

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

Minutes of the Regular Town 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: Chris Knight, John Alexander, Ron Briggs, Larry Straight, Jim Morganson, Keith Johnson, Ken Johnson, Joann Reed, Ed Reed, Rob Gessner, Lorraine Von Dell, Matt McNamara, Jeff Erenstone, David McCahill, Kelly Tennant, Matt Young, Carolyn Wiggin, Lisa Brown, Peter Day

Supervisor Politi opened the 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 of October 12, 2010 and Public Hearing of November 3, 2010

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

Supervisor Politi changed the agenda to add Jeff Erenstone with a bike trail request and an LP Airport Rental issue. He introduced the Board to the visitors and asked that anyone who came to address the Board to come forward and join the board at the table.

GUEST SPEAKERS; KEN JOHNSON AND KEITH JOHNSON

Supervisor Politi welcomed Ken and Keith Johnson.

Keith Johnson asked if the Board received a packet prior to the meeting. The Board confirmed that they had. Mr. Johnson brought poster size pictures as examples.

Supervisor Politi stated before you begin, I want you to know that we have received this information. It is not our function to act as Code Enforcement Officer. We are here to listen and pass it on. In that respect, you have the floor.

Keith Johnson stated we are here to present to you a very serious safety and fire hazard. There is a vent that is being operated by our neighbors, the Brown Dog Deli, that is in an area that has not been maintained and is obviously creating a serious problem. The pictures show the amount of grease build up. I was unaware that we had this issue until the inspection from a sale back in August. This was brought to life by the building inspector. They said we had a serious fire hazard and needs to be taken care of prior to anybody moving along. We are very concerned not only for the sale, but also that we would have our property in danger. The reason we are bringing it here is because of the danger to everyone else down on Main Street should a fire unfortunately happen. If you follow through the packet, you can see the different things that we have attempted to do since the beginning of August. We are somewhat baffled that we cannot seem to get anything remedied here. We were hoping to get some kind of direction from you. Mr. Morganson has looked at this numerous times and he has sent a non-compliance letter to our

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

neighbors. They had also through their attorney stated that they would have this done by October 1st and here we are later in November and there is still nothing being done. We have been told that it is indefinitely on hold until Mr. Day decides that he is going to take care of this issue.

Supervisor Politi stated I asked Mr. Morganson to be here to address any issues and concerns because this Board is not necessarily in tuned with what has happened since the last correspondence. Jim, do you have anything to offer the Board in terms of what has happened in regard to this particular situation?

Mr. Morganson stated I have never met Keith and I was not supplied with the package you folks have. Ken Johnson can probably tell you we made somewhere in the neighborhood of 40 calls on this. I have in my pocket a note from Bill Tennant telling me the work will be completed by Wednesday. There are communication problems with the owner of the building. I am going to stop because Kelly is here.

Supervisor Politi stated Kelly is here, and I was going to get to that. I was just curious because I happened to see Bill Tennant today when I happened to be walking the building. Bill said he either had spoken to you or was trying to get in touch with you. I was led to believe the owner of the building was going to correct this situation within the next couple of days.

Mr. Morganson stated I spoke to Ken and he was on his way back to Colorado at the time. I was on my way back here at the time. As soon as I got here, I went and talked to Bill. I believe some of the work actually started today. Some was probably hampered by the rain. Again, I don't want to speak too much for her. I don't know what is in your package. Ken knows what is in my package. There was a procedure laid out. There was a point in time where it got stalled on a location that wasn't correct. That is not part of what I do. We enforced it to that point and it stalled there because there wasn't an agreement between the owner/landlord and the tenant. It is imperative that the Board understand that I did not leave it hanging out there for x amount of time.

Supervisor Politi stated we are only here for one reason. We are here to solve the problem.

Mr. Morganson stated I think it is solved. I wish that I had a chance to talk to Ken earlier. I wanted to get through tonight's meeting and call Ken. I did not know Ken would be back but would like to hear from Kelly.

Supervisor Politi stated Keith do you have a problem with me offering the floor to Kelly at this time or is there something you want to add.

Keith Johnson stated I do have one question; does a building permit need to be issued before this work can be done?

Mr. Morganson stated what we were going to do is get the work done, get it certified that it meets the Code. We agreed to make this thing happen as quick as it could happen. So, no permit. Let's get the certification first.

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

Keith Johnson stated is that the normal course of action. You want to get it done so you will certify it afterwards?

Mr. Morganson stated the company who is doing it is offering the certification. We had a permit to go in that one location. That location has now been moved.

Supervisor Politi stated has it been moved to a location that these gentlemen are aware of.

Mr. Morganson stated I don't know.

Mr. Ken Johnson stated no we don't. That was supposed to be submitted to us. We don't care where it goes within that 2409 Main Street. It is a very difficult building and there is a common area. There is nothing easy about that building and all the deeds involved. Our concern is that it is not part of common area or an area within our building.

Councilman Miller stated could I ask you gentleman to back up. It looks like you spent some time putting together some photographs. Could I see what you are talking about?

Mr. Ken Johnson showed the pictures to the Board which included the back of the building where 2407 Main Street (Mrs. Johnson's Property) overlaps with 2409 Main Street (Peter Day property). He explained the vent fan is located on the inside of the Johnson property line. When Potluck was in the Day building, they built a walk in cooler in the area. In 1982 there was another provision made; Potluck kept the entire main floor and the Johnson parents took the lower for their sole exclusive use as storage underneath. At the time it was a very small fan which Ken states he does not remember it being there. Somewhere along the line it went to a full size fan which has become all grease along the entire ceiling and the concrete area below. He stated that is our concern in terms of the fire hazards that are involved. It was brought to our attention and why we brought it about. It is a difficult location. These vent fans are not to be exhausted inside to the extent that it was.

Supervisor Politi stated Jim do you know where this is being moved to, and wherever it is being moved to it is satisfactory to you?

