

**REGULAR TOWN BOARD MEETING**  
TUESDAY, MAY 11, 2010

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 and Laurie Curtis Dudley

**Members Absent:** Councilman Rand

**Others Present:** Jon Alexander, Ron Briggs, Larry Straight, Mark Wilson, Cindy Garso and Mary Elizabeth Alexander

Supervisor Politi opened the Regular Town Board meeting at 7:00 pm by asking everyone to stand and honor our Flag with the Pledge of Allegiance.

Supervisor Politi asked for a motion on the minutes of the Board meeting on April 13, 2010.

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

**Mark Wilson – LP. Shore Owners Association**

Supervisor Politi welcomed Mark Wilson who asked to speak to the Board.

Mr. Wilson stated I would like to formally thank the Board and Supervisor Politi for your help and assistance in the Lake Steward Program that will be getting underway at the DEC Launch on Lake Placid this summer. Thanks to you and your contribution, we are extended to a full seven day a week monitoring protocol from Memorial Day weekend thru Labor Day weekend. It is something we could not manage on our own. Your support was exceedingly helpful and very much appreciated. He stated the really interesting and important news through Paul Smith's Aquatic Adirondack Watershed Institute has acquired Jeanie Ashworth, the former Supervisor of Wilmington, to be the primary lay steward at the DEC Launch this year. She brings a lot of maturities and understanding of the lake water quality issues as well as the interdependence of the communities and the importance of maintaining good lake health and environmental quality. She will be a great boom to the program and also will serve the lake very well.

Supervisor Politi stated in the same light, the Town and the Village appreciate the Shore Owners Association's proactive approach to making sure these types of issues were challenged. We all feel the necessity to maintain the integrity of our most important physical feature in the community. I appreciate it.

Mr. Wilson stated I was in a Village work session meeting today and they are taking significant steps to improving the stewardship of Village Launch at Paradox Bay. I was talking to Scott Gishbaw a DEC employee who oversees Lake Water Quality and Lake Water Testing; he sees Lake Placid and the entire communities approach to the lake water quality in Lake Placid as a model for the rest of the State. That is certainly to our credit.

Supervisor Politi stated it was important enough to this board that we felt that monetary contribution was important to benefit the lake. If you had not been out there it would not have gotten done. The Board also gave their thanks.

**Cindy Garso from Northwoods Engineering**

Supervisor Politi invited Cindy Garso to come forward to address the Board stating Councilman Rand had invited Mrs. Garso to talk to the Board about the C&D operations.

Mrs. Garso stated the Town submitted proposals from several engineers for the expansion of the C&D landfill and asked our office to take a look at the proposals to compare them apples to apples, is the cost reasonable, are they missing anything... that was our initial scope. We did that with the five proposals and we came back with the opinion that Tisdale was probably the best proposal for a reasonable fee. There were a couple of things missing on most of the proposals. A

**REGULAR TOWN BOARD MEETING**  
TUESDAY, MAY 11, 2010

couple questions on most of the proposals, I talked through those with Jay Rand. The two largest being whether or not the APA would be involved and whether there would be DEC storm water requirements. If it is anything over an acre, and this is a one acre expansion, would kick into the DEC regulations. Jay also gave me documentation of the APA involvement. She stated I went back to Tisdale and asked them to include those two items in their scope. They did and the cost increase was minimal for their work. I went through their proposal again and I feel comfortable that that is who we would recommend the Town proceed with.

Supervisor Politi stated the issue that came up as a discussion at the last workshop meeting was with the change and the modified Tisdale quote was the quote as modified higher than one or two of the other quotes that had been received. Did the other quotes that you had receive did they take into consideration the APA and DEC involvement and so forth?

Mrs. Garso stated originally when you look purely at fees Tisdale was the second most of the five. Now, if you take their fee they become the third lowest of the five. But you are no longer comparing apples to apples. Barton & Loguidice was the lowest and presumably they would still remain the lowest if I can judge based on Tisdale's additional cost. Barton & Loguidice was similar and would still be the lowest price. The next one would have been Ivan Zdrahal who did include the APA work but did not include the DEC work. They would be, if I had to guess, a couple thousand dollar at the most of each other; really close if Ivan went back and added the DEC work to his scope. I can't guess, but I think he probably would be a little bit higher.

