

## REGULAR TOWN BOARD MEETING

TUESDAY, MAY 8, 2012

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 Miller, and Laurie Curtis Dudley

**Members Absent:** Councilman Doty and Councilman Rand

**Others Present:** Attorney Ronald Briggs, Larry Straight, Chris Morris, Andy Flynn, Tammy Morgan, John Morgan, Kirsti Bruce, Danielle Balestrini, Dean Dietrich, Ann Rast, Phil Newton, Gail Brill, Jen Kretser, Battaglia, Paul Murphy, Mrs. Roland, Kelly Locke

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 Public Hearing and Board meeting on April 10, 2012.

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

### **PERSONS PRESENT - TAMMY MORGAN – TRANSFER STATION DIGESTER**

Supervisor Politi – Tammy Morgan is here to talk to us about a Transfer Station Anaerobic Biodigester.

Tammy Morgan - For those of you who don't know me, I teach at the Lake Placid High School and am here with two of my students, Kirsti Bruce and Danielle Balestrini. I am also here for Pace University. I am a Bio-Energy intern and am working under a USDA funded grant, the Northeast Bio-energy and Bio-products Program, through Cornell University and Pace University. This summer I had to come up with a sustainable living project for my community. I designed a program that has four major goals; divert 900 tons of organic material from landfills, (we are currently paying the State \$55.25 per ton which is a savings of \$49,725 a year) create green jobs and make Lake Placid a hub for new technologies, generate marketable products from the waste (organic fertilizers and vegetables year round). North Elba would be a model for other communities (which would make us a marketable area for anaerobic digestion conventions and green tourism.) Our waste management system in Essex County is completely dependent upon fossil fuel and completely unsustainable. Our food is made with inorganic fertilizers that require fossil fuel to produce and are transported huge distances. We then transport the food waste great distances out. The foods we are talking about have both matter and energy that could provide economic input into our region. Currently, our scraps end up in a landfill. All that energy and matter is wasted. If we had an anaerobic digester, we could convert the matter in the food scraps to marketable products. The food products that are put through the digester come out as digestate which has a solid and a liquid component, both are useful as fertilizers. Anaerobic Digestion

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produces methane gas, the same as the natural gas we get from the faking, not form the ground but creating it from a renewable resource. In this system, there is zero waste.

The following is from a PowerPoint presentation given by Tammy Morgan. The PowerPoint handout is filed in the clerk's office:

Why Anaerobic Digestion in North Elba? The EPA estimates 33% is food scraps and 60% is organic material (wood, yard waste, and food) all of which can be recycled in house using a anaerobic digestion and composting combined together. Essex County pays \$40 per ton for disposal and \$10 per ton for transportation from the transfer station. They have these prices because of state subsidies which have only 7 years left. North Elba pays the county \$55.25 per ton which was over \$227,000 of waste last year. The surrounding region tipping fees are much higher; Vermont pays \$90 per ton, Maine pays \$100 per ton and Massachusetts pays \$74 per ton.

Supervisor Politi – I want to clarify. We don't pay \$55.25 to Essex County. The numbers are accurate but the names are incorrect. That may be what we charge on a per ton basis and is North Elba revenue.

Tammy Morgan – I want to make sure my information is accurate. Thank you.

NYS is looking at amending their state law to classify food scraps and residuals as designated recyclable. This would mean that each county would have to come up with an organics recycling program. That is what this project is. They also recognized anaerobic digestion as a cost effective to covert those residuals into biogas which has more durable value.

Why Anaerobic Digestion? Remove 60% of what we are currently sending away, convert the matter in food scraps to marketable products and into methane gas. Composting is important for the yard waste. Fats, oils and greases do not do well in a compost system. The anaerobic digestion is in big tubes and in an environment where there is no oxygen. It produces biogas which is 60% to 70% methane. Pipeline natural gas is 80% methane. You can put yard waste into an anaerobic biodigester but too much will slows down the bacteria. The more fats, oils and greases the better quantity of gas. Globally, it is happening in 90 facilities. Toronto has been very successful and is adding a second digester. This is not new technology; we have an anaerobic digester at the sewage treatment plant. There are 15 digesters in the US that process manure. In all of the United States that are processing food wastes, both in California. Data used is from the digesters in California. Our Sewage treatment plant produces 120 m<sup>3</sup>gas/ton and food waste produces 367 m<sup>3</sup>gas/ton.

