

## TOWN BOARD MEETING

TUESDAY, JUNE 13, 2017

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

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

**Others Present:** Attorney Ron Briggs, Larry Straight, Antonio Olivera, Dean Dietrich, Bob Maswick, Jim Morganson, Mike Orticelle, Mike Klein, Brandon Carberry

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 for the minutes of the Board meeting of May 9, 2017.

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.

### DEAN DIETRICH- APPEARANCE COMMITTEE

Dean Dietrich – The Appearance Committee and the Vacation Rental Program are coming from the Community Development Commission and the 2014 Comprehensive Plan. To give you a brief history, the 1996 Comprehensive Plan talked about building stock, sprucing up Main Street, a tree corridor program to name a few. After 2013 plan, there was a gap before the Joint Planning Commission took over. Ruth Hart was doing the work on her own back then and suggested people getting together. It evolved into the Tree Board and Beautification which was then reinvigorated with the 2014 Comprehensive Plan along with a long term mission and broadened the stakeholders and set objectives. We don't just plant trees and flowers. We formalized the process by community stakeholders. Membership includes; Community Development Commission (1), Lake Placid Business Association (1), Tree Board (1), Lake Placid Beautification (1), Garden Club (1), Mirror Lake Watershed Association (1), Lake Placid Shore Owners Association (1), Joint Review Board (1) and an At -Large members of the Community (2). Jay Rand has been the representation from the Town Board. The Village wanted a structure to limit the voting. It wasn't to eliminate people coming to the meeting to express their ideas. The idea was to deal with a particular issue and to have a voting structure and appointed people. The meetings get taken over by a group that has vested interest. People who may be interested in a volleyball court at the beach will be the people that show-up, but we would like to hear from these people that have the vote. It is well documented in sociology and it is called the Janice Effect. We want to avoid that and this is why we are asking for appointment of officials who have been appointed by their representative stakeholders. Margaret Murphy was appointed by the Mirror Lake Watershed Assoc. and this is why we are asking for a structure. We followed the structure of the Community Development Board with three year rotating terms. When you're on you represent stakeholder group. If they don't want you, they can vote you out. We want to get student involvement and in one of the committees that we think we can achieve that. I have a meeting with Dr. Catania in July. My ten-year on this will hopefully be short-lived. I said I would get this up and running. If you look at the objectives with #9, which are now not on any of

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our agendas, might communicate problems that might lead to an enforcement action. As a Judge, I can't be on a committee that gets any background information. I left those things off the agenda for now. I wanted to get it on the record that it looks like I have a conflict of interest. I told the committee that I would get it up and running.

Councilman Doty – Any direction that the committee comes up with goes back to the Community Development Commission? Is that the avenue that comes to us?

Dean Dietrich – That would be determined by the action itself. The key in the operating principles is that it is an advisory board. We have been working with Butch and the Brad Hathaway to look at the plan for the different parks. Where to put a kayak rack or what to do with the two big rocks are two issues that have come up. Can the rocks be used as seats for a classroom situation? All that would be advisory and people can do what they want. If something come up that only deals with the town, it makes sense not to go through the Community Development Commission and talk directly to Butch and Roby. I am asking that you have faith in us. You cannot go too far because it is an advisory group and you cannot do anything until it is passed by someone that has real authority.

Supervisor Politi – An item you should amend is to say, “The Appearance Committee shall exist as an advisory sub-committee”. I want everybody to understand that this committee in an advisory capacity.

Dean Dietrich – I have under committee recommendations that all party recognize the committee functions as advisory group (#3A). I said I would get this committee started and then will bailout.

Councilman Miller – That is kind of you to do that. I know some of the names are the same that contribute a lot and volunteer in this community. As an off the track comment, we have to find a way to get younger people involved. I see this as a good start. We need to get younger people involved in the town and maybe work their way up so people sitting at this table aren't always older people.

Dean Dietrich – We are making strides. I am very pleased we now have Jen Jubin, Emily Dennin, Kelly Kennedy, and Mavis Miller. It is revitalized and dropped the average age down considerably.

Councilman Miller – I think it is wonderful. I am saying that in general the community Development Board or other Boards where we can start to get younger people into this business would be wonderful.

Dean Dietrich – The Community Development Board is looking at expanding to work with Val Rogers and the group that does the volunteer thing. We can expand that to ask for volunteers at the Biathlon and the ski jumps and Kiwanis. We can get a mailing list from realtors of people who just moved into the area and invite them to come. Sue Cameron suggested taking people's names and email to send them a survey asking them what they are interested in getting involved

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with. The idea is to build an inventory of people we can call. Our demographics are changing and we have new residents that have incredible skills and we need to tap into those skills.

Councilman Miller – That is fantastic.

Supervisor Politi – It doesn't sound like anybody has an issue.

Dean Dietrich – I will make the same presentation to the Village Board. I am looking for a motion to accept the operating principals of the Appearance Committee and to appoint the following people with a term that would expire January 31, 2018:

Community Development Commission (1)	Mavis Miller
Lake Placid Business Association (1)-	Lori Fitzgerald
Tree Board (1)-	Jamie Rogers
Lake Placid Beautification (1)	Charisse Bailey
Garden Club (1)	Judy Shea
Mirror Lake Watershed Association (1)	Margaret Murphey
Lake Placid Shore Owners Association (1)	Georgia Jones
Joint Review Board (1)	Christine Varden
At -Large members of the Community (2)	Dean Dietrich / Student Representative

Dean Dietrich - I would like to say that Jay Rand has been an excellent representative. Butch Martin also shows up and you might want to make him your town represented if Jay wants to be replaced.

Supervisor Politi – We will extend to Butch the same accolades that you extended to Jay.

Jay Rand – I just go to the meetings to keep him in check!

Councilman Miller moved and Councilman Favro seconded the motion to accept the operating principals of the Appearance Committee and the recommended noted appointments. There being no further discussion, the motion was unanimously carried.

