

TOWN BOARD MEETING

TUESDAY, FEBRUARY 12, 2013

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: Ron Briggs, Larry Straight, Chris Morris, Ted Morgan, Dean Dietrich

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 to approve the minutes of the 2013 Organizational Meeting and Board Meeting on January 8, 2013.

Councilman Favro 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.

ZONING MODIFICATIONS –

Supervisor Politi - I have Zoning Modifications later in the agenda but since you are here, Dean, I'll put you on first. I want to make sure you can get home to listen to the Democratic speech tonight.

Dean Dietrich – This is a process we started in January of 2012 and it fell through the cracks. The new Land Use Code was adopted in January 2011. The TSE was told to wait a year and review the amendments that needed to be done. The TSE met in January 2012 and I came to you in February and the Village Board in March. I presented this document to you at that point and time. *(Modification documents are on file in the clerk's office)*

Supervisor Politi – I don't know how it got dropped.

Dean Dietrich – I don't know either. It was a question of everyone thought someone else was responsible so no one was responsible perhaps. The TSE is basically disbanded now so it was not on my front burner either. The first and second page is what I had presented to you. I wrote a letter to Tim Smith regarding the small differences between the Town Board and the Village Board. The final two pages is legal language from Tim Smith, Attorney for the Review Board. He reduced the suggestions to language. If you would like me to go over these suggestions, I can or just move forward with a Public Hearing.

Notice of Violation

Supervisor Politi – The only ones that are of concern are those with differences between the Village and the Town. One was the elimination of the 30 day time period for enforcement.

Dean Dietrich – If you look at the memo, it is the second bullet section 10; should any discretionary time period for enforcement be included. Tim handled that which is his section 10; “the owner of such other responsible person(s) shall correct such noncompliance immediately or within such time as the Enforcement Officer may provide in a Notice of Violation.” He said to maintain some prosecutorial discretion. That would be subject to discussion.

Attorney Briggs – I have a problem with things that are vague. It creates an opportunity for confusion.

Supervisor Politi – We would like to see a time period. The Village wanted 10 days?

Dean Dietrich – It was so long ago. I would have to go back to my notes. My suggestion would be for both the Town and Village should be together on that when you go to a Public Hearing.

Supervisor Politi – What would you like to see for time? Five days, ten days, zero days?

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Dean Dietrich – I can't speak for the TSC. Prosecutorial discretion always exists whether it is explicit or not. If you don't have it in there, you have prosecutorial discretion whether you want it or not. If you want to leave it out, you cannot have a time period.

Attorney Briggs – If I am the offender and I look at Section 10, more often than not, there will be no date in the notice. It will say, do it. If it says, within such time period as the enforcement may provide. I would argue that if it is not in the notice of violation, then I don't have a time period. It creates a problem.

Dean Dietrich – If you take that out then you're ok. Right now you have 30 days. A problem with that is with temporary signs which generally the event is over in 30 days. People play that game.

Attorney Briggs- What if we put a clause that says, it needs to be done immediately unless it can't be done immediately. I would rather that they would come into compliance immediately unless it is impracticable.

Supervisor Politi – Why bother put in Impracticable. If it is impracticable then they can come to the Judge and say it's impracticable.

Councilman Doty – Put the period after “immediately”.

Attorney Briggs – Absolutely, that is my recommendation to the Town Board.

Dean Dietrich – the best time to do that is at a Public Hearing.

Supervisor Politi – So there is one. What are the other two changes?

Maps: C2 District Correction

Dean Dietrich – The other was the mapping change which is on page 2. I did the map and it was basically a screw-up. I drew the line incorrectly. The two lines through Greenwood Street and part of Hillcrest were in a C2 District and should have been kept in a Commercial District. The Town had no trouble with either section. The Village Board had a little problem with the one by St. Agnes. No one had trouble with the Nash Road section. The old C2 District was there and it makes sense to keep it there.

Supervisor Politi – It is logical to go back to the C2. All those before the park make sense to me that they would be commercial anyway.

Dean Dietrich – It would be better if I hadn't moved it in the first place! I was just zooming in and zooming out and just followed the wrong boundary.

Real Estate Signs

Dean Dietrich – Section 5 had to do with real estate signs during the winter. There are some real estate signs that started to pop up after we wrote the code that look mail box shaped. They are esthetically pleasing and work better in the snow. The question was whether to have allowed two posts for the sign. The Town was on board with the Code Enforcement Officer and they wanted the Review Board to have digression regarding the approval.

Councilman Miller – You may have that backwards. I think we discussed Bill Hurley's group would be the ones making the decision and then the Code Enforcement Officer would enforce it.

Dean Dietrich – I don't have my notes. I could have it backwards. I'm an old man and it was over a year ago.