How does it work? Customers would have separate food containers which will require education and community support. It also requires a food waste removal service.

Councilman Miller – Is this for homes as well?

Tammy Morgan – I am only using institutions and hope that those who learn at work will implement the practice in their homes.

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Finland started the food waste program in 1998 and within 4 years they reduced their landfill waste by 50%. Studies in Europe have shown that consumers sorting works best.

North Elba Proposal A centralized anaerobic digester to be placed at the Transfer Station. The biogas which it produces could be put into a generator and be used for heat and electricity that produces greenhouse hydroponic crops. The biogas could also be used for compressed natural gas vehicles. Garbage trucks in Long Island fill up on the natural gas from the landfill gas. The anaerobic digester should be coupled with a compost facility to produce liquid fertilizer and compost. The liquid can be used to fertilize the fields and the solid compost can be sold.

What does it look like? It comes in a trailer and is ready to go. The footprint is approx. 700-1240 sq. ft. plus a 90,000 gallon holding tank. The entire project will cost under \$500,000 which includes the digester, generator, recovery tanks and the holding tank.

How Much biogas is there? The California numbers show 2,200 lbs of wet food waste can produce 2.475 million BTU's of energy. Casella's current industrial customers from the Saranac Lake and Lake Placid region show 900 tons of food waste per year. 900 tons produces 2.25 million ft<sup>3</sup> of methane which converts to 2.27 billion BTU's of energy or 16 thousand gallons of fuel oil or diesel. The Prisons in North Elba produce 650,000 lbs. of food waste per year which converts to 5,300 gallons of heating oil or diesel.

Move from energy consumer to producer: It currently costs about 5,355 of fuel to haul waste away per year. Diverting 900 tons of food waste from the landfills would save about \$1,000 of diesel fuel annually (at \$4/gallon) and \$49,725 of tipping fees with a total savings of \$54,325 per year. Regarding electricity, 2 tons of food waste per day would run a generator at 35 kw which is enough to run 27 households.

Funding option available: The USDU has two federal grants which the program would qualify for both; Repowering Assistance Program has \$25 million in funding and \$25 million available to advanced bio fuel producers. State funding and tax credits are also available.

Business model: Option #1, submit the proposal to Essex County to be included within their Solid Waste program. Option #2, lease the facility to a outside business (Casella, Terrastar, Cornell...)

Tammy Morgan – I would love to see this project go forward and for the Town to pass a resolution to pursue this project. I am working for PACE as an independent contractor. I would like to have a complete feasibility study with their help by the end of July. I am interested in growing crops on the capped landfill. We talked about a shallow root system crop that could then be mowed and re-fed into the digester. If the Board is supportive after the feasibility study, then it would be ready to go to the potential partners. The grants are due in October so this summer is the time to organize the plans. I know I won't be here but it could not happen without a large community involvement. Students have been involved throughout. The handout includes an

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excerpt from a paper Danielle Balestrini wrote for her senior project. Danielle will be going to school for engineering. Clarkson and Cornell are involved in projects and are a good resource.

Tammy Morgan requested a resolution for continued support so to continue with the feasibility study.

Supervisor Politi – This was very informative and we appreciate your interest in a project like this. As I told you before, it takes someone who will champion this and we appreciate it very much.

Councilman Miller – Does Danielle or Kirsti have anything to add?

Danielle Balestrini – I wrote a paper on the topic and it will be published in ADK CAP.

Attorney Briggs – Is there a cost to the feasibility study?

Tammy Morgan – No. I am doing that on my own right now.