### **DEAN DIETRICH- VACATION RENTAL PROGRAM**

Dean Dietrich – The next item, vacation rental program, is more controversial. Mike Orticelle, Jim Morganson and Bob Maswick are a few of our committeeman who are here tonight. You asked us to comeback with something more specific language about establishing a fee. We are recommending \$100 per year, which we talked about. We did not put it into the draft ordinance because you would have to amend the ordinance. This way, you could change the registration with a simple resolution. There are a minimum of 500 units at \$100 each which is enough money to make this program self funded. There was concern about getting a larger portion of people involved in the process. We had preliminary meetings with two software providers. Essex County, Franklin County and ROOST and I were present at the meeting. There are software providers that have search engines that will search as many sites as you are willing to pay, and they will give you a list of the people who are advertising rental units in your particular jurisdiction. We talked to a company called STR (Short Term Rental) whose website is

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www.strhelper.com who works out in Colorado, Utah, Garden City, Park City, Breckenridge and New Braunfels, TX. The Mayor of Garden City was the software engineer who wrote the program for his committee when they started a rental registration program. It worked so well that other towns wanted to buy his program.

Supervisor Politi – I talked to Wayne Taylor about this yesterday. The county is thinking about getting the program. He led me to believe that the cost of the program is about \$46,000.

Dean Dietrich – That is the tax crawler. They work with bigger cities and out of Toronto and are trying to get NYC. They do more than we want. You can get a sub-package. If we got the program STR, the cost would be \$7,000.

Supervisor Politi – I am thinking about the county investing in the program and the Town of North Elba piggy-backing off the County so that it doesn't cost us anything. That system will catch the VRBOs and the Air B&Bs and everyone.

Dean Dietrich – The reason it is more expensive is that they have people who sit down and look at the rental calendars and review how often it was rented and they will predict the revenue from each unit. That is much more than we need. In the meetings, I said they are going in a different direction. All North Elba wants is the registration.

Supervisor Politi – What the revenue is, is actually two different things.

Dean Dietrich – If the county bought STR, the cost would be closer to \$15,000 and STR would give a secondary license for much cheaper. They have that in Colorado where the county owns it.

Supervisor Politi – I believe we are going in that direction. If we don't go in that direction, we are discriminating against the guy who is abiding and the guy who is in outer space.

Dean Dietrich – You sound like you are already sold so I don't want to say anything that would un-sell you.

Supervisor Politi – In order for the County's Vacation Occupancy law to work in a nondiscriminatory way, that is what should be done.

Dean Dietrich – The best case scenario is to get it for free through the county. Worst case scenario is will cost the town \$7,000 to \$8,000. Their's is based on the number of rental units. Without the program the office will resort to spreadsheets.

Supervisor Politi – Without the program you cannot get to those who are renting online from CT, NJ or other places. You may have their address but that doesn't mean anything.

Dean Dietrich – The technology is out there to broaden the base.

Supervisor Politi – Given that, let's move on.

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Dean Dietrich - Whatever those numbers are, we believe you can generate enough money to pay for that. The other issue is the enforcement processes. The question is whether to go through a civil action or criminal action.

Attorney Briggs – What would trigger a violation? For example I fill out this form and I certify there are two onsite parking spaces and I have 10 people staying there. What is the recipient of this form do?

Dean Dietrich – If he has four cars parking onsite would trigger a violation. I would assume the biggest violation will be renting something without having registered.

Attorney Briggs – I understand that. I am going to the next level.

Supervisor Politi – If they have a rental listed online, do we have a case because someone has it on VBO?

Attorney Briggs – It is all in how we draft it. It will have to be carefully drafted.

Dean Dietrich – We know it will be a problem but we feel that you can get around it. What is the best way to do that given our enforcement issues? Some use civil action and some use criminal action.

Supervisor Politi asked if we are going to find a judge that is going to enforce this and Dean Dietrich stated, probably not! He further stated that a parking ticket is a civil action.

Attorney Briggs – Let's say I am an owner and I fill out my registration form and can sleep 10 people in my house. I say I have two off street parking places. What happens when I file it in that way? Will the town or the village say I can't rent because I need five parking spaces?

Dean Dietrich – It would not get rejected because you could put two in public areas.

Attorney Briggs – We are not applying the provisions to the Land Use Code to rentals. This is just a registration form.

Councilman Miller –Are two cars on the lawn and two cars in the driveway a violation?

Dean Dietrich – That is a violation. You then have an action of a civil fine as a parking ticket.

Attorney Briggs – The person could say that it was a pizza delivery guy. How do we enforce that? If you have two tenants and four cars, how do we prove that?

Dean Dietrich – It is very difficult. We are basically taking a step forward as we can. The easiest way is to enforce the registration.

Attorney Briggs – Am I expected as Town Attorney to chase all these rabbits down the rabbit holes? Two cars, four cars, too much noise...is that the job of the municipal attorney?

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Dean Dietrich – I would not think so. Just like you are not involved in parking tickets.

Supervisor Politi noted that four friends visit and are parked on the lawn and Councilman Miller states there is nothing in the land use code that says I can't park on lawn and he has a big lawn and can park 10 cars. Dean Dietrich responded that you would need to have a 100' driveway and you could park 10 cars along it and that they are trying to get a handle on cars parked on the lawn.

Attorney Briggs – The form says I swear the above to be true. Rental requirements may result in the revocation of the transient rental permit.

Dean Dietrich – That's incorrect and is what you get with volunteer labor. When we started it was a permit system and a now it is a registration system similar to registering your dog.

Councilman Favro – You have a good start. It is better than it was before; the \$100 rate is better than before, you have some tangibles where you can get the safety issue covered for the fire department. You are building an inventory. I can live with this.

Dean Dietrich – It is also a communication tool. The owner has to give the tenant the regulations for the area for example not parking on the street in the winter for plowing or the noise ordinance. At least we are moving in the right direction. There are people that speed and don't get caught.

Councilman Doty – I am glad there is program to find the database. At what point does a residential use change to a commercial use and need a health inspection and all the other requirements. I like the idea that we are now in a more fare market but we are going to create a monster.

