

TOWN BOARD MEETING

TUESDAY, DECEMBER 11, 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 Miller, Councilman Doty, Councilman Rand, and Laurie Curtis Dudley

Members Absent: Councilman Favro

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

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 on November 13, 2012 Board Meeting and the Joint Town/Village meeting of October 29, 2012.

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

BALSAMS LIFT STATION

Supervisor Politi –John Cranley has made a request for a return of escrow money for the Balsams sewer lift station. Cathy tells me it was \$8,725.15 with accrued interest and that he owes landfill charges in the amount of \$979.96 for the year 2010. Ron, I will give you this. I cannot find any reference to the escrow. It talks about the forming of the subdivision and so forth.

Councilman Doty – Roby, can you explain that to me? Was money put up front?

Supervisor Politi – There must have been money put upfront for the lift station for the Town to take it over.

Councilman Doty – Who would have made him put up the money?

Supervisor Politi –Likely, it was the Joint Review Board. Probably after discussions with Brad Hathaway and/or it could have been the Board as a condition for takeover of the lift station at a later date.

Councilman Doty – He had to build it and once we took it over then he gets the escrow?

Supervisor Politi – He built it and intended for the Town to take it over.

Attorney Briggs – I can't imagine why they would do this. At the end of the day, you won't take it over until it meets specs. You don't need money to secure that. We need to track down why that was posted.

Councilman Doty – Like the pipeline we went through, it gets prorated from the amount of time when it was built. We got some relief in that situation.

Attorney Briggs – We need to track this down to find out why it was required and the terms under which it was posted.

Councilman Doty – The part that doesn't sound right is that there was no preemption that we were going to take it over. He had to build it to service that development.

Supervisor Politi – It says here, and this letter was written to Bill Kissel and the Town Board in 2004 by John Cranley, that the water and sewer lines at the Balsams will be offered for dedication to the Town of North Elba and the Village of Lake Placid and have been designed with accordance with municipal specifications. In 2004 it must have been his intention and he Town Board was on record that he intended to try and make a dedication. In addition to that, 2005 he provided a cost breakdown of the sewer system to Bill Kissel as Attorney for the Town

TOWN BOARD MEETING

TUESDAY, DECEMBER 11, 2012

and included in this is a projected cost for the pump station with manholes, valve, a pit and mechanicals of \$50,147.

Attorney Briggs – I can call Bill Kissel and see.

Councilman Miller – How much was put into escrow?

Supervisor Politi – We have about \$8,700. I don't know if Kissel will remember back that far. It says here that the estimated cost for the lift station was \$67,500.

Attorney Briggs – The question is, why would the Town ask him to post any money?

Supervisor Politi – I don't know. There are a couple of issues; is he entitled to the money back? Did he fill the terms of the escrow agreement? Is the money that he has outstanding with the Town deductible from that?

Attorney Briggs – There is yet another issue. A couple of meetings ago you passed a resolution accepting the dedication upon receiving the proper legal documentation from their attorney. I don't have everything from Joe Peller yet. I wrote him on September 19th and detailed everything I needed from him. He responded to me on October 5th and gave me most of what I wanted and said I have requested legal and inventory of components from my client and will provide those to you on a separate cover. It was one of those items that I needed to do the dedication document. I have never received that.

Supervisor Politi – What did you need?

Attorney Briggs – I needed him to give me a specific detailing of the components that are in the lift station as well as the components going from the lift station out.

Supervisor Politi – Why would they know that? Why wouldn't Brad know?

Attorney Briggs - Whoever did the instillation would know.

Supervisor Politi- That was years ago. I think that Brad can tell you what is in it by looking at it.

Attorney Briggs – That is fine. I need to have that for the dedication. I thought it might be appropriate for the applicant's attorney to provide that to me.

Supervisor Politi – My guess is that the Balsam's HOA has no idea who put it in, when it was put in and probably the developer is not cooperating in terms of the specifications. Why don't you call Brad Hathaway to see if he can give you a summary statement as to the specifications? He can probably go to your office and tell you exactly what is in it.

Attorney Briggs – I will do that.

Councilman Miller – If we find out the money is his escrow and is entitled to it back, can we deduct what he owes us at the landfill?

Attorney Briggs – Absolutely, we can handle it by his agreeing to pay that upon receipt of the money. There's no force. He will just agree to do it. It will not be conditional.

Councilman Doty – Do you know who is petitioning for this money? Is it Cranley or the HOA?

Supervisor Politi – It was paid for by Cranley but it is a relevant question. We need to give it to the right person. The dedication is being made on behalf of the Balsams. I'm concerned about that.

Attorney Briggs – We do need to track that down before we give any money back.

TOWN BOARD MEETING

TUESDAY, DECEMBER 11, 2012

REC. TRAIL – PHASE I – RE-EVALUATION STATEMENT

Supervisor Politi – I received a Reevaluation Statement for the Lake Placid to Saranac Lake Recreation Trail Phase I from Chuck Damp that needs to be acted on by us and the Federal Highway Administration.

REEVALUATION STATEMENT

Lake Placid to Saranac Lake Recreational Trail Phase I
Trail Construction Project
Town of North Elba, Essex County
P.I.N. 1756.24

As a result of the lapse of more than five (5) years since the granting of Design Approval in October 2007, it has become necessary to reevaluate the project as written in the February 2007 Design Report. This reevaluation statement examined the current proposed project and any changes which have occurred since that time.

