

**REGULAR TOWN BOARD MEETING**  
TUESDAY, FEBRUARY 8, 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 Miller, Councilman Favro, Councilman Doty, Councilman Rand, and Laurie Curtis Dudley

**Others Present:** Ron Briggs and Larry Straight

Supervisor Politi opened the Regular Town Board meeting at 7:00 pm by asking everyone to stand for the Pledge of Allegiance.

Supervisor Politi asked for a motion to approve the minutes of the Board meetings on January 11, 2011.

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

**MONITOR WELL IN RAY BROOK**

Supervisor Politi stated Brad Hathaway told me they are doing the test well "B" first and the cost is \$2,820. The information was sent to Ivan Zdrahal and Ivan dropped it off with Brad Hathaway and Brad brought it to me.

Councilman Doty stated I don't think I saw that.

Supervisor Politi stated no. You probably didn't. The information is in your packet. I was going to talk about. It is just a price sheet; \$2,820 for the first well and \$2,420 for the second. I am mentioning it to you because he is planning on doing it and now you know what the cost of these two wells are.

Councilman Doty stated at one point he was talking about drilling just one well.

Supervisor Politi stated I think he is going to drill the one and if he has to drill the second then that is the cost.

Councilman Doty stated say a prayer. We need that to be very successful.

**SEASONAL HIRE AT THE AIRPORT**

Supervisor Politi stated Larry Straight has a seasonal hire for the Airport. John Riley was hired for a noncompetitive seasonal position at \$13.50 per hour.

Councilman Doty stated I know John. He is a good driver.

Supervisor Politi asked how he was working out and Larry Straight stated he is working out fine.

Councilman Doty moved and Councilman Favro seconded the motion to approve the hire of John Riley as a noncompetitive seasonal hire for the Airport at \$13.50 per hour. There being no further discussion, the motion was unanimously carried by those present.

**JEFF EDWARDS – LAKE PLACID MARATHON**

Supervisor Politi stated once again I got a letter from Jeff Edwards requesting an approval to have the Lake Placid Marathon and Relay for Sunday, June 12<sup>th</sup> from 8 a.m. to 2 p.m. They are expecting 2,000 runners. The course will be the same as 2010; starting line on Main Street and the first 2.8 miles of the course passing around Mirror Lake on Mirror Lake Drive down to Cascade Road and River Road. The Lake Placid Marathon donated over \$5,000 in 2010 to local organizations. 2011 they are extending a free race entry opportunity in the half marathon to all local high school cross country and track athletes as part of their commitment to the youth running development.

Councilman Doty stated it sounds like it is earlier than normal which is good. There was always a conflict with Schroon Lake who was dipping into the participants.

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Supervisor Politi stated he will provide proof of insurance as before.

Councilman Doty stated does Butch do quite a bit to help him out?

Supervisor Politi stated we do help him out a lot. Do you want to approve this subject to Butch's review and acceptance of the dates?

Councilman Doty moved and Councilman Favro seconded the motion to approve the Lake Placid Marathon for 2011 subject to the approval of Butch Martin. There being no further discussion, the motion was unanimously carried.

**DISPOSITION AGREEMENT WITH MAVEN TECHNOLOGIES**

Supervisor Politi the disposition agreement with Maven Technologies for recycling had been reviewed by Attorney Briggs and said it is fine subject to them providing proof of insurance to meet our minimum requirements.

Councilman Doty stated in order to be worth their while, are we expected to put adds in the paper saying we have an organized collection bin?

Larry Straight stated we already have it. It is already in place and there is a sign on the building. They have to go across the scale and there is a place next to the compactor.

Supervisor Politi asked for a motion.

Councilman Favro moved and Councilman Miller seconded the motion to approve the disposition agreement with Maven Technologies for recycling subject to them providing proof of insurance. There being no further discussion, the motion was unanimously carried.

Supervisor Politi signed the Maven agreement and gave a copy to Superintendent Larry Straight for Shannon Porter.

**BUDGET ADJUSTMENTS**

Supervisor Politi stated there are two adjustments; one for 2010 and one for 2011.

2011 adjustment was for the BAN for the Highway truck and the Park District movers. The actual total Bond was for \$330,000 however we budgeted \$327,000. We have \$3,000 of extra funds which are going to be put in the Park District Fund Balance and designated for debt reduction payments.