Supervisor Politi – It makes sense to have the Joint Review Board approve signs. We had an issue with Ledger's sign. It went in front of the Board. They made a decision and I can live with it.

Dean Dietrich – That is one sign. What we are talking about here is a lot of different signs.

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Supervisor Politi – The reason they allowed that sign is because they would rather one sign than one on each house within.

Dean Dietrich – I agree. The question might be slightly different because it is what kind of sign can a realtor put out. We want to avoid getting approval for every sign a realtor puts out.

Councilman Miller – I thought we did have a definition that they could be so many square feet and under six feet in height. If it fits into that then you don't go to the JRB.

Dean Dietrich – Would they have to go to the JRB for every sign that is higher?

Supervisor Politi – It would not be every sign. It would only be in certain situations where it is a problem. I think that everyone of our signs works. These are primarily large identification signs.

Dean Dietrich – When we wrote the code, we went around and measured the real estate signs. Then a new sign appeared and it works. Why prevent the new sign that works. They invested in it while the new code was in the works. Why penalize them for it. It was a time frame issue.

Section 4: Attorney Smith

Attorney Briggs – Going to Section 4, the paragraph ends [to be completed]. What is the inking?

Dean Dietrich – Right now, a non-conforming building cannot be enlarged. You can't change the bulk of a non-conforming building. You cannot go up or build across two dormers.

Attorney Briggs – It seems to suggest that we need to define the non-conformity when it comes to setbacks. It says [to be completed].

Dean Dietrich – You can increase the non-conformity to the setback but no more than that.

Public Hearing

Dean Dietrich - We had worked our way through this all the way up to the public meeting and there was no public meeting.

Supervisor Politi – Are you going to meet with the Village or not?

Dean Dietrich – I am scheduled to meet with them on March 16th. I think it's important to get it out of the way before the next construction season. I'm just reminding you that the process fell apart and we want to get it rolling again. You may want to schedule a Public Hearing that takes place in a quicker time frame.

Supervisor Politi – there is no reason we can't schedule a Public Hearing for later in March. They need 10 days to advertize. We could do it the last week in March. When you meet with them, you might recommend the possibility of having a Public Hearing the last week in March.

Dean Dietrich – I am sorry this fell through. You can cut my pay!

Supervisor Politi thanked Dean Dietrich for everything that he has done.

APPROVAL M&H COMMUNITIES AND ALDI SETTLEMENT

Supervisor Politi asked Attorney Briggs to talk about the settlement cases.

M&H Communities

Attorney Briggs – As everyone probably recalls, M&H Communities (Cascade Acres Trailer Park) has had tax certiorari cases pending against the Town starting back to 2006. It has been pending for eight years. There had been negotiations ad nauseam over a long period of time and the proposed settlement reflects the Town's position that it does not make refunds but rather the savings that you would get by a reduction would be prospective by reducing the assessments in the future to generate in savings in future tax bills that which you would have received in a refund by reason of a settlement.

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Supervisor Politi – That is primarily for the school. It is good for the Town but the County pays and they have to get the money to give it back. In the case of the school, they don't have any money.

Attorney Briggs – In this particular case, the agreed final value will be \$3 Million. In 2006 we had it valued at \$5 Million and 2007; \$5.6 Million, 2008; \$6.4 Million. Those are all being discontinued. The settlement proposal that was before the Town Board now was negotiated by Hacker & Murphy. The 2006 to 2011 tax years are discontinued. The 2012, 2013, 2014 Assessments will go to \$250,000 which is what it needs to be reduce to in order to generate in savings what they would have been entitled to in refunds.

Councilman Miller – How much money is it?

Attorney Briggs – Cathy Drobny prepared a spreadsheet which explains it. 2006 to 2008 adds up to about \$82,000 of liability. 2009 to 2012 would be another \$26,000. 2012 to 2013 looks like that is an additional \$50,000. The numbers are significant in terms of what we would have had to pay in refunds.

Supervisor Politi – Even though the Assessment is reduced substantially, it will change immediately at the end of the term. It is only to save the taxpayers from having to come up with the money. The school would also have to come up with a lot of money.

Councilman Doty – How many years does it take to bring it back?

Attorney Briggs – 2014 and 2015 the Assessment will be reduced and by 2016 the Assessment will be up to \$3 Million.

Supervisor Politi – This was the settlement decision before Judge Muller. Unfortunately we would have had to try it and there is a lot of risk. This is a way to save money and get the Assessment back up at some point. Rather than the tax payers have to come up with cash, that particular entity makes up the savings over a two year basis and then go back to where it should be.

Councilman Doty – Do we have to add a person to help Kimball assess that?

Supervisor Politi – No we don't.

Councilman Miller – Does it say what number it goes up to once we are done?

Attorney Briggs – In 2016 it goes to \$3 Million and then the following year it goes back to fair market value.