Supervisor Politi stated I want to make sure the bids we received are all bidding on the same thing. If in fact, some of them weren't and have now been modified, does it now mean we have to go back to all of them because I don't know if that specification was included and it may have been our error that the DEC and APA involvement wasn't included. If that is the case, do we have to go back and have then all rebid because we have a responsibility to award this to the lowest bidder?

Mrs. Garso stated that is the heart to why I asked to come tonight. In fact, with professional services an entity does not have to go to bid at all. If they choose to they can go to a select group. If they choose to they can go to formal public bid. Regardless of all of those things, for professional services they are not required to.

Supervisor Politi stated I understand that. We looked at you as being the professional services and we had decided originally to seek out other prices. If we have already sought these other prices, do we have a responsibility to go back? I do not want a situation where you are representing us and I do understand your services don't have to be bid out.

Mrs. Garso stated if you look at Barton & Loguidice whose original price was \$48,500 and Tisdale's original price was \$61, 550. Tisdale is now up to \$66, 550 which included \$4,000 for storm water and APA and is very reasonable. Ivan Zdrahal was right neck and neck with Tisdale. The next was at \$93,000 and the last one was at \$145,000. One of the last two had an excellent proposal; very well done, very thorough, and I think they would have done an excellent job. But I also thought \$145,000 was way outside the budget. The overall range was from \$48,500 to \$145,000.

Attorney Briggs stated let me ask you a question; what was the criteria by which you decided to call Tisdale and ask them about DEC and APA and you didn't call Ivan and ask him?

Mrs. Garso stated because I thought their proposal was in the best interest of the Town to begin with.

Attorney Briggs stated based on what.

Mrs. Garso stated based on quality of their proposal and what was included in their proposal. The biggest thing that kicked Tisdale over Ivan Zdrahal was their hours spent onsite during construction. They put more hours to that task. They showed the hours. Barton & Loguidice and C& S Engineers submitted a verbatim scope. I didn't understand why that was because the Town did not provide a written scope. It was very confusing.

**REGULAR TOWN BOARD MEETING**  
TUESDAY, MAY 11, 2010

Councilman Favro stated what it comes down to it that Tisdale has all the components that we needed where Barton & Loguidice didn't have all the components.

Mrs. Garso stated none of them had storm water. Ivan did have the APA Portion and did not have the storm water portion. Yet his construction time was much more minimal. I was really uncomfortable with the construction time portion of things. When they are within of \$3,500 of each other on \$60,000 job, I would put that money to construction in a heartbeat.

Councilman Doty stated to put everything above board so we are all comfortable with comparing apples to apples without Cindy sitting alone giving us recommendations where everyone hasn't bid exactly the same thing. What is two more weeks to send out a letter asking to bid these two items? They weren't consistent with every bid. Then we are fair across the board.

Attorney Briggs stated could you call from what you have seen a list of specs for people to bid or do you think it's too amorphous to do that?

Councilman Miller stated is it fair to Ivan to do that.

Councilman Doty stated it is fair because it gives him a chance to recognize what someone else got a chance to correct.

Councilman Miller stated he is not going to offer the same amount of service than we can get elsewhere.

Councilman Doty stated then it is apples to apples; every item that we want addressed is addressed. That is my point.

Councilman Miller stated are you suggesting that we say to him that Tisdale is willing to put in this many hours.

Councilman Doty stated our letter would say something like this, in reviewing the current bids three major issues have not been addressed. If you've addressed APA issues, you need not readdress that. If you haven't address storm water, please address that for us. If you haven't addressed testing onsite, which I believe was a little inconsistent as well, please address that to our satisfaction. Cindy knows the bids better than any of us. She could correlate a letter. To me, \$145,000 down to \$48,000 means there is \$100,000 difference. If one is going to leave an onsite manager onsite so we don't get in violation of anything, it may be worth \$30,000.