Dean Dietrich – NYC says that if you rent out a bedroom to one party and another to another party then it is no longer a single family dwelling. As long as it is a contract with one person you are okay. It is commercial when you rent a room out to different people as in a hotel room.

Supervisor Politi asked if this was going to be a local ordinance or a local law.

Dean Dietrich – I would like to know if you want to move forward with a public hearing. I will present this to the Village Board. You both do not have to be onboard.

Councilman Miller –Handing out a pamphlet to the tenants would be wonderful. The HOA at the Pine Hill Condos requires that they put something out for the tenants advising them of the rules.

Supervisor Politi – It looks like Dean Passed the test! You are never going to solve the problem because it is nationwide.

Dean Dietrich – We think this will work in the right direction.

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Councilman Favro and Dean Dietrich talked about the emergency contact person who should be available 24/7. It would be a violation if you called that number and he is not there.

Dean Dietrich will talk to the Village Board and if they want to move forward then we can move forward together with a joint public hearing.

Attorney Briggs asked for a calculation of number of rentals inside the village and outside and Dean Dietrich said the number is equal and close to 400 units each. Higher rent is in the town and the village. Density of population is the biggest issue.

Bob Maswick – How fast is the county going to move with the database?

Supervisor Politi – It was a discussion that I had with Wayne Taylor who is in charge of weights and measures and oversees this. He was bouncing it off me to see if North Elba would support his seeking that type of expenditure. I would guess they would go for it given that the occupancy tax has increased four-fold since last year.

Attorney Briggs - It would be helpful if he could come and talk.

Supervisor Politi state Wayne Taylor would be happy to. Town of North Elba is 85% of the county rentals and they have a financial interest in us.

The Board agreed with the presented vacation rental program. Supervisor Politi did not vote.

### **HELICOPTER- GO AVIATION (NOT ON THE AGENDA)**

Supervisor Politi asked if the two gentlemen are here to address the Board. They stated they were not on the agenda but could.

Mike Klein – I am the president and Brendan Carberry is the Vice-president of Go Aviation. We have been seeking to provide helicopter tours at the Airport. We have spent some time with Mr. Morganson over the last many months.

Supervisor Politi – Mr. Morganson has nothing to do with it. You can cut the chase there.

Mike Klein – We are trying to find the appropriate way to do this. We would apparently need the Board approval to do such things.

Supervisor Politi- That is correct.

Mike Klein – We are here today asking for that approval.

Supervisor Politi – I am curious as to why you would think you could go down there and do that after being told you cannot do it. You then do it again.

Mike Klein – We were given legal advice and have looked through the regulations and there is not a specific stipulation requiring it.

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Supervisor Politi – You can just use Town property whenever you want without notifying us to insurance and whether your pilots are even licensed?

Mike Klein – We are a federally authorized FAA company and the pilot's license was not requested.

Brendan Carberry - We did work with the Building Department and the Parks Department with many calls and they both said that we did not require any permits. They asked if we had a letter of authorization from the FAA, which we do. As far as we knew we were in the clear.

Supervisor Politi – Somebody call Jim Morganson back. We keep hearing different stories.

Mike Klein – Jim will substantiated what we've said.

Supervisor Politi – I will be very clear, I do not appreciate going down there and telling you that you cannot be there and have someone tell me that it is public property rather than saying, "I had no idea what the process was and we are very sorry". Instead, you take legal advice after the Town Attorney has told you otherwise. You go down and set-up again. That is arrogant as hell.

Mike Klein – I understand and respect your opinion. We are federally authorized to do what we do.

Supervisor Politi – Where is your authorization certificate? That is something we will need to see.

Attorney Briggs – We are not saying you cannot fly your helicopter and give tours. The issue is that you parked an RV on Town property in a parking area which was designed for customers of the airport. You took up 4-5 spaces and put up a big sign. You brought in a commercial office on town property. Your license does not say that you can do that.

Mike Klein – Can you please tell me in the Town Code where that is prohibited because section 4.3.5 ...

Councilman Miller – I have to tell you, you are approaching this the wrong way. I am taking offense now. I am a pro business guy but this is about being a good respectful neighbor. If you want to come in here and work with us we may want to work with you. Don't come in here with an arrogant attitude.

Brandon Carberry – Frankly, we found the process really confusing.

Councilman Miller – Then just come in here and say, gentleman I want to do business here. Tell me how I can work with you to be able to do that. Maybe we can or maybe we cannot do that.

(Jim Morganson returned to the meeting after being requested to return)

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Mike Klein – Jim, did we not come in and ask how to do this?

Supervisor Politi – Jim, these gentlemen are saying they talked to you a number of times and you told them there was no way to get approval.

Brendan Carberry –He didn't say there was no way to get approval just that we didn't require a permit.

Mike Klein – There is no business permit to operate in Lake Placid.

Jim Morganson- Beyond that, I told you to make contact with the operator. I called you from the airport telling you that I was there and you needed to come here and talk to the operator.

Mike Klein – I sent emails to Mr. Short which I have a record of. I stopped in a number of times and he never called me back.

Councilman Miller – So you did not get authorization.

Mike Klein – I have Federal Authorization.

Brendan Carberry – The problem is that we have Federal Authorization to operate at a federally funded airport. We have done our best to get in touch with the operator and have had no success.

Supervisor Politi – You are telling me that you can go down to any airport, for example White Plains, and pull-up your motor home on the airport grounds, start selling tours, and put your sign on their road without telling a sole. I don't believe that is the case.

Brendan Carberry – We didn't realize the motor home was the issue.

Supervisor Politi – It is the arrogance of doing it without asking the Town who owns the property. Not asking and just doing it. The Town Board runs all of the Town land including Park District land.

Brendan Carberry – That is why we thought it was alright because I did talk to the Parks District. It was over the phone and they said it was okay. I thought that was all I needed to do. We are not trying to go over your head here. We want the same treatment as any other business.

Supervisor Politi – It was the way it was handled. We all find it very offensive. The first guy I talked to was our helicopter pilot and he didn't know what was going on. I made it very clear to him to put you on notice and he said he would. He did because the town Attorney talked to you also. Ron made it clear.

