

TOWN BOARD MEETING

TUESDAY, OCTOBER 9, 2012

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 Curtis Dudley

Others Present: Attorney Ron Briggs, Larry Straight, Chris Knight, Ted Morgan, Tim Kelleher

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 on the minutes of the Board meeting September 11, 2012.

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

Supervisor Politi added Union Contract Addendum to the agenda

TIM KELLEHER – AIRPORT HANGER RENTAL

Supervisor Politi introduced Mr. Kelleher to the Board.

Supervisor Politi- You have been a topic of discussion for a couple of years now. I understand you would like the opportunity to talk to us.

Tim Kelleher – I sent the Board a letter. I have been a longtime tenant of the airport. These last three years I have been struggling trying to keep a family printing business going. I lost the battle. I was able to liquidate assets and stay alive. I apologize to the Board and the Town for being delinquent on payments for the hanger rental. I did always pay it as I had the funds. It is not an excuse. It is by way of explanation. I have been a long standing tenant and a quiet tenant. I came up today to specifically address the board to say I did not mean to take advantage. I wanted to personally apologize for the lack of funding in a timely manner. On top of that, I was trying to take the boat trailers out of the hanger and the gas tank on my pickup truck fell out on Bear Cub Road. There is one more trailer remaining and I will somehow have everything out by the end of the weekend. There was a time when I was asked to clear out the hanger then I through the trailers back in again. Not a way of excuse, but way of explanation. I am back on my feet, and if the Board could see way of extending my tenancy with some upfront advance payments that would be appreciated. If not, I would totally understand the board taking a stance that I took advantage and there should be no further motion to go forward. Either way, I am ok with it. I wanted to take the opportunity to step up in front of you and say that is what was happening in my life. It is no excuse. I did not run out and not pay my bills. Also, when I closed my business last January the mail was being forwarded back and forth to attorneys. I would get it 30 to 40 days later. I forwarded the check before I received Ron Briggs letter. Also, the embarrassment of saying I cannot pay a hanger rental for an airplane. It is actually ridiculous in the state of the economy to cry poormouth when you have a hanger and an airplane. However, I wish I could get rid of that asset now. There is just no market for it.

Supervisor Politi – We appreciate you taking the time to be here. It became a fool me once, shame on you; fool me twice, shame on me. This went on for too long and did not get addressed until such time that the doors were locked and you couldn't get in.

Tim Kelleher – I totally understand that. I was writing home equity lines of checks to cover payroll. After 30 years, I was really getting pressed down. Again, it is not an excuse.

Supervisor Politi – The decision the Board had made was a business decision. We have hangers and want people to utilize the hangers for the continuance of aviation. I understand what you are saying, but you also said you would really rather not have the asset and sell the airplane. If you really want to sell that asset then...

Tim Kelleher – Roby, let me back that up. I was able to liquidate my business back home and other bigger assets and I am not under that pressure right now. I have been in the hanger since

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they were built. I have been at the airport for 16 to 17 years. It is a passion of mine. I am hanging onto it by my claws and intend to keep it. It is a special place and a special part of my life. Again, my conduct in the past stands on its own. I did what I did. If it falls that way then I will stay out.

Councilman Miller – I would agree with Roby. We have to make a business decision. I do want to say how much I appreciate you coming here and presenting yourself to us.

Tim Kelleher – I am capable of paying that in advance now. If I step over the line then I'm out of there in 30 days. I'm not here to beg. I understand everybody's position. I'm a big guy and I know what I did.

Supervisor Politi – For us, it was not that you had a trailer in the hanger although it was in violation of the lease. It was not meant for people to put their cars and other belonging in which we won't tolerate, but that wasn't the reason that any decision was made. I would like you to hear from everyone.

Councilman Favro – We do appreciate you being here. It helps to put things into perspective.

Tim Kelleher – I'm embarrassed. I made the trip because I have been here a long time. I got myself in a squeeze play on this and many other things.

