payments within 30 days. If this agreement meets with the Town approval, we are asked to execute a continuing contract. I can't image wanting to do anything else. He does a wonderful job.

Councilman Doty – That's for sure. I would ask that over the next few months we assess Ray Brook Water as a whole. Even with all that Brad does, and I know the billing is minimal, but at 10% increase every year is appreciable.

Supervisor Politi – That is what it has been for the last five years.

Councilman Doty – I am not suggesting to vote to replace Brad, but he is not on the side that determines the 10% increase. You know we have money in the pot for new adventures.

Supervisor Politi – What you are saying is that you want to move forward with approving this contract but over the course of 6 months we want to do an analysis of cost vs. benefit.

Councilman Doty moved and Councilman Rand seconded the motion to approve contract between the LP Village Water Department with the Town of North Elba to administer the regular operating activities of the Ray Brook Water District in the amount of \$28,759.50. There being no further discussion, the motion was unanimously carried.

COMMITTEE REPORTS – NEWMAN RD PARK UPGRADE

Councilman Favro – Derek and I looked at the park and thought it might be nice to partner with a service group. We can add a track around it so the kids can ride their bikes. Take out the trees in front and make a parking area. It has a nice opportunity to do some things that would help that neighborhood and the park.

Supervisor Politi – I noticed in your photo the encroachment by the neighbor. He has moved the fence and has put fill in. It is a Village employee. Can you fix it, Larry?

Superintendent Straight was unfamiliar with the encroachment and Supervisor Politi explained that on the opposite side of the park Mike Corrow filled in his back yard and the fill is coming through and has moved the fence.

Supervisor Politi - I don't see any reason why we couldn't just take a machine in there, take the fence down and cut that right off on the line. You can't allow the fill to come into the park.

Attorney Briggs – If you build right to the line it is going to bleed in. You have to cut it back.

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Councilman Favro – I think Butch talked to him. He was out there watching us the other day when we were.

Supervisor Politi – I don't think it's a big deal Larry. It's a front end loader and 20 minutes.

Councilman Favro – We are going to replace that fence anyway so that won't be an issue. The fence was there when I was a little kid.

Supervisor Politi – Butch talked to him but it hasn't gotten done. It is an encroachment on our property. Put the hammer down on him.

The Board discussed how great having a track would be for little kids to ride bikes.

COMMITTEE REPORTS – COMPREHENSIVE PLAN

Councilman Rand – Art Devlin called in from Florida and there a number of topics covered. We brainstormed on a lot of issues about consolidation. As judges retire, we could have fewer judges.

Attorney Briggs – Did they do some research to indicate that they could move to fewer judges?

Supervisor Politi – Dean did talk to them and there were issues, and he was told they couldn't unless a judge retires. I think that Judge Rogers is retiring.

Councilman Rand – The Village Court Clerk retires in September and the Town Judge retires at the end of 2015. There was some other...

Attorney Briggs – Expanding the Police Department? How about eliminate it and have the State Police come in.

Councilman Rand – Ambulance service to Ray Brook. Is there an issue with that?

Councilman Favro – Lake Placid has a certificate of need for Ray Brook and so does the Village of Saranac Lake. Saranac Lake Volunteer Ambulance Service is the person for Ray Brook other than FCI Ray Brook. There is a response time benefit.

Councilman Rand – I didn't know the answer at the time and I told them I would look into it.

Councilman Doty – We used to go to go but we don't go anymore.

Councilman Rand – It was brought up how to move if possible to a joint Highway with annexation of areas in the Village. Would it make sense to annex some of the areas that are outside the Village that are heavily populated?

Supervisor Politi – That's up to the people who live in the Town. That's not choice of the Village.

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Attorney Briggs – Like they would really want to do that and give themselves another tax.

Councilman Miller – It's going the wrong way. We don't need it bigger, we need it smaller.

Councilman Rand – These are just things that were discussed.

Supervisor Politi – The problem is in the discussions sometimes people don't understand that legally you can't do certain things.

Councilman Rand – They spoke of dissolution. Questions like, what would happen to the Village Electric? What new districts would be needed? Fire? Highway? Basically, everybody agreed that dissolution wasn't a viable option. It continues to be an ongoing conversation.

Councilman Miller – I don't know why?

