

Public Hearing/Regular Town Board Meeting
Tuesday, March 9, 2010

Minutes of Public Hearing held on the above date beginning at 6:45 pm in the meeting room of the North Elba Town Hall, 2693 Main Street, Lake Placid, New York.

Members Present: Supervisor Politi, Councilman Doty, Councilman Rand, Councilman Miller, Jessica Jocko, Deputy Town Clerk.

Members Absent: Councilman Favro

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

Supervisor Politi opened the Public Hearing to order at 6:45 pm.

CONDOMINIUM LAW

Supervisor Politi read the following notice; Notice is hereby given that the Town of North Elba will hold a public hearing on March 9, 2010 at 6:45 pm at the North Elba Town Hall, 2693 Main Street, Lake Placid, New York, for purpose of conducting a hearing to consider a local law which shall provide that the provision of Real Property Law § 581 shall not apply to converted condominium units within the Town of North Elba.

At such time and place said Town Board will consider the aforesaid matter and hear all person interest. Said notice was posted in paper and Town bulletin Board.

Supervisor Politi read the following law; The Town of North Elba hereby determines and provides that the provisions of Real Property Tax Law §581 shall not apply to converted condominiums units within the Town of North Elba. A converted condominium unit, for purpose of this law, shall mean a dwelling unit held in condominium form of ownership that has previously been on an assessment roll as a dwelling unit in other than condominium form of ownership, and has not been previously subjected to the provisions of Real Property Law §581 (a) of to the provisions of Real Property Law §339-y (b). The Town of North Elba hereby determines and provides that the provisions of Real Property Law §339-y (b) shall not apply to converted condominium units within the Town of North Elba.

No on appeared to speak regarding Condominium Law.

There being no further business to be brought before the Town Board at this time, the Public Meeting was adjourned at 6:58 pm.

Minutes of the Regular Board meeting held on the above date beginning at 7:00 pm in the meeting room of the North Elba Town Hall, 2693 Main Street, Lake Placid, New York.

Members Present: Supervisor Politi, Councilman Miller, Councilman Doty, Councilman Rand, and Jessica Jocko, Deputy Town Clerk.

Members Absent: Councilman Favro

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Others Present: Larry Straight, Chris Morris, Chris Knight, 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 on the minutes of the Board meeting on February 9, 2009

Council Doty asked about contribution from Steve Short in amount of \$25,000 for Jet Fuel Project is it a contract. Supervisor Politi said there is no contract it was something he offered and we are not obligated to take this offer.

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

Supervisor Politi asked for a motion to approve the Agenda.

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

MARTY PERKINS – VILLAGE ANIMAL CONTROL OFFICER:

Marty Perkins stated wanted to discuss with board using a new local veterinarian Alice and John Flanagan for emergency purposes rather than High Peaks Animal in Raybrook for emergency call that happen early morning. He stated I would like to set up a Town/Village account with the Flanagan's for these emergency cases. In the past pet care has taken care of bills or friends with animals both charitable organizations.

Supervisor Politi states I do not understand what you mean by a Town /Village account.

Marty Perkins stated that we need a responsible party for that account for example if a local was out of town and their pet was to be injured I would have to pick them up John Flanagan would be willing to help

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the animal but Town would be obligated to pay bill and go after pet owner at later date if homeowner would not pay for services.

Supervisor Politi stated so you are asking us to be obligated for a bill and to retrieve the money from home owner. What do you suggest Attorney Briggs?

Attorney Briggs stated if we pick up the dog we are responsible for it.

Supervisor Politi stated have you asked the Village's approval?

Marty Perkins stated no I have not met with Village I will be meeting with them at the next meeting. Supervisor Politi stated the village should be the obligor for this. We have a contractual agreement with them for your services.

Marty Perkins stated I am asking both Town and Village for permission because some dogs I retrieve are located within the Town of North Elba and that means bringing them to small claims court down the road, I will have to do this in Town court.

Supervisor Politi stated I do not think this was a necessary meeting and there is no question we have an obligation to these animals period. There are no problem here The Town will endorse this.

JET FUEL PROJECT

Supervisor Politi stated we have had a number of bids ranging from a 12,000 gallon tank to smaller. There is an issue with cost and tank size. Our agreement with Steve Short as concessionaire says all sales, fuel sales and operations are under his control. Supervisor Politi stated I don't believe this to be the case because we lease the T-Hangers and collect rent. The question is do we want to be put in the position where the concessionaire rents, operates and collects the revenues on fuel tank station where monies collectively came from Town, concessionaire and federal and state funds. We need to address this because there are pretty good profits in sale of jet fuel. We need to review the contract of concessionaire agreement. The other issue is size of tank do we need 12,000 or is 6,000 feasible.