Councilman Doty asked about the operation in Saranac Lake. Mike Klein stated he runs the same operation in Saranac Lake and there is not a process to use the airport. They just pulled up and set stakes.

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Councilman Miller – I wonder if I can put a hotdog stand on the park on Tuesday's when they have the concerts. Am I aloud to do that?

Attorney Briggs – You can see the Town Board's perspective. Let's say there are 10 operators of helicopter tours and all parked RVs there. Is your position that there is absolutely nothing we can do about that?

Mike Klein – I am trying to interoperate your laws. I am trying to run my business. That is why we are here tonight to talk to you.

Brendan Carberry – We would love to have space in the FBO area to book our tours and meet our customers but we were not able to contact management, hence the RV.

Mike Klein – We don't want to be running out of an RV. We run a very professional operation. We are in good standing with the FAA. We are very good standing...

Supervisor Politi – How would we know that?

Mike Klein - How did we know that we had to come to you?

Supervisor Politi – Because we own the land.

Mike Klein - Where would we find that information? We tried to.

Supervisor Politi - How would you know the speed limit is 55?

Mike Klein – It's published on a sign.

Supervisor Politi - Town of North Elba owns the land and it is published in all the tax rolls. It is published everywhere.

Mike Klein - That's not standard procedure at the airports we've worked at.

James Morganson - Roby, I'll take the heat on explaining. I didn't say to go to the Town Board. I said to go see Steve Short. I will take the heat because I told them to go see the operator.

Supervisor Politi – For space, he would have to go see the operator. In terms of parking outside the gate and putting signs on Town road the operator has nothing to do with that. We do.

Mike Klein - That's our bad. Sorry

Supervisor Politi – Ron, what do you want from these guys?

Attorney Briggs - I need to see your authorization, liability insurance ...

Mike Klein - We have liability insurance; you're already named on it

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Attorney Briggs – We will need to see it.

Supervisor Politi – We need insurance, certificate of authorization, and we know nothing about your pilots or anything about that.

Mike Klein - You can have whatever you like.

Attorney Briggs - We would like our underwriter that works for the town to review the insurance policy to make sure we have adequate coverage, we need the FAA license, evidence that your pilots are licensed and basically all the documentation that have.

Mike Klein – You are more than happy to it.

Brendan Carberry – We are happy to find someone to give it to.

Councilman Miller – I am a little confused here. You were there once and you were told not to come back. You came back. So right now you do not have authorization from the Town Board to be down there?

Mike Klein - Correct.

Councilmen Miller - Am I going to see you this Saturday?

Mike Klein - Not unless you approve me.

Councilman Miller - That's what I want to hear. We will review the documentation that you send us then we will make a decision as to whether we want them there or not.

Attorney Briggs - You have my email address. Scan the documents and send them to me. I will forward the insurance information to our underwriter.

Supervisor Politi – It's more than that. I want to know where you are going to set this up. How are you not going to get in the way of everyone else?

Attorney Briggs - All that has to be dealt with.

Councilman Doty – With the current contract we have, that's Steve's call where anything accessory goes on those grounds.

Councilman Miller - I'm not an aviation attorney. You're telling me you have every right to be there. I want to know what he is telling us is the truth.

Attorney Briggs – I don't either. I have contacted aviation council in Washington DC. He said he would be available to consult with us.

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Supervisor Politi - I think you have to go there. If we all know the answer, I want to do the right thing and want to know the facts.

Councilman Favro - I want to do the right thing by Steve Short. He has been and pays us.

Supervisor Politi - There has to be specific language with regards fixed base operators. I cannot believe that the aviation law says anyone can go on the property and run an operation. I can't believe it. I wouldn't even consider making a decision on this until aviation council has an opportunity to review it. Quite frankly, this has never come up before.

Mike Klein - Please understand, I come to this with some experience and knowledge in the area. We are guaranteed the right under your grant insurance package, part 23.

Supervisor Politi - That could be but we have to review it.

Mike Klein – Absolutely, and you have the right to check this out. And I encourage you to do your own research.

Attorney Briggs - I think the Town Board may authorize the retaining of this Attorney and I will let you know who that is.

Mike Klein - Okay.

Councilman Doty - Are you referring to your rights to just land and use this premises or for commercial use.

Mike Klein - Commercial operation of all nature.

Brendan Carberry - This has nothing to do with the parking RV just commercial operations with the helicopter on the airport itself.

Supervisor Politi- I do not think under FAA grant regulations that we can grant an exclusive use, but I do think we have the right on reasonable controls and also on nonexclusive things.

Attorney Briggs - If the airport was too small to accommodate your operation, what would your answer to that be?

Mike Klein: If it was too small to operate it and you guys decided to have an exclusive operator, you would have to staff it yourself.

Attorney Briggs – At that point it become impracticable.

Mike Klein - That doesn't go as far as charter and tour operations.

Attorney Briggs – The first step is the package.

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Mike Klein - We will send you the package. We appreciate the consideration. I am sorry this went down this way. This is not how I try to do business.

Supervisor Politi – I don't like to hear that you opened operations on Facebook. Someone showed me that you opened operations on June 1<sup>st</sup>.

Mike Klein – I am a resident of this Town. I am trying to do it the right way. It was not the intention to start a war with the town. I am frankly glad that you guys were willing to talk to us and willing to consider this.

Supervisor Politi – We will talk to anybody even if you are arrogant.

Councilman Doty asked for a business card and they did not have one handy. I will provide everything requested to Mr. Briggs. We appreciate your consideration.

### **APPROVE DATE CHANGE WORKSHOP MEETING- JULY 5, 2017**

Supervisor Politi asked for a motion to change the workshop from July 4<sup>th</sup> to July 5<sup>th</sup>.

Councilman Favro moved and Councilman Doty seconded the motion to approve the date change for the Town Workshop due to the 4<sup>th</sup> of July. There being no further discussion, the motion was unanimously carried.