Supervisor Politi – These are not easy cases. It is a good settlement. The Whiteface Lodge case clobbered the school. They can't afford to do that in these times.

Aldi, Inc.

Attorney Briggs – Aldi is the second matter that is before you to be settled. It was also negotiated in front of Judge Muller. They have years pending from 2008, 2009, 2010, 2011 and 2012. They are going to discontinue the cases pending from 2008 to 2010. 2011 is reduced to \$1.5 Million from \$2,327,000. The feeling is that the real value is about \$1.5 Million. We have agreed that in 2013, 2014 and 2015 the Assessment will not go above \$1.5 Million. In 2016 the assessment can go above \$1.5 Million.

Attorney Briggs – Both settlements need to be approved by the Board so Hacker & Murphy can sign the Stipulation of Discontinuance and Settlement.

Councilman Favro moved and Councilman Rand seconded the motion to approve the tax settlements for M&H Communities and Aldi, Inc allowing Hacker & Murphy to sign the Stipulation and Discontinuance of Settlement. There being no further discussion, the motion was unanimously carried.

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IRONMAN RACE APPROVAL

Supervisor Politi – I have a request from Greg Borzilleri on behalf of Ironman Lake Placid World Triathlon Corp. They would like North Elba's permission and support for the running of the 15th annual Ironman scheduled for Sunday, July 28, 2013. They are expecting 2400 plus athletes. They will be working with the State Police as well as Emergency Service and Department of Transportation. They will provide adequate insurance information. They would like for the record a resolution of support and a resolution of permission to utilize the roads within the Town of North Elba.

Councilman Rand moved and Councilman Doty seconded the motion to approve a resolution of support as well as a resolution granting permission to utilize the roads within the Town of North Elba for the 15th Annual Ironman scheduled for July 28, 2013. There being no further discussion, the motion was unanimously carried.

ROAD NAMES APPROVAL

Supervisor Politi – I have a request from Brad Jacques who has been working with North Country School and the Essex County Data Collectors to name roads on the North Country School Property. They would like to have the following street names; "Northcountry School Way" (Note Northcountry will be one word to avoid showing direction), "Treetops Way", "Bob Bliss Way" and "Sheepback Way" It has been approved by Essex County and the Lake Placid Fire Department. We need a resolution supporting these road names.

Councilman Miller moved and Councilman Favro seconded the motion to approve a resolution in support of the follow street names; "Northcountry School Way", "Treetops Way", "Bob Bliss Way" and "Sheepback Way". There being no further discussion, the motion was unanimously carried.

ESSEX CO. SNOW & ICE CONTRACT AND MAINTENANCE OF COUNTY ROADS

Supervisor Politi – I have a copy of the Agreement for Control of Snow and Ice on County Roads. The County agrees to pay the Town the sum of \$5,435.19 per mile. It is acknowledged between the parties that there are 16.11 miles of County road. The total compensation to be paid by the County to the Town during the year of 2013 shall be \$87,560.91 with the sum to be paid in three installments of \$29,186.97. I also have a copy of the Agreement for Maintenance of County Roads. Pursuant to Highway Law, the Town agrees to perform general maintenance services on County roads within and adjacent to the Town. The Town agrees that in providing and performing such services the Town shall furnish and/or make available to the County employees. The County agrees to compensate the Town based upon actual cost of the Town to provide and perform such services. They are the same contracts as in the past. They have been approved by Larry Straight. I need a resolution allowing me to sign the agreements.

Councilman Rand moved and Councilman Favro seconded the motion to approve a resolution for the Agreement for Control of Snow and Ice on County Roads and Agreement for Maintenance of County Roads.

Councilman Doty – Are there different County rates for different towns? The Town of North Elba has ten times the amount of traffic?

Supervisor Politi – They will probably tell you that County roads are used a lot more than our roads. I am more concerned that everybody is treated the same.

Councilman Doty – In a snowstorm and the Town is packed, Larry gets to the end of one road and they have to turn around and do it again.

Supervisor Politi – They would say, regardless of the number of people utilizing the roads they have to be plowed. If it snows, they have to plow three times whether there are 5,000 people on the road or 50.

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

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TNE CONTRACT WITH ACAP

Supervisor Politi – I got a request for a contract to be signed between the Town of North Elba and the Adirondack Community Action Program. This is the contract for the use of our facilities. It is a rental maintenance agreement for the senior citizens. The rent is \$160 per month. It is basically a free-be they can put on a program to support senior citizens.

Councilman Miller – Are they funded by the County?

Supervisor Politi – They are an agency of the County. Unless someone has a problem, I will sign this to allow the program to continue. It is the same as it has been for a long time.

Councilman Rand moved and Councilman Doty seconded the motion to approve the contract with ACAP. There being no further discussion, the motion was unanimously carried.