Councilman Rand – I think it helps to have their questions on the issues answered and some genuine knowledge of facts. This is just the beginning stage of it. The next meeting, in case anyone wants to go, is at Dean's house. There is good discussion.

Supervisor Politi – The problem with discussions is that they are opinions. You have to get the facts.

Councilman Rand – That's the whole purpose of it. There are no determinations but subjects that came up and how they move on them.

Supervisor Politi – How would coterminous work?

Attorney Briggs – Coterminous is illegal. You can't do it. You can't extend the Village out to the limits of the Town. And have a village and a town. It's legally impermissible.

Councilman Miller – You can't eliminate the Town but if people in the Town decide they want to allow the Village to expand. I don't know why they want to do it.

Councilman Doty – I sat through the session in Saranac Lake that explored all those. It was a two year process.

Attorney Briggs – What would be the reason to be coterminous?

Councilman Doty – In some situations, like taking on geographical areas within the town to incorporate them, would include or example a lake front property that would help with the tax base.

Attorney Briggs – Why would somebody do that and say they want to pay more taxes.

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Councilman Doty – It is a lengthy process because you have to determine if you are going to eliminate the Police Department.

Supervisor Politi – Coterminous means the expansion of the village. Why would you want to pick up more costs?

Councilman Doty – In the case of Saranac Lake, it didn't work. I didn't hear of any place it worked.

Attorney Briggs – I get why it's good for the village because they get a larger tax base. I can't imagine any land owner would want that because you get nothing other than another tax.

Supervisor Politi – Unless Larry wanted public water and sewer, he basically has their other services. He's got electricity, phone, and cable.

Councilman Miller – I can understand the village only providing water unless they become a village taxpayer. If there is no additional benefit, why would you do it?

Supervisor Politi – I think that the dissolution plan in Keeseville is going very well. It went well in E-town and Ticonderoga.

Councilman Miller – I'm not pushing it because I live in the Town and I don't want to pay more taxes.

Councilman Favro - Does the Village have to pay the debt they already have?

Attorney Briggs – It would be a district, yes. You don't pick up their debt and they don't pick up the Town's.

Councilman Doty – The Town can elect which services they have to provide and which are optional.

Supervisor Politi – It is not as if the Village Electric has some long term agreement with the NY Power Authority. Rates are going up. It's only a matter of time. In addition, it may be owned by the Municipal Corporation of the Village of Lake Placid Village Electric but it is paid for by those of us who pay electricity. It is not as if I get a different rate than someone who lives in the town. The Federal Regulatory Commission won't allow it.

TOWN ATTORNEY REPORTS - GRIMDITCH

Attorney Briggs – There is a little flurry of activity going on in the last week. There are two things. One, the decision by Judge Buchannan which was issued in September 2014; the defendants, Grimditch, have made a motion to reargue the case and ask the judge to revisit its determination. The private plaintive, Mocha & McMillan, filed a motion to reargue also. Our role is to file an affidavit in opposition to the Grimditch motion. We didn't reargue. At the same time we did appeal it to the Appellate Division because of the Judge's ruling did not grant

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council fees or fine and allowed the cases and decking of the two boathouses to remain. That is what is going on with the Judge's decision in September. In addition to that, two days ago Grimditch made an application to a single Judge of the Appellate Division asking for a Stay of Execution of the Order. As you recall, the Order directs that they take down the boathouses and commence dismantling within 60 days of notice of entry and complete the dismantling no later than 6 months after that date. Today there was oral argument in Judge Devine's chambers. He basically said this is something for the full court to entertain. I will sign this and make it returnable next Monday in front of the full court. The full court is going to entertain whether or not grant a Stay of Execution, which means the enforcement part of that Order would be stayed pending the completion of the appeal. Opposition on that is, it shouldn't be granted. If it is granted, they should post a Bond or Undertaking and we asked the Court to impose an expedited schedule of Order. It means we would like to get it done quickly. It suits us because it eliminated any delay.

Supervisor Politi – It seems to me, if that gets struck down next week and the Judges say we are not changing anything, tear it down, then they have a problem.

Attorney Briggs – If they don't get a Stay of Execution, they have a problem. That is correct.

Councilman Doty – They will be tearing it down on the ice.

Councilman Miller – It is unlikely the Judge will do that.

