

TOWN BOARD MEETING

TUESDAY, OCTOBER 8, 2019

Minutes of the Regular Board meeting held on the above date beginning at 7:00 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 Miller, Councilman Doty, Councilman Rand, and Laurie Dudley

Others Present: Attorney Ron Briggs, Mike Orticelle, Emily Politi, Sarah Galvin, Fred Balzac, Andy Flynn

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 approving the minutes of the Board meeting on September 10th, 2019.

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

SEQR ACTION- AIRPORT OBSTRUCTION REMOVAL

Supervisor Politi - We need to have a SEQR decision on the Runway 1432 approaches for the On & Off Airport Construction for tree removal at the end of the runway. This is a Type I action with no significant environmental impacts.

Councilman Rand moved and Councilman Doty seconded the motion to approve the SEQR Action for the Airport Obstruction Removal. There being no further discussion, the motion was unanimously carried.

SEQR ACTION- DESIGN OF GENERAL AVIATION APRON

Supervisor Politi – A second SEQR declaration is needed for the Rehabilitation of the General Aviation Apron at the airport being approximately 11,750 Sq. Yds. This is a design review and it is also a Type I action with no significant environmental impacts.

Councilman Favro moved and Councilman Rand seconded the motion to approve the SEQR Action for the Design of the General Aviation Apron. There being no further discussion, the motion was unanimously carried.

ROAD NAME APPROVAL – JUNE WAY

Supervisor Politi - We need a road name approval off Station Street. The road name will be June Way. It has been approved by Emergency 911, Fire Department and will go to Larry at the Highway Department to consider the signs.

Councilman Rand moved and Councilman Favro seconded the motion to approve the road name June Way. There being no further discussion, the motion was unanimously carried.

EXTENSION OF ANIMAL CONTROL CONTRACTS

Supervisor Politi - The animal control contracts run out at the end of this year. These contracts are for Amberly Rounds and Mark Bath. The consideration being \$13,000 for 2020 and \$13,000 for 2021, made payable in 26 instalments each year. This is a 2 year agreement under the same terms and conditions as the previous contracts.

The Board discusses the okay for a contract with the Lake Placid Animal Hospital. In order to generate such a contract they would need to have a further conversation with a representative from the Lake Placid Animal Hospital.

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Councilman Favro moved and Councilman Rand seconded the motion to approve Animal Control Officers contract to be extended for two years beginning January 2020. There being no further discussion, the motion was unanimously carried.

FUNDING APPROVAL – SL VOLUNTEER RESCUE SQUAD

Supervisor Politi - Last year the amount was \$30,144. The request this year is to increase that contract to \$30,975. That's an increase of only 2.75%. It is the same contract, the only modification is the amount of payment.

The Board and Attorney Briggs discuss the need for a Public Hearing. The Fire Contracts require a Public Hearing, in regards to the Volunteer Rescue Squad, Attorney Briggs will check into if a Public Hearing will be necessary.

Councilman Favro moved and Councilman Miller seconded the motion to conceptually approve the SL Volunteer Rescue Squad contract. There being no further discussion, the motion was unanimously carried.

DISCUSSION – FIRE CONTRACTS – LP & SL

Supervisor Politi – With regard to Saranac Lake we received from the Village Treasurer a proposed amount for the Fire Contract for the Town of North Elba on the Saranac Lake side. That amount was \$49,027.11, last year the number was \$43,589. That's an increase of 12.5% which is a substantial jump. We were told the reason for the jump was due to finalization of union contracts with the fire department. 12.5% is the same across all municipalities, we will set a public hearing on this. As far as the Lake Placid Fire Contract is concerned that expires at the end of this year.

Councilman Favro – I talked with the Mayor, he is putting together the breakdown of calls in the Village, and calls in the Town. Once he has all the information we will meet and he will pass that information on to us. It won't affect this year's budget or next year's budget, it is always a year behind with Village.

Councilman Doty – This is if you are assessing calls but we are assessment based.

Councilman Favro – That is one part of it. To look at the whole picture and see that it is fair, we are gathering all the necessary information.

