

## REGULAR BOARD MEETING

TUESDAY, AUGUST 9, 2011

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 Doty, Councilman Rand, and Laurie Curtis Dudley

**Members Absent:** Councilman Miller

**Others Present:** Nathan Brown, Attorney Ron Briggs, Larry Straight, Jim Morganson

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 July 12, 2011, Special Executive Session on July 21, 2011 and Special Board Meeting August 2, 2011.

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 by those present with Supervisor Politi abstaining from the July 21, 2011 minutes and Councilman Rand abstaining from the August 2, 2011 minutes due to their absence from said meeting.

### **RESOLUTION – CAPITAL PROJECT – CRAIG WOOD GOLF HOUSE**

Supervisor Politi – We wanted to talk about this Capital Project at Craig Wood. I provided each of you a copy of the potential debt issue; one for \$500K, one for \$750K and one for \$1 Million. On the 4<sup>th</sup> page, Cathy has provided you with an overview showing what the cost of bonds are. If it is less than \$1 Million, the cost of the bond is about \$5,900. If it is \$1 Million you are looking at having bond council, and a financial advisor, and a ratings fee and we are talking about \$20,700. So you are all aware, there is a possibly of money available through the Senator for a Capital Project for the Enhancement of Tourism and Recreation to us for this project. It will not likely be available until the fall. We have talked about considering proceeding. We could pass a resolution allowing for the expenditure of the Bond up to \$1 Million. If money comes through before the use of that, we can reduce that amount to a lower number. That is why Cathy gave you three numbers; if you got \$500K then you would be looking at a bond cost of \$500K rather than \$1 Million dollars. I know that the cost of this project range anywhere from \$1 Million to \$1.2 Million. One of the things that I expressed to everybody at the workshop was that the Village will help us by putting in the entire septic system and Peter Kroha said he would provide all the material for the electric. All we have to do is dig the ditch and he would do all the work.

Councilman Doty – Roby, the potential money you are talking about, are you talking about Fall of 2011 or 2012?

Supervisor Politi – Fall of 2011. She thought there would be money available for Capital Projects and thought that this project would qualify. There is no guarantee but she thought it was a good chance we would get money for this particular type of use. It is ready to go. It is for tourism and

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the Park District. The Park District was created for the sole purpose of creating recreational and tourist related activities. I sent her the name of the project and wanted to know the potential cost.

Councilman Doty – Our initial estimates was site setup part of our cost. We can trim that up by doing demolition and site setup ourselves. That is where we can make that million work.

Supervisor Politi – We obviously have to be cost conscious. Right now the plan is 5,000 sq ft and it might end up at 4,500 sq ft. We need to get it going because if we don't get this moving now Berry Halperin is never going to get the plans done in time so that we can bid it out and get going by this year.

Councilman Doty – We need at least 30 days for a bid contract.

Supervisor Politi – That is why he wants to know right away, by August 15<sup>th</sup>. That gives him time so we can get going by late October. So you noted here it shows the final assessed value. Kim took an estimate out for potential grievances. This interest rate Cathy got is just a guess. This interest rate may go down now given what happened today. On a bond just under \$1 Million it amounts to \$5.00 per \$100,000 of value. On \$750K bond it would amount to \$3.90. On \$500K it would amount to \$2.60 per \$100,000 of value. It is not a big number.

Councilman Doty – Is that based on 30 years?

Supervisor Politi – No, we can't get 30 years. We can only get 15 years on a building with frame. The only way you can get it longer is if it were concrete or stone. We talked about this out of necessity because it has been determined that the building is falling down. It is a valuable asset. We have talked about this, the Visitor's Bureau wrote an article saying how great our course is but the club house is not indicative of the quality of the golf course. Those kinds of things hurt. We are going to have to do something. The issue is turning it into a potential revenue generating facility, better than it is now. I'm going to let you guys talk about it. There is nobody here to question it.

Councilman Favro – The big thing is that it is an asset of the Town. If we don't do something there is no chance of getting any extra funding from anywhere else. We have had engineers look at it as a repair and tarring it down. They all say take it down.