### **AUTHORIZATION TO APPROVE AND SIGN GRANT APPLICATIONS- RAY BROOK**

Supervisor Politi - Ivan has sent me forms for the authorization to approve the Town Board to seek a grant application under the Water Infrastructure Improvement Act (WIIA) for the Ray Brook water district improvements. The improvements primarily being the replacement of 9,000 linier feet distribution manes in the highway right-a-way and ease together with the connections of all existing house services and the replacement of the existing 150 thousand gallon water storage tank with a 250 thousand gallon distribution storage tank. All necessary for the general health and welfare of the water system users in Ray Brook. So I need someone to move a resolution approve seeking a grant and authorization for me to sign on behalf on the town of North Elba to seek the grant.

Councilman Doty asked if there a cap on that grant and Supervisor Politi stated he doesn't believe there is a cap.

Councilman Doty - I don't remember him talking about the easement question. Do you know anymore about that? Are we going to need legal help for that and do we need to increase easements?

Supervisor Politi - This would be if there are easements the replacement would be within those easement areas. We need to make a motion authorizing submission of the grant.

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Councilman Doty moved and Councilman Rand seconded the motion to approve resolution seeking a grant and authorization for the Supervisor to sign on behalf on the Town of North Elba to seek the grant. There being no further discussion, the motion was unanimously carried.

Councilman Doty - We should talked about the possibility of the grant not going through? There are 140 users in Ray Brook. I mean that's the crooks of this whole problem. And I'm one of the 140.

Supervisor Politi - I agree. I think we need to go this route first.

Councilman Favro - We will find a way.

Supervisor Politi asked for a Roll Call vote: Councilman Rand, Aye; Councilman Favro, Aye; Councilman Miller, Aye; Councilman Doty, Aye; Supervisor Politi, Aye

**COMPLETE ENVIRONMENTAL ASSESSMENT FORM-RAY BROOK**

Supervisor Politi –I need a resolution to complete the environmental Quality Review Act forms for the Ray Brook Water District.

Councilman Favro moved and Councilman Rand seconded the motion to approve a resolution to complete the Environmental Assessment Form-Ray Brook. There being no further discussion, the motion was unanimously carried.

Supervisor Politi asked for a Roll Call vote; Councilman Rand, Aye; Councilman Favro, Aye; Councilman Miller, Aye; Councilman Doty, Aye; Supervisor Politi, Aye

**RESOLUTION- SEQRA DETERMINATION- RAY BROOK WATER**

Attorney Briggs – This is a form completed by the engineer and the Board need to adopt a resolution indicating that the proposed action will not result in any significant adverse environmental impacts.

Councilman Favro moved and Councilman Doty seconded the motion to approve the SEQRA Determination Resolution. There being no further discussion, the motion was unanimously carried.

**APPROVE LIVE MUSIC PERMIT- TAIL O' THE PUP**

Supervisor Politi - I have a request for a live music permit for Tail O' The Pup. They have filled out the proper forms. They did pay the permit fee of \$100 and have also given us a check for a thousand dollars as a security deposit.

Attorney Briggs – There is new ownership there.

Supervisor Politi - Heather Moynihan is the owner.

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Councilman Doty – I will approve that since I live across the street. Some weekends the music is nice!

Councilman Doty moved and Councilman Favro seconded the motion to approve the live music permit for the Tail O' the Pup. There being no further discussion, the motion was unanimously carried.

### APPROVE SUMMIT LACROSSE LEASE

Attorney Briggs – The Original signatures is in the mail. I thought the Board approved the execution of the lease at the Workshop.

Supervisor Politi – I would like to do that here formally.

Attorney Briggs – It is a 5 year lease. For 2017, the total rent payable for the fields is \$26,000 which is subject to go up. That's the absolute minimum of rent. It may go up depending upon the number of games. At the end of the tournament they will calculate the number of games they've played and if it exceeds a threshold then for every game over that threshold to 400 we will get an additional \$65 per game. They will also contribute toward expenses.

Supervisor Politi - It's the same lease we have had in the past. All recycling and garbage will go to the dump.

Attorney Briggs - The total base rent of 2018 is \$28,500. 2019 rent is \$31,000. Again that's the minimum base rent. 2020 is \$33,500 and 2021 is \$36,000.

Supervisor Politi asked for a motion to approve the Summit Lacrosse Lease agreement.

Councilman Doty moved and Councilman Rand seconded the motion to approve the Summit Lacrosse lease. There being no further discussion, the motion was unanimously carried.

### APPROVE L.P. CLASSIC RACE

Supervisor Politi - The Lake Placid Classic Lake Placid/North Elba Half Marathon is Saturday, October 7, 2017. The race course and times are the same as in the past. They donated \$8,700 to CYC and have donated a total of \$31,000 to our local youth in the last five years. The required liability coverage for the event will be presented to the Town Clerk. Rich Preston is requesting approval. I like this kind of event because they guarantee donations to local organizations just as the ironman has.

Councilman Miller – It is nice to have a letter request for the use of our facilities.

Councilman Favro moved and Councilman Rand seconded the motion to approve the Lake Placid Classic Lake Placid/North Elba Half Marathon. There being no further discussion, the motion was unanimously carried.

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**EXTENSION OF FIXED BASE OPERATION LEASE/LP AIRPORT**

Attorney Briggs - Under section 352 of the General Municipal Law, we need to have a public hearing for the Fix Base Operation Lease at the Airport. We have to advertise in two papers and published at least 10 days before the public hearing.

Supervisor Politi – Steve, you'd like to extend the lease agreement you've had for many years and at the same rate increases you've had in the past, which goes up \$500 per year each year. It amounts to about a 3% increase each year for the next 5 years.

Supervisor Politi- I made changes in the rent; year one it would be \$500 more than last year and it goes up by \$500 per year. The only other thing is the change of dates. Everything else stays the same. It is a very comprehensive agreement. It does ask non-exclusive'

Councilman Doty - In the contract, I don't understand what non exclusive rights mean.