Councilman Favro – We get in this position and have to take other resources we have. We are doing it here with taxpayer's money. I have great respect for you coming here without question.

Tim Kelleher – I wanted to say my apologies and will leave it in your hands and see where it goes.

Supervisor Politi – You came all this way; you might as well hear from everybody.

Councilman Rand – I don't mean to be repetitive, but I appreciate you being here. It shows that you would really like to be back in the hanger. From our prospective, we spent a lot of time trying to chase you down. It didn't seem you didn't want to comply with the lease. It may be time to mull it over.

Tim Kelleher – That is all I expect. Again, from a personal standpoint and an embarrassment standpoint, I thought it worth my while to stand up and explain what was going on in my life. I understand and respect whatever you decide.

Councilman Doty – Tim, I am glad you survived the storm. I wouldn't wish that on my worst enemy. The measure of your character is you being here tonight. There will be another day. We were forced to make a decision based on business. Your character is exemplary. Maybe an opening will come up in the future. If you want to get on the list, we will consider you.

Tim Kelleher – I will be out at the end of this weekend. I appreciate your time.

Supervisor Politi – Ron will be in touch with you.

Supervisor Politi asked the Press to use discretion when reporting on this issue.

BUDGET AMENDMENTS

Supervisor Politi – You all have received a copy of the budget amendments. It includes the Expense Ledger for Tahawus Way which is now complete and dedicated to the Town. The cost was \$31,910.62 which is paid by the proceeds of the Bond. Bob Leu came in to thank you Larry. Everyone up there is very pleased. The budget adjustments are housekeeping in nature. They are two pages long because they include those budget adjustments from the September meeting.

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October Board Meeting Budget Amendments

General Fund:

ACTION	ACCOUNT	DESCRIPTION	AMOUNT	VOUCHER NUMBER	ADDITIONAL INFO
INCREASE	A.5010.0421	HWY SUPER PHONE	\$500.00		RECLASS CELL PHONE EXPENSE FOR 2012 TO PROPER DEPARTMENT
DECREASE	A.5132.421	TOWN GARAGE PHONE	-\$500.00		
			\$0.00		

Highway Fund:

ACTION	ACCOUNT	DESCRIPTION	AMOUNT	VOUCHER NUMBER	ADDITIONAL INFO
INCREASE	DB.5110.0101	HIGHWAY ROAD MAINT. & GENERAL REPAIRS PERSONAL SVCS	\$7,579.17		PER PAYROLL SEPT. 27
INCREASE	DB.5110.103	HIGHWAY ROAD MAINT. & GENERAL REPAIRS PERSONAL SVCS OT	\$773.22		PER PAYROLL SEPT. 27 GRAYMONT MATERIALS
INCREASE	DB.5110.414	HIGHWAY GENERAL REPAIRS. CONSUMABLE SUPPLIES	\$2,702.86	122121	KNOTTINGHAM ARMOR COAT \$1114.47
				122185	GRAYMONT MATERIALS COBBLE HILL ROAD \$1588.39
INCREASE	DB.5112.414	HIGHWAY MACHINERY PERMANENT IMPROVEMENTS. OTHER CONS	\$2,191.79	122198	ESSEX COUNTY ROAD MACHINERY PAINT, STAKE TRUCK RENTAL CAROLYN & MOONGATE
				122197	ESSEX COUNTY ROAD FUND, STRIPING MOONGATE AND CAROLYN
DECREASE	DB.5142.101	SNOW REMOVAL/SWEEPING. PERSONAL SVCS	-\$13,247.04		LEAVES \$59000 IN PAYROLL FOR SIX PAY PERIODS
			\$0.00		

Road District:

ACTION	ACCOUNT	DESCRIPTION	AMOUNT	VOUCHER NUMBER	ADDITIONAL INFO
INCREASE	RD04.5112.0106	TAHAWAS WAY INFRASTRUCTURE	\$31,910.62		SEE ATTACHED LISTING
DECREASE	RD04..0909	FUND BALANCE (PROCEEDS OF BOND \$39,000)	-\$31,910.62		
			\$0.00		