2010 adjustment was \$19,460.69 which is the amount necessary to do the work on the soccer/athletic fields; the fields were mud and Jim reseeded and graded that area. The Bond was not enough to cover this work. It is offset by the various unspent categories noted in the Budget amendment report from Cathy Gregory. This is closing out 2010.

Councilman Doty asked if Cathy had our Fund Balance total on the report

Councilman Favro said we made a profit!

Supervisor Politi stated the Fund Balance did go up.

Councilman Doty stated where we stand with the 70/30 situation with the Village and the Code department. I don't think we have anything writing.

Supervisor Politi stated that is the reason I wanted the Village there last night. If in fact it was going to cost us money, I was not going to say we were paying for it. We don't make any money in the building department.

Councilman Doty stated we assess things at the end of the year and whatever isn't covered with the building permits is divided 70/30. That is an agreement we should have drawn up.

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Councilman Favro stated we need it and it and it would be good to have.

Supervisor Politi stated we are supposed to have a MOU for on something else that Janet was supposed to do and I never got it.

Attorney Briggs stated she was going to do a MOU for the shooting range.

Laurie Curtis Dudley stated she was going to do a MOU for the Police Department and their duties with the dogs.

Supervisor Politi stated yes. She was going to do a MOU between the Village and the Town for the Police Department as Animal Control. Craig has told me many times she has taken care of it.

Supervisor Politi asked for a motion to approve the budget amendments.

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

**SCHEDULE PUBLIC HEARING – INVASIVE SPECIES LAW**

Supervisor Politi stated we need to set up a Public Hearing for the Invasive Species Law. Would you like to do it before the next Board meeting in March? I can't imagine it taking more than 15 min. We can do it at 6:45 on March 8<sup>th</sup>.

Councilman Doty stated there will probably be as many people at that as the Ray Brook Water hearing.

The Board agreed the Public Hearing for the Invasive Species Law will be held at 6:45 p.m. on March 8, 2011. Attorney Briggs will write the legal notice and Laurie Curtis Dudley will send it to the paper.

**RESOLUTION OF APPOINTMENT – CHILDREN & FAMILY SERVICES**

Supervisor Politi stated we need to approve a resolution appointing Butch Martin and Jon Fremante to act as the official representatives for the Town of North Elba on the Board of the Youth Planning Committee. Jon Fremante will be Butch martin's alternate.

Councilman Miller asked for more detail on the Board.

Supervisor Politi stated we get funding from the County and in addition to approve the 2011 application authorizing the Youth Commission to expend \$20,000 for the 2011 youth service programs in North Elba. We do get funding from Essex County, but we have to have an appointed person. Butch has always done it and we do this every year. Joe Provoncha sends us a check to utilize money for swimming programs or another organized program. We send them to Great Escape. He lets us designate it. He stated it is controversial at the County right now. Mike Mascarenas has always been Joe Provoncha's underling. They were making cuts and wanted to combine a few departments. They put Mike in charge of planning and the youth program. This was with Joe's blessing. They had to make the position a Department Head which upset Joe because he doesn't want to answer to Mike.

Supervisor Politi stated this would also designate Councilman Miller and Councilman Favro as representatives to the Youth Planning Commission.

Councilman Doty moved and Supervisor Politi seconded the motion to approve the resolution appointing Butch Martin and Jon Fremante to the Board of the Youth Planning Committee as well as designating Councilman Miller and Councilman Favro as representatives. There being no further discussion the motion was unanimously carried.

**POST-CLOSURE LANDFILL AGREEMENT**

Supervisor Politi stated we have a post-closure monitoring agreement with Adirondack Landfill Services. It is an agreement for initiating the 2011 post-closure monitoring program. The Adirondack Landfill Services conducts sampling of 6 ground water wells and laboratory analysis

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and reports to the DEC. The cost is \$3,978 which is the same as last year's price. In 2010 they were successful as we know in petitioning the DEC to discontinue the required collection of the 2 Chub River water samples which will save an estimated \$16,000 during the remaining post-closure sampling period.

Councilman Doty stated it is just shy of \$4,000 for them to walk the property?

