

REGULAR TOWN BOARD MEETING
TUESDAY, SEPTEMBER 21, 2010

Minutes of the Regular Board meeting held on the above date beginning at 7:00 pm in the meeting room of the Town House, 193 River Street, Saranac Lake, New York.

Members Present: Supervisor Politi, Councilman Favro, Councilman Doty, Councilman Rand, and Laurie Curtis Dudley

Members Absent: Councilman Miller

Others Present: Chris Knight, Jon Alexander, Ron Briggs, Larry Straight, Jim Morganson, Sylvie Nelson, Keith Wells, Allan Burdick

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 of August 10, 2010 and Special Board Meeting of September 13, 2010

Councilman Doty 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.

SYLVIE NELSON AND KEITH WELLS - SARANAC LAKE VISITORS BUREAU.

Supervisor Politi welcomed Sylvie Nelson and Keith Wells who are from the Saranac Lake Visitors Bureau.

Sylvie Nelson thanked the board for allowing them to come. She stated we are very glad to welcome you to our house which was made possible because of you. We certainly appreciate it. I thought this was a good opportunity to give an update and also to publically thank you for the building paint job that was done by the Town. It is awesome and really stands out. We knew that it needed to be done and that it was done is great. That put a more professional face to the welcome that we offer our visitors here in a Saranac Lake. Having said that, I want you to know that the inside still needs to be done because it is my understanding there is a bid going on. I talked to Derek this morning about some water damage that may be before or after the new roof. We would also like to entertain perhaps bring some color into the room if you are going to paint.

Sylvie Nelson brought paint sample which were put together by Georgian Gaffney, a local artist who prefers historical colors. The colors were also chosen to compliment the artwork which is on display from Saranac Lake Artworks. Councilman Doty asked for color swatches for reference.

Supervisor Politi asked Councilman Doty if we talked to anybody about a bid yet.

Councilman Doty stated we have not yet. We discussed painting the inside in a couple of phases. This room is primary. The back entrance and down the stairs is different. Lou Conway took a look at it and down the stairs is all oil base paint. The main room should be our focus this year.

Discussion continued regarding the best time to start painting the main room. It was determined that Winter Carnival, the two weeks in February, is not a good time. Although there is not a

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perfect time, the SL Chamber is willing to make it work anytime because they are happy that it will be painted.

Sylvie Nelson stated I wanted to update you on the number of visitors. We had over 5,000 visitors through the doors last year which is close to the Village population.

Supervisor Politi asked how those numbers compare to your old location.

Sylvie Nelson stated we never really kept specific numbers on that area. I don't think we were that busy there.

Keith Wells stated we have had people stop in when I was here saying they never wanted to bother over there because it was such a hustle to find a place to park. Here is easy in and easy out.

Sylvie Nelson stated we encourage people to park here and walk downtown. It is such a beautiful walk. Another thing that just came about is storing bicycles for visitors; we have someone's bicycle that is canoeing from Old Forge and will ride his bike back to his car. This is very convenient for many people because we are right across from the water.

Supervisor Politi stated all of us look at it as a great partnership. We had a building here that wasn't being utilized. I know that in the beginning many thought there were ulterior motives and there never were.

Sylvie Nelson stated the partnership with the Regional Office of Sustainable Tourism is also working out very nicely.

Keith Wells stated that gives us the weekends that we didn't have before. So when we are asked what the numbers were like last year we had nothing the same.

Sylvie Nelson stated weekends alone we have 300 – 400 people per month.

Councilman Doty asked if there were any problems with elections.

Sylvie Nelson stated it was very smooth. We really enjoyed the staff. Of Course it was a Primary and we didn't have different machines. When they came in they were very pleasant. We tried to accommodate them; if they needed to use our copier or access to the internet then we had that for them.

Sylvie Nelson thanked the Board stating you are welcome in your house too.

ALLAN BURDICK – HIGHWAY TAX, RAILROAD, BED TAX

Mr. Burdick stated I want to thank the Board for doing away with the highway tax. It's taken 18 years. To me it was legal robbery. I wish you could have heard of the foolish excuses they were giving at that time to keep it. It was unbelievable that people would try to steal from their neighbors and friends.