Park District:

ACTION	ACCOUNT	DESCRIPTION	AMOUNT	VOUCHER NUMBER	ADDITIONAL INFO
INCREASE	SP.1345.0101	BEACH PERSONAL SERVICES	\$600.00		PER PAYROLL SEPT. 27, SNYDER (MAINTENANCE)
DECREASE	SP.1345.0200	YOUTH PROGRAM PERSONAL SERVICES	-\$600.00		
INCREASE	SP.1346.0412	SHOWGROUNDS. GAS & DIESEL	\$1,605.21		JULY & AUG FUEL USE
INCREASE	SP.1357.0200	AIRPORT.EQUIPMENT	\$1,866.66	PO 25958	WELLS COMMUNICATIONS INC. FOR AIRPORT
DECREASE	SP.1347.0200	T/S EQUIPMENT	-\$368.89		REMAINING 2012 UNUSED BUDGET
DECREASE	SP.1347.0413	T/S OFFICE SUPPLIES	-\$587.02		REMAINING 2012 UNUSED BUDGET
DECREASE	SP.1990.0400	CONTINGENT ACCOUNT	-\$2,515.96		
INCREASE	SP.9795.0700	INTERFUND LOANS. INTEREST	\$1,736.73		Accrued Interest due to general fund for funds loaned to park district for local share
DECREASE	SP.9950.0900	INTERFUND LOANS	-\$1,736.73		of capital projects
			\$0.00		

Ray Brook:

ACTION	ACCOUNT	DESCRIPTION	AMOUNT	VOUCHER NUMBER	ADDITIONAL INFO
INCREASE	SW3.1364.0459	RAYBROOK WATER DISTRICT	\$6,559.21		SEE ATTACHED LISTING, RECLASSED TO PROPER DEPARTMENT
DECREASE	SW3..909	FUND BALANCE	-\$6,559.21		
			\$0.00		

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

DECLARING EQUIPMENT SURPLUS (2 COMPUTERS)

Supervisor Politi – The Town has two older computers that need to be declared as surplus. The computers will be donated to St. Agnes School.

Councilman Doty – Will there be a large expense for St. Agnes to bring the computers up to speed?

Supervisor Politi – They can use them. The computers are very much like mine. I'm sure St. Agnes will appreciate them.

Councilman Miller moved and Councilman Doty seconded the motion to declare two computers as surplus. There being no further discussion, the motion was unanimously carried.

DECLARING EQUIPMENT SURPLUS (SKATEBOARD PARK)

Supervisor Politi – Before the skateboard equipment can be transferred to Saranac Lake, it must be declared as surplus.

Councilman Miller moved and Councilman Favro seconded the motion to declare the skateboard equipment as surplus. There being no further discussion, the motion was unanimously carried.

Councilman Miller – Ron, is there something more that needs to be done before we give away the equipment?

Attorney Briggs – Now that it has been declared as surplus, it can be fiscally removed.

Councilman Miller will contact the Saranac Lake Skate Park Committee to discuss moving the equipment.

JOINT TOWN/VILLAGE MEETING (4PM OCTOBER 29TH)

Supervisor Politi – The Mayor has suggested the Joint Town/Village meeting we spoke about be scheduled for October 29th at 4:00 pm. The time is set because Jason Leon will be out of school by then. The meeting is about MOUs and anything else you want to talk about.

Councilman Doty – Who will develop the list? It will take all of us to think of all the MOUs and proposals into the future.

Supervisor Politi – I would appreciate everything you can think of to make sure that I have covered.

The Board quickly brainstormed a few MOUs; Highway garage, Fire, Parks & Beach, Zoning & Building Departments, the big parking lot, maintenance of sidewalks around Mirror Lake, to Price Chopper & Elementary School, Village Rental Agreement, Utilities & Ray Brook Water District, Main Street garbage, ambulance, trolley system, plowing...