Mr. Morganson stated yes. And to my knowledge it has nothing to do with their building. That is based on information I got from Ken.

Attorney Briggs asked if Mr. Morganson could show the Board where the fan is being moved to on the pictures and Mr. Morganson stated it is going up through the building and out.

Supervisor Politi stated are Ken and Keith aware of where this is going.

Mr. Keith Johnson stated nobody has shown us anything yet which is part of our concern.

Kelly Tennant stated it is not going on your building at all. It is going through the Day building.

Mr. Keith Johnson stated through the common area or behind that screened door?

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

Mrs. Tennant stated you would have to ask my husband exactly where it is going. We have attempted this three different times.

Supervisor Politi stated the fact that it is going through the Day building probably is satisfactory to me.

Mr. Ken Johnson stated I have spoken to Peter directly and suggested a couple different areas. There is one in particular that would really work well for him which would not interfere with his permanent apartment or the walkway in the back area. As long as it is going up in an area that is not part of the common space that is in the deeds then we don't have a problem. We can't tell you where to go.

Mr. Keith Johnson stated we are going to abandon that vent where it is now?

Mrs. Tennant stated yes. We have been telling you this three separate times.

Supervisor Politi stated all I want to do is resolve the problem.

Mr. Keith Johnson stated where did it get stopped other than with Mr. Day?

Ms. Tennant stated the first time I thought we could just put it in. Then we realized that we needed your permission. The second time we tried to put it in it was in the breezeway in the common area up against Peter's building. We were told we could not do that. However we could do that if Peter gave up some lawsuit he has against your building. That is what was told to us. So we stopped it again. I wondered if this is such a safety issue. We said we will give you this if you do this about the back.

Supervisor Politi stated this is my meeting and I am going to talk and nobody else is going to talk until I say so. I have heard what you have to say and obviously it sounds like there is some kind of resolution taking place that Jim Morganson has agreed to and is acceptable to him. Evidentially, it is expectable to Peter and Kelly.

Peter Day stated a lot of this is completely unacceptable on many levels. The fact that we are sitting in this room even talking about this and after that vent having been there for approximately 30 years. It's because of a real estate deal and you are the brokering for a buyer.

Supervisor Politi stated I don't care about any of this. All I care about is resolving this problem.

Peter Day stated it is because you just want to make a real estate sale.

Supervisor Politi stated I could care less, Peter, and everybody knows that. Do you want to address the Board about something legitimate? I am not voting on anything Peter. I am running a Board meeting. I am trying to resolve a problem and if you don't get it, you can leave.

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

Peter Day stated I do get it. I do have a lot of equity. It has not been a problem for the last 30 years.

Supervisor Politi stated do you have a problem with this agreement Jim? I ask that you resolve this problem some other place than this venue.

Mr. Keith Johnson stated you can show us the drawings of where it is going?

Supervisor Politi asked that those involve get together tomorrow civilly. Maybe we can resolve the problem. Thank you.

JEFF ERENSTONE WITH A BIKE TRAIL REQUEST

Supervisor Politi invited Jeff Erenstone and Matt McNamara to come forward to address the Board.

Jeff Erenstone stated I would like to start a brief history of my personal mountain bike history. As most of you know I grew up in the area. I started riding in middle school, got serious in high school, continued through college. I have ridden all over the country through places that I have lived. I moved back here to start my practice and am very excited in continuing that. Mountain biking in town has always been good for locals, never for anyone else. It has always been incredibly convoluted; if you want to ride from here you can go across the rink parking lot over to the Crowne Plaza across Wesvalley to Fawn Ridge. It is nothing that we you explain to anyone. I worked at Placid Planet for awhile and we couldn't explain the mountain biking to anyone. People got frustrated. Until much more recently with the efforts of three different organizations, the Kingdom Trail Association, Bark Eater Trail Alliance (BETA), and the Lussi's. It all started when Arthur Lussi heard from Tim Tierney.

Matt McNamara stated there have been a number of different groups that have shown the level of interest. This particular community is one that can have a really nice interconnected trail system. There are a number of reasons for that. The Kingdom Trails is a place in the Northeast Kingdom of Vermont (East Burke). They have an agreement between large groups of private land owners to allow for trail access across different pieces of their property which allows for an interconnected network of trails. Essentially, the whole is greater than the sum of the parts. It allows people to come to the town and take advantage of this wonderful trail system while they stay in the town and recreate.

Jeff Erenstone stated Art Lussi got word of that and liked the idea and opened up his property for BETA to go and build trails. Around the golf course there is a network of trails in excess of 20 km weaving through the woods. That has been the start to building a network much like what the Kingdom Trails have. We have a section of trails where we can direct people to. Our hope is to make mountain biking more accessible for people who live in the town and for those who are from out of town to stay here and go riding. We are going to build a map for it and signs to make it as accessible as possible.

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

Matt McNamara stated the Bark Eater Trail Alliance has been involved with developing the signage that is necessary to make the system able to be used by visitors; including getting the necessary information to build maps.

Supervisor Politi stated let's jump to the reason you are here.

Jeff Erenstone stated the next chunk that can make this possible would be to do a very similar type network around the Craig Wood property that we have done around the Crowne Plaza golf course. (Jeff passed out two maps; one of Craig Wood golf course and one of the proposed trails around the course.)

Matt McNamara asked how familiar the Board is with the Jack Rabbit Trail for which the response was, very familiar. Matt stated that is probably a foolish questions, but I live in Wilmington so I'm allowed to ask foolish questions.

Matt McNamara stated essentially you have this nice connection between the Lussi property that comes down on the Jack Rabbit trail, crosses River Road and can continue up towards Craig Wood. The terrain at Craig Wood is suitable for mountain bike trails. It is dry with open space. The ability to create trails in that area without impacting golfers is very good.