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Supervisor Politi stated unfortunately it happens everywhere across the state. It is a fact of life in most places and it still is in the Village of Lake Placid.

Mr. Burdick stated I also wanted to say something about the railroad. I have 40 years of railroading. I started out as a brakeman and ended up in management. What I see is that this thing is never going to take and produce a nickel. I am just so surprised that they don't tap you and the other villages for something.

Supervisor Politi stated I think it's more logical that it does not survive.

Mr. Burdick stated you have to fight the DOT. The DOT seems to be something like the APA and the DEC. What one or two people saw is law. The railroad moves the engine and the cars out and bring them back just before Declaration Day. There are no engines or cars insight but the railroad is still active. All the school buses, hazard material vehicles, ambulances and emergency vehicles have to stop. A bus has to stop and open the door and look down the track. The DOT was consulted and no dice. I did find out, and I don't know if they are going to do it this year, that they have a contract with the Snowmobile Assoc. that starts December 1st until April 1st.

Supervisor Politi stated I do know there are grant monies that are attached to that snowmobile group with DOT but I do not have a copy of the contract.

Mr. Burdick stated to me it is so ludicrous that there is nothing insight of the railroad. People don't realize a school bus has to stop between four and six times. When they do that, there go the fumes up into the air and half the gas tank. I can't understand it. I don't know if the railroad themselves would take the responsibility and cut it down to two trolleys that runs back and forth to Lake Placid. As I said, I have been with the railroad for 40 years and five different countries and I never saw anything this stupid. This is just waste.

Supervisor Politi stated we have stated our opinion on it but we haven't got anywhere ether. I have asked the exact same questions on a number of occasions and gotten the same answer you have. We agree with you.

Councilman Doty stated most of you do.

Light hardily, Supervisor Politi responded yeah most us; one guy doesn't and he's from Saranac Lake. Mr. Burdick joked, more power to him.

Mr. Burdick stated like I said, your biggest obstacle is going to be the DOT. All the preparations to get the surveys you are having. It may be a waste of money until you get by the DOT.

Supervisor Politi stated the DOT is definitely thrown some potential problems our way.

Mr. Burdick stated there is one more thing I would like bring to your attention. I know that you have other places that you sit on a chair and take a lot of headaches. I tried to find out from Mr. Farmer the amount of Bed Tax that accumulates in Saranac Lake. There are probably 7 motels. When he was contacted he sent me back the law. I don't care about the law. It was about ten pages if you want to sit down and read it all. After talking to him again he sent me a nice letter

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saying talk to Mr. McKenna. Why are officials afraid to divulge the amount of money that is collected? What is the secret?

Supervisor Politi stated it is public information that I get every month.

John Alexander confirmed that is a total collections report. Supervisor Politi offered to give Mr. Burdick an estimate. The State does not break it down.

Mr. Burdick stated do you know if they are responsible for divulging the amount of money that is spent on the Bed Tax and where it went.

Supervisor Politi stated there is a marketing plan produced by the Essex County Visitors Bureau that is available to everyone.

Mr. Burdick stated I didn't think it was right that a public official hold back the information and send me the law.

Supervisor Politi stated I will find out and give you an idea; happy to do it. He stated we have a hard time getting out of the State of New York on Sales Tax a breakdown of what North Elba generates as opposed to other towns within Essex County. Or what the car dealers generate vs. the hotels and motels. We have not been able to get that information. He asked Chris Knight if he was able to get the information.

Chris Knight stated the consultants that are working on the city study talked to some other company that did an analysis of the State Sales Tax information and they looked up zip codes and somehow they came up with some numbers.

Supervisor Politi stated the State has been very hazy on giving us the exact information.

Mr. Burdick stated well you know what I think about the railroad. I only say that because of my experience. It will never succeed. The expense of repairing the railroad would be horrific. As long as they go 15 mph then it is safe otherwise it is not.

Supervisor Politi thanked Mr. Burdick stated we are glad to have you with us.

DEC VIOLATION – REMEDIATION COMPLETE

Supervisor Politi stated Larry Straight has informed me that the remediation is complete for the DEC Violation of the above ground tanks. Those tanks have been certified by the Department of Environmental Conservation. This is something we have talked about in the past.