Supervisor Politi – The problem is that so many of these agreements have been agreed on a handshake. These should be under one agreement so everybody can remember. We have been maintaining the Village parks but we don't have an agreement. The one we had terminated in 2004.

Councilman Doty – We plow some of their streets and they plow ours.

Supervisor Politi – Larry, are road names something you want cast in stone?

Superintendent Straight – Yes. That is fine.

Councilman Favro – It would be nice to have it all together where it can easily be reviewed.

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Attorney Briggs – As the Boards change and recollections and perceptions change, it needs to be in writing. It should be one long document with a table of contents. Expiring every year would be too burdensome.

Supervisor Politi – I could be an annual agreement that rolls over to the next unless one party gives notice to terminate any one particular portion or part or subdivision of the overall document.

The Joint Town/ Village meeting is scheduled for October 29th at 4pm.

CONTRACT FOR PROFESSIONAL SERVICES – ELECTRICIAN AT PREVAILING WAGE (\$31/HR)

Supervisor Politi – Derek, the contracted professional services for an electrician at Craig Wood at the prevailing wage of \$31/hr between the hours of 8:00 am and 4:30 pm is something you brought up.

Councilman Doty – Not sure if we need to make a motion or have to accept a resolution to that fact.

Supervisor Politi – You can make a motion if you have someone in mind.

Councilman Doty – Jim and I recommend Chris Fadden

Councilman Doty moved and Councilman Rand seconded the motion to enter into a contract to Professional Services with Chris Fadden at the prevailing wage rate for an electrician for \$31/hr to work between the hours of 8:00 am and 4:30 pm at the Construction site for Craigwood Clubhouse.

Councilman Miller – Is that for a maximum of 40 hours per week?

Councilman Doty – The time will vary. It is to fill in gaps for the miscellaneous things in the Phase 1 Construction at Craig Wood. There are some small things that need to tie in from the elevator installation. The contractors are bringing the elevator to a place in the room and from that place to the box we need help. It was too hard for me to standardize that to put it to bid.

Supervisor Politi – I want to verify, this is not an employee. This is an independent contract service with an individual. There is no health insurance or any additional coverage. He can only work between 8:00 am and 4:30 pm. Derek, you know this gentleman? Have you spoken to him?

Councilman Doty – I think everyone around the table knows him. I did speak to him.

Councilman Miler – When is he going to start?

Councilman Doty – We just started with the renovation project today. When the debris is picked up from the roof, then we will let him move inside. I'll contact him and he will work with Jim and I on his schedule of work.

There being no further discussion, the motion was unanimously carried.

NEW ROAD NAME CHANGE – COMLINKS WAY TO COPPER WAY

We received a request for a road name change from Comlinks Way to Copper Way. I gave the letter to Larry.

Supervisor Straight received approval from Brad at the Fire Department as well as the County.

Councilman Favro moved and Councilman Miller seconded the motion to approve the road name Copper Way to replace Comlinks Way. There being no further discussion, the motion was unanimously carried.

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UNION CONTRACT ADDENDUM

Supervisor Politi – We added this item to the agenda. We need to add an addendum for rate and grade structure to the Union Contract.

Councilman Favro – We standardized the rate structure and made a simpler form. The effects for most employees are minimal but effects one person more with longevity. We feel good about the standardized rate structure. It also gives us an evaluation form that Larry would do for the employees. It will give them an opportunity to make a little more money. The impact to us is not huge at all. It's fair. We have people driving \$250K trucks and need to pay them a decent wage.

Councilman Doty – It helped to define our classes of employees; a laborer to MEO to an HEO. We defined the status of our employees a little bit better.

Supervisor Politi – You met with the Union and they are on board with this?

Councilman Doty – Yes. We met them in January.

Councilman Favro – They are onboard. Once we do this, there is another contract the Union signs.

Supervisor Politi – Do you want to make a motion to add Article 37 to the Union Contract?

Councilman Doty – This finishes our negotiations that were still open from January. We agreed to work on wage structure and evaluations to close out our current contract.

