

REGULAR TOWN BOARD MEETING
Tuesday, February 9, 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, Councilman Rand, and Laurie Curtis Dudley

Others Present: Chris Knight, Ron Briggs, Larry Straight, Sean Ayers

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 agenda.

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

Supervisor Politi asked for a motion on the minutes of the Board meeting on January 12, 2010 and the special Board meeting of January 19, 2010.

Councilman Rand 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 with Councilman Miller abstaining due to his absence at the January 12, 2010 meeting.

GUEST SPEAKER; JEFF EDWARDS ADDRESSED THE BOARD REQUESTING SUPPORT FOR THE LAKE PLACID MARATHON AND IRONMAN 2010.

Lake Placid Marathon; June 13, 2010

Mr. Edwards stated the Lake Placid Marathon is scheduled for June 13, 2010. The letter I sent requested approval and support for the 6th Annual Half-Marathon and Marathon. There will be approximately 2,000 runners with the same course as previous years. Nothing changes; 8:00 am start and 2:00 pm finish.

Supervisor Politi confirmed the Marathon will supply the Town with an insurance certificate that also covers the participants. He also confirmed that Mr. Edward is working with the DOT, State Police and Essex County. He stated that it is a great event for the Community.

Councilman Rand asked about the participant history. Mr. Edwards stated there were 900 the first year. The newspaper reported Lake Placid as the #2 Destination Marathon in the country with only Big Sur ahead of us. We are very excited and hope to continue to grow. We hope to bring a good positive impact on a pre-summer weekend.

Councilman Miller asked Supervisor Politi if the Town has a contract with the marathon. Supervisor Politi explained we usually approve the race at Jeff Edward's request so that he can move on with securing with DOT and State Police. They often want a letter of support to see that the community is behind his efforts.

Mr. Edwards stated the lead agency now is by their own admission the Department of Transportation. They have decided this is the way they want it to work which means I have to go through a permit process with them and acquire approvals from each of the municipalities and entities involved.

Councilman Rand asked about event sponsorship and television coverage. Mr. Edwards stated we have a variety of local sponsors with the biggest premiere sponsor being the Golden Arrow. We have one regional sponsor from the Saratoga/Albany area, Urological Associates, who came to us through our involvement in prostate cancer fundraising. It would be great to have some bigger sponsors. TV coverage is local and nothing extravagant.

Councilman Miller and Supervisor Politi asked that the Lake Placid Marathon continue to recycle and would like to approve the event subject to a recycling plan which can be coordinated with Shannon Porter and members of the Town Workforce.

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Mr. Edwards stated we have made some good progress there. Now that everybody understands more about how that can work, we can work on making it a lot better. Each year we improve and learn more about how to better go about recycling.

Supervisor Politi stated Shannon Porter acquired a considerable number of portable dispensers which we use at the soccer fields for lacrosse. They can be put out along the race course.

Mr. Edwards stated they worked out really well during the Ironman last year. Shannon has been great. Again, I am learning more how to make that better and Shannon has been very helpful.

Supervisor Politi stated it sounds like we are on the same page. He asked for a motion to approve the Town's support.

Councilman Doty moved and Councilman Miller seconded the motion to approve a letter in support of the Lake Placid Marathon. There being no further discussion, the motion was unanimously carried.

Ironman; July 25, 2010

Mr. Edwards stated the Ironman is scheduled for July 25, 2010. We are requesting support for the 12th Annual event with the same basic set-up. Nothing has changed and we will move forward the same as we usually do with executing the event. Everything is covered under our agreement. Once again the DOT is the lead agency.

Supervisor Politi stated the letter also includes filming. You need approval for filming the event.

Mr. Edwards stated the Department of Transportation is responsible for controlling all filming on state highways and we have to inform the municipalities for which the state highways pass of our intent to film. This is a new regulation that comes with a state fee. The letter of approval has to specifically respond to that request for filming with the intent of producing a television show.

Supervisor Politi asked for a motion to approve the Ironman event.

Councilman Favro moved and Councilman Miller seconded the motion to approve the Ironman event. There being no further discussion, the motion was unanimously carried.

Supervisor Politi gave Mr. Edwards the letters of support for the Lake Placid Marathon and the Ironman. Both included requirements to recycle.

Mr. Edwards stated for Ironman week last year we recycled 5 tons of plastic and cardboard which is a pretty good start.

Supervisor Politi stated the Hockey Box is going very well. Mr. Edwards looks forward to the Youth Day celebrations.