Supervisor Politi – This makes so much sense. I was concerned about what the plan was and how to accomplish getting it done. You said two options, the county and a takeover by another entity. I don't think the county is an option. They may be getting out of the business because of cost. I foresee the county yielding to the towns going forward. Your other alternative was dealing with an outside source; why would we do that as oppose to doing it ourselves. Do we have the space at the transfer station to accommodate the 90,000 gallon tank as well as adequate space for a greenhouse and growing area? Although it looks like a large space, it is somewhat restricted. It will be further restricted with the expansion of the C&D facility. Have you talked to Larry about where a 90,000 gallon tank would be located?

Councilman Miller – Larry and I looked and behind the recycling center is a possibility.

Supervisor Politi – A 90,000 gallon tank is huge!

Tammy Morgan – I came up with the size because we will be producing about 500 gallons a day. 90,000 gallons would be the season's worth. It does not have to be that size.

Discussion continues regarding the lease of the facility vs. a volunteer run facility. It was determined to be important that it be run like a business and not by volunteers.

Councilman Favro – We spoke about expanding our Recycling Center. We need a big plan. We have recent maps and can really look at the layout and enhance every angle of the property. I think it's great.

Supervisor Politi – We put in a state of the art waste water system and makes sense to continue to have this kind of technology. It makes sense for the environment and also the community. We need to make sure we have the space and funding. We want you to continue.

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Councilman Miller – It is a wonderful idea, we are very supportive of it but we have to be cautious and make sure it works.

Supervisor Politi – A conceptual resolution to encourage you to move forward is not an issue. We are thankful that someone is willing to do this.

Tammy Morgan stated her purpose of meeting with the Board was to continue the dialogue. She thanked the Board.

### **PERSONS PRESENT - PAUL MURPHY – THE BALSAMS**

Supervisor Politi introduced Paul Murphy to the Board.

Paul Murphy – I am representing the Balsams HOA who owns a sewer company. We operated a lift station and sewer line. I am president of the Sewer Company. Because we don't have the expertise to run a sewer company, we would like to turn it over to the town. We have been working toward that end for two years. I met with Brad Hathaway to determine the parameters; a qualified electrician to inspect the lift station who gave his approval, as build plans, and road constructed to the lift station for equipment. Putting a roof over the control panel was also asked for. We have met all these requirements. The sewer department lifted the pumps to inspect. Everything is in working order. Crusher still needs to be added to the road. Mr. Politi said we needed a conveyance which Peller will prepare and Bob Marvin is preparing a map. This should cover what you asked.

Attorney Briggs – I emailed Joel Peller stating we need a valid right-of-way from the public road to the lift station so we have the legal right to go in and out of the lift station. Once we have that, the town is prepared to accept responsibility for the lift station. For the rest of the sewer lines, we are waiting to see an as bill set of drawings that shows the infrastructure (water, sewer and electric). Until we get that map from Bob Marvin, we cannot go to that second part of your request.

Paul Murphy – I understand. I am not asking you to take the lines tonight. The developer is working on the as bill plans. When they are complete, I will be back to ask you to. There is an easement on file at the County.

Supervisor Politi – There is an easement for the HOA. We need an easement to say specifically the Town.

Attorney Briggs – I emailed Joe Peller saying what we need with regard to the lift station and he has not responded. If there is an easement, I would be happy to review it.

Paul Murphy asked for clarification regarding the easement. Attorney Briggs explained the Town needs an easement with metes and bounds for the legal right to pass from the public road to the

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lift. The concern is from Old Military Road to the Little White Church which belongs to a third party.

Paul Murphy thanked the Board.

### **PERSONS PRESENT - DEAN DIETRICH – COMMUNITY DEVELOPMENT BOARD**

Dean Dietrich – I gave each of you a memo. The Community Development Board's Initiative to a Comprehensive Plan has been turned down for funds twice. The estimate of \$25,000 is on track and we are asking the Village and the Town for \$12,500 each. We will pursue grant applications and write them in a way so the Town and Village are the first to be repaid.

Supervisor Politi – If you don't get the grant and the Town and Village each give \$12,500 to start the process and you hire the consultant, are you capable of getting a grant after the fact?