Jeff Erenstone stated the two major questions that I would like to answer right off the bat. One, we don't need to impact the Golfers. We can do this in a manner that essentially they won't even know they are there. We have been able to do this on the Crowne Plaza property and we could certainly duplicate that again. Two, the Town doesn't need to financially support us to do this. We are volunteer run and there are 40 to 50 young, strong, axe willing people who would love to go in there and make some new trails. All volunteer labor.

Councilman Miller asked if they have talked to Butch Martin.

Jeff Erenstone stated I have spoken with Butch and tried to get in touch with Lynn but he is out on sick leave for awhile. Butch gave me the impression that as long as we didn't impede on the golfers he didn't see it to be a problem. I have also talked to Zack Clark.

Jeff Erenstone explained his trail idea connecting the Jack Rabbit Trail and proposes a beginner trail around the perimeter of the golf course for those without biking experience and for hikers. That would be of interest to the golf course because it would get the people who walk on the golf course off. I have been corresponding with Art Lussi and he mentioned a trail that goes around the golf course can be beneficial to the health of the greens because it helps to arrogate the grass. We would like one basic trail that would loop around 50 feet off the course. You would be surprised during the summer you could not see that far into the woods.

Councilman Doty asked how wide would they cut their trails.

Matt McNamara stated typically when we are building a trail in the style of a single track trail for multi-use. It is a 4 ft – 6 ft wide corridor that is typically 8 ft high for summer use and is pushed up to 10 ft for winter snow pack. It is easy to accommodate that kind of use with relatively minor

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

cutting in terms of taking really big trees. That does facilitate volunteer building. That style of a trail is well graded so that someone can comfortably ride a bike on it. It can be accessible by many folks. Jeff's idea of a perimeter loop would be best as a beginner/intermediate style trail.

Jeff Erenstone stated as you can see on my map, branching off we can do more expert trails including up Scott's Cobble along the existing yet very overgrown ski trails. All can be regulated by signs. It makes for a very interesting and attractive ride for someone from the city. They ride and tell their friends to come up again. By adding this to what is on the Lussi's property gets us pretty close to something worth that type of destination.

Councilman Rand asked who maintains it after it is built.

Jeff Erenstone stated we do a stewardship type program similar to what has been done with the Jack rabbit Trail.

Matt McNamara stated that is a really good question. That is a big motivator we had when we started talking about getting together as a group. The idea of BETA is that we are an alliance and work with groups like the Ski Touring Council and Adirondack Mountain Club and other groups that are doing trail work. Our push is to take care of this kind of trail that is in a community. Especially what is suitable for mountain biking which has not had a lot of representation in this area.

Jeff Erenstone stated we have a lot of trails, but you can't ride on 99% of them for which Matt McNamara replied that it is not necessarily true.

Supervisor Politi stated there are a couple areas here that would potentially pose a problem. I think it is a great idea, but it would intrude upon the golf course. There is really no problem with this area here. When you get up here I will tell you the tee backs up to state land. Anybody biking has to go by the tee. I think that potentially that would be a problem. I know it would be great to be able to mountain bike up and down Scott's Cobble. That area potentially poses a problem as does this area. In here there is plenty of room. You could do whatever you wanted in there and in here. Hole 13 and hole 6 sections are difficult. The tee and State land are about 10 feet away. You would definitely be intruding on the golf course there. Unfortunately there is no way around that. The area by the Towner/Beacon is high and dry and will not interfere whatsoever.

Jeff Erenstone stated I agree with one area. I thought we had more space than that. The other side I think we can work it in a manner that we wouldn't disturb anyone.

Supervisor Politi stated the problem is there are always a lot of people in there because in that section of play they are always hitting the ball in the woods right in that area. Again, there is very little area between private property and Craig Wood. If you could get another owner on that side to allow you to go there then I don't think we would have any problem. You have to understand that our first and primary concern is the golfers. I'm a mountain biker and I love that too but those two areas are potential problems.

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

Jeff Erenstone stated I certainly think that we may be able to get someone with private land on this side.

Supervisor Politi stated you may be able to get an owner that doesn't have any problem with you extending that trail system there.

Jeff Erenstone stated we have the capability of going out there with a GPS and identify those sections more clearly.

Supervisor Politi stated I don't foresee those areas as being an intermediate ability. I say that because I have ridden your trails on the Club's lower golf course. I should say I have ridden about 300 yards and walked about 6 miles.

Jeff Erenstone stated that is a shortcoming of the trails that are there now. It has something that I have mentioned we should go back and revisit some of those trails to make them a little easier. We need an easier trail which is why I wanted to do this trail at Craig Wood.

Supervisor Politi state the first thing you have to have is an intermediate trail that everyone can enjoy. From that you can develop a more advanced trail system. You are probably here tonight to give us an idea and try to get some kind of conceptual approval. As I said, I do not have a problem on that particular section that I have outlined, but I have four other board members that need to address this also.

Councilman Favro stated it works into what we have talked about before; connecting the Club property, going across the bridge, getting onto Craig Wood and going around is a great thing. I'm all for it.

Councilman Miller stated I am a mountain biker too. If we can make it work than that is great.

Councilman Doty stated I'm the walker.

Supervisor Politi stated it also tie into the Jack Rabbit cross country trail so in the winter those bike trails can also be used as cross country ski trails. That is a nice alternative.

Councilman Doty stated once you cut your trails does the secondary growth that comes up two or three years down the road. Is it a pain to keep up?

Matt McNamara stated if there is an area where there is a lot of beet tree growth. We think a lot about that in the layout. We determine what areas are going to facilitate easier maintenance.

Councilman Doty stated getting this off the ground won't be hard because you are young and have the enthusiasm. If you turn the clock ahead just a little bit, the trails are there and the public is use to them it could turn into some serious maintenance.

Jeff Erenstone stated using the Jack Rabbit model, they have established chunk of the trail for groups to be responsible for that section.