Supervisor Politi stated I want to reiterate how much we appreciate what you do. You are a very important player in this community in terms of putting on these kinds of events. You have always done a great job, and it has been a pleasure working with you.

JIM WASSON SERVICE AGREEMENT

Supervisor Politi stated the agreement with Jim Wasson is the same contract and has not changed; a one year contract with a pay of \$28,685.00 from the Town which is paid out monthly. This is a service agreement that is in our budget.

Councilman Rand moved and Councilman Favro seconded the motion to approve the service agreement for Jim Wasson. There being no further discussion, the motion was unanimously carried.

FIRE CONTRACT; VILLAGE OF SARANAC LAKE & VILLAGE OF LAKE PLACID

Supervisor Politi stated we need to approve the Fire contracts pursuant to the Public Hearings that were held. The first one is with the Village of Saranac Lake. The total amount of the contract is \$41,584.33 which includes a credit of \$29,005.01 for 2009. It is a one year agreement similar to prior years. No one appeared at the Public Hearing to voice questions or concerns. I will entertain a motion to approve the Fire Contract with the Village of Saranac Lake.

Councilman Doty moved and Councilman Rand seconded the motion to approve the Fire Contract between the Town of North Elba and the Village of Saranac Lake as written and presented. There being no further discussion, the motion was unanimously carried.

Supervisor Politi stated the next fire contract is between the Town and the Village of Lake Placid. This is also a one year agreement in the amount of 70.47% of the total Fire Budget for the immediately preceding Village fiscal year equaling \$628,167.45 by making payments of \$314,083.73 no later than February 28, 2010 and a payment of \$314,083.72 due no later than August 1, 2010.

Councilman Doty asked if Attorney Briggs and Attorney Bliss worked out the details on the Ambulance Contract. He stated are we looking for special language or a different clause than when we help out youth organizations.

Supervisor Politi stated it is not included in this agreement because it is not completed yet. We have done that on our own and it has not been done in the Village yet.

Supervisor Politi stated I believe there is an issue about an ambulance being tied into a fire contract.

Attorney Briggs stated if we have a contract with the right language then it is fine. We just need to have a contract. They are providing a service pursuant to a contract and we are paying for that service under the contract.

Councilman Doty stated we also do not want that \$15,000 to be effected by our 70.47%.

Councilman Favro stated actually we do. We want the Village to pay the 30% of the \$15,000. We want the Village to be a partner in this, not a separate deal.

Supervisor Politi stated the purpose of bringing the Ambulance into the Fire Contract was to ensure that the ambulance would have some type of financial sustainability in the future. There may be some legal issue right now in terms of that happening. I still expect that the fire appointments, Councilman Favro and Councilman Doty, will be talking with the Village going forward. He stated do I have approval to execute this contract on behalf of the Town.

Councilman Favro moved and Councilman Doty seconded the motion to the Fire Contract between the Town of North Elba and the Village of Lake Placid as written and presented. There being no further discussion, the motion was unanimously carried.

ADIRONDACK LOJ ROAD BRIDGE UPDATE

Supervisor Politi stated Superintendent Straight, Councilman Favro and Councilman Doty attended the meetings. Would somebody please update us?

Councilman Doty stated it is interesting situation. Roby you might tell the story of how we acquired this bridge. That is the big story. It is at no cost to the Town. It is the only way we can afford it

Supervisor Politi stated we were able to get the bridge as a result of the pressure and ongoing discussions between the environmental community and the Town of North Elba and the concerns about the bridge being shut down. The negotiations involved the Department of Transportation, the Department of Environmental Conservation and the County of Essex. At a recent meeting of

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the Board of Supervisors, it was brought to their attention the potential issues that could pose a great concern to everyone up here. As a result, Fred Buck of Essex County Highway was able to find us a bridge. It is located in the Town of Malta which we are receiving for free. It has a value of \$750,000. Essex County will pick up the bridge and deliver it to the site. They will help us with the approach roads to the bridge and the Town of North Elba will pay for the abutments to secure the bridge in place. That will cost approximately \$250,000 or less. The County is taking care of the engineering and the permit process.

Superintendent Straight stated start date is August 1, 2010 and the DEC permit is good until the end of the year.

Councilman Miller asked how long the entryway will be out. There must be transfer time.

Supervisor Politi stated they will leave the temporary bridge in place until the new one is in place. They will lift it up and take it away.

Councilman Miller stated the taxpayers of the Town of North Elba owe you a great thank you, Roby. Councilman Favro stated we could not put in a bridge without that.

Councilman Doty stated the County wanted to put the bridge in because it then becomes County property anyway. It was to their advantage to make sure the engineering was done to their specs.