Supervisor Politi – We have a world class golf course and a 3<sup>rd</sup> World club house

Councilman Favro – If you look at the facility, it is not equal to the others. The Club has a nice club house with a nice view of Whiteface. It needs to be done.

Supervisor Politi – None of us want to spend the money but it has been let go and needs to be done.

Councilman Doty – I think we should remember too in the last ten years or so we have had a consistent effort in bringing that club and its revenues to a zero base. It really carries itself. We have overcome deficits of \$60K - \$80K. It is not a draw on the tax base. It is a very important

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point. The course carries itself and we would rely on that revenue to keep it that way. Let's say we need our piece of the pie.

Councilman Rand – I agree.

Councilman Doty – Taking it down to 4,500 sq ft won't affect us that much. We already have a floor plan, if you will, that would allow us to make bigger patios.

Supervisor Politi – That is what I told Barry. I said, if we had to make it smaller on the interior we certainly can make it bigger on the exterior.

Councilman Doty – Our money season is now. It's in the summer.

Supervisor Politi – If you add sliding glass doors that walk out over a large stone patio like the Club has and make use of the outside.

Councilman Doty – Our only test is going to be our 2% property tax cap vs. our overall.

Supervisor Politi – I think that you are going to find that it is going to be hard for any community to live by the 2% tax cap in special districts. It is like saying the Fire District is not going to buy a ladder truck because there is a tax cap so the community is at risk. You can't do that. The state mandates that we have to buy property in Ray Brook to protect the integrity of the wells. The most the levy can go up is \$2,000 there. Obviously the property is going to cost more than that.

Councilman Doty – We can't even drill the well for that.

Supervisor Politi – There wasn't a lot of good thought put into the tax cap on special districts. People aren't going to be able to repair water and sewer lines. They aren't going to be able to maintain that infrastructure. I willing to go out on which is not much of a limb, most communities are going to have a very hard time with special districts especially in our community where the tax rate is so low. Our tax rate is consistently one of the lowest around, less than \$4. That is an extremely low tax rate. It is one of the things we talked about in Saranac Lake. People wanted to be in Harriestown well then your tax rate is almost double or half as much. I think the timing is right for this. Do you have any thoughts on this, Jay.

Councilman Rand – I am 100% behind it. You get a facility like that and you have to maintain it. Just like the facility there you have to keep at it or it will fall apart.

Supervisor Politi – I think you all got an email from Bob and you know his feelings; his are very similar to yours.

Councilman Doty – We have to get Barry right on it.

Supervisor Politi – I told him I thought his might be passed tonight and that he would be ready to move immediately. If we pass it for just under \$1 million dollars and we can stay under that then we save \$14,000 in bond costs. We certainly want to try that. If we can't, we would have to do a

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bond anticipation note at that time. At least right now we pass a resolution allowing the Board to move forward for that amount of money.

Attorney Briggs – You should pass the resolution with the maximum that you might consider. You can always borrow less.

Councilman Doty – We are making an assumption that the well that has never been used is adequate.

Councilman Favro – The big part is even if it is \$1 million, we know we are going to spend less than that. We also know that we are going to manage the devil out of it to give it as functionally adequate. We haven't been frivolous on anything. We need to take care of an asset and manage it well.

Supervisor Politi – We are saving a tremendous amount of money on the septic and we are saving money on the electric by a sharing process with the Village.

Councilman Favro – I will move the resolution to spend no more than a million.

Councilman Favro moved and Councilman Rand seconded the motion to pass a resolution to bond for the new construction of the Craig Wood Clubhouse for an amount not to exceed \$1 million dollars. There being no further discussion, the motion was unanimously carried by those present.

### **AWARD IFE BID FOR AIRPORT APRON EXPANSION**

Supervisor Politi – We need to award the IFE Bid for the Airport Apron Expansion. This was an Independent Fee Analysis that has to be done to check the cost of C&S for their bid to oversee the engineering of that project. We got two bids; Pesaro Assoc. from Rochester, NY in the amount of \$1,700 and McFarland-Johnson from Saratoga Springs in the amount of \$1,800.

Councilman Doty – McFarland-Johnson is actually based out of Syracuse. That is the guy I actually met with a few weeks ago.