This reevaluation has been done in close coordination between New York State Department of Transportation (NYSDOT) and U.S. Department of Transportation Federal Highway Administration (FHWA) and in accordance with FHWA 23 CFR 771.129 Reevaluation, SEQR 17 NYCRR Part 15 Regulations, and NYSDOT Project Development Manual (PDM), Appendix 11. Based on this reevaluation, it is concluded that the original Design Report dated February 2007 and NEPA Class II evaluation was appropriate. The project qualifies for a Categorical Exclusion based on the responses to questions in the NEPA Checklist. Based on this reevaluation, it is concluded that the Lake Placid to Saranac Lake Recreational Trail Project (Phase I) would not be substantially different from the selected Alternative in the February 2007 Design Report and that it would not result in any new significant adverse impacts requiring new mitigation measures. Furthermore, the environmental analysis in the Design Report (DR) is still valid, up-to-date and complete. Therefore, the 2007 DR is still valid.

Design Report Approval Date October 2007

Supervisor Politi – This requires my signature as the Supervisor on behalf of the Town.

Councilman Doty – And that is Phase I. Was that \$1.2 Million?

Supervisor Politi – Derek, I don't know. I would have to go to my office. It doesn't outline that here.

Councilman Doty – The reason I ask is because ¾ of that money is gone.

Supervisor Politi – This here allows us to continue, I guess. It includes an environmental reevaluation checklist that has been put together by the Department of Transportation.

Councilman Doty – Basically what that says is Creighton Manning can pick up and continue forward.

Supervisor Politi – Chuck's note says, the attached item needs to be acted on as soon as possible.

Councilman Doty moved and Councilman Miller seconded the motion to approve the Reevaluation Statement for the Lake Placid to Saranac Lake Recreation Trail Phase I. There being no further discussion, the motion was unanimously carried by those present.

CHANGE IN TITLE HIGHWAY EMPLOYEE

Supervisor Politi – Larry has recommended an employee classification grade change for Adam Marshall. His current position is MEO and the new title position would be HEO. He wage is currently \$13.15 per hour and the new wage would be \$14.06 per hour. Per Article 37 agreement that was signed on November 19th. He has had two years experience as an MEO as of August 17, 2012. We discussed this at the Workshop.

Councilman Rand moved and Councilman Doty seconded the motion to approve the title change for Adam Marshall from MEO to HEO at \$14.06 per hour. There being no further discussion, the motion was unanimously carried by those present.

TOWN BOARD MEETING

TUESDAY, DECEMBER 11, 2012

Councilman Doty – I would like to make a note that Adam is good young blood that is good for the group. He has good energy.

RESOLUTION TRANSFER STATION RATE CHANGE

Supervisor Politi – Cathy has provided me with a resolution with regard to the Landfill.

WHEREAS the Town of North Elba Board approved the 2013 operating budget on November 13, 2012; furthermore the 2013 operating budget calls for a \$.01 per pound increase in tipping fees at the transfer station for loads weighing 100 pounds or more.

RESOLVED, effective January 1, 2013 that the tipping fees at the Town of North Elba Transfer Station is increased to \$.08 per pound for all loads weighing 100 pounds or more. The per pound rate equates to an increase from \$140.00/ton to \$160.00/ton. The minimum charge for all loads less than 100 pounds will remain at \$6.00.

Supervisor Politi – Do you want to discuss it, Gentlemen, or do you want to move it?

Councilman Doty – Our last big discussion was at budget time. The bottom line for us it means \$65,000.

Councilman Miller moved and Councilman Doty seconded the motion to approve the resolution for the transfer station rate change. There being no further discussion, the motion was unanimously carried by those present.

The rate change goes into effect January 1, 2013.

FUNDING FOR EMPLOYEE HEALTH SAVING ACCT.

Supervisor Politi – Cathy provided me with a resolution regarding the employee health savings account which we agreed to.

WHEREAS the Town of North Elba Board approved the offering of a high deductible health insurance plan to its employees on October 30, 2012; furthermore the premium cost for such a plan is significantly lower than the Simply Blue co pay plan also offered;

RESOLVED, effective January 1, 2013 that the Town of North Elba approves contributing a portion of the deductible to a health savings account on behalf of all employees enrolled in the high deductible health plan. The funding will be \$2,000 for a single employee enrollment or \$4,000 for a two-person or family enrollment.

Supervisor Politi – The projected increase on the 2012 current health insurance plan is approximately 17%. This option allows for the Town to see a projected savings of somewhere between \$982.51 and \$7,003.28 per member over a course of a year. This is something we have agreed to. The employees have already had a meeting. We need to pass this resolution. Cathy would then like us to discuss the advance funding of the employee share of the deductible.

Councilman Doty – Do you know how many of the employees went for it versus those that chose to keep the same.

Supervisor Politi – I think Cathy told me a majority of people went for it.

Superintendent Straight – She has to have their decision by tomorrow.

Councilman Miller – It is a \$7,000 savings for a family plan.

Supervisor Politi – The rage is between \$982.51 and \$7,003.28 per member depending on their situation, union vs. nonunion.

Councilman Miller – For a family on this plan is a savings of \$134 a month. This may enable more employees to be able to afford health insurance.

TOWN BOARD MEETING

TUESDAY, DECEMBER 11, 2012

Supervisor Politi – From what I gather, this is good both ways.