Attorney Briggs – I think the Judge will say, we will give you a stay but we will give you an Expedited Schedule of Order. Our argument is made before it has to be taken down. That is what we think they will do, but we don't know.

Supervisor Politi – Which will mean that we get to a resolution of the case much sooner?

Attorney Briggs – Before June. June will be the deadline for them to dismantle the boathouse. This Expedited Schedule Order will mean the Court will have it resolved and done well before that date. That is what we hope happens. It is in our interest.

INTER-MUNICIPAL AGREEMENT BETWEEN PARK DISTRICT AND THE TOWN OF NORTH ELBA

Supervisor Politi –Have you considered the Inter-Municipal agreement between Park District and the Town of North Elba?

Attorney Briggs – I have not done that. I need to come and get old Park District records from 1930 and 1931. I want to use some words. Other than that we are ready to go. I get the numbers from Cathy, I suspect. The first year it will be "x" dollars and so on.

Supervisor Politi – I have the old Park District records and Cathy can help.

RECORDS MANAGEMENT GRANT

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Supervisor Politi asked for an update on the Record management Grant and Laurie Dudley reported that the contract was signed for the software, a computer will be ordered shortly and is double checking the page count for the contract for the scanning of documents. The scanning process should start soon.

APPROVE AUDITS AS PER AUDIT #'S

Supervisor Politi asked for approval of the audits.

TOWN OF NORTH ELBA			
11/10/2014			
	Regular	Prepaid	Totals
A FUND GENERAL FUND	98745.14	28078.39	126823.53
B FUND GENERAL OUTSIDE VILLAGE	100.73	0	100.73
DB FUND TOWN OUTSIDE VILLAGE HIGHWAY	34180.61	13127.67	47308.28
H11 APRON EXPANSION CONST.AND TW DESIGN			0
H42 HIGHWAY MACHINERY PURCHASE			0
RD04-TAHAWAS WAY ROAD DISTRICT			0
SF1 FIRE PROTECTION DISTRICT			0
SF2 FIRE PROTECTION DISTRICT			0
SF3 FIRE PROTECTION DISTRICT			0
SP PARK DISTRICT	15279.38	14355.82	29635.2
SS21 CONSOLIDATED SEWER DISTRICT			0
SW1 SEWER DISTRICT #1			0
SW2 MCKENZIE			0
SW3 RAY BROOK	2694.54	73.8	2768.34
T TRUST & AGENCY			0
TE PRIVATE PURPOSE TRUST			0
Batch 1440-1442	151000.4	55635.68	206636.08
141943; 142105; 142176; 142178-142207; 142229-142277; 142299-142360			
Batch 999 (Payroll)			0
142208-142228; 142278-142298			
Batch - HELD	0	0	0
DELETED VOUCHERS:			
141199; 142165	0		

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

RAIL/TRAIL MEETING

Councilman Doty – Sorry I didn't make that meeting on the Rail/Trail. In reading the articles, I am little confused as to the State's initial response. They haven't identified Lake Placid to

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Saranac Lake. It seems to always be Lake Placid to Tupper Lake, which takes our idea out of the realm. Is it being looked at Lake Placid to Tupper Lake and then Tupper Lake on?

Councilman Miller – I don't think so. The impression I got was that they were saying it is not cut in stone that we are going to have the trail from Lake Placid to Saranac Lake and the rest railroad.

Supervisor Politi – It's pretty clear they know our position. I have spoken with the Governor's Office. I know George Cannon and the guys at the County today were hoping that there would be a heavy push to allow people to be able to ride bikes on State Land.

Councilman Miller – You're not allowed? I'm never going to Whiteface Landing again!

EXECUTIVE SESSION

Councilman Rand moved and Councilman Favro seconded the motion to go into executive session at 7:45 pm for the purposes of discussing potential candidates to the ORDA Board. The motion was unanimously carried by those present.

Councilman Miller moved and Councilman Doty seconded the motion to come out of executive session at 8:21 pm.

ADJOURNMENT

There being no business transacted during Executive Session and no further business to come before the Town Board, Councilman Doty moved and Councilman Rand seconded the motion to adjourn the meeting at 8:22pm.

Respectfully Submitted,

Laurie Curtis Dudley
Town Clerk