CRAIG WOOD UPDATE

Supervisor Politi stated the last we talked about Craig Wood was that we were not going to move forward on this project until mid-September 2011. We have a ways to go before we get there, from bonding to architectural fees. You were all given a copy of the proposal from Beardsley Design has estimated the projection for architectural cost is somewhere between 10% - 11%.

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That is open to negotiation at this point. We have not finalized it. At some point during the next workshop we need to discuss the direction we are going in terms of the negotiation on a contract for architectural services. Any questions?

Councilman Doty stated certainly I think we need a separate meeting on just this issue.

Supervisor Politi stated at some point we have to establish a cost. At that point we have to establish a bonding cost and before we can do anything we have a 30 day permissive referendum on the bond resolution once that is adopted. There is no way this can be started until next year.

ADK. LOJ ROAD BRIDGE WORK.

Supervisor Politi stated it is my understanding that the easements are in place.

Superintendent Straight stated there is a preview meeting on Thursday at 10am at the Town Garage. Contractors want to look at the site and/or inspect the bridge that is there. Bid openings will be October 1st.

Supervisor Politi asked when do you anticipate some kind of activity on the bridge.

Superintendent straight stated I would expect soon.

Supervisor Politi asked if the bridge is in good shape and how it would be moved out to the Loj Road.

Superintendent Straight stated the contractor will move it.

CONCEPTUAL APPROVAL- MTN. BIKE TRAIL SYSTEM – LPC PROPERTY

Supervisor Politi stated I want to talk about this proposed bike trail. I talked to most of you about it but we haven't done this in a group meeting session. He stated there is a proposal on the table now that the Town of North Elba would join with the Village of Lake Placid and the Lussi family in establishing a bike trail. A mountain bike trail about 5-6 miles on the Lake Placid Resort property south of Route 86 which is the lower golf course area. As you may be aware, the lower golf course area in Lake Placid has been restricted by the APA as a No Development Zone. It presently is utilized by Lake Placid Gold and the Lussi family for their golf course area. There is open space surrounding those golf course areas. A portion of which is presently improved with a mountain bike trail. The concept would be an extension and a root system throughout their property for the public to utilize in perpetuity. It would be a flexible easement in that if portions of the golf course were modified or changed that would affect the bike trail then the trail could be shifted. Jim Morganson was instrumental in putting this together. He stated Jim, if you have comments that you would like to make now with regard to the trail system then it would be appropriate. I know you weren't anticipating this.

Mr. Morganson stated I have to through it back to you. It is through your leadership that this came together. These are going to be trails that go over some existing logging pass, and we are going to try to enlist the help of the Bicycle Co-op Community to maintain these trails. The Lussi

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family is very excited about this. It is a very generous offer. Again, the leadership came from Mr. Politi.

Supervisor Politi stated the idea is to have a loop system that you would be able to get on between the 6th and 7th holes near the Coble Inn and go all the way down to the area where the Jack Rabbit Trail crosses the bridge on River Road. It gives us the potential for an expansion onto the Jack Rabbit Trail in the future if we can make that agreement with Tony Goodwin. We would see that there would be the possibility of taking that system all the way to Keene. If you did not go across the bridge and loop around by the river you would come out on the Bride Trail of the old Lake Placid Club by the Lake Placid Village Electric Company. You could then go up Powerhouse Rd onto Sentinel Road and down to the Train Station, where people would be able to park. If you wanted to continue up the old Bridal Trail to the Parking area on the lower golf course, you could continue back into town or go back down 86 to Cobble Hill Rd. He stated the thought is that this in combination of the proposed bike trail along the railroad corridor and Uihlein Henry's Woods facility would allow the community to have a bike trail that would be of interest to visitors and in competition with other resort areas that offer the same attraction. We are looking at the situation where the Lussi's are willing to finish cutting out the overgrown road areas. The Town and the Village would work as partners to finish the surface of the trails; 1/3 of it is already done.

Supervisor Politi stated I am looking for conceptual approval of what you see tonight because we don't yet have the language with regard to the easement. This may be the first time Ronnie is hearing of this. (*Attorney Briggs confirmed that is.*) Until that time I am just looking for conceptual approval to move forward to entertain such a relationship for the community.