Supervisor Politi – Very few do not realize that the Town of North Elba pays 72% of the Fire Budget, the Village only pays a small amount. The issue over the last few years has been trying to get an equitable formula. In the past it was based upon assessments and before that it was calls. Jack is a Fireman, he is the most knowledgeable about what is going on at the Fire Department. He is able to determine where money is being spent and where it is needed.

Public Hearing for the Fire Contracts are scheduled for November 12th, 2019 at 6:30. The water/sewer public hearing and the budget public hearing will be the same day.

SET PUBLIC HEARING- CABLE TELEVISION AGREEMENT

Attorney Briggs – The Cable Franchise Agreement has expired and as you recall the Village retained an expert to assist them in negotiating revisions to it. We decided that rather than retain someone for us we would wait while the Village and their expert make their final decisions. The Village has completed this Franchise Agreement, it has been finalized and I have a copy of the proposed agreement from Charter. I will compare the two and report to Supervisor Politi.

Councilman Doty - What is a typical franchise amount that we've had in the past?

Supervisor Politi- 5%, this is something you look at every 5-10 years.

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The Public Hearing for the Cable Television Agreement is scheduled for November 12th, 2019 at 6:40.

PERSONNEL AMENDMENTS

There are no personnel actions for October.

BUDGET AMENDMENTS

Supervisor Politi asked for approval of the Budget Adjustments.

2019 BUDGET AMENDMENTS
10/08/2019

ACTION	ACCOUNT	DESCRIPTION	AMOUNT	REF	ADDITIONAL INFO
Increase Expenditure	A000.5010.0417.0000	Highway Superintendent. Equipment Repairs	869.50	vchr 1735	Central Garage amount over 2019 budget
Increase Revenue	A000.0000.2680.0000	Insurance Recoveries	869.50		
			-		
Increase Expenditure	B000.1345.0103.0000	Beach Payroll	1,954.60		19-19 & 19-20 amount over budget
Decrease Expenditure	B000.1345.0200	Beach Equipment & Capital Outlay	(1,954.60)		
			-		
Increase Expenditure	DB00.5140.0540.0000	Beautification	51.00	vchr 1935	North Elba Tree Board (amount over budget)
Appropriate Fund Balance	DB00.0000.0915.0000	Assigned unappropriated fund balance	51.00		
			-		
Increase Expenditure	H044.7140.0320.0000	Athletic Field Improvements	74,890.34		Irrigation installation amount over grant to be transferred from Park District
Increase Revenue	H044.0000.5031.0000	Interfund transfers	74,890.34		
			-		
Increase Expenditure	SP00.7110.0200.0000	PARKS EQUIPMENT	39,500.00		REPLACE 2011 CHEVY AND PLOW - as discussed at budget workshop amount over budget - to transfer funds to Irrigation Improvements per approved award funds remaining in H018 2016 Twy Papi grant closed and returned to Park District excess revenue over budget
Increase Expenditure	SP00.9950.0900.0000	Interfund transfer expenditure	74,890.34		
Increase Revenue	SP00.0000.5031.0000	Interfund transfer revenue	4,592.18		
Increase Revenue	SP00.0000.2025.3141	Toboggan Slide Admissions	55,532.69		
Appropriate Fund Balance	SP00.0000.0915.0000	Assigned unappropriated fund balance	54,265.47		

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

COMMITTEE REPORTS - OLD HOSPITAL

Councilman Doty – I would like to appeal to the Board to allow the Christmas Fund Committee to use the Sports Medicine end of the old hospital site for their public service during Christmas time.

Supervisor Politi – To make the public aware, the Lake Placid Memorial Hospital has been transferred back as a result of a reversion clause in the original deed to the Town of North Elba. The Town of North Elba owns that facility and all the land around it that adjoins land owned by the Olympic Regional Development Authority where the US Olympic facilities are. Now that the town owns it, we have a request from the North Elba Christmas Fund to utilize a portion of the facility for their public service.

Attorney Briggs – I believe the first step is to adopt a resolution accepting the recon Vance of the property then authorize the supervisor to sign the TP 584 the RP 5217 and an affidavit of exemption.

Councilman Doty – Who is going to hold the keys?

Supervisor Politi – I would say, Mike Orticelle.

Councilman Miller – Are we winterizing that building?

Supervisor Politi – It is winterized as it always has been. It is a matter of heating it.