Supervisor Politi – He is \$100 higher. I have to believe that these guys decide one week one gets it and the next the other!

Councilman Doty – This guy I talked to is brand new with McFarland-Johnson. He left Pesaro.

Supervisor Politi – We need a motion to accept the low bidder to do an independent fee analysis.

Councilman Rand moved and Councilman Doty seconded the motion to approve awarding the EFI bid to Pesaro Associates out of Rochester, NY in the amount of \$1,700. There being no further discussion, the motion was unanimously carried by those present.

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### **YOULEN – STIPULATION OF SETTLEMENT**

Attorney Briggs – Youlen changed its stripes today. Brad Hathaway called me and I think he met with you, Jack, at the site. I went up there around lunch time with Brad to walk through it. We have a stipulated settlement which would resolve a claim by Youlen that our water line goes under the corner of his house. They commenced a lawsuit against the Town and we have been trying to figure out a stipulation to resolve that lawsuit in a way that is good for the Town and good for the owner, Youlen. We had worked that out and had a proposed written stipulation in place that we were going to ask for authority to execute tonight with certain revisions. But today, Brad learned within the last few days that they don't really need to have the water line go under the house. They thought they needed it to create a loop up in Liberty Hills. They learned there is a valve that was shut off and this spur from the Youlen house down can be deactivated and they can still create the loop. They don't need to have anything under his house anymore. He is proposing, which would be a much lower cost to the Town, to move the hydrant to a location up on the road and cut off the waterline that goes under the house and fill it and be done with it. It will eliminate forever any access problems to the waterline.

Councilman Doty – And run a brand new lateral?

Attorney Briggs – Exactly, clean inexpensive and much better for everybody. I have a call into the lawyer for Youlen. He hasn't called me back, it just happened this afternoon. Brad talked to Mrs. Youlen and she is thrilled to death. He has agreed to grade it out and take the stumps out and put topsoil in.

Supervisor Politi – Do we have a problem then with passing a resolution authorizing me to sign a stipulation of settlement based upon whatever you all agree upon at a later date.

Attorney Briggs – you can do that and you should do that.

Councilman Doty – That just lets Brad stay in gear.

Councilman Favro moved and Councilman Rand seconded the motion to approve a resolution authorizing the signing a stipulation of settlement. There being no further questions, the motion was unanimously carried by those present.

### **ACCEPT LETTER OF RESIGNATION – DAVID LUCK**

Supervisor Politi – We did get a letter of resignation from Dave Luck. It is in your packets. We have to accept his resignation but with appreciation. I know Dave was an outstanding employee and I am sorry to see him go.

Councilman Favro moved and Council Doty seconded the motion to accept the resignation of Dave Luck. There being no further discussion, the motion was unanimously carried by those present.

### **RECLASSIFICATION OF HIGHWAY EMPLOYEES**

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Supervisor Politi – Larry had given us at the Workshop a list of employees that required reclassification in the Highway Department. They are Steve LaHart, Don Walton, John Riley, and Robert Shaw all from MEO to HEO. The change in reclassification of their job positions does not affect their rate of pay but is necessary to make the change in accordance with our agreement.

Councilman Favro moved and Councilman Doty seconded the motion to approve the reclassification of job position from a MEO to HEO for Steve LaHart, Don Walton, John Riley, and Robert Shaw. There being no further discussion, the motion was unanimously carried by those present.

**CHANGE OF GRADE REQUEST – MAINTENANCE**

Supervisor Politi – There was also a change of grade for maintenance. Kim had presented you all with an evaluation of our maintenance employee. He had submitted a request for changing his title from “Laborer Cleaner 1” to “Building Maintenance Helper”. It is a non-Competitive position. It results in a change in wage from \$13.00/ hour to \$14.00/hour based upon his performance review and Workshop discussions with this Board.

Councilman Doty moved and Councilman Rand seconded the motion to approve the change in title from “Laborer Cleaner 1” to “Building Maintenance Helper” with a change in wage from \$13.00/ hour to \$14.00/hour. There being no further discussion, the motion was unanimously carried by those present.