Dean Dietrich – Some grants will give 6 months of funding for an ongoing project and some allow you to go a year. We will take a shot at it but I cannot promise you anything. Any money you put in you have to plan is gone. If anything comes back than its gravy. \$25,000 is a reasonable cost for a comprehensive plan. We are looking at Elon Planning. Ray Curran and Elisa Nagel will be working with the board. They will provide two things; one, a professional perspective and the other, the plan will be written with a single voice. For them to do everything, the cost would be \$65,000 to \$70,000. We can do much of the work which brought the cost back to \$25,000.

Supervisor Politi – The \$12,500 is not in our budget. It might have to come from a contingency fund. How long will this consulting plan last before we have to start another?

Dean Dietrich – We took the 1997 Plan and left it on the shelf. I envision this plan to have continually yearly updates. It should be a living document.

Supervisor Politi – Are our own people going to be doing the updates or is it a living document which requires us to hire a consultant each year?

Dean Dietrich – We are asking them to do the rough draft stage in a word format and then we would be able to make the necessary changes. We want someone to write it who knows the language. It was a mistake to put the 1997 plan on the shelf and not update it yearly. The Fee structure is setup as such, from now until January we would need about \$5,000 total (\$2,500 each) and January and June we would need the rest from both the Town and the Village.

Supervisor Politi – We have the \$2,500 in contingency and would have to put the rest in next year's budget. It is not an issue. Gentleman, would you like to offer a resolution to approve the expenditure up to \$12,500 for the Community Development Board Comprehensive Plan Update Initiate which represents 50% of the total cost to be paid over the remainder of this year and 2013.

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Councilman Favro moved and Councilman Miller seconded the motion to adopt a resolution approving payment of \$2,500 from the contingency fund for 2012 with the remaining \$10,000 to be paid in the year 2013 for the Community Development Board Comprehensive Plan Update Initiate which represents 50% of the total cost. There being no further discussion, the motion was unanimously carried by those present.

### **PERSONS PRESENT – ANN RAST – EXCHANGE BUILDING**

Ann Rast – I have been talking with Larry Straight about having an exchange building at the Transfer Station. (Information was provided to the Board) I would like to explain the idea, come up with a cost and see how to execute the idea. There is a lot of stuff that gets thrown away that can be reused. My sisters live outside of Hartford, CT and they have an exchange building. Looking at the cost of the building is difficult because I don't know how much room you have or how much stuff there will be or if it will be concrete or soil. I needed to talk to you first before I started raising the money. A 12x20 building is about \$4,000 but it could be half of that if you bought it as a kit. If we did get a kit then you would need manpower to put it together. Then there is the cost of shelving. I have people willing to volunteer to sort items but not sure if you want it open every day. If it's not open every day then it becomes not as effective.

Supervisor Politi – It is similar to a thrift store that is not open every day, people leave things outside.

Ann Rast – That is the problem now. People are trying and they leave stuff on a table there. Jim has to throw it away because it gets rained on. I have pictures of the buildings in Connecticut and signage examples too. You can't leave personal items. I told Larry I would raise the money for the building. There may be businesses willing to give but they may be over tapped. \$4,000 is not a completely unreasonable number to obtain. I have lived here 11 years but am somewhat of a hermit; no one knows who I am. I have written a letter that said if anyone had questions about the legitimacy of this project then they can contact somebody in the town. In doing that, Larry said I needed to come to you and present because you are endorsing this project. When I knock on doors I will have a receipt book so that I can give the money back if I don't raise enough. I really don't know those types of logistics; how to get the money and what to do with it. I see potential problems with hording. I don't know what your liabilities are at the Transfer Station.

Supervisor Politi – There are so many communities that have a facility. The issue is the same as the discussion over the digester, do we have space and volunteers are a concern. Volunteers are wonderful today and tomorrow but in three years the volunteers are not as productive which means we need to hire an additional employee. I am not saying no. This is just a concern.

Ann Rast – In Connecticut the exchange was managed by the people at the transfer station. It is not my business to handle refuse so I don't know how many people it takes.