Mrs. Garso stated the concern that I would have, is that the engineers now know Tisdale's scope because it is all public. They know their scope in detail and their price. The reason why I only asked Tisdale was because they were the person I would have selected to begin with. I did not look at it as an additional service significantly, but rather as a small request.

Councilman Favro stated technically, they already had more in the bucket to begin with.

Councilman Doty stated I understand that. But lets' flip the coin to those five different bidders. When you change the rules for one then you have to change them for all.

Councilman Miller stated the problem is that this is all public information now.

Supervisor Politi stated I really don't have a problem with you making a decision. Two of those bids are so high that we are not going to consider them. If the one that is low doesn't satisfy the requirements and we have two that are very close then I am not going to have a problem. This is a specialized field anyway.

Mrs. Garso stated if I felt that any of the other firms, with the exception of the two that were very high, were comparable in scope, I would have asked the two or three that were similar to see how their prices would come in. I didn't because I felt Tisdale was the best proposal. I have no opinions about any of them; they are perfectly well qualified.

Supervisor Politi stated have you seen their work on C&D's.

**REGULAR TOWN BOARD MEETING**  
TUESDAY, MAY 11, 2010

Mrs. Garso stated I have seen every ones work but not on C&D's.

Supervisor Politi stated we attained a professional and the professional has told us. The two that submitted the best proposals are so close that you have to make a decision one way of another if you are going to move forward.

Councilman Doty stated I am fine. I just wanted to test the waters.

Attorney Briggs stated I agree. It is so close and you answered my question; that the proposal overall was better and that is why you went back to them.

Supervisor Politi thanked Cindy Garso and explained he appreciated her coming.

**Land Use Code - Joint Public Hearing May 18<sup>th</sup>**

Supervisor Politi stated the Land Use Code Joint Town Village Public Hearing is next Tuesday night at 7pm at the High School Auditorium.

Supervisor Politi will not attend because he will be out of Town, and Laurie Curtis Dudley will notify Councilman Rand via email.

**Decision to award the C&D project to Tisdale**

Supervisor Politi stated we can make a decision on the C& D or we can wait until Jay returns to discuss it with him.

Councilman Doty stated he (Councilman Rand) has already had conversations; he is up to date. We just got brought up to date tonight. I am comfortable now that we all talked.

Councilman Favro stated I am fine moving on this.

Councilman Favro moved and Councilman Miller seconded the motion to award the C&D contract to Tisdale based upon the recommendation of Northwoods Engineering as the Town expert. There being no further discussion, the motion was unanimously carried by those present.

Roll call vote: Councilman Doty; Aye, Councilman Miller; Aye, Councilman Favro; Aye, Supervisor Politi; Aye, Councilman Rand was absent.

**DEC Violation – Above Ground Tanks**

Supervisor Politi stated we received a notice of violation from the DEC with regard to the petroleum bulk storage site at the airport. There were eight separate violations with regard to the tanks. Most have to do with painting, color coding, identification of the tanks as well as the piping systems not having check valves or proper gauging to indicate the level of the product within the tank. This is similar to a house inspection report that notes certain items of deferred maintenance that need to be updated. He stated we have been given 30 days to correct these violations. Larry, requested a number of quotes to correct these problems. We have two. One bid from Valley Petroleum Services in the amount of \$6,200 for tanks 5,6,7,8,9,10, and 100 which dealt primarily with identification, check valves and conduits. The other bid was from Jack Rugar Custom Painting to paint the tanks in question in the amount of \$3,500 for labor and \$500 for material with a request for 50% down being \$2,000. The total cost to correct these issues was \$10, 200.

Supervisor Politi stated Superintendent Straight contacted other parties who did not offer quotes. We do not have a choice since this is an emergency situation and does not require going further with bids. We are under a gun. If we do not get it done we are likely to receive a large penalty from DEC. Councilman Doty has reviewed violations and looked over the situations.

Councilman Doty stated in the different facilities I take care of, I have gone through similar inspections with Ben Hankins from DEC with very similar things. I'm sure this process can't bailout the State of New York but the fees are pretty steep.

**REGULAR TOWN BOARD MEETING**  
TUESDAY, MAY 11, 2010

Councilman Miller asked Superintendent Straight if it will be a problem getting the work complete given the time constraints.