Mike Orticelle – We did a walkthrough last week with John, the custodian and a representative from the hospital. The discussion was, there is one boiler that works and is enough to keep the building going. To try and winterize and shut things down would be extremely difficult. It is easier and cheaper in the long run to keep it running with the one boiler, which will be plenty to heat the area for the Christmas Fund Committee to utilize.

Councilman Rand – Will the entire building be heated?

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Mike Orticelle – It will be maintained at a certain temperature to keep the pipes from bursting.

Supervisor Politi – One of the proposals on the table is from ORDA. They possibly would want to utilize that facility for extended office space. In addition to that, they are in need of extending housing. That site fits as a piece of their puzzle in terms of extending additional housing for athletes associated with the Olympic Training Facility.

Councilman Miller – I strongly believe we should use part of that property for affordable housing.

Supervisor Politi – That has already been discussed and I believe Emily has spoken to outside groups in conjunction with the planning commission for the possibility of that type of use.

Councilman Doty – There are possibilities for many different uses.

Supervisor Politi – We have talked with George LeValle about the concept of utilizing the parking lot to the rear of the hospital in conjunction with ORDA lands that are occupied by USOC for the possibility of some type of indoor soccer, lacrosse, and baseball building. One of the things we have to do is talk to Cathy during the budget meetings about some type of a budget item for fuel for that building.

Councilman Miller moved and Councilman Rand seconded the motion to accept the deed of the old hospital property. There being no further discussion, the motion was unanimously carried.

COMMITTEE REPORTS – COMMUNITY DEVELOPMENT

Councilman Rand – We have our Development Committee meeting on Thursday, October 10th. The Agenda is quite extensive from what I have seen. I have not had the chance to read it over. One of the issues I foresee being on there is the Village Judge.

Supervisor Politi – That issue is the Village Judge resigned so the community will be down one judge at the end of October. One of the questions being raised is whether or not the Town and Village want to consider a merged court system. I believe it is difficult given the fact they have 80-90 criminal cases. It is an issue and I'm glad it is being discussed.

COMMITTEE REPORTS – SURPLUS BRICKS

Supervisor Politi – We declared the Paver Stones as Surplus. We will be offering them for sale to the public.

COMMITTEE REPORTS – VACATION RENTAL

Councilman Miller – The last I heard the Village attorney wanted us to wait and see about a joint agreement before we move forward with what we are planning on doing.

Attorney Briggs – I talked with Janet Bliss about it and the Village would strongly like to do it that way. Once we do that, the amendment of the Land Use Code which would be joint by the Village and the Town. I believe we should have a clause as a provision in the Land Use Code now that says no amendments can be made to it without both Boards agreeing. I believe we should revise that to say that each Board can make changes in ways that only relate to that municipality. In other words, if the Town wants to make a change that only affects the Town you may do so without getting the Village to have to agree. That was a very cumbersome provision that is in the existing Land Use Code. That is one of the things I would like to see amended.

Councilman Miller – Is the next step another Public Hearing?

Attorney Briggs - Yes. You have to have a Public Hearing. If there is any material changed to the proposed law that was presented at the last Public Hearing, you have to have a new Public Hearing. We are going to have to be extra cautious on that issue because we will be challenged. One of the things we know we have to do is have a unique, specific appellate process for people who challenge that part of the law. Currently for the Land Use Code, you go to the Zoning Board

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of Appeals. We all agree that board would be overwhelmed with scores of appeals. We have to build into this revision a special appellate process for violations of the STR. That alone requires another Public Hearing.

Councilman Miller – What does the time frame look like to get to that Public Hearing?

Attorney Briggs – We want to make sure that this next draft both the Town and the Village are going to adopt it as it is. We could have a Public Hearing and adopt it promptly thereafter. If there is another Public Hearing and material changes then there is going to be another Public Hearing, which is how it will work.

APPROVE AUDITS AS PER AUDIT #'S

Supervisor Politi asked for approval of the audits.