**STIPULATION OF SETTLEMENT – ARTICLE 7**

Supervisor Politi – We got a request from the Assessors’ Office for a stipulation settlement on an Article 7 from the Cold Brook Plaza. The Board of Assessment Review has approved the settlement and it has been stamped by the Assessors. The original assessment was \$9 Million. The revised assessment is \$6,500,000 based upon the review of the income statements from record provided by those folks. The Board of Assessment Review has requested that we finalize this stipulation. For purposes of discussion, do I have a motion to accept?

Councilman Doty – Can you run through that quick?

Supervisor Politi – Yes, but I have to have a motion.

Councilman Favro moved and Councilman Rand seconded the motion to discuss the Cold Brook Plaza Article 7.

Supervisor Politi – They filed a grievance. The original assessed value was \$9,000,000.

Councilman Doty – What is the name of this group?

Attorney Briggs – Cold Brook Plaza.

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Supervisor Politi – I think that they did renovations there but the evaluation has to be of a previous year.

Attorney Briggs – Evaluation date is July 1, 2010.

Supervisor Politi – Very few renovations were done. So you can't say there were x amount of dollars spent on renovations, you can't utilize it because you have to go back to the prior date. That played a big role in this determination. I don't know what they requested at the time. The settlement was \$6,500,000. Unless you want to modify it, I don't have a problem with it.

Councilman Doty – I certainly don't have any expertise.

Supervisor Politi – I wasn't involved with this one at all.

Attorney Briggs – Kim recommended it.

Supervisor Politi – He and Art Jubin did it. I wasn't involved. All in favor?

There being no further discussion, the motion to accept the Article 7 submitted by the Cold Brook Plaza was unanimously carried by those present.

### **BUDGET ADJUSTMENTS**

Supervisor Politi – Cathy provided you with the following budget adjustments:

1. Additional billing from Tisdale for C&D cell services—Increase H04.8160.0444 Contracts and Agreements \$6,000.00; offset with Increase to H04..5031 Interfund Transfers, and Increase to A.9950.0900 transfer to Capital Projects (source of \$6,000.00 is the General Fund Balance, to be repaid to General Fund when debt is issued for the Capital Project).
2. Additional billing from North Woods Engineering for Craig Wood septic—Increase H05.1350.0444 Contracts and Agreements \$680.00; offset with Increase to H05..5031 Interfund Transfers, and Increase to SP.9950.0900 transfer to Capital Projects (source of \$680.00 is the Park District Fund Balance, to be repaid to Park District when debt is issued for the Capital Project).
3. Additional expenditures to replace Adirondack Loj Road Bridge totaling \$37,249.54 to be release from restricted fund balance of Town wide Highway Fund
4. Increase SP.1114.0200 park garage equipment \$155.29 for additional funds needed to purchase 2 ton jack for maintenance garage; offset with decrease to SP.1114.0417 park garage equipment repairs
5. Increase SP.7110.0416 parks grounds repair (athletic fields) \$1000.00 for additional funds needed to purchase crusher run for Lacrosse preparations; offset with decrease to SP.7110.0200 parks equipment.

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Councilman Rand 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.

**RESOLUTION OF APPROVAL FOR JUSTICE COURT ASSISTANCE PROGRAM GRANT.**

Supervisor Politi – I got a request from the Town Justice Court for a resolution of approval for Justice Court Assistance Program Grant. From time to time and year to year the Justice Court Assistance Program makes grants available and it requires a resolution from the Town allowing the justice court to submit for the grant. The Resolution would read; That the Town of North Elba hereby authorizes the submission of applications to the State of New York Unified Court System for the Justice Court Assistance Program Grant Application, ID # 1302 under Federal ID 14-6002342 and upon approval of said request to act in all matters related to such financial assistance.

Councilman Doty – Is that what we got the year we put all the filing cabinets in?

Supervisor Politi – They can't apply for the money unless they get a resolution.

Councilman Rand moved and Councilman Doty seconded the motion to approve the Justice Court Assistance Program Grant. There being no further discussion, the motion was unanimously carried by those present.