Superintendent Straight stated the fellow at Valley Petroleum Services sent me an email that said he was going to contact the DEC telling them he had to order parts and that we are working on it. If we don't get the work done on time he would ask them for forgiveness.

Councilman Miller asked if we have had a response from the DEC and Superintendent Straight stated he has not communicated with them.

Supervisor Politi stated it would be a good idea for you communicate with either Ben Hankins or Dave Mountpleasant. Gentlemen, if you would like to move forward, I need a motion to approve these expenditures. A portion of the money will come out of Fund Balance and Park District Personnel Services, which will be covered in the Budget amendments. We are not hiring another part-time Park District employee and will utilizing people on staff so there is considerable savings in the Budget already. We are going to utilize those monies to offset those costs.

Councilman Doty moved and Councilman Miller seconded the motion to approve the expenditure to correct the fuel tank violations. There being no further discussion, the motion was unanimously carried by those present.

Roll call vote: Councilman Doty; Aye, Councilman Miller; Aye, Councilman Favro; Aye, Supervisor Politi; Aye, Councilman Rand was absent.

**SARNAK – ADK. LOJ ROAD**

Supervisor Politi stated we have a request from Search and Rescue of Northern Adirondacks to again use the Adirondack Loj Road to hold their volunteering toll on Memorial Day and Columbus Day weekends; May 21st – 23<sup>rd</sup> and again October 8<sup>th</sup> - 10<sup>th</sup> Friday 3pm – 7pm and Saturday & Sunday 7am – 1pm. They have done this every year for the last ten years. This is to raise money for their fund.

Councilman Miller stated I am not a big fan of these things. I certainly won't get in the way. I know it happens every year. Do we have any liability if someone gets hit by a car?

Supervisor Politi stated they have to provide us with a certificate of insurance which they always have.

The Board got a chuckle out of Supervisor Politi's light hearted suggestion that it may be better if the Town start tolling the road.

Councilman Favro moved and Councilman Doty seconded the motion to approve the Search and Rescue of Northern Adirondacks to again use the Adirondack Loj Road to hold their volunteer toll on the said dates. There being no further discussion, the motion was unanimously carried by those present.

**Budget Adjustments**

Supervisor Politi stated there are two Budget amendments;

- \$4,022.62 to be transferred from Administration Personal Service to Park District Equipment for the rollers for Craigwood Golf Course.
- \$2,500 to be transferred from Airport Equipment Account and \$6,500 to be appropriated from Park District Fund Balance for a total of \$9,000 for the corrective action for the Lake Placid Regional Airport bulk petroleum storage tanks. The total cost being \$10,200 of which the \$1,200 difference will come from the General Fund Fuel Equipment Reserve.

**REGULAR TOWN BOARD MEETING**  
TUESDAY, MAY 11, 2010

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 by those present.

Councilman Miller asked Councilman Doty about the Craigwood equipment list. Councilman Doty stated he was amazed that they are keeping a lot of the equipment going.

Supervisor Politi stated we do have a mechanic that really knows how to keep them going.

Councilman Doty stated even so, we should treat this golf course like we do our Highway Department and get on a buying plan every couple of years. They have two new pieces of equipment and six different pieces that are 20 years old.

Supervisor Politi stated Lynn has had a lot requests in the past and when it comes to trying to keep the budget inline at tax time the first items that seem to get cut are always the Park District golf course items. We don't want to cut Highway equipment for the roads and that seems to be why it happens. We always look to Butch at budget times when we need to cut money from the budget. Ultimately, Lynn's wish list is cut.

Councilman Doty stated Lynn takes the mower section which should stay dedicated and converts it putting on the big drums to make it two different machines.

Discussion continued regarding the use of the rollers and its function. The rollers remove frost rolls to create perfect level greens. Councilman Doty suggested looking into auctions for a rolling machine. He stated the greens mower is the most respected machine; when your greens look good everybody wants to golf your course.

Councilman Miller asked how much a roller cost.