Councilman Doty stated I do not understand how the Fuel gets to the plane is it tank to plane or by Truck.

Supervisor Politi it's from tank to plane.

Supervisor Politi stated I have no problem with Ivan being at next public hearing and explaining how this all will work.

Councilman Doty stated my concerns center around using private money and then tax payers money to put someone in business. Can we alter the contract to benefit Steve for looking after this fuel service. This service will be very lucrative, tremendous sales are possible.

Councilman Miller stated what do you mean by tremendous sales?

Councilman Doty stated with all the events we have here in a Lake Placid especially the Horse Show and all the private plans that fly in they could land here in Lake Placid rather than going to Lake Clear. I talked to the airport manager today he told me we need to talk to Steve Short and he needs to let us know what size planes can land there. On flip side it could affect Adirondack Regional Airport.

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Attorney Briggs stated I don't believe a lot of planes would land here because there are not a lot of options to bail out if need be.

Councilman Doty stated this is why we will be a good weather airport.

Supervisor Politi stated we have not awarded bids and we won't until we know what we want to do I think we need to have another public meeting first. Another question that's need to addressed is can state and Federal money be utilized to develop a jet fuel station with an independent operating benefiting from revenue.

Attorney Briggs stated first step we need to look at concessionaire agreement that we have with Steve Short. The grant expires April 10 2010 we need to send a letter asking for a one year extension.

C & D LANDFILL EXPANSION

Supervisor Politi stated please update me on anything that has happened since workshop.

Councilman Rand stated it has been recommended that we contact Tisdale regarding DEC storm water permitting and inspection, estimate of materials and testing cost and recommended the Town determine if APA would have jurisdiction over the project and if so, scope and cost to be included. This was recommended by Northwood Engineering that looked at all the different bids. I ask Larry Straight to have Shannon Porter look it over which she did. Shannon's first question regarding the storm water permit is if were necessary. The response from Northwood engineering was most likely. Regardless, the \$2,500.00 conclusive of inspection is an excellent value. it also includes notice of intent and notice of termination and completed with accordance with new GPO 007 permit just out. He stated Northwood Engineering would still like more questions answered. Shannon would like to look into the testing a little more. APA would have jurisdiction of, we believe 25%. Town should get estimate for this portion of work from APA also. I just received this information about 4 hours ago, and I email it to everyone. I think we are good. There are a few additional things.

Councilman Doty there is no urgency in this because we are not in violation of our current C&D pit. Time is on our side so we can look at a few options. Tisdale did say they would monitor testing at no extra charge.

Supervisor Politi to make this clear we were originally approved for 3acres site and only used about an acre and a half so we can expand another acre and a half but it requires approval from DEC and APA and engineering is involved.

Chris Knight stated is this because the original site is reaching its capacity?

Supervisor Politi stated if you look at the pile, it looks like a mountain. We are starting to call it "Little Whiteface". It's next to the athletic fields and it's getting unsightly. Eventually we would like to get a grinder and be able to grind it down and be a little more environmental friendly so we don't have a huge mountain of debris.

Councilman Rand we retained Northwood Engineering to review different proposals we received and make some recommendations. They believe we should look over these things further.

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WHITEFACE LODGE TAX REFUND PAYMENT ALTERNATIVE

Supervisor Politi stated we have talked over this in the past. The question is how we pay for it. Do we do a 1 year bond, 5 year bond, 10 year bond or pay with Fund Balance. At present time we have set aside about, a million six in the Fund Balance. 1 year bond will cost \$249,410 on \$245,000 of debt 5 years is \$270,725 and 10 year bond costing \$308,333. The issue is do we want to use tax payer money over time or use accumulated Fund Balance money to eliminate obligation.

Councilman Doty stated can we rollover a bond.

Attorney Briggs stated we can up to five years but at different rates.

Supervisor Politi stated another thing to remember is these costs to not include Bond council fees.

Councilman Doty stated a one year bond makes sense. It buy's us time to see where we are a year down the road at 1.8% and \$4,400 in interest.

Councilman Miller stated at these rates we can go five year at a 3.50% locked in rate. Within the next, year we don't know where interest rates will be.