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

Supervisor Politi stated hopefully with the completion of the railroad corridor and Uihlein Henry's Woods trail system, going onto the Lussi's trail system and onto the Jack Rabbit trail and up to Craig Wood. Potentially going to Keene on the Old Mountain Road is an exciting opportunity for mountain biking in the region.

Councilman Rand stated I think it is a great idea too. Is this for recreation only or are you thinking down the road of events?

Jeff Erenstone stated there are events going on at the Lussi x-terra course there.

Matt McNamara stated we talked a little bit about the Kingdom Trails. They do not do any races on any of the private lands. It is part of their agreement. It doesn't make a difference there. People still love to go there. In Lake Placid we have this culture of athletic competition. The x-terra race came here. There has been a lot of interest in racing. BETA's interest is first creating the trails for the value that they have on many levels. We are not out there to push racing.

Councilman Rand asked what is the national trend for mountain biking. Are the numbers going up?

Jeff Erenstone stated yes. It is becoming much more established. It is where alpine skiing was 25 years ago. Some are charging trail fee, some are charging parking fees and then using the money to take care of the trails.

Supervisor Politi stated I want you to know if we decided to do this; it would be likely we would want to have access coming off of the finger and not have people parking in the golf parking lot.

Jeff Erenstone stated we have discussed it and think that people are coming from town anyway. Why drive when you can bike?

Matt McNamara stated comparing it to skiing is a good way of looking at it. It is a very diverse sport. The folks that are going up Whiteface are as far from the folk that are jumping off cliffs in Utah. Our interest is to create that diversity of options.

Jeff Erenstone stated what would be the next step.

Supervisor Politi stated we would want you to confirm with Butch, since he runs the property.

Councilman Miller asked about insurance issues and Attorney Briggs assured him the Town is well covered.

Councilman Rand spoke about the use of chain saws and Supervisor Politi stated we would prefer it were done in the winter so not to disturb the golfers.

Matt McNamara stated we could pick the absolute worst weather days for the times we might go out and do some cutting.

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

Councilman Miller stated it is my experience with guys that like to mountain bike; they look forward to the days you can get a saw and get out and cut trails.

Matt McNamara and Jeff Erenstone chimed in stated oh yeah! We enjoy it!

Supervisor Politi stated if Butch is onboard, then the idea is we walk before we run. Set up an intermediate loop and we go from there.

Jeff Erenstone stated I will get a GPS of an accurate map of what we want. Do we return to the Board?

Supervisor Politi stated it is a combination of working with Butch on it. His main concern is that his people are not out doing this and they don't have to go police it. Conceptually it sounds like the Board feels it is something that is doable.

The Board thanked Jeff and Matt.

LAND USE CODE

Supervisor Politi stated I spoke with Craig about setting up a joint Village/Town meeting. I would like to do it before December 1st. It requires an approval from both Boards. The Mayor has questions with regards to some issues in the Code that he would like to discuss. A joint meeting gives you an opportunity to ask those questions that you feel are relevant to the proposed Code or modifications or changes that you see necessary. We will address those issues then. Tonight we will move forward to get an Environmental Assessment form completed so that part of the process is done. At the next meeting we will discuss the modifications there to. If we have to meet after that we will approve the Code and appoint those people that the transition team has provided subject to review. He stated I spoke to Kook about it being the 21st, 22nd or 23rd of November.

The date of the Joint Town/Village meeting of the Land Use Code was determined to be Tuesday, November 23rd at 4pm at the Beach House.

Discussion Continued regarding the Code and how all won't be completely happy with the new Code and that it will have to evolve over the years as situations arise.

Supervisor Politi stated there will probably be, Lorraine, a presentation at the next meeting for those parties that were recommended by the Board. There will be an identification of such. Certainly the public and you as a potential candidate would be able to comment.

Attorney Briggs stated tonight you sign the foot of the first page of the Environmental Assessment Form and the Board considers what is in there and decides to issue a NEG DEC. Once they issue a Negative Declaration, you then sign the second page of the Environmental Assessment Form.

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

Supervisor Politi asked Attorney Briggs to read the Negative Declaration; Upon Review on the Environmental Assessment Form, it has determined that the adoption of a new Land Use Code establishing Zoning Districts and use and dimensional regulations and generally regulating Land Use and subdivision of Land within the Town of North Elba shall not have a significant environmental impact and a draft impact statement shall not be prepared.

Councilman Doty stated in all the years I have been sitting here listening to the Negative Declarations, has there ever been a positive one?

Attorney Briggs stated these are all unlisted actions that mean they do not require it. If you were going to do something major then we were tearing the bridge out of Adirondack Loj Rd and acquired property and dig out the waterway then it would not be a negative effect. This declaration is just on the Land Use Code document itself.

Councilman Miller moved and Councilman Doty seconded the motion to adopt the Negative Declaration. There being no further discussion, the motion was unanimously carried.

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

TAIL O' THE PUP

Councilman Doty stated this is the best year we have had with the situation at the Tail O' the Pup regarding music being played during legal hours which has a 9:30 pm cut-off time. There have been two calls this season. We were wrong on one of them when we thought the curfew was 9:00 pm. The second one proved to be on time. In response to Ed Yanchitis' request to have his security deposit refunded, I believe it is in line. However, I would like to go on record as saying I believe a security deposit is to our best interest. We all know it is a very difficult situation in Ray Brook. There are residents one side of the street and commercial on the other side. It is a tough balance act to follow year after year to keep things in line. Like I said, this has been the most successful year yet.

Supervisor Politi stated if we have any problems it is generally between two neighbors which has historically been the case. Mr. Yanchitis has posted \$1,000 security deposit. You are entertaining the return of that security deposit and/or if he would like to maintain that \$1,000 as next year's security against an agreement for 2011. Either way he may choose.

Councilman Doty asked if Jim Morganson should be asked and Supervisor Politi stated we did have one incident.