Councilman Doty stated a used one can cost as low as \$6,000. Aerating the greens is a service we could provide to Craigwood. While we are doing it at Whiteface, we could send one guy with the machine and everybody makes our. There are many things we could do together if there are willing workers on both courses.

**Park District – Seasonal Hires**

Supervisor Politi stated there are a number of Park District Seasonal hires recommended by Butch Martin:

- Richard Preston to be paid \$12.75 per hour as a laborer.
- Doug Drum to be paid \$11.00 as an attendant at Craigwood
- Richard Strack to be paid \$12.50 as a clubhouse attendant at Craigwood
- Pat Peryea to be paid \$10.50 as an attendant at Craigwood
- Jeremy Fadden to be paid \$10.00 as a Park District trainee
- Ray Tempestelli to be paid \$ 11.50 as a laborer.

Councilman Miller moved and Councilman Favro seconded the motion to approve the Park District Seasonal hires as recommended by Butch Martin. There being no further discussion the motion was unanimously carried by those present.

**Transfer Station – Full-Time Hire**

Supervisor Politi stated Susan Muller has been hired as a permanent Transfer Station Landfill Operator to fill a non-competitive job classification and will be paid \$11.02 per hour. The interview process included Councilman Favro, Superintendent Straight, and Shannon Porter.

Supervisor Politi moved and Councilman Doty seconded the motion to approve the hire of Susan Muller as a permanent Transfer Station Landfill Operator. There being no further discussion, the motion was unanimously carried by those present.

**REGULAR TOWN BOARD MEETING**  
TUESDAY, MAY 11, 2010

**Highway Dept. – Wage Modifications**

Supervisor Politi stated there are two wage modification requests made by Superintendent Larry Straight:

- Corry Wiley, an HEO2, with a wage increase of \$1.00 an hour
- Steven LaHart, an MEO1, with a wage increase of \$1.00 an hour

Superintendent Straight stated Corry Wiley was in charge of the crew when Chris and Ken were away for two weeks and did an outstanding job. He has really stepped up and become a real good employee to me. Steve LaHart has done an outstanding job since he has been hired.

Supervisor Politi stated it is basically for achievement in their job.

Councilman Favro moved and Councilman Doty seconded the motion to approve the wage increases for Corry Wiley and Steve LaHart as recommended by Superintendent Straight. There being no further discussion, the motion was unanimously carried by those present.

**Boy Scout – Bottle Drive**

Supervisor Politi stated we have a request from Cathy Gregory for an Eagle Scout project to collect bottles. We did have a request from another group a month ago that wanted to take the bottles, but wanted the Town to package and transport the bottles. Our response was to give them the bottles, but it is their responsibility to take care of them. We never heard from them. In this particular case it is an Eagle Scout project and they are looking to pack the bottles and move them on their own. The request is for May 21<sup>st</sup> between 8am – 2pm. The request states, “On no circumstance will any Town employees have to be involved in helping out on this project.”

Councilman Favro moved and Councilman Miller seconded the motion to grant Cathy Gregory permission to collect the bottles at the Transfer Station for an Eagle Scout project. There being no further discussion, the motion was unanimously carried by those present.

Councilman Miller asked Superintendent Straight if we still made trips up to Plattsburgh at all.

Superintendent Straight stated we did last week, but I am not going to make anymore.

Councilman Miller stated good. I’m not in favor of us on Town time packing the stuff up and dragging it to Plattsburgh.

Superintendent Straight stated so then tell us what you want us to do with this stuff because it is piling up to the ceiling.

Councilman Miller stated then it sounds like they are coming and solving some of our problem for us.

Supervisor Politi stated it is temporary. This is only a one time deal.

Councilman Miller suggested we get a calendar going for organizations there’s to get them.

Superintendent Straight stated it is a problem. If we don’t take it then it just going to pile up and we don’t have room for them.

Councilman Miller stated we need to get the word out to other not-for-profits so they can come take them.

Superintendent Straight stated as long as we handle it for them. If we are going to handle it, we might as well get paid for it, as far as I’m concerned.

Supervisor Politi stated if they want to come and take it, we are happy to do it for them, but we cannot do all the work for them too.