Councilman Rand stated I think it's going to be great! It is super territory too.

Councilman Doty stated I will echo Jim Morganson; it is a great offer that the Lussi's have given us. It really gives us another great attraction for the biking community.

Councilman Favro stated we have been talking about building bike trails and paths and until we really have one it won't expand. Once you have one then it can expand; this could extend across the bridge to Craig Wood, Henry's Woods and back to the railroad. It is huge.

Supervisor Politi stated if you did not want to take the Jack Rabbit Trail, you cross the bridge and go down River Road up to Averyville Rd to Henry's Woods.

Councilman Doty stated it takes congestion off our roadways which is a major problem.

Supervisor Politi asked the Board if they would like to move as conceptually.

Councilman Rand moved and Councilman Favro seconded the motion to conceptually approve the proposed bike trail to be established on the Lake Placid Resort golf course property. There being no further discussion, the motion was unanimously carried by those present.

RESOLUTION TO APA- BOATHOUSE EXEMPTION

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Supervisor Politi stated we received a request which you should have in your packages; a letter from Bill Hurley, Chairman of the Joint Review Board, asking the Town and the Village request that the APA make an exemption for the Town of North Elba with regard to Boat House Regulations as has been done in Lake George.

Supervisor Politi reads the letter from Bill Hurley which is on file in the Clerk's office.

Supervisor Politi stated I know that the Village of Lake Placid has passed such a resolution to request the exemption. If we are going to do it, I think it should probably be done jointly with the Village. It has a little more power. If you would like to consider the request for an exemption, we should move a resolution to act jointly with the Village of Lake Placid.

Councilman Doty asked what is the feasibility of getting that exemption.

Attorney Briggs stated I am surprised they did it for Lake George.

Supervisor Politi stated I'll tell you why they did it in Lake George; Lake George is regulated by the Lake George Commission. The Lake George Commission is a State arm. My guess is they may look at Lake George differently than other towns because the APA, to the best of my knowledge, has not approved any local Land Use Code in the Adirondack Park. It doesn't hurt to make the request.

Councilmen Rand stated most of all the Boathouses are already built up there. Does that mean in the future if they redid it they would have to scale down to a certain size?

Supervisor Politi stated if you tear it down you have to abide. If you renovate and leave the walls up then it is a renovation.

Councilman Doty stated would that mean we needed to be more strict. Generally

Attorney Briggs stated the likely hood of that happening is very slight.

Supervisor Politi it would be good to make the request because I would be interested in the response.

Councilman Favro stated it sends a message either way.

Councilman Doty asked Jim Morganson what his interpretation is.

Jim Morganson stated we have to applaud Bill Hurley for trying to be proactive and send it out there to see what happens. I think that you have to have an approved APA plan to get that waiver. But let's do it.

Councilman Doty stated should the letter come from our regulatory Boards or the Town Board.

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Supervisor Politi stated from the Town and Village Boards signed by the Mayor and the Supervisor. It has more power.

Councilman Favro moved and Councilman Rand seconded the motion to approve a Resolution to act jointly with the Village of Lake Placid with regards to requesting the APA make an exemption for Boat House Regulations There being no further discussion, the motion was unanimously carried by those present.

VILLAGE OF SARANAC LAKE – FIRE SERVICE CONTRACT 2011

Supervisor Politi stated the Village of Saranac Lake Fire Contract for 2011; it is my understanding that the total cost is \$39,281.05 which I have been told from the Village Manager. It is broken down into \$22,572.47 for fire services and \$14,818.19 for rescue service. The total cost for this budget year was \$41,584.33. The new contract resulted in a decrease of 5.86% or \$2,002.98. I have no problem approving this contract subject to the data herein and the information herein being correct and accurate. I put a copy signed by Jim Sweeney, dated 9/14/10 in your box.

Councilman Doty moved and Councilman Favro seconded the motion to accept the Fire Service Contract from Saranac Lake for Fire and Rescue service. There being no further discussion, the motion was unanimously carried by those present.

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

Supervisor Politi asked Attorney Briggs to review the contract before it is signed.