Jim Morganson stated credit goes to Roby. It was his solution to a 15 year problem which has been solved over the last few years.

Supervisor Politi stated money talks. The more that is at risk, the less risk there is.

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

Councilman Doty moved and Councilman Favro seconded the motion to return the \$1,000 security deposit to Eddie Yanchitis. There being no further discussion, the motion was unanimously carried.

SEQR COMPLIANCE AND RESOLUTION - AIRPORT RUNWAY REHAB PROJECT

Supervisor Politi stated we have SEQR Compliance again for the runway. This is proposed for next spring. We also need to provide a Negative Declaration with regard to this particular project; stating that there will be no significant effect to the environment. This is just resurfacing of the runway.

Supervisor Politi asked for a motion to sign the SEQR Compliance on behalf of the Town.

Councilman Rand moved and Councilman Favro seconded the motion to approved Supervisor Politi signing the SEQR Compliance on behalf of the Town.

Supervisor Politi asked for a motion approving the following Resolution:

The Town of North Elba hereby approves the aviation project funding agreement for the Runway Rehabilitation project at the Lake Placid Airport with the New York State Department of Transportation.

The estimated total cost for said project being \$64,000. The Federal share is \$60,800, Local share\$1,600 and State share \$1,600.

This Resolution hereby authorizes the acceptance of said grant and execution by the Town Supervisor of the funding agreement.

Councilman Favro moved and Councilman Rand seconded the motion to approve said Resolution. There being no further discussion, the motion was unanimously carried.

MOODY POND ROAD CONCERNS

Councilman Doty stated a letter came from Steinbeck's concerned about the traffic vs. pedestrians. I would like to recommend we reduce the speed limit. Driving 25 mph is still too much.

Superintendent Straight stated you can ask for anything. What you get it probably what you've got now, 30 mph.

Supervisor Politi stated we have not talked to the Village about this and we are dealing with St. Armand, North Elba and the Village of Saranac Lake. It is an area that has an awful lot of walking traffic. It is the Mirror Lake of the Saranac Lake area. With all the people who are walking, riding their bikes or walking their dogs and with the vehicular traffic is dangerous at times. The issue is what can be done; either adding a pedestrian lane or additional parking. Councilman Doty brought up at our Workshop meeting the possibility of making it one-way.

Superintendent Straight stated that area is 1.2 miles. The Town Portion of that is .4 miles. The other .8 miles is in the Village of Saranac Lake. It is posted on the Village portion with 30 mph

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

but there is no posting on the Town portion. I talked to Tony LaVigne today, and we can make a request through the County which would go to DOT to reduce that. He indicated it would be highly unlikely.

Supervisor Politi stated it was my understanding that we could identify several roads to be 25 mph.

Superintendent Straight stated he said you can ask for anything you want down to 5 mph if that is what you want. The Town Board would pass a resolution, it goes to the County, he signs it and it goes to the DOT. It is there call. You would have to get together with the Village of Saranac Lake.

Supervisor Politi stated we had a terrible time with the speed limit at Northwood School. Finally, after somebody came to look at the school here and they changed it. In that .4 mile section that goes around Moody Pond, is there room for two lanes of traffic plus a designated walking lane.

Superintendent Straight stated the average width of the road is 18 feet. Water on one side which the DEC would have an issue with and the other side has portions that are ledges.

Councilman Miller asked how difficult is it to make it one-way and put in a pedestrian path if St. Armand and the Village were ok with it.

Supervisor Politi stated because a majority of the land is in the Village, it would be a Village call. The Town would cooperate in whatever way we can to try and resolve any hazards that may exist there.

Councilman Doty stated the trail head to Mt. Baker is another issue. Can anything be done on that corner to get 3 – 4 cars off the road, similar to the Jack Rabbit Trail on McKenzie Pond Road?

Supervisor Politi stated we don't have a problem helping St. Armand out if they can't do it.

Superintendent Straight stated there is a lot of parking on the lake side of that road that can be utilized by adding crusher run. On the north end where the trail head is, the lake is real close and there is wetland on the other side. You are not going to do much there.

It was agreed that the next step would be to wait for Jon Alexander's story. The Village will get the drift of Derek's one-way road idea.

Chris Knight asked who maintained the road and Superintendent Straight said the Village does; in his 10-year he has never done anything over there. He is unsure what the agreement with the Village of Saranac is, but it is not on the Town Highway inventory.

Jon Alexander asked what the Board would like to see happen

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

Supervisor Politi stated they are just responding to a residence there that said it is dangerous and by letter requested a walking or biking lane. There is not enough width to do that. We are thinking of ways that we could resolve the problem. Those were the ideas that came up. We understand that we have to work with Saranac Lake to do it. It is such a nice spot. It would be nice if there were a walking lane or a biking lane. To me it makes sense that it was one-way. It is just a suggestion.

APPROVAL OF CUSTODIAN

Supervisor Politi stated we had several candidates for the custodian position. Butch and Cathy narrowed it down to two and did the interview process. The request is to hire Dan Daby at \$13.00 per hour. Kimball was also involved in the interview but felt that someone would confuse the names. The final decision was made by Butch Martin and Cathy Gregory.

Councilman Doty stated it is \$1 more than we allocated in the budget but we talked about finding someone proficient in handling the floors so there could be some justification to that.

Discussion continued regarding needing someone to utilize the buffing machines and if he is able to paint. Tracy Daby said he was a great worker. They wanted to make sure he was a North Elba resident. Councilman Miller wished they had time to ask questions and Supervisor Politi assured the board that they did not have to vote on it.

Supervisor Politi stated it can be approved subject to his being a North Elba resident. I will tell you that you have other employees here that are not North Elba residents, including our Finance Officer.

Councilman Doty moved and Councilman Rand seconded the motion to approve the hire of Dan Daby as Custodian at \$13.00 per hour. There being no further discussion, the motion was unanimously carried.