Supervisor Politi asked for the discussion and the Board agreed unanimously with the exception of Councilman Rand who was absent.

**REGULAR TOWN BOARD MEETING**  
TUESDAY, MAY 11, 2010

**Town of North Elba Landfill post-closure Monitoring Program**

Supervisor Politi stated I have a note from the Modification of the Town of North Elba Landfill post-closure Monitoring Program. This is something I believe Superintendent Straight also received. The letter from the Adirondack Landfill Services of the DEC states there have been 21 rounds of post-closure monitoring at the landfill spanning a period of 14 years. There are two surface water samples collected along the Chub River upstream and downstream. A review of these results clearly shows that water quality has not been impacted by the landfill. The letter goes on to request based on the findings of the monitoring program the Town of North Elba is requesting the collection and analysis of the upstream and downstream of the Chub River be discontinued. We did receive a letter back from the DEC stating that they agree with the results and that the collection of the Chub River samples can be discontinued at this time. He stated this is good news; there is an indication that there is no leaching into the river, and our landfill is not affecting the water source.

**Committee Reports – Union Negotiation Timetable**

Supervisor Politi asked Councilman Miller to talk about the timetable for the Union Negotiations.

Councilman Miller stated we have notified the Union that we are prepared to begin negotiations. We also left it to them to give us the dates that they are looking at.

**Committee Reports - Government Restructuring Committee**

Councilman Doty stated I am still active with the Government Restructuring Committee in Saranac Lake that involves St. Armand, North Elba, Saranac Lake Village, and Town of Harriestown. It centers on a few different choices to help relieve the tax situation in the area. There are no clear solutions out in front of us yet, but many hours have been put in by about a dozen very committed people.

Supervisor politi stated we did execute the contract with the Saranac Lake Volunteer Ambulance. A number of Towns signed.

**Essex County Update**

Supervisor Politi stated recently the County has requested the Legislature to consider the County increasing the Sales Tax by ¼% to 8%. I believe 46 or 47 Counties are already at 8% or higher. It was not the intention of the County to necessarily just increase the sales tax rate. The Deficit Reduction Committee is looking to reduce cost and also increase revenue. The Sales Tax increase is just one prong in the investigation. The reason it was done now is because it has to go to the legislature which might take a long time to review. This is why it was done before the Defecate Committee could release proposals to reduce costs in the County of which there are many. We would rather increase the Sales Tax than the Property Tax.

Supervisor Politi stated it looks as though there will be a substantial number of increases as a result of things involving the State. One loss of revenue for example that normally comes in to offset the costs at Horace Nye Nursing Home. We are now looking at the potential of a \$4 million shortfall in that facility in the next couple of years which is going to have a major effect on people. Right now we are considering alternatives to the county operation of that facility. If we cannot find alternatives, then we have to find more efficient ways to operate it our self.

Supervisor Politi stated we are also considering potential wage freezes. We are just trying to find ways to save money, but have not gone so far as to consider furloughs. The State is affecting the Counties; it is a trickledown effect. We are getting less and less money. We are feeling it here in the Town. The State normally sends us grant monies each year in the amount of \$150,000 to offset our ORDA expenditure and of course this year it doesn't seem to be coming.

Councilman Doty stated there are a few things that should be said about sales tax revenues. Among the County where I worked there was a conflict to how to look at ¼% increase; weather it was replacement revenue of new revenue. The important part is to remind people that the ¼%

**REGULAR TOWN BOARD MEETING**  
TUESDAY, MAY 11, 2010

is returned to the Towns. I think that the Towns should use it to depreciate taxation and not use it for anything other than that. Don't squander it.

Supervisor Politi stated we are using the money to offset the tax levy. A lot of towns rely on that money for other for other things.

Councilman Miller asked how the county is doing with mortgage tax and the current sales tax revenue.

Supervisor Politi stated mortgage tax may be coming back a little, but is way down. Sales tax revenue is down and occupancy tax is down. However, over the last few months that has been increasing and is actually higher than last year at this time. There are positive signs, but the economy is bad everywhere and it is going to take awhile. It's just the way it is. In a lot of ways, this is a good thing. It is correcting things. It's a lot like the stock market which gets to a point and it has to correct itself. Maybe we all need to correct the way we do business not only in the County and the State but the Town too.