**RESOLUTION ADOPTING ESSEX COUNTY PRE DISASTER MULTI – JURISDICTIONAL HAZARD MITIGATION PLAN.**

Supervisor Politi – This is a resolution from the County:

WHEREAS, The Town of North Elba, with the assistance from the friends from the North Country, Inc., has gathered information and prepared the Essex County Multi-Jurisdictional Hazard Mitigation Plan; and,

WHEREAS, the Essex County Multi-Jurisdictional Hazard Mitigation Plan has been prepared in accordance with FEMA requirements at 44 C.F.R. 201.6; and,

WHEREAS, The Town of North Elba is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and,

WHEREAS, The Town of North Elba has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by The Town of North Elba adopts the Pre-Disaster Multi-Jurisdictional Hazard Mitigation Plan as this jurisdiction's Multi-Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

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Supervisor Politi - The document is 400 pages, and the County wont print it. You have to read it online. I know that Nathan has read it. He was there the other day.

Nathan Brown – Oh yeah, I read every word of it.

Supervisor politi – How does it pertain to North Elba? What does it exactly say?

Nathan Brown – I didn't get that far!

Nathan Brown gave everyone a great chuckle for the night.

Supervisor Politi – Does somebody want to move it.

Councilman Rand moved and Councilman Favro seconded the motion to approve the Resolution adopting Essex County Pre Disaster Multi – Jurisdictional Hazard Mitigation Plan. There being no further discussion, the motion was unanimously carried by those present.

Councilman Doty – Laurie, you don't need to put a copy of that in my packet!

Councilman Rand – We'll have to ask Nathan to give us a report when it's time!

**COMMITTEE REPORTS: RAY BROOK**

Councilman Doty – I just want to run this idea by everybody. Brad has warranted us reputedly that without a secondary well all 180 users in Ray Brook are relying on that one primary well that is really the original well. It can produce up to 70,000 to 80,000 gallons a day. We currently use 40,000 to 50,000 gallons. Long story short, the health department has been very good to us for 25, 27 or 30 years, whatever it is. I am suggesting we shouldn't hold back any more. Still leave our plan on the table to acquire land, but drill that secondary well. If we get in trouble in the winter then we are in trouble. Put the production well in, have it monitored and the whole bit because it is within what we own. Still continue talks with the DEC and with the Health Department saying we are moving forward. We have this 2% property tax cap over our head. We are talking to the property owner. We want to move in the direction you want, but we are not going to sacrifice the integrity of the water system. I'm saying drill the dam well.

Supervisor Politi – How much does that cost?

Councilman Doty – Maybe \$60,000 was the low ball but that test well has already proven that's the source.

Supervisor Politi – Even if we bought this adjoining property, we would still have to drill the well anyway, right?

Councilman Doty – Pretty likely.

Supervisor Politi – Were we going to drill that new well on the new property?

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Councilman Doty – We are going to drill where our test well goes which is still within our fence line. Then all we have to do is say, you have been good to us for 30 years. Let us get online and get the water going.

Supervisor Politi – Cathy did a projected cost for Ray Brook water uses. Did you see that?

Councilman Doty – We talked about it because she was throwing numbers back and forth.

Supervisor Politi stepped out of the room to see if he could find those numbers from Cathy.

Councilman Doty – If anything should happen to that well then we are in trouble. We already have something major going on because we go through periods of no water pressure from an hour to two hours. Brad scratches his head. He has fixed so many leaks.

Councilman Favro – Nothing seals up. Is just big usage?

Councilman Doty – I have a feeling what is going on. When you have usage and your reservoir tank subsides, we only have one primary well to fill it. Everything that it producing is going to fill the tower then the pressure is reduced by the amount of volume in that tank.

Supervisor Politi – This says \$150,000 at 40 years amounts to \$28 per \$100,000. At 30 years it was \$31 per \$100,000. Those are for the users just in Ray Brook. Potentially, it could cost those users maybe \$60 more a year on a \$200,000 house assessment.

Councilman Doty – We don't have 10% of the homes that are that value.

Attorney Brigg – That's only .28¢ per \$1,000 if you look at it as your tax bill.

Councilman Favro – We are going to have to Bond the \$100,000.