Councilman Doty – And there is nothing out of their pocket. That is a major difference.

Supervisor Politi – It is amazing that every year you have to get creative to find other ways to circumvent these astronomical increases. My business went up 15% this year. I was a claim, but I don't think the others had claims. It amazes me. Anyway, we need a resolution with regard to the offering of a high deductible health plan.

Councilman Doty moved and Councilman Rand seconded the motion to approve contributing a portion of the deductible to a health savings account on behalf of all employees enrolled in the high deductible health plan. There being no further discussion, the motion was unanimously carried by those present.

ADVANCE FUNDING EMPLOYER SHARE OF DEDUCTIBLE

Supervisor Politi – Cathy also sent you a note stating, I would like to recommend that the Town consider prefunding the employee share of the \$600 and \$1,200 with the requirement that the employee authorizes the Town to withhold said amount in equal deductions in his/her paycheck on a reimbursement basis to the Town. This is identical to what the Town currently does for all employees participating in the Flex Spending account for medical expenses. The downside here is as with the \$2,000/ \$4,000 funding that is deposited to the employee's health savings account at the first of the year, the additional prefunded employee share of \$600/\$1,200 would be also deposited at the first of the year. Once the monies are deposited in the employees' health savings account the money is theirs and the Town may not call back any of the funding. So if an employee decides to leave employment with the Town on February 1st or thereafter, the Town would be out said money. She said, please let me know if you are willing to approve a pretax deduction of the employee's share of the deductible, \$600/\$1,200 with the understanding the Town would front the funds and recoup the monies on a bi-weekly basis from the employee via their deduction.

Supervisor Politi – I did hear from Jack. He had no problem with it. When Cathy first told me I said I don't like the idea. I don't like the idea of people being out front of the Town. Then again, the whole system of \$2,000/\$4,000 works that way. It's kind of hypocritical to say I like this but don't like that because it is the exact same thing. Jack felt it was a good way to hold employees and show them that we are willing to fund the money because we have confidence in them.

Councilman Doty – We want to reinforce our workforce. So I agree.

Councilman Miller – I don't like the way it is setup but it is what it is. We don't have a choice. We don't lose many employees anyway.

Councilman Doty – It would have to be quite a situation for a person to leave something where they have medical strength sitting at the bank waiting for them. Where else do you go?

Supervisor Politi – Does someone want to make a motion to approve the prefunding of the employees share of \$600/\$1,200 with the requirement that the employee authorizes the Town to withhold said amount in equal deductions in his/her paycheck on a reimbursement basis to the Town?

Councilman Miller moved and Councilman Doty seconded the motion to approve on behalf of all employees enrolled in the high deductible health plan the prefunding of the employee share of \$600 and \$1,200 with the requirement that the employee authorizes the Town to withhold said amount in equal deductions in his/her paycheck on a reimbursement basis to the Town. There being no further discussion, the motion was unanimously carried by those present.

BUDGET AMENDMENTS

Supervisor Politi – The budget adjustments. They are lengthy because we are getting to the end of the year. It is mostly housekeeping and nothing comes from fund balance. The numbers in parenthesis are monies which are in different accounts that haven't been utilized which offset

TOWN BOARD MEETING

TUESDAY, DECEMBER 11, 2012

accounts which may be over appropriated. It runs from Highway to Youth Commission to Craigwood to Misc. expenses. It says supervisor dues and fees; they are throwing in my \$47.50. I don't know why she puts money in that account for me. I don't go anywhere.

General Fund:

| ACTION | ACCOUNT | DESCRIPTION | AMOUNT | VOUCHER NUMBER | ADDITIONAL INFO |
|----------|-------------|--|------------|---------------------------|---|
| INCREASE | A.1420.0451 | LAW.LEGAL FEES | 1,347.50 | 122429, 122430, JE 120330 | BRIGGS NORFOLK, HOLLY SANTSPREE COURT REPORTER PAID IN DECEMBER 2011 |
| DECREASE | A.1220.0463 | SUPERVISOR. DUES & FEES | (47.50) | | |
| DECREASE | A.1430.0459 | HUMAN RESOURCES. OTHER PROFESSIONAL SERVICES | (1,300.00) | | |
| | | | | | |
| INCREASE | A.1610.0462 | CENTRAL ADMIN. POSTAGE | 233.90 | 122672 | TOWN WIDE POSTAGE EXPENDITURE EXCEEDED BUDGETED AMOUNT OF \$10,000 IN NOV |
| INCREASE | A.6772.412 | AGING PROGRAM.GAS & DIESEL | 215.07 | 122718 | NOVEMBER GAS USAGE EXCEEDED BUDGETED AMOUNT OF \$3900 IN NOV |
| DECREASE | A.1620.0414 | TOWN HALL. OTHER CONSUMABLE SUPPLIES | (448.97) | | |
| | | | | | |
| INCREASE | A.9089.0910 | MANDATORY PHYSICAL EXAM | 102.00 | 122722, 122731 | MOUNTAIN MEDICAL & STANDARD MEDICAL FOR MANDATORY DOT TESTING |
| INCREASE | A.9950.0900 | INTERFUND TRANSFERS | 402.30 | 122542 | TISDALE & ASSOCIATES FOR ENGINEERING SERVICES FOR C&D EXPANSION PROJECT |
| DECREASE | A.9060.0800 | HOSPITAL & MEDICAL INSURANCE | (504.30) | | |
| | | | - | | |