RESOLUTION – APPROVAL CONSULTANT – AIRPORT FENCE PROJECT

Supervisor Politi asked for a Resolution approving the Fee Consultation Agreement for the Airport Fence Project with C&S Company. He stated we awarded a bid for the perimeter security fence around the airport in the amount of \$218,440.75 and the consulting agreement is \$29,800 which is paid for almost entirely by grant money. I believe that the in-kind contribution is 5%.

Councilman Rand moved and Councilman Doty seconded the motion to approve the Fee Consulting Agreement for the Lake Placid Airport Fence Project. There being no further discussion, the motion was unanimously carried by those present.

Supervisor Politi stated C& S will be at the airport tomorrow. We just received a grant to renovate the terminal building and they are going to go over the facility.

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

APPROVE & SIGN TELEPHONE SERVICE AGREEMENT

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Supervisor Politi stated Cathy has asked me to get an approval on the telephone servicing contract with Illuminating Concepts, LLC. The cost is \$580 for the term of September 1, 2010 to August 31, 2011. It is the exact same cost that Westelcom was providing. The people who worked for Westelcom are now at Illuminating Concepts and know our system better than anyone. They are out on their own and offering the same amount. The contract does not overlap.

Councilman Favro Moved and Councilman Doty seconded the motion to approve the telephone contract with Illuminating Concepts, LLC. There being no further discussion, the motion was unanimously carried by those present.

BOARD RESOLUTION ACCEPTING LOCAL COURT AUDIT

Supervisor Politi stated Cathy has also requested a board resolution accepting the Local Court Audit. We received a letter from the State of New York Unified Court System requesting that the Town provide a copy of the audit which has been done. It requires a resolution acknowledging that the audit was conducted.

Councilman Doty stated they want a resolution saying that we received their audit.

Supervisor Politi stated no; that the Town did it and met the requirements. It has to be forwarded to Internal Audit Services at the NYS Office of Court Administration.

Councilman Doty stated who did the audit.

Supervisor Politi stated we have to provide them with the information. He continued to read the request, "Uniform Justice Court Act requires Town and Villages annually to provide their records and dockets to their respective Town and Village auditing boards and such then must be examined or audited by the State." He stated we are providing them with the information for audit. "The Unified Court System announced on November 2006 included issues to improve accountability. According I am requesting that you provide your most recent audit or examination of your local records."

Councilman Doty moved and Councilman Favro seconded the motion to approve a resolution accepting the Local Court Audit. There being no further discussion, the motion was unanimously carried by those present.

BUDGET ADJUSTMENTS

Supervisor Politi stated there are several budget adjustments

- \$149 to be transferred from Town Clerk Equipment Repairs to Town Clerk Equipment for the purchase of a new shredder.
- \$181 to be transferred from the Town Garage Building Repair to Town Garage Equipment for the purchase of a lockbox for keys for emergency responder use related to the installation of the new alarm system.

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- \$247.82 to be transferred from the Highway Snow Removal Personnel Services the Highway Permanent Improvements Personal Services for Highway personnel services.
- \$15,468.53 to be transferred from the Highway Permanent Improvement Consumable supplies to Highway Equipment Repairs for minor highway equipment repairs on trucks from May thru September. The Highway is not over budget as of September 21, 2010 however the Uniform Highway account and the Highway Gas and Diesel account are the other two accounts under contractual expenditures and as a result the total contractual expenditures are expected to exceed the budgetary expenditures by September 30, 2010.
- \$3,808.92 to be transferred from the Park District Administration of Personnel Services account to Youth Commission Personnel Services for the hire of three additional councilors. The budget was exceeded in 2010 due to the need to hire the additional councilors related to the increased attendance in the youth programs.

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

TOWN ACKNOWLEDGEMENT OF 2011 SELF INSURANCE PLAN CONTRIBUTION – 25% INCREASE

Supervisor Politi stated Cathy asked me to note to you that we received a copy of our 2011 Self Insurance Plan Contribution from the County. In 2010 our cost was \$59,279.05. Our projected Self Insurance Contribution claim cost for the 2011 budget is \$74,082.56. This is an increase of 25%. He stated our health insurance cost in the county is going up 46%. Our monthly premiums are exceeded by claims every month.