BUDGET AMENDMENTS

Supervisor Politi stated there are quite a few end-of-the year budget amendments which are all housekeeping items.

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

GENERAL FUND:			
1. INCREASE LAKE PATROL GAS	A.3120.0412	680.99	2010 BUDGETED FUNDS WERE INSUFFICIENT TO COVER ACTUAL USAGE
2. INCREASE TOWN GARAGE GAS & DIESEL	A.5132.0412	9,030.55	2010 BUDGETED FUNDS WERE INSUFFICIENT TO COVER ACTUAL EXPENDITURES
3. INCREASE TOWN GARAGE FUEL OIL	A.5132.0411	2,748.99	2010 BUDGETED FUNDS WERE INSUFFICIENT TO COVER ACTUAL EXPENDITURES
4. INCREASE TOWN GARAGE OTHER CONSUMABLE SUPPLIES	A.5132.0414	1,123.01	MISCELLANEOUS NECESSARY SUPPLIES TO MAINTAIN GARAGE AND VEHICLES (FOR THE PERIOD SEPT 2010-NOV 2010)
5. INCREASE CEMETERY PERSONAL SERVICES	A.8810.0101	2,435.37	2010 BUDGETED FUNDS WERE INSUFFICIENT TO COVER ACTUAL EXPENDITURES (RELATED TO HIRING SEASONAL EMPLOYEE FOR SU
6. INCREASE TOWN CLERK EQUIPMENT	A.1410.0200	479.00	TO PURCHASE COMPUTER HUTCH FOR JESSICA'S USE
		16,497.91	
OFFSET THE ABOVE INCREASES BY THE FOLLOWING:			
DECREASE INSECT CONTROL PAYROLL	A.4068.0102	3,834.81	2010 BUDGETED FUNDS EXCEEDED ACTUAL EXPENDITURES
DECREASE INSECT CONTROL EQUIPMENT	A.4068.0200	1,348.08	2010 BUDGETED FUNDS EXCEEDED ACTUAL EXPENDITURES
DECREASE INSECT CONTROL POSTAGE/LO MAILING	A.4068.0462	356.65	2010 BUDGETED FUNDS EXCEEDED ACTUAL EXPENDITURES
DECREASE GENERAL FUND STATE RETIREMENT	A.9010.0800	6,881.03	2010 BUDGETED FUNDS EXCEEDED ACTUAL EXPENDITURES
DECREASE TOWN CLERK POSTAGE	A.1410.0462	479.00	2011 BUDGETED FUNDS EXCEEDED ACTUAL EXPENDITURES
INCREASE SALES-GAS TO OTHER ENTITIES	A.0000.2655	3,618.34	2010 ESTIMATED ACTUAL REVENUES WILL EXCEED BUDGETED REVENUES
		16,497.91	
HIGHWAY FUND:			
1. INCREASE ROAD MAINTENANCE AND GENERAL REPAIR PERSONAL SERVICES	DB.5110.0101	8,567.85	2010 BUDGETED FUNDS WERE INSUFFICIENT TO COVER ACTUAL EXPENDITURES
2. INCREASE GENERAL REPAIRS PERSONAL SERVICE OVERTIME	DB.5110.0103	872.76	2010 BUDGETED FUNDS WERE INSUFFICIENT TO COVER ACTUAL EXPENDITURES
		9,440.61	
OFFSET THE ABOVE INCREASES BY THE FOLLOWING:			
DECREASE SNOW REMOVAL PERSONAL SERVICES	DB.5142.0101	8,567.85	2010 BUDGETED FUNDS WILL EXCEED ACTUAL EXPENDITURES
DECREASE SNOW REMOVAL PERSONAL SERVICES OVERTIME	DB.5142.0103	872.76	2010 BUDGETED FUNDS WILL EXCEED ACTUAL EXPENDITURES
		9,440.61	
PARK DISTRICT FUND:			
1. INCREASE PARK GARAGE PERSONAL SVC OVERTIME	SP.1114.0103	4,537.88	2010 BUDGETED FUNDS WERE INSUFFICIENT TO COVER ACTUAL EXPENDITURES (FOR THE ENTIRE YEAR TO DATE)
2. INCREASE SHOWGROUNDS PERSONAL SVC TEMPORARY	SP.1346.0102	4,146.13	2010 BUDGETED FUNDS WERE INSUFFICIENT TO COVER ACTUAL EXPENDITURES (FOR SEASONAL EMPLOYEES HIRED IN 2010)
3. INCREASE SHOWGROUNDS PERSONAL SVC OVERTIME	SP.1346.0103	1,338.99	2010 BUDGETED FUNDS WERE INSUFFICIENT TO COVER ACTUAL EXPENDITURES
4. INCREASE CRAIG WOOD PERSONAL SVC TEMPORARY	SP.1350.0102	8,500.00	2010 BUDGETED FUNDS WERE INSUFFICIENT TO COVER ACTUAL EXPENDITURES (FOR SEASONAL EMPLOYEES HIRED IN 2010)
		18,523.00	
OFFSET THE ABOVE INCREASES BY THE FOLLOWING:			
DECREASE TOBOGGAN SLIDE PERSONAL SERVICES	SP.1347.1010	8,825.52	2010 BUDGETED FUNDS EXCEEDED ACTUAL EXPENDITURES
DECREASE PARK DISTRICT ADMINISTRATION PER. SVCS.	SP.8310.0101	5,429.50	2010 BUDGETED FUNDS EXCEEDED ACTUAL EXPENDITURES
DECREASE PARK DISTRICT STATE RETIREMENT	SP.9010.0800	4,267.98	2010 BUDGETED FUNDS EXCEEDED ACTUAL EXPENDITURES
		18,523.00	

Supervisor Politi stated we did meet our budgeted revenues to date for the General Fund. Any revenues that come in from now until the end of the year become surplus which will go to Fund Balance. That is not the case in the Park District; we have received 95% of revenues to date. It is unlikely we will get there because of the \$100,000 shortage which was the payment the DEC would normally have made. I did speak to Betty Little. That money was not a member item. It was a line item. There were no member items in the Budget and this particular item was cut by the government. She is going to do her best to get the money back.