Supervisor Politi stated Fred Buck and Tony Levine have gone beyond the call of duty. They have been so helpful.

Chris Knight asked if it will continue to be a town maintained road and Supervisor Politi stated right now it is unless we can make a deal at a later date. The ideal scenario is that the DOT takes that road over and we take over another road that they are presently maintaining. It would be a road that makes more sense for the town to maintain. The Adirondack Loj Road primarily accesses state ownership and usage by everyone.

DISCUSSION ON THE PROPOSED LOCAL LAW REGARDING CONVERTED CONDOMINIUMS

Supervisor Politi asked attorney Briggs to address the proposed law regarding condominium conversions.

Attorney Briggs stated this is a mechanism to avoid the very favorable taxation provided to condominiums; under 339Y of the Real Property Law. As we learned from this prior taste of the Whiteface Lodge, it is a very unfavorable way of valuing condominium properties. It is on the income approach which means it would be far less than the actual fair market value of the property. This is a local law which prevents the conversion of existing residential units to condominium units. It doesn't prevent the conversion but it prevents the favorable tax treatment that the property would otherwise receive by reason of being a condominium. It only affects properties which are currently on the assessment roll as residential which are converted to condominiums at a later time. This local law will prevent that very favorable tax assessment approach and eliminates the valuation based upon income rather than the fair market value. It is in draft form. He stated if you have questions then I can respond to it.

Supervisor Politi stated it will not necessarily apply to every situation where someone wants to convert to fractional interests or condominiums as Ronnie said. This only applies to residential not commercial. It would apply to the proposal of Whiteface Lodge to expand the Canoe Club/Lansing's boathouse. They can make that fractional interests but those units would have to be valued at 100% and not a discounted value.

Councilman Miller stated if this law were in place a few years ago could it have prevented the problem that we have. Can it affect commercial property?

Attorney Briggs stated the genesis of this law is in the western part of the states people were creating multi-lot subdivisions with homes and making them condos for the sole purpose of getting that favorable taxation. This law was narrowly focused to stop that type of abuse.

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Supervisor Politi stated we can address the commercial property in the Land Use Code. That is something we do want to talk about.

Supervisor Politi stated at this stage we need to setup a Public Hearing on this law; the public hearing will be March 9, 2010 at 6:45 pm.

ADIRONDACK REGIONAL AIRPORT CONTRACT

Supervisor Politi stated we have an annual contract for service with the Adirondack Regional Airport. The agreement is that we provide the sum of \$2,000 to the Town of Harrietstown for the Airport. It is the exact same agreement as last year. Unless there is some discussion, I would move that we approve the contract and send the Town of Harrietstown a check.

Councilman Rand moved and Councilman Miller seconded the motion to approve the contract with the Adirondack Regional Airport as written. There being no further discussion, the motion was unanimously carried.

NORTH COUNTRY LIFE FLIGHT CONTRACT/AGREEMENT

Supervisor Politi stated we have a service contract with North Country Life Flight. It is the same agreement and same contract as in the past. The amount budgeted was \$2,500.

Councilman Rand moved and Councilman Favro seconded the motion to approve the contract with North Country Life Flight as written. There being no further discussion, the motion was unanimously carried.

BUDGET AMENDMENTS

Supervisor Politi stated there was one budget amendment; \$194.30 shortage in the aging program. The money will be transferred from the Building and Code gas and diesel account by the same amount.

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

JET FUEL BID OPENING

Supervisor Politi stated we had a Jet Fuel Bid Opening and you should all have a copy of the information. We are not going to move on this because our engineer, Ivan Zdrahal, will review the bids and the Alternate bids. We did receive five bids last Friday. The Bid #1 is for the 12,000 gallon tank. The alternate A is for a 10,000 gallon tank, Alternate B is a 9,000 gallon tank and Alternate C is a used tank. There were only two bidders on the used tank. There seems to be substantial differences between the bids.

Councilman Doty asked how long the bid had been out. As a Board we have not looked at the specs of this job.

Supervisor Politi stated the bid has been out for a month if not more. The Board has not looked at the specs. Ivan's engineering services were approved by the Feds and the State. It is his job to review the bids and make a recommendation to the Board. He continued to explain the cost to North Elba is 5% and Steve Short is also contributing \$25,000.

Supervisor Politi stated a smaller tank would be my choice. The site has been moved to the front of the terminal and a 12,000 gallon tank would be the only thing you would see. There is a swale there where I hope the tank could go.