TOWN OF NORTH ELBA		CLAIMS APPROVED FOR PAYMENT 10/8/19	
PREPAID CLAIMS (NBT General Funds, NBT Park District, NBT Health Reimb. Bank Accounts)			
Batch Number	Batch Totals	Fund Totals	
	Prepaid	Prepaid	
A000 FUND GENERAL FUND	83	64,633.34	12,986.81
B000 FUND GENERAL OUTSIDE VILLAGE	85	1,342.89	47.37
DB00 FUND TOWN OUTSIDE VILLAGE HIGHWAY	86	233.57	-
RD04 FUND TAHAMAS ROAD DISTRICT			-
SP00 FUND PARK DISTRICT			52,543.54
SM03 FUND RAY BROOK			398.51
T000 FUND TRUST & AGENCY			233.57
(Prepays NBT Bank Accounts) (9/1/19-9/30/19)		66,209.80	66,209.80
1824; 1861-1880; 1881-1882; 1883			
ADK PAYROLL			
T000 FUND TRUST & AGENCY	80	11,859.49	
	81	79,246.65	
	82	19,023.17	
(Payroll) (9/1/19-9/30/19)		110,129.31	110,129.31
1667-1680; 1681; 1698; 1738-1756			
REGULAR CLAIMS (Adirondack Claims Bank Account)			
		Regular	Claims
A000 FUND GENERAL FUND	87	688,869.22	326,341.36
B000 FUND GENERAL OUTSIDE VILLAGE	88	44,065.85	-
DB00 FUND TOWN OUTSIDE VILLAGE HIGHWAY	89	186,036.95	20,916.59
H017-TOBOGGAN SLIDE			-
H018-Replace RW14 PAPI & TW AB&C light construction			-
H020- MIRROR LAKE DR./WHITNEY RD DRAINAGE			-
H021-MIRROR LAKE SIDEWALK			-
H022-On & Off Airport Obst. Mitigation			5,000.00
H023-TWY B & C Rehabilitation			10,000.00
H024-GA APRON Rehabilitation			-
H032-Ray Brook Storage Tank and Distribution			-
H042-Equipment Bonding Fund			217,082.00
H044-Athletic Fields			86,555.02
H046-Ausable Watershed Management Pass through			-
SP01-FIRE PROTECTION DISTRICT 1			10,971.40
SP02-FIRE PROTECTION DISTRICT 2			-
SP03-FIRE PROTECTION DISTRICT 3			4,128.60
SP00 PARK DISTRICT			237,977.05
SS21-CONSOLIDATED SENIOR DISTRICT			-
SM03 RAY BROOK			-
1757-1774; 1776-1795; 1796-1823; 1827-1846; 1884-1899; 1901-1917; 1920-1940			
DELETED VOUCHERS: 1670; 1775			
		918,972.02	918,972.02
NOTES:			
FIT WITHHOLDING FROM VCHRS 1770 & 1771		(144.22)	
AMOUNT TRANSFERRED TO CLAIMS CHECKING ACCOUNT FOR CHECK RUN 176:		918,972.02	
AMOUNT TRANSFERRED TO PAYROLL FOR FIT WITHHOLDING		144.22	
		919,116.24	

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

Andy Flynn asked about the Hospital. Supervisor Politi and Ron Briggs explained that back in the 80's Adirondack Medical took over the Hospital but the property was owned by Placid Memorial Hospital and what was conveyed was an agreement that stated if and when the Hospital or any successor Hospital fails to provide 24 hour Emergency Services then the Town would have the option to re-purchase the property for \$10. When Adirondack Medical closed the 24 hour Emergency Room, the Town made a demand to reconvey the property and exercise our right to re-purchase because failing to have 24 hour Emergency Services was a triggering event. It is called a Reverter Clause, meaning it would revert back. In this case it reverted back to the Town of North Elba rather than Placid Memorial Hospital. We have accepted the deed back from Adirondack Medical because the Town could utilize the property for several other uses.

Any Flynn followed up by asking if the Board approved the North Elba Christmas Fund using the old hospital and the Board thanked Andy for bringing this to their attention. The North Elba Christmas Fund Committee will have access to the building to provide their public service.

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ADJOURNMENT

There being no business transacted during Executive Session and no further business to come before the Town Board, Councilman Doty moved and Councilman Favro seconded the motion to adjourn the meeting at 7:50 pm.

Respectfully Submitted,

Laurie Curtis Dudley
Town Clerk

Typed by,

Chelsie Geesler
Deputy Town Clerk