Highway:

| ACTION | ACCOUNT | DESCRIPTION | AMOUNT | VOUCHER NUMBER | ADDITIONAL INFO |
|----------|--------------|--|-------------|----------------|-------------------------|
| INCREASE | DB.5110.0101 | HIGHWAY ROAD MAINT. & GENERAL REPAIRS PERSONAL SVCS | 11,004.65 | | PER PAYROLL NOVEMBER 21 |
| INCREASE | DB.5110.0103 | HIGHWAY ROAD MAINT. & GENERAL REPAIRS PERSONAL SVCS OVERTIME | 1,055.93 | | PER PAYROLL NOVEMBER 21 |
| DECREASE | DB.5142.0101 | SNOW REMOVAL/SWEEPIN G. PERSONAL SVCS | (11,004.65) | | |
| DECREASE | DB.5142.0103 | SNOW REMOVAL/SWEEPIN G. PERSONAL SVCS OT | (1,055.93) | | |
| | | | | | |
| INCREASE | DB.5112.0414 | PERMANENT | | 122620 | TOWN & COUNTY |

TOWN BOARD MEETING

TUESDAY, DECEMBER 11, 2012

| | | | | | |
|---|----------------|--|---------------|-----------------------|---|
| | | IMPROVEMENTS.OTHER CONSUMABLE SUPPLIES | 2,800.00 | | BRIDGE AND RAIL FOR WESVALLEY ROAD REPAIRS |
| DECREASE | DB.5142.0448 | SALT & SAND | (2,800.00) | | |
| | | | | | |
| INCREASE | DB.9060.0800 | HOSPITAL & MEDICAL INSURANCE | 1,624.51 | 122586 | EXCELLUS PREMIUM FOR DECEMBER EXCEEDED BUDGETED AMOUNT OF \$69,900 FOR 2012 |
| DECREASE | DB.9010.0800 | STATE RETIREMENT | (1,624.51) | | |
| | | | - | | |
| | | | | | |
| <u>TAHAWUS WAY ROAD DISTRICT</u> | | | | | |
| ACTION | ACCOUNT | DESCRIPTION | AMOUNT | VOUCHER NUMBER | ADDITIONAL INFO |
| INCREASE | RE04.5112.0106 | INFRASTRUCTURE | 1,800.00 | 122683 | KISSEL HOMEOWNER LEGAL FEES PER AGREEMENT |
| INCREASE | RD04.0000.5700 | PROCEEDS OF BONDS | (1,800.00) | | |
| | | | - | | |

Park District:

| ACTION | ACCOUNT | DESCRIPTION | AMOUNT | VOUCHER NUMBER | ADDITIONAL INFO |
|----------|-------------------|---------------------------------------|------------|---|---|
| INCREASE | SP.1331.0465 | YOUTH PROGRAM. SUMMER PROGRAM | 745.63 | JE 120321 | RECLASS REVENUE RECEIVED FROM YOUTH ATTENDEES FOR GREAT ESCAPE TRIP |
| INCREASE | SP.0000.2770 | MISCELLANEOUS REVENUES. YOUTH PROGRAM | (745.63) | JE 120321 | RECLASS REVENUE RECEIVED FROM YOUTH ATTENDEES FOR GREAT ESCAPE TRIP |
| | | | | | |
| INCREASE | SP.1350.0102 | CRAIG WOOD. PAYROLL TEMPORARY | 4,323.60 | | PER PAYROLL 10/25 & 11/8 |
| DECREASE | SP.7110.0102 | PARKS. PAYROLL TEMPORARY | (4,323.60) | | |
| | | | | | |
| INCREASE | SP.1350.414 | CRAIG WOOD.OTHER CONSUMABLE SUPPLIES | 1,433.78 | 122435,122436, 122438, 122487, 122489, 122494, 122495, 122601, 122604,122700, 122727 | ALL MISC. SUPPLIES PURCHASED SINCE 11/1/2012 |
| INCREASE | SP.1350.416 | CRAIG WOOD. GROUNDS REPAIR | 133.63 | 122690 | LAMB LUMBER |
| INCREASE | SP.1350.417 | CRAIG WOOD. EQUIPMENT REPAIR | 2,391.12 | 122493, 122496, 122498, 122499, 122500, 122501, 122502, 122503, 122504, 122505, 122602, 122634, 122703, 122704, 122705, | ALL MISC. SUPPLIES PURCHASED SINCE 11/1/2012 |
| INCREASE | SP.0000.2025.3280 | CRAIG WOOD DAILY FEES | (3,958.53) | | |
| | | | | | |

TOWN BOARD MEETING

TUESDAY, DECEMBER 11, 2012

| | | | | | |
|----------|--------------|---|------------|--------|---|
| INCREASE | SP.9950.0900 | INTERFUND TRANSFERS FOR AIRPORT CAPITALPROJECTS | 8,889.20 | | local share match of airport master plan and runway rehabilitation that exceeded 2012 budget amount of 165000 |
| DECREASE | SP.1990.0400 | PARK DISTRICT CONTINGENT ACCOUNT | (8,889.20) | | |
| | | | | | |
| INCREASE | SP.9060.0800 | PARK DISTRICT HEALTH INSURANCE | 8,853.25 | 122586 | EXCELLUS PREMIUM FOR DECEMBER EXCEEDED BUDGETED AMOUNT OF \$69,900 FOR 2012 |
| DECREASE | SP.1910.0800 | PARK DISTRICT STATE RETIREMENT | (8,853.25) | | |
| | | | - | | |

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

Supervisor Politi – Larry, how are things going in the Highway department? There haven’t been a lot of calls outs.