RAGNAR RELAY APPROVAL

Supervisor Politi I got a request for permission for the Ragnar Relay to return to Lake Placid on Sunday, September 28, 2013. They are seeking permission from the Town of North Elba to run through the North Elba Park District. They used River Road. They are sanctioned by the US Track & Field. They will provide us with a certificate of insurance. It was a very popular event last year. It is about a 200 mile running relay of 36 relay legs from Saratoga to Lake Placid.

Councilman Rand moved and Councilman Miller seconded the motion to approve the Ragnar Relay request. There being no further discussion, the motion was unanimously carried.

Councilman Doty – Is this the year Ironman is changing the hub to the big parking lot?

Supervisor Politi – They are talking about that for next year. This year it is at the oval.

BUDGET AMENDMENTS

Supervisor Politi – Cathy sent all of you copies of the budget adjustments. It is end of the year. The Unemployment Insurance was over budget between October and December that is to be made up by excess funds in the Budget. There was an additional \$1,769.97 for Professional Services for Ivan Zdrahal. The primary expense was for \$82,390.84 for the drilling of the new well in Ray Brook to be paid from Fund Balance.

Councilman Miller – Can you remind me how we went over on the Unemployment Insurance? It is based on quarterly bills and it is based on experience so we had more usage by seasonal employees in the Town?

Supervisor Politi – I don't remember exactly. A lot of times it is an estimate and they calculate a number at the end of the year.

Councilman Favro – Unemployment benefits were extended because of the law.

Supervisor Politi – I do remember Cathy telling me; because they extended the benefit we didn't have enough money to cover it.

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FEB 2013 Board Meeting Budget Amendments
 FOR CLAIMS PAID THROUGH FEB 12 2013 POSTED IN 2012

General Fund:					
ACTION	ACCOUNT	DESCRIPTION	AMOUNT	VOUCHER NUMBER	ADDITIONAL INFO
INCREASE	A.1310.444	BUDGET OFFICE. CONTRACTS & AGREEMENT	198.00		RECOGNIZED PREPAID EXPENSE FROM 2011 FOR KVS SOFTWARE SUPPORT
INCREASE	A.1610.413	CENTRAL ADMIN. OFFICE SUPPLIES	86.70	122838	STAPLES BUSINESS ADVANTAGE FOR W-2S
INCREASE	A.9050.0800	UNEMPLOYMENT INSURANCE	5,708.01	130033	UNEMPLOYMENT INSURANCE OVER BUDGET FOR 10/1/12-12/31/12
INCREASE	A.9089.910	MANDATORY PHYSICAL EXAM	255.00	130108	MANDATORY HEARING TESTS FOR EXPOSURE CLASSIFICATION PER STATE LAW
DECREASE	A.9030.0800	SOCIAL SECURITY	(6,247.71)		EXCESS FUNDS IN BUDGET
			<u>(6,247.71)</u>		
Highway Fund:					
ACTION	ACCOUNT	DESCRIPTION	AMOUNT	VOUCHER NUMBER	ADDITIONAL INFO
INCREASE	DB.5130.0419	MACHINERY.UNIFORMS	57.88	130002	DEC 2012 UNIFORM EXPENSE
DECREASE	DB.5110.442	GENERAL REPAIRS. EQUIPMENT RENTALS	(57.88)		EXCESS FUNDS IN BUDGET
			<u>(57.88)</u>		
C&D EXPANSION CAPITAL PROJECT					
ACTION	ACCOUNT	DESCRIPTION	AMOUNT	VOUCHER NUMBER	ADDITIONAL INFO
INCREASE	H04.9901.444	CONTRACTS & AGREEMENTS	602.80	121920	TOWN HIGHWAY PURCHASE OF CULVERTS AND CRUSHER RUN FOR EXPANSION PROJECT DATED 8/15/12
INCREASE	H04.0000.2401	INTEREST & EARNINGS	(1.02)		EXCESS FUNDS IN BUDGET
INCREASE	H04.0000.5031	INTERFUND TRANSFERS	(402.30)		EXCESS FUNDS IN BUDGET
DECREASE	H04.8160.444	CONTRACTS & AGREEMENTS	(199.48)		EXCESS FUNDS IN BUDGET
			<u>(199.48)</u>		
Park District:					
ACTION	ACCOUNT	DESCRIPTION	AMOUNT	VOUCHER NUMBER	ADDITIONAL INFO
INCREASE	SP.1347.416	TOBOGGAN SLIDE GROUNDS REPAIR	27.10	130231	LAMB LUMBER FOR SEALANT FOR WOOD
DECREASE	SP.1350.416	CRAIG WOOD. GROUNDS REPAIR	(27.10)		EXCESS FUNDS IN BUDGET
			<u>(27.10)</u>		
Ray Brook Water					
ACTION	ACCOUNT	DESCRIPTION	AMOUNT	VOUCHER NUMBER	ADDITIONAL INFO
INCREASE	SW3.8320.459	OTHER PROFESSIONAL SERVICES	1,769.97	130031	IVAN ZDRAHAL PROFESSIONAL SERVICES RENDERED 12/3/12-12/31/12
INCREASE	SW3.0000.2140	METERED SALES	(857.43)		EXCESS FUNDS IN BUDGET
INCREASE	SW3.0000.2401	INTEREST AND EARNINGS	(201.94)		EXCESS FUNDS IN BUDGET
DECREASE	SW3.0000.0962	BUDGETARY PROVISIONS FOR OTHER USES	(670.60)		EXCESS FUNDS IN BUDGET
DECREASE	SW3.8310.0463	DUES & FEES	(40.00)		EXCESS FUNDS IN BUDGET
			<u>0.00</u>		