Superintendent Straight stated and we get a stamp.

Supervisor Politi stated we need approval of the same contract as last year and the same amount of money being budgeted.

Councilman Doty stated how long does this go on for?

Supervisor Politi stated the Contract is one year but it will continue for at least 30 years.

Councilman Doty moved and Councilman Favro seconded the motion to approve the post-closure landfill agreement. There being no further discussion, the motion was unanimously carried.

**COMMITTEE REPORTS: TOBOGGAN**

Supervisor Politi reported on the toboggan slide; last year it was opened for the first time last weekend. 2010 year to date we earned \$2,082 compared to this year we have revenues in the amount of \$11,956. The total revenue for 2010 was \$23,742. In 2009 we earned \$5,229 to date and \$28,737 for the year. Assuming that the weather holds, we will be ok.

The Board was concerned about the amount of water that was on the ice and Supervisor Politi assured them the snow was off the ice and with the cold temperatures coming it should be fine.

**HABITAT FOR HUMANITY**

Supervisor Politi stated Ron I got a letter from Habitat for Humanity wanting a town board member to be on their Board. I don't know if that is a good idea.

Councilman Doty stated let me explain that. They need board members because nobody is stepping up. They are just moving into North Elba for the first time. I was talking to *Sandy Erie* who said we don't need direction we just need a show of support. I said they should send a letter to Roby asking for a representative then I would at least sit in and listen to what is going on. I can report back.

Supervisor Politi stated as an advisory board member? The only thing I am concerned about is a lot of times they have to go to the Zoning Board for approval. I don't want there to be an appearance of something wrong.

Attorney Briggs stated be an advisory member and you can't go wrong.

Councilman Doty stated that is all I offered. Not to be a board member, just an interested party. Potential PILOT programs may come up that we might be interested in.

Supervisor Politi stated you want to do it?

Councilman Doty stated sure.

Councilman Favro stated we have it on record that you are volunteering!

**TAX COLLECTOR**

Supervisor Politi asked Laurie Curtis Dudley to talk about the tax warrant and how much tax we have collected.

Laurie Curtis Dudley stated the Town's warrant was \$3,974,192 which was paid in full on January 29<sup>th</sup>. I am now collecting \$5,799,417.91 for the County tax warrant. I have \$3,028,132 in

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the bank. I am going to hold onto it for a month to collect the interest. I collected just shy of 6,000 tax bills and have approximately 1,500 still to collect. People paid really early.

Councilman Doty stated are the rest quarterly payments?

Laurie Curtis Dudley stated some are quarterly. I have about 150 people who chose to do quarter pay. 552 of the unpaid are Vacation Services East only. That is the company that owns timeshares at the Club. They didn't pay last year either. Without them, there are only about 1,000 that haven't paid. Most of them are in the Village.

Supervisor Politi stated that is pretty amazing given the economic climate.

Laurie Curtis Dudley stated I'm going to hold onto that money to see if we can get some interest. Last year I didn't send the County a payment until the February 20<sup>th</sup>.

Supervisor Politi stated Mike Diskin is usually jumping all over me. In the past, they didn't get paid until April or May. She did one at a time and checks were not deposited until then. That money could have been in the bank earning interest. Laurie has them all done in a day. The scanning has really made a difference.

Laurie Curtis Dudley stated the scanner is huge. I've tried to get the school to use it and actually the Village should too. Laurie Baumbach is coming by to see how we do it. She uses a different program as well and she is there working late hours during their tax time. It's crazy.

**ADIRONDACK CORRECTIONAL WATER SOURCE**

Supervisor Politi stated I gave you all a copy of this Adirondack Correctional facility water sites.

Councilman Doty stated Bob and I sat at a meeting in October and they went right to the State looking for primary water source. I should send a thank you note to the DEC for saying no.