Superintendent Straight – They have been out sanding three to four times.

Supervisor Politi – You’ve got enough salt and got enough sand; all dressed up and nowhere to go!

MUNICIPAL ENGINEER CONSULTING AGREEMENT

Supervisor Politi – The Municipal Engineer Consulting Agreement has run out. Ivan has asked that we consider extending it for another year with the same terms and conditions. Nothing has changed. The rates have not changed. Since he is doing work for us at the Ray Brook Well, he would like to have some kind of agreement.

Councilman Rand – When it comes to engineering fees, the rates are very reasonable.

Councilman Rand moved and Councilman Doty seconded the motion to approve the Municipal Engineer Consulting Agreement with Ivan Zdrahal. There being no further discussion, the motion was unanimously carried by those present.

LIABILITY AND COMMERCIAL COVERAGE BIDS

Supervisor Politi – We put our insurance out for bid for 2013. We had two insurance companies review the bid, Rose & Kiernan and NBT. The low bid was received from NBT in the amount of \$56,385. Last year’s premium was \$64,347. Rose & Kiernan couldn’t compete. That includes property commercial, property general liability, Inland Marine, commercial automobile, public officers’ liability, and excess liability.

Attorney Briggs – The clause in the public officers liability include, where even though it is not an insured event, they will cover legal fees up to a certain amount. The Village had it in their policy in the Smoke Signals case. We did not. The Village insurance paid their council and you had to pay me. When it came to my attention, I talked to Roby about making sure our policy in the future has such a provision similar to the one that is in the Village policy.

Supervisor Politi – This just says Public Officials Liability. It is covered by Argonaut Insurance Company and the coverage is \$1 Million / \$2 Million. If we are going to approve this, we are going to approve subject to certain language approved by Ron.

Attorney Briggs – It is a specific clause. If you sew a public officer for a liability, we are covered of course. When you sew a public officer like the Code Enforcement Officer in an Article 78, we

TOWN BOARD MEETING

TUESDAY, DECEMBER 11, 2012

are not covered for that. However, the legal fees to engage in that case in the Village policy will not cover it but will provide legal costs and expenses up to a certain dollar amount. That is the kind of clause we want to make sure we have in our policy.

Councilman Miller – I apologize, but I don't understand.

Attorney Briggs – An insurance policy does two things; indemnifies for loss and provides the cost of legal defense. Often times an insurance company will say, we are going to reserve our rights whether we are going to indemnify you but we will pay the legal fees to fight the battle. If a judgment is filed against you for \$1 Million, we might be in a position not to pay you because it is not covered but we will pay the legal fees to fight the battle. In an Article 78, they are not looking for money from the Town; they are trying to force the Code Enforcement Officer to do or not do something.

Councilman Doty – In the example of code enforcement, because we are a Joint Town/Village Land Use Code could the case go through the Village only?

Attorney Briggs – They sew both the Town and the Village.

Supervisor Politi – We have that exact example happening now.

Attorney Briggs – That is correct. I haven't seen the paperwork yet from Janet. I spoke with you and Cathy about the importance of this about a year and a half ago. Cathy said it has been corrected. Let me speak to Cathy.

Supervisor Politi – We can approve this condition upon acceptance of the low bid and the language is acceptable to the Town Attorney with regard to public officer's liability coverage.

Councilman Rand moved and Councilman Miller seconded the motion to acceptance of the low bid from NBT subject to the language being acceptable to the Town Attorney with regard to public officer's liability coverage. There being no further discussion, the motion was unanimously carried by those present.

COMMITTEE REPORTS: HIGHWAY – SOUTH MEADOW LANE

Supervisor Politi – Larry sent me a note of certificate of necessity with regard to the road closing of Meadows Lane which is South Meadows Road off of the Adirondack Loj Road until May 1st. Is it a chained or boulders?

Superintendent Straight – We put jersey barriers across it and left enough room to allow cross-country skiers to go through.

COMMITTEE REPORTS: SKATE BOARD EQUIPMENT

Supervisor Politi – I was going to put on Old Business the skateboard park but I thought I would leave it out because the coverage is so good in Saranac Lake. It made no sense for us to get involved.

Councilman Doty – They reiterated tonight that they are going to pour concrete ones.

Councilman Miller – We can't even give it away.

Supervisor Politi – I am convinced it will be in Bob Miller's back yard!

COMMITTEE REPORTS: RAY BROOK WELL

Supervisor Politi – At some point we need to talk about the Ray Brook well. Brad said everything was going fine but I haven't seen results.

Councilman Doty – They needed 72 hour pump test so they can measure recovery. They are trying to determine if 72 hours of constant pumping affect the major well. They are 150 ft apart but they just want to check.

TOWN BOARD MEETING
TUESDAY, DECEMBER 11, 2012

Supervisor Politi – I'm sure Ivan will give us a report.