FEB 2013 Board Meeting Budget Amendments
 FOR CLAIMS PAID THROUGH FEBRUARY 12, 2013

Park District:					
ACTION	ACCOUNT	DESCRIPTION	AMOUNT	VOUCHER NUMBER	ADDITIONAL INFO
INCREASE	SP.1357.417	AIRPORT. EQUIPMENT REPAIRS	310.46		VOUCHER 130102 OVER QUOTE \$100.75; VOUCHER 130181 OVER BUDGET \$209.71
DECREASE	SP.1990.400	CONTINGENT ACCOUNT	(310.46)		
			<u>(310.46)</u>		
Ray Brook Water					
ACTION	ACCOUNT	DESCRIPTION	AMOUNT	VOUCHER NUMBER	ADDITIONAL INFO
INCREASE	SW3.8320.0459	RAY BROOK OTHER PROFESSIONAL SERVICES	82,390.84		IVAN ZDRAHAL INVOICE FOR WELL DRILLING,
APPROPRIATE FUND BALANCE:			<u>82,390.84</u>		

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.

COMMUNITY DEVELOPMENT BOARD APPOINTMENTS

Supervisor Politi – Requested by Dean Dietrich, there are new appointments to the Community Development Board; Julie Ball and Jean Brennan. Do you want to submit those names to replace Helga Balestrini and Phil Thayer?

Councilman Rand moved and Councilman Miller seconded the notion to appoint Julie Ball and Jean Brennan to the Community Development Board. There being no further discussion, the motion was unanimously carried.

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RESOLUTION OF SUPPORT – ASSEMBLY FORECLOSURE BILL

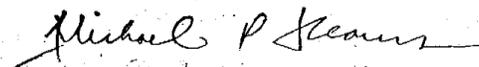
Supervisor Politi – This foreclosure bill was sent to you. It was a request from Assemblyman Michael Kearns of the 142nd District regarding two foreclosure bills that he has active. He has also called on a couple of occasions wanting to know if this body would support them.

I am writing to you regarding two foreclosure bills (A.88 and A.824) currently referred to the Judiciary Committee in the New York State Assembly. Last session the New York Assembly joined the list of states that have passed foreclosure bills making it mandatory for banks to provide municipalities with contact information of property managers or other parties responsible for upkeep and maintenance of foreclosed or abandoned properties. Unfortunately, the companion bill in the New York State Senate was referred to the Senate Committee on Housing and received no further action including no vote on the floor of the Senate.

I am concerned that the notice of contact information bill (A.88) and bill (A. 824) requiring 'good faith' in obtaining a foreclosure will encounter considerable special interest headwinds this year. In anticipation of significant opposition to these bills, I am hoping that your governing body could provide a resolution, in support of these bills. They can be viewed at my webpage: www.assembly.state.ny.us/mem/Michael-P-Kearns or I can be reached at the email below. Included are two editorials directly dealing with these foreclosure issues and a sample resolution. My intention is to make financial institutions and lenders more accountable to the surrounding community when homes and buildings are abandoned or foreclosure proceedings have started. A resolution from your governing body will add depth and resonance to committee deliberations, as well as establish a robust and persuasive record based on the facts and the needs of the people.

I would be grateful for your participation. Please send your resolution to my District Office in Buffalo, New York. Thank you for your time and help.

Sincerely,



Michael P. Kearns - Assemblyman 142nd District

Councilman Doty - I don't understand who they want to hold the liability.

Attorney Briggs – I'm confused as to what they are trying to accomplish.

Supervisor Politi reads the following resolution:

Resolved to support New York State regarding the proposed laws concerning contact information for vacant structures.