Supervisor Politi asked if the items are sold and Ann Rast confirmed that it is all free.

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Ann Rast - If items sit for a long time then they would be throw it away. We wouldn't allow mattresses. We have to decide if we want to take stoves or construction materials

Supervisor Politi - Who will decide what is useful and what is junk?

Ann Rast – The signage will say it must be in good and working condition. If you had an outlet then you could test anything that was electrical otherwise, if it is whole and intact.

Supervisor Politi – Larry Masters asked about something like this because of the windows and doors that are being thrown away when houses are being torn down.

Ann Rast – I was talking to Adele about how to go about this. She suggested those who benefit from this are not the people who are going to give the money to do it. I don't agree with that. There are people who are well off that use coupons. I did hear that Essex County is the poorest County in the State. There should be an exchange of things that takes place. I am a penny pinching person and there are more people out there who would take interest in this. I don't know where it would stand out at the landfill. It could be open only one day when I can be there. I gave my niece a bicycle that came from the landfill that needed two new tires.

Supervisor Politi – The bicycles are a perfect example. It is not effective if it open only one day. If it is not open, people may bring things to the dump instead.

Ann Rast – I wanted to ask permission to raise the money for it, but manning the facility sounds like a problem too. I could take a poll of people who would participate. I know that is hard because we couldn't do a float for the winter carnival because we couldn't get people to volunteer to help on their own time.

Supervisor Politi – It is an interesting concept. Whether we have the space and the people is the issue.

Councilman Miller – It sounds like a wonderful idea but it has potential pitfalls. It would be helpful if there were more people involved to present this to the Board. Thinking through the downsides is also important. Roby asked Shannon to put together a committee to discuss different issues and perhaps this would fit into that committee. You should get together with some of those folks to brainstorm the idea.

Ann Rast – I will work with anyone you want me to work with, but what specifically are the issues that need to be resolved; money, volunteers or location?

Supervisor Politi – It's those three things as well as the sustainability of the project. Dumping unwanted items to save tipping fees is also an issue. How do you resolve that, and what is done with the unwanted items?

Ann Rast – You are saying they are going to put their bags of junk?

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Councilman Favro - An example is a washing machine that doesn't work. How are we going to get rid of it?

Ann Rast – What is happening with the pile of goods that is sitting on a table there now?

Larry Straight – That material goes over the scales and if it is not picked up, it goes to the metal pile or the trash. People are not putting it on a table. Jimmy is selecting what people are tossing away and worthy of keeping. That is all Jimmy.

Ann Rast – I have walked over personally and put things on that table that I didn't get weighed in for. I don't think I am the only person to do that. The one in Connecticut is manned by the employees and not volunteer. If you are asking me to solve manning the building then I have to look into that. You don't want volunteers and I can't pay someone to be there.

The Board explained that we have fewer employees at the Transfer Station and we are asking more from them as it is and we are expanding our C&D pit.

Ann Rast – Your three points are location, manpower, financial. If I handle the financial end and you found a place to put a 12x20 building then the big issue is the manpower. By me saying I have a staff of 30 volunteers and then it doesn't work out, you are then stuck with the building and items. That is the line we have to cross. It kills the whole thing right there. What if I could turn it into a money maker?

Supervisor Politi – We have had situation in the past at the landfill with volunteers and unfortunately it never worked out. We are not as concerned that it is a money maker rather than it is not a cost. If you have to hire employees with benefits, it becomes burdensome going forward. If you could get an organization to agree to run the facility for 5 years then we can talk. Volunteers have the right intentions but cannot always be there. It is a good idea and great concept. The places that do have it are much large communities with a large population base and are much wealthier. Lake Placid cannot compete.

Discussion continued regarding the location, manpower and finance. Ann Rast will put more information together and come back to the board at a later date.

### **PERSONS PRESENT – KELLY LOCKE -**

Kelly Locke – I have an ongoing situation at the North Country Development properties. It is Bernie Dion's place between John Brown and Bear Cub. (Photos were given to the Board). For the last three years, my neighbors and I look at a pile from my yard. He has an unregistered truck, several excavators, and storage facilities... When I build my house I had to go to the Board and tell them everything I was doing including the color of my house. The deed doesn't allow all that there.