COMMITTEE REPORTS: JET FUEL

Supervisor Politi – You met with Steve Short regarding the Jet fuel and he would still like to do that although he is disappointed we are going down to 6,000 gal in size. I wasn't here when Ivan was here. We went through the engineering costs that were allocated for the jet fuel projects. They were already appropriated. Ivan has billed us. He appropriated for the jet fuel to be in a different location. Now that we decided nobody wants it there and we want it over by the Town Garage where the plow. We've gone to a 6,000 gal tank. It has to be reengineered. Unfortunately, it is required by the Feds. Has he told you the additional cost for engineering would be \$10 - \$15 thousand dollars?

Councilman Doty – His proposal was for \$16,000.

Supervisor Politi – I told him to hold off until we had a chance to talk and to talk to Steve. He told me that he had an opportunity to get a used system which would work fine. But I believe the Feds make you bid a new system. They make you spend more money even though there is something out there that would suffice. I am concerned about the cost. I am at a point where I am apprehensive to go forward and get into this project. When we get into the project, do we have a situation where we can't get jet fuel or the shelf life isn't good and it becomes a problem.

Councilman Rand – Jet fuel is pretty readily available according to Steve. It is no less complicated than other fuel.

Supervisor Politi – The problem is that you can't get a 6,000 gal tanker.

Councilman Rand – Sometime when it is coming back from Saranac Lake, he didn't express a lot of concern about deliveries.

Supervisor Politi – He said to me in the past that it is going to cost a lot more money for this jet fuel because he is getting only 6,000 gallons. I don't want the Town to pay.

Councilman Rand – We should have a contract with him if we are able to do this.

Supervisor Politi – If he is not then we shut it down.

Councilman Doty – Let's get Steve in here at our next work session because we know our grant is \$226,000 and we are down to \$200,000. If he found tanks from another FOB somewhere which is probably the deal, and it is a 9,000 gallon tank, maybe he can buy it for \$40,000 and we split the cost with him.

Supervisor Politi –The FAA requires we bid for the grant.

Councilman Doty – I'm just saying if we can find something out there without the grant.

Supervisor Politi – Why would we do that?

Councilman Doty – We would do it because we can recover from the gas sales over five years and pay for the damn thing.

Supervisor Politi – Steve is going to get the gas sales and if that is the case, I don't know if I want to do that.

Councilman Miller – What do we lose if we pull out now?

Supervisor Politi – They funded the engineering so we would have to pay the engineering, about \$35,000. It's not as if we haven't benefited from everything we've gotten at the Airport. We have a Million Dollar terminal for \$100,000.

TOWN BOARD MEETING

TUESDAY, DECEMBER 11, 2012

Councilman Miller – If we go forward, what is it going to cost us?

Supervisor Politi – That is my concern.

Councilman Miller - We have \$198,000 and we are thinking it will cost how much?

Attorney Briggs – The engineering is another \$16,000 and the low bid was \$226,000.

Councilman Rand – Can't this be part of C&S? Can't we tie this in?

Supervisor Politi – They aren't involved in this.

Councilman Doty – That's what I would do.

Supervisor Politi – The only thing we could do was to take Ivan out of the equation and try and put the engineering fees in the apron. We could ask C&S do both because they did the apron expansion right around the tank. I will talk to Doug Bauer about that. It may be possible. We have done it in the past.

Councilman Doty – We wanted to coordinate the two projects anyway.

Supervisor Politi – They need to be coordinated because without the apron expansion you can't get to the tank. Maybe I can talk to Doug and see what we can do. I also call Steve into the next workshop.

Councilman Doty – The only other thing to be concerned about is the setback distances from buildings.

Supervisor Politi – Doug has already looked at it. He told me that is where it should go so I don't think that's an issue.

Councilman Rand – I can't imagine more engineering costs.

COMMITTEE REPORTS: CRAIG WOOD

Supervisor Politi – Let's talk about Craig Wood.

Councilman Doty – Coming along fine. We are still in Phase I which the exterior stuff. Paving the parking lot and the septic system are part of Phase I but will be done in the spring. We hope to be talking about Phase II between Christmas and New Years. This involves interior renovations which primarily involves the expansion of the kitchen to allow for more group parties and upgrading the dining room. Certainly in scope very minimal compared to the outside work. We have added 25% to 30% more deck and the materials which are maintenance free and are designed to be pressure washed and easily cleaned. The crew that is doing the work have been on schedule. They should have the roof to the new tower that will house the elevator closed in mid next week. Tomorrow we meet with Bay State Elevator to confirm all the specs before the elevator is ordered.

Supervisor Politi – I went out and it's nice.

Councilman Doty – We made changes that we didn't see in the very beginning. All of entrances had different levels so we weren't ADA compliant. If someone went there for a party, they would have had a hard time accessing the building. We will not only have an elevator to the 2nd floor but will have an ADA ramp that will allow them to go to the bottom floor for the gift shop or pro shop.

Supervisor Politi – In the past, a wheelchair couldn't get to the 2nd floor. They had to get out of the wheelchair, get into a lift and someone had to carry the wheelchair up. Now the person can go right up the ramp, onto the deck and into the elevator. It's really nice.

TOWN BOARD MEETING

TUESDAY, DECEMBER 11, 2012

Councilman Doty – A considerable amount of work is in kind which is saving a lot of money. The Craig Wood crew has been unbelievable; they have done a lot of the excavation work, they have help with pouring the cement, digging the sonotubes, the Village ran a new line for service...