We have tried it here. As you know we had 30 employees a couple of years ago and we are down to about 25 now. A perfect example is Cathy position; she has taken over Human resources. Jessica Jocko has taken over organizing the Park District so Butch doesn't have to hire someone new. Kimball Daby filled in for Building and Grounds. We are doing everything we can to try and also cut costs. That is how everyone will have to do business in the future.

**Questions from the Press**

John Alexander asked for the size of the tanks that received the violations; Supervisor Politi gave the report to Jon to copy the information. Some tanks state no work to be done and some do.

Jon Alexander asked if the sales tax request was given to the Legislature for authority for the County to increase that tax?

Supervisor Politi stated yes, they need to approve the increase.

**Approved Audits as per Audit #'s**

Supervisor Politi stated we need to approve the audits per the audit numbers

TOWN OF NORTH ELBA		
CLAIMS APPROVED FOR PAYMENT 5/11/10		
	Regular	Prepaid
A FUND	60810.58	40266.79
DA FUND	2350.73	0.00
DB FUND	4413.41	9876.92
H43 2008 AIRPORT CAPITAL PROJECT	0.00	22930.00
SF1 FIRE PROTECTION DISTRICT	0.00	0.00
SF2 FIRE PROTECTION DISTRICT	0.00	
SF3 FIRE PROTECTION DISTRICT	0.00	0.00
SP PARK DISTRICT	354254.06	39420.06
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	4379.00	712.09
T TRUST & AGENCY	0.00	1607.51
TE PRIVATE PURPOSE TRUST	0.00	0.00
	426207.78	114887.17
10869-100896; 100901; 100903-100932; 100954-100963; 100966-101057		

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

**REGULAR TOWN BOARD MEETING**  
TUESDAY, MAY 11, 2010

**Town Attorney Reports**

Attorney Briggs stated I have nothing in open session. I have the letter that came from Hacker & Murphy on the restraining motion against the Whiteface Lodge.

Supervisor Politi stated this is not necessarily an executive session item. I think the litigation is over and that is public. Attorney Briggs agreed.

Supervisor Politi stated as you are all aware, we had settled the case on Whiteface Lodge and we are required to make a substantial payment within 180 days. We have just recently received four restraining notices from subcontractors who did work at Whiteface Lodge requesting that monies that they are owed be paid to them rather than Whiteface Lodge. Is that essentially correct Ron?

Attorney Briggs stated the way this works is these judgment creditors sued one or more of the whiteface Lodge entities and recovered judgments against them. One of the mechanisms that is available to enforce a money judgment is a restraining notice. This means that when money is about to receive judgment from a third party, the judgment creditor can serve a judgment notice on the person that has to pay the money and grab the money before it gets to the judgment debtor. Four restraining notices were filed against the Town claiming they have the right to receive money owed.

The following judgments and indicated amounts are as followed:

Andrew Chary Architect	\$11,009.22
Andrew Chary Architect	\$35,509.41
Lake Placid Rental & Supply	\$15,918.46
Anderson Architect, Inc	\$39,435.02

Total	\$101,872.11
-------	--------------

John Alexander asked what the amount the Town was paying to the Whiteface Lodge.

Councilman Doty stated the Town is paying \$245,000, the School is paying \$860,000 and the County is paying the same \$245,000.

John Alexander asked if it is official that the Town will be paying those judgments.

Attorney Briggs stated the Hacker & Murphy have given the petitioners' attorney an opportunity to interpose a position with regard to this demand. If they take a position which says that we are not allowed to pay it out, we will probably pursue a remedy under the law that allows the Town to take the money and file it with the Court. Then the Court decides.

Supervisor Politi stated we have to pay somebody within 180 days or we are penalized.

**Adjournment**

There being no further business to come before the Town Board, Councilman Favro moved and Councilman Doty seconded the motion to adjourn the Regular Town Board meeting at 8:05 p.m.

Respectfully Submitted,

Laurie Curtis Dudley  
Town Clerk