Councilman Rand stated I agree the smaller the better but the question of how much fuel do we actually use and is it readily available if we need more needs to be asked.

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Supervisor Politi stated I want everybody to think about these things when Ivan comes to talk to us. He will probably be here at the next workshop.

NEW HIRE, CHRIS BIDELSPACH

Supervisor Politi stated Larry Straight recommended hiring Chris Bidelspach to the position of Transfer Station Operator 1 at a starting hourly rate of \$11.02 which is a non-competitive position.

Councilman Favro moved and Councilman Miller seconded the motion to approve the hire of Chris Bidelspach to the position of Transfer Station Operator 1. There being no further discussion, the motion was unanimously carried.

NEW PROVISIONAL HIRE, MARGARET MARCHUK

Supervisor Politi stated I have a request from the Park District and the Assessors' Office to fill a competitive position as a clerk. It requires that the individual pass the Civil Service exam and score in top three. This is a provisional appointment subject to these conditions. The employee's name is Margaret Marchuk at an hourly wage of \$13.00 per hour, pay grade 1. He stated unless there is a discussion, I entertain a motion to approve this provisional appointment pending Essex County Clerk Exam and results.

Councilman Doty moved and Councilman Rand seconded the motion to approve the provisional appointment of Margret Marchuk pending Essex County Clerk Exam and results. There being no further discussion, the motion was unanimously carried.

REVOCABLE PERMIT; CASCADE SKI CENTER & CRAIGWOOD

Supervisor Politi explained the annual permit agreement with Cascade Ski Center for the use of Craigwood. They maintain the trails throughout the winter for a permit fee of \$150. He stated I thought it was awfully low and we started discussing it and it was determined to be more beneficial for the Ski Center to maintain the trail. The trail is not an exclusive right. Anyone from the Town can utilize the trail. The trail can be accessed through the driving range and runs around the golf course.

Councilman Doty asked if we will receive insurance from the Ski Center.

Supervisor Politi stated we do. The contract is subject to their providing at his expense proper liability insurance. He asked for a motion to approve the permit agreement for 2010.

Councilman Doty moved and Councilman Favro seconded the motion to approve the annual permit with Cascade Ski Center for the use of Craigwood. There being no further discussion, the motion was unanimously carried.

TOWN AUDIT; ADIRONDACK AUDIT COMPANY

Supervisor Politi stated a "agreed upon procedure" report completed by Adirondack Audit Company. The audit was a requirement when we receive the grant. We received a grant from the New York State Office of Parks & Recreation and Historic Preservation in the amount of \$38,000 for use at the soccer fields. We approved this and John Huttlinger came in and did one. Cathy would like to close out this grant and would like to have the approval of this board to send the report on to the NYS Department of Parks & Recreation.

Councilman Dotty moved and Councilman Miller seconded the motion to approve sending the soccer field grant audit on to the NYS Department of Parks & Recreation.

Discussion: Councilman Doty stated Cathy's former job was an auditor. Is it a conflict for us to audit our own books? Supervisor Politi stated it is a conflict. A Municipality cannot audit their own books.

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

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FUEL DISTRIBUTION CENTER UPDATE

Supervisor Politi asked Councilman Doty and Councilman Favro to report on the Fuel Distribution Center.

Councilman Doty stated which fuel distribution system. Are you talking about the Highway?

Supervisor Politi stated we were having some problems down there and the two of you were going to look into it.

Councilman Favro stated there is a new board and keypad. They added heat strips and are working on the possibility of adding a little heater inside the box. This should take the moisture out and take care of the problem.

Superintendent Straight stated as soon as Shannon put in the new keypad she hasn't had any problems. He stated it seems to have problems when it gets real cold. They have replaced that keypad two or three different times. They keep sending them to us.

Councilman Miller asked about the warranty.

Superintendent Straight stated I think it was a year. They are supplying parts without cost to us until they fix the problem.

Councilman Doty stated should we consider a building around it.

Superintendent Straight stated if the problem continues than that may be the solution. They think that if we put heat tape in the bottom than that should be sufficient.

TORCH LIGHTING; UPDATE FOR 30TH WINTER OLYMPIC ANNIVERSARY

Supervisor Politi asked Councilman Doty and Councilman Favro to report on the torch lighting.

Councilman Doty stated it is real upbeat committee. We are like a bunch of kids down there. Dennis Ryan bought everyone fleece jackets with the Olympic torch. It has been a lot of fun. He stated it is one of those small projects where you feel a lot of community pride. There are plans to do new stonework around the base. The platform will be in the shape of the former Olympic logo. Whiteface Mountain and the torch are in the background and the pedestal will be there for cameras.