Supervisor Politi - You cannot grant exclusive rights to an FAA operation who receives Federal Grant money.

Attorney Briggs – If you didn't receive federal money, we can do whatever we wanted.

Councilman Miller – Is that what opens the door to these other people?

Supervisor Politi – That opens the door, however. I know there is additional language that says your airport can't be of such a size that someone else may interfere with the operations.

Councilman Miller – I always thought Steve has exclusive rights and no one else. I thought we leased it to Steve.

Attorney Briggs - The statute says, and that is what council will be for, it has to be non exclusive unless having more than one fixed base to provide aeronautical services is impractical because of the size of the airport.

Councilman Miller - Is a helicopter a fixed base operator?

Steve Short - A fixed base operation is a farcical building and I provide aeronautical services.

Councilman Doty - Rates and lease rate remain up to us. We set what Steve charges?

Attorney Briggs - He gives us a report then we approve the rates. That's never been done but we should start doing that.

Councilman Miller – If this other party operates at the airport, would they pay us and we approve the rates they are charging their customers?

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Attorney Briggs – We can require that.

Steve Short - I would have to double check the rules but in the last couple of years a scenic tour needed approval from the FAA which I'm pretty sure requires a facility.

Supervisor Politi – His facility was the motor home. It is my understanding is that they were going to move into our pilot's lounge and take that as their office.

Steve Short - The operation is a struggle every year. An employee is there because of our scenic flights. If that was tampered, I wouldn't be able to keep him. It would hurt the operation in other ways.

Councilman Miller – It sounds like undue hardship. Should Steve be talking to the aviation attorney?

Attorney Briggs – He will be advised on all of it.

Supervisor Politi – It would be a disaster if nobody answered the phone and nobody directed flights. In my understanding these guys almost created an accident.

Steve Short – When the helicopter took off, a plane had reported departing 32 and just rotated, and the helicopter flew under him. Over the Unicom the pilot said, don't climb! don't climb!

Attorney Briggs – Is that documented and do you have a recording of it?

Steve Short – Terry and Phil Blinn saw it happen.

Councilman Miller - That should be documented because it shows that we don't have the space to safely handle two different operations at the airport. Without documentation how do we claim that?

Attorney Briggs - I would like Tarry to write a memo with the date and the time as to what he saw happen. I will give it to the attorney.

Councilman Rand asked if there is a law on the altitude a helicopter has to hover and Steve Short said they have to be a thousand feet in the air unless they need to land and 500 Ft horizontally or vertically from manmade structures of domestic animals.

Supervisor Politi – Diane Fish said they were hovering over her house. He advertises as an Olympic Tour. He could fly over the horseshow to the ski jumps and if they hover 500 feet above the horses, the noise could spook the horse and it could take off.

Attorney Briggs - The Aviation Attorney asked if our airport has minimum standards.

Steve Short - You are supposed to stay 500 ft. above and 1,000 ft. below clouds.

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Councilman Miller – If Diane Fish were to file a complaint with the FAA, are there any repercussions?

Supervisor Politi – This is a bone of conception at the national parks and in Hawaii. They are running tours and flying at a very low altitude which is above houses and the FAA has said they have control over airspace.

Councilman Doty – Let's suppose he is successful. Where are we going to put him? With the traffic, it doesn't make sense to have it anywhere.

Steve Short – During the Horse Show, the parking lot is full.

Supervisor Politi – That is something we have to get legal council on.

Councilman Doty noted that Steve Short worked with the Town on the Jet Fuel and asked if it is working out and Steve Short said that it is not great now but the summer will tell us a lot more.

Attorney Briggs asked if the fuel cost was competitive and Steve Short stated the fuel price is competitive with other aviation fuel prices. The helicopter uses aviation fuel. He has bought some in Lake Placid however the operation is based in Saranac Lake.

Supervisor Politi stated a public hearing date needs to be set and properly posted. The public hearing date is scheduled for Monday June 26<sup>th</sup> at 7:00pm

### APPROVE LEGAL ENGAGEMENT PROPOSAL/ AIRPORT GRANT ASSURANCES

Supervisor Politi – Ron is recommending that we retain a Washington, DC law firm that specializes in FAA law.

Attorney Briggs – It is a firm that only represents public airports all over the Country and has never represented anyone opposed to an airport. I received the reference from Doug Bauer. The rate structure is very reasonable and offers a different rate for municipalities. He would be happy to work as much or as little as we need him.

Supervisor Politi – This Company is advising Ron.

Councilman Miller – I am very concerned and feel that it is a problem heading our way.

Attorney Briggs – We need council who is highly specialized. The conduct thus far is enlightening.

Steve Short and his operation has been very profession for nearly 50 years and we have never had a complaint.

Supervisor Politi asked for a motion to approve the retention of the Aviation Attorney

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Councilman Favro moved and Councilman Rand seconded the motion to approve the retention of the Aviation Attorney. There being no further discussion, the motion was unanimously carried.

Supervisor Politi – Steve, I can entirely understand why you wouldn’t answer the guys email to allow him to come in and occupy your space considering you have a lease.

**SEASONAL APPOINTMENTS- PARK DISTRICT**

Supervisor Politi as for approval of the seasonal employees.