Councilman Favro moved and Councilman Miller seconded the motion to add Article 37 to the Union contract. There being no further discussion, the motion was unanimously carried.

Councilman Favro will provide the modification to the agreement to Attorney Briggs for review before it is signed by Supervisor Politi. The Article 37 Addendum is on file in the clerk's office.

COMMITTEE REPORTS: C&D

Superintendent Straight – The C&D pit expansion is done.

Councilman Miller – Are we now moving stuff over. It's not a deep pit. Do we have a plan in place to tear down that mountain?

Councilman Doty – We have a plan to sell.

Councilman Favro – We are getting together pricing to see what it will cost us to truck out the C&D. We will be working on that during budget talks.

COMMITTEE REPORTS: AIRPORT

Superintendent Straight – They are finished. There are still issues with the terminal. C&S isn't getting anywhere with the General Contractor, Murnane. There are issues they don't seem to want to address.

Attorney Briggs – And we are holding back money until it is complete. I wonder if the cost to correct the problem exceeds 10%.

Superintendent Straight – There are still issues with locks for the doors, hot water in the bathrooms and a few other.

COMMITTEE REPORTS: COUNTY TRANSPORTATION

Superintendent Straight – The County would like to contract with us for the fuel for the buss.

Supervisor Politi – I don't care because they are going to reimburse us. It makes benefits the seniors.

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COMMITTEE REPORTS: BIODIGESTER

Councilman Miller – I would have liked to talk about the Biodigester but the meeting keeps changing because there are so many players. The meeting is now 4:00 tomorrow in the Science room. The County and the Wild Center will be there so they can file for grants.

Supervisor Politi – The police shooting range is coming back into play which will be interesting; we'll have the shooting range, athletic fields, and the biodigester all out at the Transfer Station. That will be the place to be.

Councilman Miller – The DEC is favorable to this because we will be the first in New York. They changed the law on how we handle food waste and want to use the Lake Placid model for the rest of the state.

COMMITTEE REPORTS: BIKE TRAIL

Supervisor Politi – We previously discussed the use of the millings for the new bike trails. I do not have a problem with that and asked them to contact Larry.

Superintendent Straight stated he had not heard from them.

COMMITTEE REPORTS: BIKE TRAIL

Councilman Doty – We still have not heard from Ivan about the Ray Brook water. Do we need to send him information from the resolution we passed to say get going?

Supervisor Politi – Call him and say, get going.

KELLEHER DISCUSSION

Supervisor Politi- Do you want to talk about Kelleher?

Attorney Briggs – It is your decision. I talked to him and recommended that if he pay in advance you might consider it. It is your decision.

Supervisor Politi – He sent that check in before you sent the letter?

Attorney Briggs – That is correct. He sent the check before I sent the letter.

Councilman Doty – I you look at this as a person who is behind on property taxes; they are always given lenience. The County may send them a letter and forgives for a number of months. This guy bared his sole to us tonight. I do not have a problem swallowing hard and saying; don't kick a guy when he is down.

Supervisor Politi – I know that. If I didn't have cancer, I wouldn't be such a bleeding heart.

Attorney Briggs – There is nothing wrong with bleeding if he pays you in advance.

Councilman Rand – I think he got the message.

Councilman Rand – I'm ok with it just one more time. I think he got the message. We haven't given the hanger to anyone else?

Supervisor Politi – We did not give the hanger to anyone. Quite honesty, until I saw him here tonight I could see it is a tough thing. It is not easy to tell people that you lost your family business. I don't think we will ever have a problem with him again. My mother told me you have to be compassionate.

Councilman Favro – We do have a heart.

Attorney Briggs will contact Tim Kelleher first thing in the morning.

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Chris Morris asked for more details; Supervisor Politi stated he has rented the hanger for 17 years and we have been chasing him for the last two years for lack of payment. Mr. Kelleher paid his delinquent rent prior to Attorney Briggs sending a letter stating his lease was terminated.