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

RESOLUTION OF APPROVAL TO SEEK APA PERMIT FOR EXPANSION OF C&D SITE.

Supervisor Politi stated we need a Resolution of approval to seek the APA permit of expansion of the C&D site. I have filled out the local government notice form. I need your authority that I am authorized on your behalf of the Town of North Elba to act as the authorized representative for the Town.

Councilman Rand moved and Councilman Favro seconded the motion to approve to seek the APA permit of expansion of the C&D site and authorize Supervisor Politi to act as the Authorizing representative on behalf of the Town of North Elba. There being no further discussion, the motion was unanimously carried.

Councilman Doty asked if they need copies of the minutes every time we talked about the C&D pile.

Supervisor Politi stated they wanted verification that there is a zoning district where the C&D is, that it is a municipal facility MFT, and that the landfill is a permitted use in that district. This is

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

an expansion to cover a 3 acre site approved by DEC. The Town has approved the expansion by this Resolution. It needs Jim Morganson's signature stating that you as the Code Enforcement Officer verify that the C&D property falls within that MFT zoning district. I will then send it to Tysdale.

James Morganson stated you are both right. This is sent first and with the application the minutes are included.

DOG COMPLAINTS- DEERWOOD HILLS

Supervisor Politi stated we got letters on the dog complaint. You are familiar with it, Ronnie? That will be in Court tomorrow night. Hopefully they will reach a resolution on those dog complaints. I tell you that for informational purposes.

TRASH COMPACTOR

Supervisor Politi stated Cathy wanted us to talk about the trash compactor. Whatever you do is not going to affect the budget. If a trash compactor is needed and whether it is \$13,000 or \$20,000, it is not going to affect the bottom line on the 2011 budget. Bond Anticipation Notes are payable in 2012. Larry you have a trash compactor that is broken down and needs to be replaced. The issue is what we are going to get to replace that.

Superintendent Straight stated this compactor is \$20,000 plus installation. It is twice the weight per bale. It will take less employee time.

Councilman Favro stated we are having trouble with the small compactors because it is not compacting enough. When it goes through the border we are getting jiggled on the radiation, but it is actually static electricity between the cans. They are getting held up. If that continues they won't buy from us.

Superintendent Straight stated a couple of times that it has done that they haven't fined us or penalized us for it. They said if it continues, and they are held up at the border, they would have to stop buying from us.

Councilman Favro stated the bigger compactor makes a lot of sense; it will save on labor and bigger and heavier loads going out.

Supervisor Politi stated you can put it on a BAN and add it on equipment and pay for it in 2012. Cathy would have to adjust the budget to show that purchase, not that it will cost anything. Or you can pay for it out of monies that we have in 2010. There are additional funds in equipment accounts that have not been utilized. That combination with fund balance and contingency fund could pay for it. It is up to you as to whether you want to pay for it now or pay for over the five year period.

The current compactor is not broken down. With the new one they would have four. They will either trade the old one or use it for salvage parts.

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

Councilman Favro stated I also wanted to talk about the possible increase in revenues. We are going to be looking at cans and bottles by working a deal with one of the redemption centers to recover that money. There are roughly about \$10,000 - \$15,000 of possible returnable income. That would be another stream of revenue coming in that we didn't plan for in the budget.

Supervisor Politi stated is this about the compactor?

Councilman Doty stated this is just bottle redemption.

Supervisor Politi stated so there is potential for additional revenues to offset this cost.

Superintendent Straight stated that is something we need to work out with the redemption center. Are we going to handle it or give them a penny a can for them to handle it? It is still revenue for us which we are not getting now.

Supervisor Politi stated it is \$20,000, if it were \$100,000 than that would be different. We have the money and I think we should pay for it.

The Board agreed and wanted to move in the direction of buying the larger compactor on this year's cost and is not reflected in next year's budget.

Councilman Favro moved and Councilman Miller seconded the motion to approve the purchase of the larger trash compactor from the 2010 budget. There being no further discussion, the motion was unanimously carried.

HANDICAP RAMP- SL TOWNHOUSE

Supervisor Politi stated the reason they had a problem at the election was because the Board of Elections did not send a portable ramp which they normally do. With that being said, we still have problem in terms of anyone handicap wanting to get into the building to utilize the Visitors Bureau. We talked about adding a ramp. I spoke with Derinda Sherman at the Board of Elections; she said she could get us some grant money to offset the cost of adding a ramp. The ideal place is to go in off of the front.

Councilman Doty stated Butch was going to meet me over there to measure. The driveway to the front columns is a minimal job.

Councilman Miller stated can we do it in house with the guys from the Parks Department.

Councilman Doty stated if it is as close as I think it is, it is a matter of pouring concrete and changing a little grade. Jim has the specs.

Jim Morganson asked why the front and not the side door, and Councilman Doty stated a motorized wheelchair won't fit through that door. Supervisor Politi added if you come off the side door you have to extend it and it would be in the driveway.

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

Supervisor Politi asked for a cost even if it is done in house. Councilman Doty will contact Butch or he will take measurements. Jim Morganson suggested with the grant not to worry too much about the in house; he suggested it be at a skill level that you want to have.

Supervisor Politi asked for a motion to conceptually approve the ramp and confirmed Councilman Doty will look into it and report back.

Councilman Doty moved and Councilman Miller seconded the motion to conceptually approve the installation of a ramp at the Saranac Lake Town House. There being no further discussion, the motion was unanimously carried.

APPROVE 2011- TOWN BUDGET

Supervisor Politi stated we had our Public Hearings. You have the information and we need to approve the Budget.