ACCEPT RECOMMENDATION OF NEW HIRES:						
NAME	POSITION	DATE OF HIRE	UNION CLASSIFICATION	HOURLY RATE OF PAY	CIVIL SERVICE CLASSIFICATION	Appropriation account
Rachel Rosner (1)	Beach	06/23/2017	n/a	\$13.00	NON COMPETITIVE	B.1345.102
Jaden Gladd (1)	Beach	06/23/2017	n/a	\$ 13.00	NON COMPETITIVE	B.1345.102
Nick Stosiek (1)	Beach	06/23/2017	n/a	\$13.00	NON COMPETITIVE	B.1345.102
Gillian McLean (1)	Youth Commission	06/21/2017	n/a	\$11.00	NON COMPETITIVE	SP.1331.0102
Mia Kennedy (1)	Youth Commission	06/21/2017	n/a	\$11.00	NON COMPETITIVE	SP.1331.0102
Gage Perry (1)	Youth Commission	06/21/2017	n/a	\$11.00	NON COMPETITIVE	SP.1331.0102
William Waldy (1)	Youth Commission	06/21/2017	n/a	\$11.00	NON COMPETITIVE	SP.1331.0102
Carsyn Rissberger (1)	Youth Commission	06/21/2017	n/a	\$ 11.00	NON COMPETITIVE	SP.1331.0102
NAME	POSITION	Date of reappointment	UNION CLASSIFICATION	HOURLY RATE OF PAY	CIVIL SERVICE CLASSIFICATION	
Travis Gagnon (2)	Craig wood	05/17/2017	n/a	\$ 11.00	labor-cashier	SP.1350.0102
James Reid (2)	Craig wood	05/15/2017	n/a	\$ 13.50	labor-grounds	SP.1350.0102
Thomas O' Neill (2)	Craig wood	06/01/2017	n/a	\$ 10.50	golf ranger	SP.1350.0102
Brandon Miner (3)	Park Laborer	06/19/2017	n/a	\$ 12.00	labor-grounds	SP.7110.0102
Bryce Paries (3)	Park Laborer	06/19/2017	n/a	\$ 12.00	labor-grounds	SP.7110.102
Devin Brockway (1)	Beach	06/13/2017	n/a	\$ 15.00	NON COMPETITIVE	B.1345.102
Erin Skufca (1)	Beach	06/23/2017	n/a	\$13.75	NON COMPETITIVE	B.1345.102
Lauren Rossi (1)	Beach	06/23/2017	n/a	\$ 13.50	NON COMPETITIVE	B.1345.102
Cheyenne Blair (1)	Beach	06/23/2017	n/a	\$ 13.25	NON COMPETITIVE	B.1345.102
Graci Daby (1)	Beach	06/23/2017	n/a	\$ 13.25	NON COMPETITIVE	B.1345.102
Janeen Streeter (1)	Beach	06/23/2017	n/a	\$ 17.00	NON COMPETITIVE	B.1345.102
Jon Fremante	Youth Commission	06/21/2017	n/a	\$ 20.00	NON COMPETITIVE	SP.1331.0102
Kevin Geesler	Youth	06/21/2017	n/a	\$ 11.50	NON COMPETITIVE	SP.1331.0102

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	Commission					
Samantha Barney	Youth Commission	06/21/2017	n/a	\$12.00	NON COMPETITIVE	SP.1331.0102
Rhiannon Patterson	Youth Commission	06/21/2017	n/a	\$11.50	NON COMPETITIVE	SP.1331.0102
Kamm Cassidy	Youth Commission	06/21/2017	n/a	\$ 11.50	NON COMPETITIVE	SP.1331.0102
Alexis Megliore	Youth Commission	06/21/2017	n/a	\$11.50	NON COMPETITIVE	SP.1331.0102
(1) Recommendation made by: Jessica Scriver						
(2) Recommendation made by: Jeff Estes						
(3) Recommendation made by: Butch Martin						
ACCEPT RECOMMENDATION OF RAISE FOR ADDITIONAL DUTIES						
NAME	POSITION	Date of raise	UNION CLASSIFICATION	Increase	CIVIL SERVICE CLASSIFICATION	
Craig Wright	Black Fly Technician	06/02/2017	n/a	\$1.00/hr	non competitive	new rate \$19.50/hr
* Recommendation made by: John Reilly						

Councilman Doty moved and Councilman Miller seconded the motion to approve the seasonal employees at the hourly rates provided. There being no further discussion, the motion was unanimously carried.

**APPROVE FILM FORUM SERVICE AGREEMENT FOR PUBLIC FILM SHOWING**

Supervisor Politi – We received a request by the Film Forum for a service agreement for a public film showing for \$600. The Town and Village are both participating \$600 each. You received information about this via email. It needs to be formally on the record. .

Councilman Doty moved and Councilman Favro seconded the motion to approve the Service Agreement with the Film Form and to provide \$600. There being no further discussion, the motion was unanimously carried.

**DEC LANDFILL DEBRIS-BRUSH DECISION**

Supervisor Politi – You received a copy of the DEC decision with regard to land clearing debris. Last year, Bob Stegemann said there wouldn't be a problem getting a permit and to apply for a stump debris permit. It was sent to Albany and the law is written that you cannot have two sites on property in the same ownership on the same location and can only total 3 acres. Because the C&D pit is on the same property where the stump debris area was going, the State rejected the proposal. The requested variance was also rejected. Bob suggested either we find another site on another piece of Town property and have the stumps dumped there, buy a tub grinder and start

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doing it ourselves, or we can pile it in an area and have someone come in and grind it for us into woodchips for possible sale. Larry looked into that cost.

Superintendent Straight – I contacted Paul Michelle Logging out of Tupper Lake who has a tub grinder for stumps. For \$475 per hour which includes an excavator and a grinder. There is a \$350 mobilization fee along with that. I don't think we need to purchase a tub grinder.

The Board unanimously agreed not to purchase a tub grinder. The liability insurance alone would be huge!

Councilman Miller – At \$475 per hour, how much grinding gets done in an hour and how many hours will it take?

Superintendent Straight – With the pile there now, it may take 4 hours. I called DEC today to ask how long we can store brush and they said we can store recyclables 6 months. We won't have enough material in 6 months to pay for the mobilization and ask for approval to push it out 1 year. He will call me back in the next few days.

The Board asked if it is pushed back a year, how many hours and at what cost. Superintendent Straight stated the estimate is 8-10 hours a year. The cost is approximately \$4,000 per year. It would never pay to buy a grinder at that price. The Town charges \$15 for a pickup truck load and anything larger is \$25 a load

Superintendent Straight – In 2016, the brush revenue was \$8,970. This for we have \$2,265.

The Board agreed the revenue pays for the grinder and they may have additional revenue from woodchips. A commercial retailer might want to buy it.

Superintendent Straight – I will talk to Paul again and see if we can grind it once a year. We can store it in the same place.