Supervisor Politi – It has been a community effort but it has also been a Derek Doty effort.

Councilman Doty – Everyone is doing their part. We have a lot of pieces to the pie. There is a new excitement out there.

Supervisor Politi – It is nice to go out there. Lynn and the guys are real excited. You are absolutely right. I remember a time when Larry paved the road and it changed the whole attitude.

Councilman Doty – Build it and they will come!

TOWN ATTORNEY REPORTS

Attorney Briggs – I have nothing.

Councilman Miller – After the meeting, I want to ask you for an update on the Cranley cases.

Attorney Briggs – I received this packet tonight in my box. Once we file and serve, Judge Dietrich will pick a return date. I have asked Jim to get the photographs.

ESSEX COUNTY UPDATE

Supervisor Politi – Essex County passed the budget. It was the toughest decision. It was one of the few times I voted for something and then afterwards thought, did I do the right thing. I could have voted either way and felt badly either way. I know the situation with the fund balance but I felt that the economic times are such that there is a real need right now, especially in the state. People are tired of high taxes. The thing that really reduced the amount of the budget was the money coming from FEMA and quite frankly, none of us were aware of it.

Attorney Briggs – How did it come up?

Supervisor Politi – Someone said, what are we going to do with the FEMA money? A light went on, on yeah. It's anticipated revenue. The problem with FEMA money is that you don't know if you are getting it or not until you get it. It has been blue booked and we just wait for the check. There could be some delay with everything that is going on with Sandy. We have \$10 million in the fund balance and we are using \$4 million. We start the second year with \$6 million. The County Manager did not take into account for the potential Horace Nye sale monies of \$4 million and the FEMA \$2.8 million which puts us back into the fund balance position we are now.

Councilman Miller – Isn't that just moving this year's problems?

Supervisor Politi – In some ways it is however there are a lot of things that were included in there. It wasn't a full amount of anticipated revenue from the tax sale. Whether the tax sale occurs or not and if you know you are going to lose your property there are two things that are going to happen, either it will be sold in auction and the county is going to get the money or you are going to pay the taxes. In most cases people pay their taxes and that revenue is not in there. It comes down to, does \$2.8 million going to make a difference in the fund balance. The answer is more efficiently managed government; cutting personnel, combining jobs, do it better. That is the answer. Scozzafava said and he is right, the easy thing to do is just raise the taxes. But that doesn't solve the problem of how we are managing our government. We didn't have any department head meetings there at all until just last week. It is no different than our monthly workshops. If Cathy says Larry has an extraordinary amount of overtime for a period, what do we do? When Larry is at the Workshop we can discuss what we need to do.

Councilman Miller – So the answer is not to raise taxes but to cut spending to have a more efficient government? We're only talking about the County, right?

TOWN BOARD MEETING

TUESDAY, DECEMBER 11, 2012

Councilman Doty – Does that sound a little bit like our government?

Supervisor Politi – I will tell you that I don't think the County is so poorly run as the State is so poorly run. It's easy for the State Government to say we have a balanced budget when in fact when they are over in area like Medicaid and instead of given the Counties the \$1 million we are going to keep the \$1 million and tell the county they will have to do it. That makes the legislators look great but it doesn't help our government or the county government. Dan Palmer leaving was probably a result of the fact that we took the budget from one number to another number which he thought was too much. I don't think we should never have started at 26% but the number should have been a lot lower. With our budget, Cathy comes in with the tentative budget at 18% and it's based upon the Departments wanting to do this and that.

Councilman Doty – It is always based on the previous year.

Supervisor Politi – It's the previous year plus what we would like to have. I said to Dan that he had \$1 million in expenses for equipment. Why does this department head need a new truck and why do we need to build a \$150,000 maintenance building facility when we have it. I found about \$550,000 that doesn't make sense and he agreed with me and cut it out. Why didn't we cut it out to begin with? It causes an artificially inflated number. Without the \$2.8 million the number goes back up to 20+%. The county is going to have financial issues this year and the next year and the next year unless they start cutting. The jail is a real problem. The department of corrections comes in and says you must have 67 employees. It doesn't mean we have to have 15 Sergeants and 6 Majors. We could have 21 soldiers. It is good that all of the Supervisors recognize the fact that we need to do something. We need to pay attention. The County Manager will be gone and we might have an Administrative Assistant but we are going to be making the decisions. The County Manager speaks and the Board of Supervisors does what they want. Dan has done a great job but I understand how he got frustrated with it. Even the bad is an opportunity. When the markets are down in real estate we know it is an opportunity. It's the way it is and you make the best of it. Cancer was an opportunity. You have to look at things differently. It is going to force the Board of Supervisors to look at the fiscal position of the County differently.