Supervisor Politi – That is just for the users in Ray Brook. That would be against the Special District. It's the same thing as the Park District. The Park District does not include Saranac Lake. The Park District only runs to the rail road tracks and everything back. These Special Districts, the bond is against the users in those given districts. In this case we need another well and it is in Ray Brook. How close did you get in terms of water use?

Councilman Doty – Maybe Brad told you something about the water table, but I have never seen the water table fluctuates down there.

Supervisor Politi – I thought you told me that there was a problem with the use of water with regard to pressure.

Councilman Doty – While you were going to get the report, we talked about it. I got this theory that says when the reservoir up at IB Hunts gets low the pressure drops with it. Having only one primary well to replace that water there is lag time before you get your pressure back. It generally only happens in the summer, which also makes sense.

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Supervisor Politi – Where do you want to go from here?

Councilman Doty - I would like to talk to Brad and get a number.

Supervisor Politi – You can do the same thing we just did with Craig Wood. We can adopt a resolution to Bond up to a certain amount. Cathy had for some reason \$150,000.

Councilman Doty – That \$150,000 was combining buying property and a new reservoir tank. We are not even talking about the reservoir tank because Brad is ok with that for now.

Supervisor Politi – So we are just talking about a well for now.

Councilman Doty – When we acquire property we could very well have the ability to drive a big well.

Supervisor Politi – Do you want to talk to Brad and I can make sure what the number is?

Councilman Doty – I can put this on for September.

**COMMITTEE REPORTS: AIRPORT**

Supervisor Politi – We talked about the Lake Placid Airport and we are pretty much ready to go there.

**COMMITTEE REPORTS: FIRE DEPARTMENT**

Councilman Favro – They had one ladder truck which was a demo. It is good because it would be a reduced price. The price is still coming but could be down \$700 -\$800.

Councilman Doty – Bob and I went down to see that one model. I didn't know that they could build a truck with the stabilization arms dropped right down underneath it. So if you were in a street that had to have traffic flow, you could lift that thing in one lane of traffic. That is rare because the base is so narrow. It's got a great computer leveling system.

Councilman Doty – The way we look at that is it is two trucks. A response truck too.

Supervisor Politi – It just amazes me how the State thinks people are going to be able to protect their communities, have a water source, and do these kinds of things. No foresight. It's fine for the general fund, but you can't for the special districts. What will happen is the infrastructure will continue to deteriorate.

Councilman Doty – We are fortunate to have ground water source so we don't have to go to the State to ask for money for a filtration plant. All we want to do is put a hole in the ground.

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Supervisor Politi – Can you imagine a community that is mandated to put in a water filtration plan and sewer treatment plan. You can't do it.

Councilman Doty – Look what Saranac Lake is going through. They decided to go with the \$11 million dollars now.

Supervisor Politi – It's not except from the tax cap.

Councilman Favro – We will end up with road like the State has now.

Councilman Doty – So I will contact Brad and we will get it on in September and gives us enough time to drill in September or October to get it in before cold weather.

### **COMMITTEE REPORTS: HIGHWAY**

Supervisor Politi – You have two Roads done. How did it go over Cobble Hill/ Northwood Road?

Superintendent Straight – It's all done.

Supervisor Politi – Thursday at 9am you have a meeting?

Superintendent Straight – Yes, with the people in Tahawus Way.

Supervisor Politi – This is the Mike Hollrock subdivision where there is only a 30 foot right-of-way. They want to do a Section 200 there. They have over 60% of the people, all but one person, in agreement. They would extend the right-of-way to 50 feet and they are going to want to know what they have to do. The answerer is they have to provide you Ron with a petition signed by 60% of the owners. Have you heard from their attorney?

Attorney Briggs – Not a word. Who is their attorney?

Superintendent Straight – Their attorney is Kissel.

Supervisor Politi – They have to have the petition, they have to have the 50 foot right-of-way, the road as it stands right now, the width of the road and so forth, is acceptable to the town.

Attorney Briggs – The width of the road surface is ok?

Superintendent Straight – We will not change the footprint of the existing road.

Supervisor Politi – They have to provide us with a survey, they have to pave it, and they have to ditch and culvert it as you have requested. It is just like Sweetwood Farms.

Councilman Doty – That project has to go in front of Jim and the Review Board?