Supervisor Politi stated it's a good deal no matter what is decided.

Councilman Miller stated I agree.

Supervisor Politi I have no problem taking it out of the Fund Balance and paying it off. This does not include the extra set aside for the bridge fund.

Councilman Doty stated, pay the bill and have no interest.

Councilman Miller stated, explore a 5 year bond.

Councilman Rand stated, I agree with that.

Councilman Doty stated I am comfortable with that.

Supervisor Politi stated then let's find out what the legal cost are going to be on a 5 year bond. Any decision we make will be fine.

LATERAL HIRING TRANSFER HIGHWAY DEPT. DAVE LUCK

Supervisor Politi stated lateral hiring transfer of Dave Luck from landfill to highway at wage of 12.39 an hour. This is a non competitive grade position Larry Straight this is who you have recommended.

Larry straight stated correct.

Councilman Rand moved and Councilman Favro seconded the motion to approve lateral hiring of Dave Luck from Transfer Station to Highway Department. There being no further discussion, the motion was unanimously carried by those present.

APPROVAL- COUNTY ROAD MAINTENANCE CONTRACT

Supervisor Politi stated everyone has reviewed this contract. It is the same as last year and everyone is satisfied with it. With that being said I would like to get approval from the board to execute these contracts on behalf of the Town with the County of Essex.

Councilman Miller moved and Councilman Rand seconded the motion to approve County Road Maintenance Contract. There being no further discussion, the motion was unanimously carried by those present.

APPROVAL – EBS – DEPT. OF HEALTH & HUMAN SERVICES CONTRACT

Supervisor Politi stated we need to approve the contract for Health & Human Services contract for the operation of the cafeteria upstairs. It is the same as we have executed in the past.

Councilman Rand moved and Councilman Miller seconded the motion to approve Health and Human Service Contract. There being no further discussion, the motion was unanimously carried by those present.

FEBRUARY BUDGET AMENDMENTS

- \$246.43 purchase infrared heater for Parks garage. This is a transfer of funds from Craig Wood Building Repairs to Parks and Garage equipment.
- \$32.67 to purchase toboggans which is being transferred from grounds repair.

Councilman Rand moved Councilman Doty seconded the motion to approve February Budget Amendments. There being no further discussion the motion was unanimously carried by those present.

ACKNOWLEDGE EFFORTS OF HIGHWAY CREW

Councilman Doty stated the Board wanted to show appreciation of road crew during last storm.

Supervisor Politi stated I am the guy who knows, and I have not received phone calls at all that is an indication of the good work.

TRANSFER STATION – PUNCH CARDS

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Councilman Miller stated we are thinking of eliminating punch cards because I am not sure they work. I think it may be more efficient to go with the scales, but if we decide to go with scales we need to lower the minimum from \$6.00 to \$3.00.

Supervisor Politi stated you have spoke with Shannon Porter and Larry Straight regarding this?

Councilman Miller stated yes I have.

Supervisor Politi stated is this concences of opinion? Is this a recommendation to this board that we eliminate punch cards going forward? Do we have a resolution? Someone has to make a motion to eliminate punch cards of a certain date and that we are going to reduce rate and go by weight. Are we prepared to do that now?

Councilman Miller stated we are thinking immediatly; stopping the sale of the punch cards and allow what's out there to be used up.

Supervisor Politi stated to Councilman Miller how do you believe the public is going to react to this.

Councilman Miller stated I believe there will be overwhelming support I have received numerous complaints regarding the fairness of the cards being punched.

Chris Knight from the press asked how it works now.

Supervisor Politi stated you can purchase a \$10.00 punch card. When you get to transfer station you go straight to the compacter avoiding the scales. Your card is punched depending on how many bags, one punch per bag depending on size of bag.

Councilman Miller stated the punch card system is very hard to control. The scales tell the story; you charge by the weight without chances of favoritism.

Councilman Rand stated the punch card system has a real convenience.

Larry Straight stated we feel we are losing revenue on punch cards.

Supervisor Politi stated what I like about the punch cards is I can get in and out and know how much it's going to cost. Original concept of punch cards was to speed up the process.

Councilman Miller stated lets make this as efficient has we can.

Councilman Rand stated I can understand the revenue part but we should do an analyst on it showing how much we are losing. Do analyst showing revenue difference with punch cards and scales.

Attorney Briggs stated maybe we should raise cost of punch cards to raise revenue.

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Supervisor Politi stated something's are not going to be a perfect system, ok did we beat that one up.