APPROVE AUDITS AS PER AUDIT #'S

Supervisor Politi asked for a motion to approve the audits.

| TOWN OF NORTH ELBA | | | |
|---|-----------|----------|-----------|
| CLAIMS APPROVED FOR PAYMENT 12/11/12 | | | |
| | Regular | Prepaid | Totals |
| A FUND GENERAL FUND | 81439.94 | 33763.3 | 115203.24 |
| DA FUND TOWN WIDE HIGHWAY | 0 | 0 | 0 |
| DB FUND TOWN OUTSIDE VILLAGE HIGHWAY | 20100.85 | 10260.36 | 30361.21 |
| 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 | 0 | | 0 |
| H05- CRAIG WOOD GOLF COURSE CONSTRUCTION | 80421.79 | 930 | 81351.79 |
| H06-TERMINAL BLDG | | | 0 |
| H07 RUN WAY REHAB | 781044.52 | | 781044.52 |
| H08-AIRPORT MASTER PLAN | 7179.52 | | 7179.52 |
| H09-APRON EXPANSION | | | 0 |
| H10-RSA IMPRV & RW 32 HLDNG BAY | | | 0 |
| RD03-THIEANOGUEN WAY ROAD DISTRICT | | 5359.2 | 5359.2 |
| RD04-TAHAWUS WAY ROAD DISTRICT | 1800 | | 1800 |
| SF1-FIRE PROTECTION DISTRICT #1 | | | 0 |
| SF2-FIRE PROTECTION DISTRICT #2 | | | 0 |
| SF3-FIRE PROTECTION DISTRICT #3 | | | 0 |
| SP PARK DISTRICT | 22371.35 | 13961.18 | 36332.53 |
| SS21 CONSOLIDATED SEWER DISTRICT | 6051.13 | | 6051.13 |
| SW1 SEWER DISTRICT #1 | 0 | | 0 |
| SW2 MCKENZIE | | | 0 |

TOWN BOARD MEETING
TUESDAY, DECEMBER 11, 2012

| | | | |
|--|------------------|-----------------|------------------|
| SW3 RAY BROOK | 0 | 73.8 | 73.8 |
| T TRUST & AGENCY | | 85.36 | 85.36 |
| TE PRIVATE PURPOSE TRUST | | | 0 |
| Batch 1228-1232 | 1000409.1 | 64433.2 | 1064842.3 |
| 122544-122548; 122582-122587; 122589-122617; 122619-122643 | | | |
| 122671-122732 | | | |
| | | | |
| | | | |
| Batch 999 (Payroll) | 0 | 41362.48 | 41362.48 |
| 122549-122581; 122644-122670 | | | |
| | | | |
| | | | |
| Batch - HELD | 4835.44 | 0 | 4835.44 |
| 112313, 120355 | | | |
| | | | |
| DELETED VOUCHERS: | | | |
| 122618, 121623 | | | |
| | | | |
| OMITED VOUCHERS: | | 2646.87 | |
| 122588 GUARDIAN DENTAL | | | |

Councilman Doty moved and Councilman Miller seconded the motion to approve the audits as written and presented. There being no further discussion, the motion was unanimously carries by those present.

PRESS QUESTIONS

Transfer Station

Chris Morris – The \$65,000 at the transfer station, is that additional anticipated revenue?

Supervisor Politi – We build it in the budget as anticipated revenue as a result as an increase in the cost per ton.

Ted Morgan – What is that going to cost the average contractor a year? What does \$65,000 mean to the average person?

Supervisor Politi – It is an additional .01¢ for over 100 lbs. \$140 to \$160 per ton so 10 ton is \$1,600 or \$20 more per ton. 20,000 lbs of garbage will cost an additional \$200.

Councilman Doty – It’s minimal.

Brown Dog/Peter Day

Chris Morris – Ron, the Article 78 you were talking about, is it the Brown Dog?

Attorney Briggs – The one I was trying to draw an example was about two years ago when they wanted to build a boathouse behind the Staltz Boat house.

Chris Morris - I have heard a lot about this issue at the Brown Dog.

Attorney Briggs – That is a new case. Janet Bliss has the paperwork and is sending me a copy. I talked to her today.

Supervisor Politi – They didn’t file an Article 78. The tenants hired an attorney and sought a Temporary Restraining Order. Muller was not sitting and they went to a judge in Saratoga which is returnable back to Muller. He came back to court on Friday and overturned the TRO and told Jim Morganson to go ahead and enforce the demolition. The Brown Dog tenants seem as though they are caught up in a bad situation.

TOWN BOARD MEETING

TUESDAY, DECEMBER 11, 2012

Attorney Briggs - The Brown Dog is a tenant. The struggle is between the owners of #1 Main Street and Peter Day who owned the property and is a landlord for Brown Dog.

Supervisor Politi – It is my understanding that they had a common stairway between the two buildings which was unsafe when one building was torn down. Peter day has been asked to correct the problem and it is my understanding that he has refused to do it.

Attorney Briggs – The stairway was connected to the two buildings, and when one building goes down it is hanging without support.

Councilman Doty – And it is a fire escape.

Attorney Briggs – It is a fire escape and the Code Enforcement Officer asked him to shore it up or if he doesn't then to take it out. That is where the issue is.

County Manager

Chris Morris – On the subject of the County Manager, do you know what direction the Board is going to take?

Supervisor Politi – Do we want a County Manager or an Administration Assistant to work with the Board on fiscal matters and policy and procedures? The County Manager may feel one way and the Board may vote another way. The County Manager should be a guy who recommends and said you do whatever you want. They have been unsuccessful with county managers for many years because they get fed-up. Maybe we would be better served if we had an Administrative Assistant. My guess is that they will send out an RFQ seeking qualifications of somebody who is capable of a county manager's job but will call it a different position.

ADJOURNMENT

There being no business to come before the Town Board, Councilman Doty moved and Councilman Rand seconded the motion to adjourn the meeting at 8:15 pm.

Respectfully Submitted,

Laurie Curtis Dudley
Town Clerk