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Supervisor Politi – No, just Larry. The development has been long done. It is after the fact. There is no need for you to be there. If they have questions then Bill Kissel should contact you.

Councilman Favro – He’s been through this before.

### **COMMITTEE REPORTS: HORSESHOW ASSOCIATION**

Superintendent Straight is meeting with Laurie Martin tomorrow at 9am regarding the Horseshow Association

### **COMMITTEE REPORTS: ORDA CONTRACT**

Supervisor politi – I provided you with a copy of a draft letter to Pat Barrett with regard to the ORDA contract. It is not finalized yet. I wanted you to be aware of it. If you have any modifications or changes to it that you want me to consider. We pay right now about \$902,000 and there was \$55,000 offset by the State of New York for many many years.

Councilman Doty – The original amount was \$175,000 under Senator Stafford.

Supervisor Politi – The most recent was \$155,000. It is requesting that they set the one rate for the next five years of \$750,000 which will help the Park District out. The important thing is the cost of these facilities are born solely by the people of the Town of North Elba. I know the State pays, but we pay twice; real estate tax and state tax whereas everybody else is just paying state tax. If you live here in North Elba you have to pay a second time. We are getting double dipped and yet everybody in the immediate area gets the benefit of these facilities. That is one of the reasons I said it has to be equitable.

Councilman Doty – What does Clyde think?

Supervisor Politi – I don’t Know, you want me to ask him?

Councilman Doty – Well, Monday nights we can catch him at Cooks!

Supervisor Politi – It doesn’t affect people of Saranac Lake because it’s the Park District.

### **TOWN ATTORNEY REPORTS**

Attorney Briggs – This is mostly for the Press. I sent a confidential memo to each of the Town Board back in July. It has to do with my position as Town attorney. I have a proposal which will save a lot of money to the Town and also works for me given the fact that I am now 62 years of age. Town Attorney is a public officer. The hallmarks of that position are that the Town has created the position of Town Attorney. You take an Oath of Office in January when you are sworn in and there is a residency requirement that you have to live in the Town of North Elba. I meet all those qualifications. If you convert my status to “Attorney for the Town” you would no longer be required to pay retirement benefits for me nor any health benefit. I would be eligible to technically retire and go into the state retirement system and the county would provide my health

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insurance benefits because I have more than 25 years with the county. I would propose that we change my status from “Town Attorney” to “Attorney for the Town”. I would provide the exact same services to the Town that I do now but my title would be Attorney for the Town.

Supervisor Politi- It is that simple?

Attorney Briggs – It is that simple. Section 20 of the Town Law has both in there.

Councilman Doty – I actually read about it, Ron. I is kind of neat in that as the Town Board and we get into a situation where there is a specialty lawsuit, because you would be the Attorney for the Town we have the right to use anyone. Because we have a Town Attorney now, you are it. Remember the question I asked in the other lawsuit?

Attorney Briggs – The Town does have the authority to hire someone else for special litigation.

Councilman Doty – So there are benefits on both sides.

Attorney Briggs – It will save the Town about \$900 per month going forward because you would not be paying my retirement benefits nor my health insurance benefits. I propose you do that effective as of September 1, 2011. I will provide the exact same services that I now provide.

Supervisor Politi – Pursuant to the job description that we talked about. The only one I heard from about this is Bob.

Councilman Favro – I have no problem with this. It is saving money.

Attorney Briggs – If I were 59 it wouldn't work.

The following was submitted by Attorney Briggs:

Resolved, that effective as of September 1, 2011 the employment status of Ronald J. Briggs shall be changed from “Town Attorney” to “Attorney for the Town” and, as such, he shall no longer receive retirement benefits nor health benefits from the Town. The current salary and legal services he has provided as Town Attorney shall remain the same.

Councilman Favro moved and Councilman Rand seconded the motion to accept the title change from Town Attorney to Attorney for the Town effective September 1, 2011. There being no further discussion, the motion was unanimously carried by those present.

**ESSEX COUNTY UPDATE**

Supervisor Politi – The employees at Horace Nye wheeled four people in to the County from the home. If I were the relative I would have shot them.

Attorney Briggs – That is appalling!