WHEREAS, vacant, abandoned and foreclosed homes and structures have proliferated throughout New York State over the last five years; and

WHEREAS, vacant structures that are not maintained for months at a time degrade and depreciate the value of the vacant structure as well as the value of surrounding properties; and

WHEREAS, lending institutions that hold mortgages on said vacant structures do not always provide the contact information of a responsible party; and

WHEREAS, Assembly Bill A.88 and Assembly Bill A.824, currently pending, would make it mandatory for lending institutions to provide contact information of responsible parties regarding vacant structures; and require good faith in obtaining a foreclosure; and

Supervisor Politi – Doesn't sound like a bad thing. One of the problems we have right now is the Borden house down on River Street. That could very easily have been a foreclosure that nobody ever took care of.

Councilman Miller – There is a maybe multi-year process from when they owner walks out on a mortgage and the bank begin proceedings. The bank is responsible for maintaining the property?

Supervisor Politi – It doesn't say that.

Attorney Briggs – They are to notify the Town who is responsible.

Councilman Miller – How can they be responsible if they haven't gotten the property back yet?

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Supervisor Politi – I’ll give you a perfect example; Charley & Barbara Kelly’s house. They have an attorney but nobody knows who to contact. The attorney can’t get a hold of the bank. The roof could be falling in. Who do you contact? What if kids break in?

Councilman Miller – What if you found out what bank it is and they give you a name and phone number. They could say we don’t own the house because we are still in the process.

Supervisor Politi – It is designed for banks that do own property. I don’t think the intentions are bad.

Councilman Doty – It sounds like they want banks to step forward and take responsibility.

Attorney Briggs – They don’t tell you what the law is. This is just a proposed resolution for you to adopt. It suggests that the law is concerning contact information. I assume the bank is not taking responsibility until they own it.

Supervisor Politi – I think it is meant for the situation where banks own property. They have an obligation to have provided contact so if there is an issue someone knows how to get a hold of somebody. It’s up to you if you want to move it or not. The Assemblyman has called twice.

The Board discussed the \$2 Million property in Palm Beach where the squatter moved in claiming Adverse Possession. It was a bank of America foreclosed property and they never checked on.

Councilman Rand moved Councilman Favro seconded the motion to approve the foreclosure bill resolution presented by Assemblyman Michael Kearns. Councilman Miller and Councilman Doty abstained. There was no further discussion.

MOTION TO ACCEPT UNION RETRO – PAY SETTLEMENT

Supervisor Politi – We need a motion to accept the Union retro pay settlement. Jack, will you talk about this?

Councilman Favro – We had made some mistakes and the County made some mistakes. There was a little confusion. We put employees in as MEOs when everything went back to Civil Service and the County said they should be HEOs. That was fine but technically we didn’t pay them the 3.5% stated in the Union Contract which caused us to go back and readjust. Four employees were on the list, but this affects three.

ACCEPT RECOMMENDATION OF RETROACTIVE PAY						CALCULATED RETROACTIVE PAY DUE FROM DATE OF CLASSIFICATION CHANGE THROUGH PAY PERIOD ENDED JANUARY 24, 2013 (PAY DATE OF 1/31/13)	
NAME	POSITION	DATE OF CLASSIFICATION CHANGE	UNION CLASSIFICATION	RATE OF PAY	CIVIL SERVICE CLASSIFICATION		
STEVE LAHART	HEAVY EQUIPMENT OPERATOR	ESSEX COUNTY CIVIL SERVICE RECORDS REFLECT	HEO	\$14.85 FOR 1/1/2013-6/30/2013	NON COMPETITIVE \$		1,360.95
**RECOMMENDATION MADE BY: CATHERINE GREGORY/JACK FAVRO							
JOHN RILEY	HEAVY EQUIPMENT OPERATOR	ESSEX COUNTY CIVIL SERVICE RECORDS REFLECT	HEO	\$14.90 FOR 1/1/2013-6/30/2013	NON COMPETITIVE \$		1,308.16
**RECOMMENDATION MADE BY: CATHERINE GREGORY/JACK FAVRO							
DON WALTON	HEAVY EQUIPMENT OPERATOR	ESSEX COUNTY CIVIL SERVICE RECORDS REFLECT	HEO	\$14.41 FOR 1/1/2013-6/30/2013	NON COMPETITIVE \$		602.58
**RECOMMENDATION MADE BY: CATHERINE GREGORY/JACK FAVRO							

Supervisor Politi – The Union has approved it. I need a motion to approve the retro pay settlement with the Union.

Councilman Miller moved and Councilman Favro seconded the motion to approve the retro pay settlement with the Union. There being no further discussion, the motion was unanimously carried.

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BOARD RESOLUTION – PERSONNEL ACTIONS

Supervisor Politi – We need a Board resolution for certain personnel actions;

Accept the resignation of Chris Bidelspach with the Transfer Station and John Watson with the Senior Citizens for their previous services.