Councilman Doty stated the event is scheduled for Saturday February 13th. It will be live on Channel 5 at 6:16pm. Denice has it all organized and Burney Fell will be speaking again.

Supervisor Politi stated it's always fun with Dennis Ryan.

TOWN ATTORNEY REPORT

The Town Attorney had nothing to report.

ESSEX COUNTY UPDATE

Supervisor Politi had nothing to report with regards to the County.

Councilman Doty stated about the payment of taxes owed for State land, why does the letter states only to take the amount that is warranted?

Supervisor Politi stated whatever it says, we always ask for all of it.

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APPROVE THE AUDITS

Supervisor Politi stated the information there is for your benefit Derek because you were not partied to that Board decision that was made a couple of years ago.

He explained two vouchers are from Briggs & Norfolk. In the past the Town was paying close to \$80,000 a year for outside attorneys to handle lawsuits on behalf of the Town. The agreement is that Attorney Briggs office would handle it at a rate of \$175 per hour. Whereas the rates we paid in the past were in the range of \$250 - \$300 per hour. We agreed to go that route and saved a tremendous amount of money last year.

Supervisor Politi stated if you will note on those bills, the rate is at \$175 per hour. That is not to say that that wouldn't be subject to any discussion that you have or anyone else have going forward.

Councilman Doty stated is outside litigation the only venue out contract with Attorney Briggs.

Supervisor Politi stated yes. Only in a lawsuit; everything else is covered. Denice Curtain was doing it for a long time and the last bills were close to \$80,000 in defense of those cases with regard to Zoning and Planning. We decided to go this route to eliminate costs. The Town also saved money last year. Having Bill Kissel, the Attorney for the Zoning Board of Appeals, and Tim Smith, the Attorney of the Joint Review Board and Planning Commission, fill in for each other when a conflict arises. This also saves the Town money.

Councilman Doty stated how do we budget for litigation. Do we look at what we spent last year?

Supervisor Politi stated we budgeted for \$40,000. You are going to have a specialized tax situation in the tax certiorari that Ron could not handle. We would need to have David Murphy because that is his expertise. The end result is that monetarily we saved a lot of money.

Supervisor Politi asked for a motion of the audits as per the audit numbers.

TOWN OF NORTH ELBA		
CLAIMS APPROVED FOR PAYMENT 2/9/2010		
	Regular	Prepaid
A FUND	69,536.87	32,812.81
DA FUND	11,984.98	16,174.28
DB FUND	-	-
H43 2008 AIRPORT CAPITAL PROJECT	880.83	-
SF1 FIRE PROTECTION DISTRICT	-	-
SF2 FIRE PROTECTION DISTRICT	41,584.33	
SF3 FIRE PROTECTION DISTRICT	-	-
SP PARK DISTRICT	44,521.40	16,747.21
SW1 SEWER DISTRICT #1	136,991.34	-
SW2 MCKENZIE	-	73.80
SW3 RAY BROOK	-	869.46
T TRUST & AGENCY	-	20.00
TE PRIVATE PURPOSE TRUST	-	998.25
	305,499.75	67,695.81
11350; 11652; 100088-100092; 100095-100123; 100162; 100173-100195;		
100198-100243; 100269; 100299		

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

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QUESTIONS

Chris Knight asked for more information with regards to the proposed Condominium Law.

Attorney Briggs stated it was to address an abuse that was occurring. The legislature allowed local localities to adopt a local law to eliminate the benefits of 339Y of the Real Property Law, which creates the favorable taxation for condominiums.

Chris Knight asked when did the legislature do that and has it been court tested. Attorney Briggs stated it was in 1997 and it was court tested and upheld.

Supervisor Politi asked Chris Knight to publish the following Press Release to inform the public that our new website is up and running.

Press Release

Town of North Elba Launches New Website

Community information at your finger tips! The Town Board is pleased to announce a new and significantly improved website which highlights the daily operations and services of your local government. This resource and communication project was created in coordination with Adworkshop and Inphorm of Lake Placid.

In addition to the new site design and content/management system, local photographers are highlighted via an image gallery to enhance and attract visitors' interest. The end result is a community based technology which keeps our citizens informed while emulating the beauty of the region.

- Check Us Out –
www.northelba.org

ADJOURNMENT

There being no further business to come before the Town Board, Councilman Miller moved and Councilman Favro seconded the motion to adjourn the Regular Town Board meeting at 7:55 p.m.

Respectfully Submitted,

Laurie Curtis Dudley
North Elba Town Clerk