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Supervisor Politi – It is. It is pathetic. Where you there Nathan? Who’s paying the employees and why are they over there? The employees are telling them that they are going to lose a place to live. It amazes me!

**APPROVE AUDITS AS PER AUDIT #'S**

Supervisor Politi – We need to approve the audits.

|   |                      |                     |                      |
|---|----------------------|---------------------|----------------------|
| TOWN OF NORTH ELBA  |                      |                     |                      |
| CLAIMS APPROVED FOR PAYMENT 8/9/11                                |                      |                     |                      |
|   | <b>Regular</b>       | <b>Prepaid</b>      | <b>Totals</b>        |
| A FUND GENERAL FUND   | 86,556.13            | 27,019.68           | 113,575.81           |
| DA FUND   | -                    | -                   | -                    |
| DB FUND TOWN OUTSIDE VILLAGE HIGHWAY                              | 12,567.74            | 7,039.00            | 19,606.74            |
| H01 SECURITY/PERIMETER FENCE AIRPORT CAP. PROJECT                 | 10,445.82            | -                   | 10,445.82            |
| H02 -BLOCK HANGAR REHABILITATION AIRPORT CAP. PROJECT             | -                    | -                   | -                    |
| H03 - 5 BAY T HANGAR  | -                    | -                   | -                    |
| H04-C&D WASTE CELL  | 6,000.00             | -                   | 6,000.00             |
| H05- CRAIG WOOD GOLF COURSE CONSTRUCTION                          | 680.00               | -                   | 680.00               |
| H07 RUN WAY REHAB   | 1,710.00             | -                   | 1,710.00             |
| SF1 FIRE PROTECTION DISTRICT                                      | -                    | -                   | -                    |
| SF3 FIRE PROTECTION DISTRICT                                      | -                    | -                   | -                    |
| SP PARK DISTRICT  | 80,261.30            | 11,827.47           | 92,088.77            |
| SS21 CONSOLIDATED SEWER DISTRICT                                  | -                    | -                   | -                    |
| SW1 SEWER DISTRICT #1   | -                    | -                   | -                    |
| SW2 MCKENZIE  | -                    | 73.80               | 73.80                |
| SW3 RAY BROOK   | 15.18                | 445.98              | 461.16               |
| T TRUST & AGENCY  | -                    | -                   | -                    |
| TE PRIVATE PURPOSE TRUST  | 35.41                | -                   | 35.41                |
| <b>Batch 1118-1123</b>  | <b>\$ 198,271.58</b> | <b>\$ 46,405.93</b> | <b>\$ 244,677.51</b> |
| 111451-111461; 111473; 111476-111487; 111490-111524;111547-111628 |                      |                     |                      |
| 111650-111707; 111710; 111713-111714                              |                      |                     |                      |
|   |                      |                     |                      |
|   |                      |                     |                      |
| <b>Batch 999 (Payroll)</b>  | <b>\$ -</b>          | <b>\$ 53,073.05</b> | <b>\$ 53,073.05</b>  |
| 111525-111545; 111629-111649                                      |                      |                     |                      |
|   |                      |                     |                      |
| <b>Batch - HELD</b>   | <b>\$ -</b>          | <b>\$ -</b>         | <b>\$ 9,501.00</b>   |
| 110338; 111006; 111007; 111102;                                   |                      |                     |                      |

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.

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**SUPERVISOR POLITI'S "NATHAN BROWN HOUR"**

Nathan Brown asked about the well in Ray Brook asking if there are one or two. Councilman Doty explained that there are three well but two have failed. The one that was drilled in the '40s or '50s is clogged up with sand which can't be repaired. It came to the Town's attention last year that the wells were producing minimally.

Nathan Brownd asked if is on property the Town owned now. Councilman Doty explained NYS health law mandates that not only do you have to own the property the well is on but also own 100 foot circumference from the well but would like to also have an easement or ownership for an additional 100 feet. Six to eight acres are needed to come into compliance.

**ADJOURNMENT**

There being no further business to come before the board, Councilman Doty moved and Councilman Favro seconded the motion to adjourn the meeting 8:15 pm.

Respectfully Submitted,

Laurie Curtis Dudley  
Town Clerk