Jon Alexander confirmed that it is .11¢ on the dollar. For every dollar we pay in premiums it cost the insurance company \$1.11.

Attorney Briggs stated do they have a handful of very sick people.

Supervisor Politi stated we have seven employees that have expenditures that exceed \$100,000 per year.

The changes for a few of the Towns based upon claims; Chesterfield increase 4%, Crown Point decreased 4%, Elizabethtown increased 2.7%, Keene increased 8.8%, Lewis increased 29.8%, Minerva increased 62.8%, Newcomb increased 27.2%, Schroon Lake increased 32.1%, Wilmington increased 11.1%, Ticonderoga increased 4.4%

Attorney Briggs stated it only takes one or two sick people and one or two Workmen Comp claims and your toast.

Supervisor Politi stated the formula is based upon 50% of your last five years claims, 25% of your total payroll, and 25% of the weighted vote of the township. So North Elba is going to go up but we also have hire claims over the last five years. Our total claims over the last five years

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amount to \$152, 850. Schroon Lake is \$135,000. The subtotal for all the towns is \$955,000 and Essex County government is about \$500,000. He stated this is all just so you know.

APPROVAL ZONE 1 ALARM MONITORING CONTRACTS

Supervisor Politi stated Cathy has requested that we approve the Zone 1 Alarm monitoring contract which amounts to \$263.40 a year.

Councilman Doty moved and Councilman Rand seconded the motion to approve Zone 1 Alarm monitoring contract. There being no further discussion, the motion was unanimously carried by those present.

AGS & MARKET NYS. – DOING AWAY WITH DOG LICENSING

Supervisor Politi stated Ags & Marketing in New York State have done away with dog licensing. The County is no longer taking any responsibility for dog licensing. Individual towns bear the responsibility. I gave you the information, Ron.

Attorney Briggs stated we have to have a local law by the end of the year.

Supervisor Politi stated we can charge our own fees and we keep the money with the exception of those monies that go to organizations that promote the neutering and harboring of animals.

Councilman Doty stated is this something that we do currently with the Village.

Supervisor Politi stated this is just the Town's responsibility.

APPROVAL – AUTOMATIC DOOR CONTRACT

Supervisor Politi stated Cathy has requested that we approve the automated door contract for the Town Hall with Stanly Access Technologies. Last year the cost was \$470. This year the contract is for \$480. This is the same company. They come and maintain the doors. We have had them here a lot because there is always shifting of frost heaves and then we have a lot of problems with the door.

Councilman Favro stated it's a good deal.

Councilman Favro moved and Councilman Doty seconded the motion to approve the automated door contract with Stanly Access Technologies. There being no further discussion, the motion was unanimously carried by those present.

APPROVAL – TAX ASSESSMENT CASE – MIRROR LAKE DRIVE LLC & LAKE PLACID LLC

Supervisor Politi asked Attorney Briggs to report on the tax assessment cases.

Attorney Briggs stated the Mirror Lake Drive, LLC assessment was recommended by our Attorneys Hacker & Murphy. Cathy Drobny got it approved by Kimball Daby. It is a reduction of an assessment from \$1,855,900 down to \$1,411,000.

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Supervisor Politi stated let me tell you a little background on this one; the reason we agreed to reduce this is because the house was sold for approx. \$1,300,000. We would have likely lost this case in court. I have to have an approval by the Board for the settlement agreement for the Town of North Elba vs. Mirror Lake Drive, LLC.

Councilman Favro moved and Councilman Doty seconded the motion to approve the settlement agreement for the Town of North Elba vs. Mirror Lake Drive, LLC. There being no further discussion, the motion was unanimously carried by those present.

Supervisor Politi stated the other one I am at a loss.

Attorney Briggs stated I don't know how that got on the agenda. Laurie how did it get on the agenda?

Supervisor Politi stated it came from Anna. We will have to pass on that for the meantime.

JAMES MORGANSON – TORCH RESTORING COMMITTEE

Mr. Morganson stated can I quickly tell the Board that the Viewing Platform for the torch is well underway. The concrete was poured yesterday. We will start to lay the pavestone in the next few days. It is very exciting. Go take a look at it.