**APPROVE THE AUDITS**

Supervisor Politi asked for a motion approving the audits

TOWN OF NORTH ELBA		
CLAIMS APPROVED FOR PAYMENT 2/8/11		
	Regular	Prepaid
A FUND	88589.55	76025.10
DA FUND	115394.46	0.00
DB FUND	17604.86	30343.07
H01 SECURITY/PERIMETER FENCE AIRPORT CAP. PROJECT	0.00	0.00
H02 -BLOCK HANGAR REHABILITATION AIRPORT CAP. PROJECT	7000.00	
H03 - 5 BAY T HANGAR	8000.00	
H31- CODE UPDATE	0.00	0.00
H43 2008 AIRPORT CAPITAL PROJECTS	0.00	
RD03-THEIANOQUEN WAY ROAD DISTRICT	0.00	0.00
SF1 FIRE PROTECTION DISTRICT	230493.51	0.00
SF2 FIRE PROTECTION DISTRICT	39281.35	0.00
SF3 FIRE PROTECTION DISTRICT	93370.27	0.00
SP PARK DISTRICT	103303.08	70355.75
SS21 CONSOLIDATED SEWER DISTRICT	0.00	0.00
SW1 SEWER DISTRICT #1	157149.97	0.00
SW2 MCKENZIE	0.00	73.80
SW3 RAY BROOK	14.36	879.95
T TRUST & AGENCY	0.00	1337.05
TE PRIVATE PURPOSE TRUST	0.00	0.00
	860201.41	179014.72
110078; 110092-110121; 110170-110182; 110184-110239; 110241-110251;		
110272-110306		
110240 DELETED		

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

**COMMITTEE REPORT – UNION UPDATE**

Councilman Miller stated Derek and I are meeting with the union on February 16<sup>th</sup>. It is just for verification only. I made it perfectly clear we are not there to negotiate. We will no longer negotiate.

Supervisor Politi stated have you talked to them Larry? Have they been down there lately?

Superintendent Straight stated I don't talk to them. One was down last week. He comes at 4:00. They don't know when the guys work. They jumped on me for going to the Town Board asking for more money and I said it doesn't work that way. I ask him to leave my office and when they don't so I walked out of my office.

**CRAIG WOOD**

Councilman Doty stated you said you have a meeting coming up with a possible new vendor. Will we have to choose somebody in time for them to get a liquor license?

Councilman Miller stated Derek and I talked about how to approach what we are going to do down at Craig Wood. I wondered whether it would be a good idea to invite Butch to come to a meeting to tell us about the condition of the current building. Then we can discuss whether it is worth pouring money into that of building something new.

Supervisor Politi stated we might want to have a structural inspection done on it. Wylie Lavigne is a licensed engineer, and for \$350 why not ask him to do it?

Councilman Miller stated that is a good idea. We need the public to see the process.

Supervisor Politi stated it makes a lot of sense to have one. Your points were well taken. We don't need to hurry this month to do this. I think things are getting better. The more time that goes by, it will be a lot easier.

Councilman Doty stated the acceptance level be a lot higher.

Supervisor Politi stated it's tough to come in right after Cuomo's budget speech.

Councilman Miller stated it is important for the public to know why we are doing what we are doing. An inspection is a great idea.

Supervisor Politi stated we have to do this. This building is going to fall down.

Councilman Miller offered to call Wylie Lavigne and arrange for him, Butch and Jimmy to go through the building.

**AIRPORT BLOCK BUILDING**

Superintendent Straight stated I know the bid specs for the block building are talking about a new rafter system. I don't believe that is necessary. Those rafters are fine on that building. That is a big expense.

Supervisor Politi stated they didn't look that bad when I saw them either. I just got the minutes of the meeting. I can call Bruce and say we don't think it needs to be done.

**EXECUTIVE SESSION**

Councilman Doty moved and Councilman Favro seconded the motion to adjourn the regular Town Board meeting to go into executive session at 7:35 p.m. There being no further discussion, the motion was unanimously carried.

Councilman Rand moved and Councilman Doty seconded the motion to come out of executive session. There being no further discussion the motion was unanimously carried.

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Councilman Miller moved and Councilman Favro seconded the motion to retain legal council: Michael Hutter and Briggs & Norfolk to litigate Stoltz Boathouse matter on Mirror Lake at a combined legal fee capped at \$12,000 through the Appellate Court. There being no further discussion, the motion was unanimously carried.

**ADJOURNMENT**

There being no further business to come before the Town Board, Councilman Favro moved and Councilman Doty seconded the motion to adjourn the regular Town Board meeting at 7:38 pm.

Respectfully Submitted,

Laurie Curtis Dudley  
Town Clerk