Accept the recommendation by Larry Straight and Shannon Porter for the hire of Jennifer Reid at the Transfer Station at \$11.23 per hour for a non-competitive position.

Accept the recommendation by Butch Martin of the hire of Austin Pratt for the Toboggan Slide at a \$10.00 per hour at a seasonal laborer.

Accept the recommendation by Larry Straight of promotion of Adam Marshall to the position of HEO with the Highway Department. The rate of pay is \$14.41 per hour, non-competitive. He was an MEO at \$13.15 per hour.

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

RESOLUTION – TAX STATUS MAILING FEE

Supervisor Politi – Laurie Curtis has requested a modification of the real property tax second mailing fee. Even though they have an opportunity to pay through April, the law requires Laurie to mail people who have not paid a notice telling them they have not paid. In the past the Town of North Elba has charged citizens \$2 for the mail, paper and envelopes. Laurie has found that people have been upset stating they have until the end of April to pay and I'm not paying the \$2. But it is the law. I talked to Mike Diskin and he said most places charge \$1 to \$2. Laurie and I talked about it. She is requesting that the resolution be modified to charge people \$1 instead.

Councilman Favro moved and Councilman Miller seconded the motion to approve a resolution modifying the real property tax second mailing fee to \$1. There being no further discussion, the motion was unanimously carried.

COMMITTEE REPORTS: SKATEBOARD EQUIPMENT

Supervisor Politi – We received a letter from Randy Preston, the Supervisor of Town of Wilmington.

I hope all is well in West Wilmington, I am writing in regards to your skate park equipment. On Thursday January 30th Wilmington was hit with a serious windstorm, as a result the equipment in our skate park was seriously damaged. We did not have Insurance coverage on the equipment, only liability. There has been several thousand dollars in damage.

We are asking that if for any reason, Saranac Lake does not take your equipment, Wilmington will gladly take it.

Supervisor Politi – Bob, my understanding is that you talked to John Vinograd.

Councilman Miller – They are still trying to work it out. They are working with the Village Board and their committee. I think they are having some of the same concerns and obstacles that we have had. It appears that they are going to use concrete and build their own. They are not definite on it. I did tell him that we need to know asap. Can we wait until the 1st meeting in March for them to make a decision on it?

Supervisor Politi – Saranac Lake waited well over a year for us to make a decision. We can wait 30days for them. If Wilmington can use it and they can't, let's move it. It is in the best interest of the kids.

Ted Morgan – At the meeting last night, they said they were waiting on an easement from Verizon. They want to see if they can use the property behind Community Bank.

Councilman Favro – I believe they have to use concrete because of the noise issue. It was the same issue up by the tennis courts.

TOWN BOARD MEETING

TUESDAY, FEBRUARY 12, 2013

COMMITTEE REPORTS: AIRPORT

Supervisor Politi – You were supposed to have a meeting last week about the work that still needed to be done.

Superintendent Straight – The door locks have been taken care of. There was a subcontractor in a few weeks ago measuring the window that was broken. Kim mentioned that there aren't any exhaust fans in the bathrooms. I think it was overlooked in the contract.

Supervisor Politi – Hot water tanks and the shifting of the back door were also a concern. The bathroom vents are something that has to be raised.

Superintendent Straight – Some of the tape is not sticking on the sheetrock. That is something Steve Short brings up. I don't think it is a huge issue.

Supervisor Politi – Someone needs to get back to Ron Briggs on this.

Attorney Briggs - We still have retainage on this and can write a demand letter.

COMMITTEE REPORTS: CRAIG WOOD

Councilman Doty – The sheetrock is almost done. They will prime tomorrow. The wood ceiling is stained and stacked ready to go in when the sheetrock is done. Chris is running canisters for lighting. The railings in the entryway are in and they are gorgeous. The showers are out and the hallway is in. The kitchen is all opened up. Jack is doing research on a kitchen hood. We've cut back on a couple pieces of equipment to save money.

Supervisor Politi – We need to put a propane tank in and Lynn wants to put it underground across the road. Bill Hurley said it would be much easier if it were next to the building. I know we don't want it next to a new building.

Councilman Doty – Lynn already has it figured out. He is going to dig a conduit that will be done this spring.

Councilman Favro – It is a lot cleaner and a lot nicer.

Supervisor Politi – Kitchen equipment?

Councilman Favro – It's already to be ordered. The entire kitchen with the hood but without the chimney part was under \$30,000. The tables for the bar were donated.

Councilman Doty – The elevator shaft is all done and the elevator is due by the end of the month. We are still working on the possibility of being able to handle the paving. I will need to follow through if we in fact going with our original thoughts.

Supervisor Politi – Let's wait to see if the Senate Finance Committee is going to approve that \$150,000 grant.

Councilman Miller – We have to wait for the State Budget to be passed?