Councilman Favro moved and Councilman Doty seconded the motion to approve the 2011 Budget as written and presented. There being no further discussion, the motion was unanimously carried.

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

Supervisor Politi thanked Cathy Gregory and all the department heads for everything that they did and their understanding of the difficulty of the phase that we are facing now and the necessity of being aware of the cost of living for the taxpayers. I wish that the county would think along the same lines. I can foresee a potential problem on the County level.

The 2011 Budget is on file in the Clerk's Office.

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

COMMITTEE REPORTS – TIM KELLEHER NOT PAYING RENT AT AIRPORT

Supervisor Politi stated I am having a problem at the Airport. Tim Kelleher has not paid his rent in a year. He has an airplane and two vehicles that have been in the hanger for a year now. It is money that was budgeted for the Park District and not received.

Attorney Briggs stated I don't know that we can exercise self help and grab his stuff. We can certainly sue him for the rent. Let me take a look at the lease agreement.

Supervisor Politi stated there was a certain amount of self help already; he can't get in.

Attorney Briggs stated maybe he doesn't want to get in and it's long-term storage for him.

Supervisor Politi stated if I owned an airplane, I wouldn't want it sitting in the parking area all winter long.

Attorney Briggs stated I will look at the lease, and if we are legally entitled to then we will drag his stuff out there and push it off to the side.

Supervisor Politi stated he didn't sign the lease. He was given the lease and he said he was going to do it over and over again.

Councilman Miller stated if we drag the stuff out, can he come and take it and still not pay us. Can we hold it until there until he pays us?

Supervisor Politi stated we have two people who would like to rent the space. The storage will be the amount of rent he owes.

COMMITTEE REPORT – HIGHWAY TRUCK SPECS (NEW TANDEM TRUCK FOR PLOWING)

Councilman Favro stated Larry is working on the truck specs for getting it ordered before January. It would not be delivered until next year.

COMMITTEE REPORT- TRANSFER STATION THEFT

Superintendent Straight stated there was a break-in at the Transfer Station yesterday morning. There was \$206 of cash stolen, about \$7,000 of punch cards stolen and damage done to the cash register and the cash box. The perpetrator was apprehended a short time later. He was charged with possession of stolen property.

Attorney Briggs stated burglary third it was a building.

Superintendent Straight stated we'll let the State Police handle that. He didn't confess to anything. All we found was some of the tickets and the cash register. He is in jail awaiting bail.

Attorney Briggs stated he didn't confess to it. There is a lot more to this story.

Supervisor Politi stated it is a report to the public that there was a break in.

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

DECEMBER BOARD MEETING LOCATION CHANGE

Denice Fredericks needs meeting room in the Town Hall for the Christmas Fund. The December 14th meeting will be at the Beach House.

PUBLIC HEARINGS – RAY BROOK WATER DIST RATE INCREASE AND DOG LAW

The Ray Brook Water District Public Hearing is scheduled for 6:45 and the Dog Law Public Hearing for 6:50 before the Board meeting at the Beach House.

ESSEX COUNTY UPDATE

Supervisor Politi stated Essex County will be a hot town on Friday. I'm sure that Jon will be there.

Jon Alexander stated I wouldn't miss it for the world!

APPROVE AUDITS AS PER AUDIT #'S

Supervisor Politi asked for a motion to approve the audits.

TOWN OF NORTH ELBA		
CLAIMS APPROVED FOR PAYMENT 11/9/10		
	Regular	Prepaid
A FUND	90850.52	33959.65
DA FUND	75.92	0.00
DB FUND	20596.12	9502.78
H01 SECURITY/PERIMETER FENCE AIRPORT CAP. PROJECT	0.00	24804.06
H02 -BLOCK HANGAR REHABILITATION AIRPORT CAP. PROJECT	11000.00	
H31- CODE UPDATE	1272.40	0.00
H43 2008 AIRPORT CAPITAL PROJECTS	5000.00	
RD03-THEIANOQUEN WAY ROAD DISTRICT	0.00	0.00
SF1 FIRE PROTECTION DISTRICT	11001.98	0.00
SF2 FIRE PROTECTION DISTRICT	0.00	0.00
SF3 FIRE PROTECTION DISTRICT	3998.02	0.00
SP PARK DISTRICT	52761.36	19339.52
SS21 CONSOLIDATED SEWER DISTRICT	0.00	0.00
SW1 SEWER DISTRICT #1	0.00	0.00
SW2 MCKENZIE	0.00	73.80
SW3 RAY BROOK	295.96	459.45
T TRUST & AGENCY	0.00	243.34
TE PRIVATE PURPOSE TRUST	0.00	0.00
	196852.28	88382.60
100167, 102085, 102176, 102179, 102295-102299, 102301-102368		
102389-102431, 102433-102466		

REGULAR TOWN BOARD MEETING
TUESDAY, NOVEMBER 9, 2010

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

TOWN ATTORNEY REPORTS

Attorney Briggs stated last Thursday the application for Preliminary Junction to the public division was fully submitted. It is now before the Court. They will rule on whether or not to grant it. The preliminary junction is requesting the court to halt any further construction on both of the boathouses out on the lake.

Supervisor Politi asked how long it takes.

Attorney Briggs stated it will probably take about two weeks.

ADJOURN TO EXECUTIVE SESSION

There being no further business to come before the Board Councilman Doty moved and Councilman Favro seconded the motion to adjourn the regular Town Board meeting at 8:40 pm to go into Executive session for the purpose of discussing Union negotiations.

Councilman Rand moved and Councilman Doty seconded the motion to come out of executive session and resume the regular Town Board meeting at 8:45 pm

There being no further business to come before the Board Councilman Favro moved and Councilman Rand seconded the motion to adjourn the regular Town Board meeting at 8:45 pm.

Respectfully submitted,

Laurie Curtis Dudley
Town Clerk