Councilman Miller stated yes bad.

JULY 17, 2010 – HAZARDOUS WASTE DAY

Supervisor Politi stated this is a grant with DEC. This year hazardous Waste Day will be July 17, 2010.

APPROVE- TRANSFER STATION REFUNDS

Supervisor Politi stated the following accounts have had no activity since 2008 or older Cathy Gregory is recommending refunds and closing of accounts.

- * Gladd Electric
- * Outpost Wine and Spirit
- * R&M
- * Lorberbaum
- * Terry Robards wine and Spirits
- * Northwood Inn LLC

Total 136.78

Councilman Doty moved Councilman Rand seconded the motion to approve transfer station refunds. There being no further discussion the motion was unanimously carried.

COMMITTEE REPORTS:

Larry Straight stated airport meeting Thursday Morning with CNS.

Town Attorney Reports

Attorney Briggs stated I have nothing for open session

Essex County Report

Supervisor Politi had nothing to report from the county.

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Audits

Supervisor Politi asked for a motion to approve the audits.

TOWN OF NORTH ELBA

CLAIMS APPROVED FOR PAYMENT 3/9/2010

| | <u>Regular</u> | <u>Prepaid</u> |
|----------------------------------|-------------------|------------------|
| A FUND | 137,001.99 | 45,363.49 |
| DA FUND | - | - |
| DB FUND | 8,568.28 | 15,039.16 |
| H43 2008 AIRPORT CAPITAL PROJECT | 16,377.32 | - |
| SF1 FIRE PROTECTION DISTRICT | 10.74 | - |
| SF2 FIRE PROTECTION DISTRICT | - | - |
| SF3 FIRE PROTECTION DISTRICT | 3.97 | - |
| SP PARK DISTRICT | 40,639.11 | 31,448.45 |
| SW1 SEWER DISTRICT #1 | - | - |
| SW2 MCKENZIE | 2,342.15 | - |
| SW3 RAY BROOK | 207.12 | 872.25 |
| T TRUST & AGENCY | - | 839.59 |
| TE PRIVATE PURPOSE TRUST | - | - |
| | <u>205,150.68</u> | <u>93,562.94</u> |

100126-100129; 100132-100140; 100163; 100168; 100205; 100238;
100244;
100265-100268; 100270-100278; 100280-100298; 100300-100364;
100405-100445;

100448-100495; 100518-100573

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

Questions

Chris Morris from the press asked if there anything new on John Brown Farm.

Supervisor Politi stated no I have not heard anything new. The issue is if they decide to eliminate funding on the farm what kind of agreement the town might consider.

Councilman Miller stated does it have to be Town or are there non-for-profit organization that can take it over.

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Supervisor Politi stated I don't think there are any non-for-profits organizations interested. These are my feeling on this we are not going to step into and take over the farm without an agreement from the state ideally that the land be signed over to Park District. The Town would be interested in this conjunction with local historical society to have them operate historical site and town maintain recreational trails on facility. The Park District was established primary for 1932 Olympics this would be ideal for us to have title to this property.

Chris Knight stated when we talked the second time you talked about it adjoining the ski jumps and if there was ever a need to expand these facilities we could if the Town had the John Brown Farm land. Some people were taken back by this in the sense they question the intention of the town to take it over. Is it so they could expand ski jumps onto this property?

Supervisor Politi stated the ski jumps right now are a distance of 10feet from the property. If the ski jumps were to ever be expanded it would be height wise which may overhang on John Brown property. It is a historical sight but it was always run as a farm. Then why are we using it as recreational trails and so forth. Well because it's a benefit to the community. I don't see that changing. There is no intention on the Towns part to change this. We want it to remain a historic sight but also maintain the benefit to community.

There being no further business to come before the Town Board, Councilman Rand moved and Councilman Doty seconded the motion to go into Executive Session at 8:20 for the purpose of discussion Article 7 litigations and Contractual Negotiations.

There being no further business to discuss Councilman Doty moved and Councilman Miller seconded the motion to come out of executive session.

Councilman Miller moved and Councilman Doty seconded a motion to approve Article 7 settlement with Joseph Sessa and Canada Inc. There being no further discussion the motion was carried by those present.

There being no further business to come before the Town Board Councilman Rand Moved and Councilman Doty seconded the motion to adjourn the Regular Town Board meeting at 8:45 p.m.

Respectfully Submitted,

Jessica Jocko
North Elba Deputy Town Clerk