Supervisor Politi stated I was there today. I'm glad you brought it up because I would not have remembered.

Mr. Morganson stated it is a five year thing, and we finally made some great progress.

COMMITTEE REPORTS – TISDALE

Councilman Rand stated Eric Tisdale is doing a C&D presentation at 2:30 at our next work session on October 5th. He will give us an update and answer questions.

Supervisor Politi stated this is to expand the C&D facility from 1 ½ acres to 3 acres. That project is underway.

COMMITTEE REPORTS – SARANAC LAKE TOWN HOUSE

Supervisor Politi stated we talked primarily about this building. Did you (Councilman Doty) want to talk about the sign?

Councilman Doty stated there are two signs to the building. The main one is out by the street and tells the public everything they need to know. This old one is dilapidated. It really serves no purpose so we are going to get rid of it.

COMMITTEE REPORTS – TIM KELLEHER – HANGER RENTAL

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Councilman Rand stated I could not get a hold of Tim Kelleher and at the last meeting I was to contact Jack Irvin and he gave me the number. Cathy needed that number for the airplane storage hanger.

Supervisor Politi stated one of the things we are going to talk about at the airport tomorrow is where these engineers envision the expansion of parking and the T-hangers and the Jet Fuel Tanks.

TOWN ATTORNEY REPORTS - GRIMDITCH

Attorney Briggs stated I have one thing to report and it has to do with the commencement of construction of a boathouse on Lake Placid Lake without a building permit. On September 13th a land owner by the name of William Grimditch commenced construction of a boathouse on that day after there were a number of rumors that they were going ahead with building of the boathouse without a permit. It actually commenced on September 13th. Jim Morganson was aware that it began that day. He made a visual inspection of the premises and he issued a stop work order. Notwithstanding the stop work order the owner and the contractors continued construction at a very rapid pace. We filed a motion Order of Show Cause seeking a temporary restraining order and followed up with Judge Meyer. He heard oral argument on Friday and it went back and forth. In the course of that day he entered into a temporary restraining order by which he limited the work on the project to a certain point where they could continue up the installation of piers and adjourn the matter until Monday morning in court. This is because he had not reviewed the cases that we submitted and the cases that were submitted by the owner's attorney. We appeared on Monday and were there for a couple of hours. By the end of that session, Judge Meyer entered into a preliminary injunction which stopped the project and also directed the owner to file building permit applications with the code enforcement officer and those applications will go to the review process by the Zoning Board of Appeals and the Joint Review Board. After the review process is completed, we report back to Judge Meyer to ascertain whether or not the case goes forward. Everything is frozen in time now. I believe the applicants have filed their permit applications with Mr. Morganson. Is that correct Jim?

Mr. Morganson stated that is correct.

Attorney Briggs stated that is the status of that. We don't know where it going to turn out. I suspect that going through the Joint Review Process the landowner is not permitted to go forward then we would be back in court and fighting, if you will, this litigation. If in fact they are granted permits to build what they want to build then the case will be rendered moot and it will be the end of it. We are talking about if it does go forward to the imposition of certain fines and other penalties for their intentionable violation of Land Use Code. I have every confidence that there will be fines at the end of it.

Supervisor Politi stated do you know if the Adirondack Park Agency has taken a legal position with regard to this case.

Attorney Briggs stated I spoke with John Burke who is part of the enforcement committee for the APA. He made an inspection of the premises on or about September 14th the day after they commenced. He was looking to ascertain whether or not there were any deep water wetlands at

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the site and there were none. The project under existing regulations would be a non jurisdictional project. The issue for the APA is what is the status and stage of construction by midnight tonight. The new boathouse regulations will take effect at midnight tonight and if the level of construction does not reach a certain threshold then the new regulations will be applicable to this project.

Supervisor Politi stated the Stop Order is as of what time.

Attorney Briggs stated it wasn't as of a time but as of the installation of the piers and support systems and decking. We were told it was about done yesterday.

Supervisor Politi stated did you inspect the site Jim.

Mr. Morganson stated I have been to the site. I was there earlier in the week and I have been ordered off the one site. The neighboring site only has one pier in the water as of today. Two boathouses we are talking about; not just one.