**BUDGET AMENDMENTS**

Supervisor Politi asked for approval of the budget adjustments.

DESCRIPTION	AMOUNT	REFERENCE	ADDITIONAL INFO
TOWN CLERK EQUIPMENT AND CAPITAL OUTLAY	97.45	VCHR 171158	STAPLES REPLACE MICRO CUT SHREDDER
TOWN CLERK OFFICE SUPPLIES	(97.45)		
TRANSFER STATION.CONTRACTS & AGREEMENT	1,600.00	VCHR 171229	PARADIGM SOFTWARE REQUIRED UPGRADE OF PROGRAM FOR NEW COMPUTER INSTALLATION
CONCERTS. OTHER PROFESSIONAL SERVICES	600.00	VCHR 171311	ADIRONDACK FILM SOCIETY
	2,200.00		

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Councilman Doty 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.

**WRITE OFF OBSOLETE COMPUTERS**

Supervisor Politi – Cathy gave us a list of computers that are obsolete which are from 2004 – 2009.

- Dell Optiplex 745 manufacture date 10/3/2007 Service Tag: HOTZVD1
- Dell Optiplex 745 manufacture date 10/3/2007 Service Tag: F2ZFXD1
- Dell Latitude D830 manufacture date prior to 2007 Service Tag FT27GD1
- Dell Optiplex 760 manufacture date 12/30/2008 Service Tag F6TKXH1
- Dell Dimension 3000 manufacture date 10/20/04 Service Tag G24GX51
- Dell Optiplex 360 manufacture date 10/16/09 Service Tag 4SB3JK1
- Dell Dimension 8400 Service Tag 8CPFXS1

Councilman Miller moved and Councilman Rand seconded the motion to approve writing off the obsolete computers as written and presented. There being no further discussion, the motion was unanimously carried.

**COMMITTEE REPORTS – FIRE BUDGET**

Councilman Favro and Councilman Miller received a copy of the fire budget and will be with the Village to review it and are voting for it.

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

Supervisor Politi asked for approval of the audits.

CLAIMS APPROVED FOR PAYMENT 06/13/17	Regular	Prepaid	Totals
A FUND GENERAL FUND	107716.97	11997.48	119714.45
B FUND GENERAL OUTSIDE VILLAGE	1018.77	45.29	1064.06
DB FUND TOWN OUTSIDE VILLAGE HIGHWAY	13305.83	2495.53	15801.36
H12-OBSTRUCTION REMOVAL	2543.87	0.00	2543.87
H14-TAXIWAY LIGHTING	5000.00	0.00	5000.00
H42-EQUIPMENT BONDING FUND	4670.07	0.00	4670.07
SF1-FIRE PROTECTION DISTRICT	230393.61	0.00	230393.61
SF3-FIRE PROTECTION DISTRICT	88760.82		88760.82
SP PARK DISTRICT	38440.45	3069.72	41510.17
SS21 CONSOLIDATED SEWER DISTRICT	827.11		827.11
SW3 RAY BROOK	27.89	613.09	640.98
T TRUST & AGENCY		31471.30	31471.30
<b>Batch 1719-1723</b>	<b>\$ 492,705.39</b>	<b>\$ 49,692.41</b>	<b>\$ 542,397.80</b>

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170039; 170238; 170886; 170920; 171030; 171044-171068; 171071-171073;			
171101-171127; 171129-171131; 171133-171163; 171198-171248; 171251-			
171277; 171280-171306; 171308-171316			
<b>Batch 999 (Payroll &amp; Health Reimbursement Arrangement) (5/1/17-5/31/17)</b>	<b>\$ -</b>	<b>\$ 56,614.13</b>	<b>\$ 56,614.13</b>
170931-170957; 171040; 171069-171070; 171074-171100; 171132; 171249-171250			
<b>Batch - HELD</b>	<b>\$ (175.48)</b>	<b>\$ -</b>	<b>\$ -</b>
170867, 170996, 171128			
<b>DELETED VOUCHERS:</b>			
NONE	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
NOTES:			
VCHR 170039 & 170238 WERE APPROVED IN PRIOR MONTHS CLAIMS BUT			
CHECKS WERE LOST AND REISSUED THEREFORE EXCLUDED FROM TRFR	-3295.00		
FIT WITHHOLDING FROM VCHRS 171110 & 171112	-115.38		
<b>AMOUNT TRANSFERRED TO CLAIMS CHECKING ACCOUNT FOR CHECK RUN:</b>	<b>\$ 489,295.01</b>		

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

**PRESS QUESTIONS – POWER OUTAGE**

Antonio Olivera – The film forum personnel have communicated to me that they have lost ¼ of their revenue due to the outage. It is a troubling situation for them. Does the Town Council have a response to that?

Supervisor Politi - We are all upset. It is similar to dealing with Verizon or AT&T. We called the Governor’s office and they reacted immediately. The problem was likely deferred maintenance which was also the problem in the winter too when they did not maintain the tree cutting along the lines. How do we tell national Grid that they should be doing a better job? The mobilization plan was not very good. The equipment they needed had to come from Syracuse and to drive that 100’ piece of equipment took 5-6 hours. When they finally got here, it took 20 minutes to fix it. We have to replace equipment constantly and they are doing to on a 10 year basis. I feel badly

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for the Film Forum and I feel badly for the hotels and the gas stations. Denny Allen was worried about losing his rinks. The marathon was here as well as the bikers. It was not a good situation.

**EXECUTIVE SESSION**

Councilman Miller moved and Councilman Favro seconded he motion go into executive session at 8:45 pm for the purpose of discussing a union grievance matter.

There being no business conducted during executive session, Councilman Miller moved and Councilman Favro seconded the motion to come out of executive session at 8:50 pm.

**ADJOURNMENT**

There being no further business to come before the Town Board, Councilman Favro moved and Councilman Rand seconded the motion to adjourn the meeting at 8:51 pm.

Respectfully Submitted,

Laurie Curtis Dudley  
Town Clerk