Supervisor Politi – No, it's the State Senate Finance Committee.

COMMITTEE REPORTS: TOWN HOUSE

Councilman Doty – we talked about how difficult it is for Butch to get out of town to get over to the Town House to plow. There are two people who are on the Chamber Board who have been plowing. They are nervous about the liability when they are plowing Town property. We have coverage if there is any potential damage.

Supervisor Politi – That's right. And it's only a problem when we get a heavy snowfall and Butch and Larry's guys are tied up.

TOWN BOARD MEETING

TUESDAY, FEBRUARY 12, 2013

Councilman Doty – I told them we are down to seasonal employees. Larry can't pull a tri-axle in there. There is no problem. I just wanted you to know that the Board has stepped up to do that. The Saranac Lake Village is doing literally nothing. I think I need to run into the right person and ask.

GANT UPDATES

Supervisor Politi – I did get a call today from the Department of Parks and Recreation confirming that \$430,000 in the name of town of North Elba which is really a Saranac Lake/North Elba joint effort. They want Cathy Gregory to attend a meeting in March regarding how the money will be paid out. I intend to also let Jeremy Evans know. We also received a \$23,000 grant for the Comprehensive Zoning which wasn't Parks and Recreation. They confirmed today that the grant is available to proceed.

RAY BROOK WELL

Councilman Doty – This will be my third time following up with the State to try to set up a meeting to talk about future interest in water. It is hard to get through to OGS. The superintendant has tried three times to put this meeting together.

Supervisor Politi – Just that they are talking to you is a step in the right direction.

TOWN ATTORNEY REPORT: JOHN CRANLEY

Councilman Miller – How did we make out last Monday?

Attorney Briggs – We appeared and at that time I filed and served. As I indicated, every week that the violation continues it is a new offence. We appeared and filed four additional charges. Before I did that, John Cranley asked for an adjournment because he retained Greg LaDuke who wasn't available that night and won't be available for three weeks. The long and short of it; the initial case and the four new cases are all adjourned until March 4th at 5:00pm. I will make a motion to consolidate all five cases for a single trial. The fine and the penalties go up for each new offence. We did have a discussion about the money that was posted by Mr. Cranley. It still remains a mystery. I told him I need something from somebody that tells us the reason it was posted. His attorney, Rob Simon told me he has tried to reach me but of course he hasn't. I also mentioned he has an unpaid Transfer Station balance.

TOWN ATTORNEY REPORT: GRIMDITCH

Supervisor Politi – Do you want to talk about Grimditch and the fact that they made us an offer? I don't know what is in the content of the letter specifically with regard to their proposal and how the offer was made. Is there any reason not to talk about it?

Attorney Briggs – Often times the settlement negotiations are not a matter of public record. Do you want me to discuss the terms of their offer?

Supervisor Politi - Well, they made us an offer and we rejected the offer. That's the way it is. They made us a cash offer to pay a fine and leave the boathouses up.

Attorney Briggs – They set forth in the letter all of the reasons that they acted in good faith and they proposed to pay us a certain sum of money for our troubles and both boathouses would remain. That was rejected by the Board out of hand.

Councilman Doty – Without a counter offer.

Supervisor Politi – I think the public is entitled to know that.

Attorney Briggs – He did come before the Board and make a presentation.

Supervisor Politi – They came before the Board and made a ridiculous offer and it was rejected.

TOWN BOARD MEETING

TUESDAY, FEBRUARY 12, 2013

Attorney Briggs – We go in front of a new Judge, Judge Buchanan, on February 27th and have a conference where all the Attorneys will be there. We will talk about the status of the cases and our position is to take the Boathouses down. I spoke with his law clerk about scheduling and the he is very much up to speed which means the Judge is.

APPROVE AUDITS AS PER AUDIT #'S

Supervisor Politi asked for approval of the audits which are on file in the Clerk's office.

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

PRESS QUESTION:

Ted Morgan asked if the \$5,400 per mile the County pays the Town for the Snow and Ice Agreement a fair amount and Superintendent Straight and Councilman Doty stated the amount is fair but that it is a bigger value to the County because they don't have to travel. Supervisor Politi pointed out that it is in our interest to have the roads plowed and to get them done timely then we need to do it.

Ted Morgan and Chris Morris asked what amount Grimditch offered the Town.

Attorney Briggs – If you want to disclose the offer that would be fine. They made an offer of \$40,000 and both illegal boathouses remain.

Councilman Miller – It becomes a different set of rules for the rich guy than the regular guy.

ADJOURNMENT

There being no business transacted during Executive Session and no further business to come before the Town Board, Councilman Favro moved and Councilman Rand seconded the motion to adjourn the meeting at 8:12 pm.

Respectfully Submitted,

Laurie Curtis Dudley, Town Clerk