ESSEX COUNTY UPDATE

Supervisor Politi – The only County report is the budget. There will be budget problems. Essex County tax rate is going to go up. There is no way around it. I wish the nursing home could get sold sooner than later. Unfortunately, if it had been sold six months ago we would still have to carry it through 2013 because it requires the approval of New York State. There have been somewhat of a push to consider borrowing against that sale money which I am adamantly against. There is no guarantee that the sale is going to go through. I know what real estate sales are like and it ain't over until the money is in the bank.

Councilman Doty – Is \$10M a relatively low fund balance to carry?

Supervisor Politi – The fund balance was \$24M and is down to \$10 M because they take money from the fund balance to relieve the levy. We have done that here too but you can't do it in such huge chunks. Tom Scozzafava said in an interview, the State continues to mandate that we provide certain services with social services and the jail. He is right. Money we received from the State is being cut. No different than they cut us with the ORDA funds. You just can't continue every year to have a tax rate that does not increase without it biting you in the ass six or seven years later. The right thing was not done for too long. We are now paying for it. We (the Town Board) are going to feel the brunt of it because the tax bills are Town and County combine. The County increase is reflected in the Town bill. That is one of those things you can't control. The good news is that our County tax rate is almost \$2.00 less than what it was 10 years ago; it was just over \$4 and last year was \$2.38 per thousand. Ten years ago a \$200,000 home paid over \$4 per thousand (\$800) and the same home now valued at \$400,000 with the 2012 rate of \$2.38 pays less or slightly more than in 2002.

APPROVE AUDITS AS PER AUDIT #'S

Supervisor Politi asked for approval of the audits as presented.

TOWN OF NORTH ELBA			
CLAIMS APPROVED FOR PAYMENT 10/9/12			
	Regular	Prepaid	Totals
A FUND GENERAL FUND	81939.78	37875.84	119815.62
DB FUND TOWN OUTSIDE VILLAGE HIGHWAY	15776.27	5815.45	21591.72
H01 SECURITY/PERIMETER FENCE AIRPORT CAP. PROJECT			0
H02 -BLOCK HANGAR REHABILITATION AIRPORT CAP. PROJECT			0
H03 - 5 BAY T HANGAR			0
H04-C&D WASTE CELL	6047		6047
H05- CRAIG WOOD GOLF COURSE CONSTRUCTION	52596.66	1573.8	54170.46
H06-TERMINAL BLDG			0
H07 RUN WAY REHAB			0
H08-AIRPORT MASTER PLAN			0
H09-APRON EXPANSION			0
H10-RSA IMPRV & RW 32 HLDNG BAY			0
RD03-THIEANOGUEN WAY ROAD DISTRICT			0
RD04-TAHAWUS WAY ROAD DISTRICT			0
SF1-FIRE PROTECTION DISTRICT #1			0
SF2-FIRE PROTECTION DISTRICT #2			0
SF3-FIRE PROTECTION DISTRICT #3			0
SP PARK DISTRICT	22428.47	24269.4	46697.87
SS21 CONSOLIDATED SEWER DISTRICT	22935		22935
SW1 SEWER DISTRICT #1	13940		13940
SW2 MCKENZIE			0
SW3 RAY BROOK	24900	618.28	25518.28
T TRUST & AGENCY		114.7	114.7
TE PRIVATE PURPOSE TRUST			0
Batch 1228-1232	240563.18	70267.47	310830.65
122110-122151; 122175-122220			

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Batch 999 (Payroll)	0	42245.81	42245.81
122067-122088;122152-122174			
Batch - HELD	4563.44	0	4563.44
112313, 120355, 121496, 121623			
DELETED VOUCHERS:			
122296			

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.

ADJOURNMENT

There being no further business to come before the Town board, Councilman Miller moved and Councilman Rand seconded the motion to adjourn the meeting at 8:05 pm.

Respectfully Submitted,

Laurie Curtis Dudley, Town Clerk