Supervisor Politi stated one pier.

Mr. Morgan stated one pier as of 4:30.

Supervisor Politi stated I don't think that one pier is substantial.

Supervisor Politi asked if there was anything else on this issue and Attorney Briggs said there is not.

ESSEX COUNTY UPDATE

Supervisor Politi stated it is all in the paper. I don't have to report anymore. Over my shoulder is Jon Alexander on one side and Nathan Brown on the other. You guys might as well come up and sit with me!

APPROVE AUDITS AS PER AUDIT #'S

Supervisor Politi asked for a motion to approve the audits per the audit numbers.

TOWN OF NORTH ELBA		
CLAIMS APPROVED FOR PAYMENT 9/21/10		
	Regular	Prepaid
A FUND	113110.79	42060.37
DA FUND	0.00	0.00
DB FUND	58621.70	13555.12
H01 SECURITY/PERIMETER FENCE AIRPORT CAP. PROJECT	502.94	0.00
H31- CODE UPDATE	10.09	0.00
RD03-THEIANOQUEN WAY ROAD DISTRICT	15142.00	0.00
SF1 FIRE PROTECTION DISTRICT	0.00	0.00
SF2 FIRE PROTECTION DISTRICT	0.00	0.00

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SF3 FIRE PROTECTION DISTRICT	0.00	0.00
SP PARK DISTRICT	59291.77	438974.45
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	553.59	612.72
T TRUST & AGENCY	0.00	0.00
TE PRIVATE PURPOSE TRUST	18.74	836.14
	247251.62	496112.60
100131; 101773-101781; 101788-101840; 101842-101848; 101870-101922; 101941-102053;		
102072-102080; 102092		

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

EXECUTIVE SESSION

Attorney Briggs stated I would like to go into executive session regarding pending litigation.

PRESS QUESTIONS – COUNTY, APA MASTER PLAN, MOUNTAIN BIKE TRAIL

Supervisor Politi stated before we adjourn, I am going to open it up to my friends in the press.

Jon Alexander asked, you did get a back and forth with Mr. Stiles at the County about two weeks ago. You asked him for a straight up. What did you take away from that?

Supervisor Politi stated I asked the question for a reason and I got an anticipated answer.

John Alexander asked has the Town ever thought about looking into an APA approved Master Plan.

Supervisor Politi stated I don't think it's possible to meet their requirements for an APA Master Plan by any town in the Adirondacks unless you approve their regulations as they exist.

Chris Knight asked would the mountain bike trail be just for mountain biking or other recreational uses too?

Supervisor Politi stated it would be for walking, mountain biking, skiing

Mr. Morganson stated it is a complete recreational trail.

Chris Knight asked when you talked about the Co-op Jim, are you talking about the Barkeater Trails lines? That is the new mountain biking route.

Mr. Morganson stated I am way ahead of myself.

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Supervisor Politi stated I think it is Kenny and Placid Planet and whatever groups he is associated with. The point is, the mountain biking community would like to be a part of this alliance.

John Alexander asked if there is a timeline.

Supervisor Politi stated we are going to start right away if we can; as soon as we have an agreement. I have to commend the Lussi's. They are willing to give their property up for this use.

Chris Knight asked if it would be free. Is there any cost to the Town and Village involved?

Supervisor Politi stated there is going to be cost to the Town and Village over the long run with maintenance of the trail system. Our Highway Departments, both Village and Town, would work together and provide the surface.

Jon Alexander asked if the easements would affect the Lussi's taxes?

Supervisor Politi stated no. This is a pure gift. The Lussi's have not looked at this from any other perspective other than they feel that it is something that would be beneficial to the community.

ADJOURNMENT

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 8:10 pm to go into Executive session for the purpose of discussing continued litigation.

Councilman Rand moved and Councilman Doty seconded the motion to come out of executive session and resume the regular Town Board meeting at 8:25 pm

Councilman Rand moved and Councilman Favro seconded the motion to approve a Resolution to accept DOT funding for the Lake Placid Airport terminal building and to have Supervisor Politi sign such resolution.

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 8:26 pm

Respectfully Submitted,

Laurie Curtis Dudley
Town Clerk