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Supervisor Politi – The pictures show contraction material and equipment debris and so forth. Have you been to the Code enforcement Officer?

Kelly Locke – I have been several times to Jim. The initial time he said he would take care of it. Months later he said he was doing a job in Plattsburgh and it would be out of there soon. It has been there for three years. I'm not a complainer but it gets to a point.... And I talked to Jim about it. I just think Bernie believes he is above reproach. Telling him to go in and move it is not going to work.

Supervisor Politi – It is obviously not this board's function to enforce the building code. What response did you get from the building inspector?

Kelly Locke – I got nothing. I met with him at least three times. He went out to meet with him and he told me it would be taken care of and then I had to meet with him again. That was a year and a half ago. I didn't want to come here because there is a potential that I might be interested in doing something out there again.

Supervisor Politi - I am aware of other contractors running their businesses where it is zoned residential. Ron, would you ask Jim? There may be a legitimate reason but three years is too long.

Attorney Briggs – At the end of the day, this is a commercial enterprise in a residential area. It is obviously in violation of the Code.

Supervisor Politi – If they have to be noticed then we will notice them to cease-and-desist.

Kelly Locke thanked the board.

### **DOG CONTROL OFFICER - BOB MILLER AND JAY RAND**

Councilman Miller and Councilman Rand were not ready to report to the Board. They will meet on Thursday to review the applicants and interview soon after. They will make a recommendation to the board at the June 12<sup>th</sup> board meeting.

### **SKATEBOARD PARK – BOB MILLER**

Councilman Miller – We still do not have answers. I did talk to Dan Leff

Supervisor Politi – I am not aware that the Village or the school wants it. Unless we put it at the landfill between the digester and the exchange building... we really don't have a room for it. At some point someone has to step up with a location otherwise we have to move forward to allow kids to make use of this facility.

Councilman Miller –You have been hot on me to communicate with those that put in a lot of money, but at some point we have to decide.

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Supervisor Politi – The Supervisor of Wilmington asked me if it would be available. Saranac Lake has said the same thing. I hate to see it sit there and not be utilized. At some point we have to make a decision.

Councilman Favro – We have to put a timeframe on it. Summer is coming.

Supervisor Politi – By the next board meeting we will have to make a decision.

Councilman Miller –We are still hoping for a benefactor who will step forward with land that would be appropriate to have it. If not, we will look at sending it to where the kids will use it.

### **CONSULTANT AGREEMENT CONTRACT – C&S RUNWAY REHAB.**

Supervisor Politi – I need approval to sign the Engineering Consultant agreement for the construction, operation and administration of the Runway Rehab Phase II. This is the rehabilitation of the runway 4200 feet long by 60 feet wide including a lighting system. The cost of the construction is about \$829,935 and the engineering cost is \$98,600 and there is a \$960,000 budget in place. The \$960,000 is made up primarily of state and federal grants with 10% from the Town of North Elba. This has to be done. I need approval to sign this agreement.

Councilman Miller moved and Councilman Favro seconded the motion to approve the Engineering Consultant Agreement for the Runway Rehab Phase II. There being no further discussion, the motion was unanimously carried by those present.

### **RUNWAY REHABILITATION – PHASE II – CONTRACT AWARD**

Supervisor Politi – We need to award the contract for the runway rehab. We had two bidders; Kubricky and Luck Brothers. The low bidder was Kubricky Construction Corp from Wilton, NY. The total of the low bid was \$829,935. I understand they want to start right away. We need to award this and I need to get a letter out to the state of New York noting that we have awarded the bid to Kubricky Construction based upon a review of their bid by C&S Engineering.

Councilman Favro moved and Councilman Miller seconded the motion to award the bid to Kubricky Construction. There being no further discussion, the motion was unanimously carried by those present.

### **APPOINTMENT LINDA FRIEDLANDER - ZBA**

Supervisor Politi – The board has been requested to reappoint Linda Friedlander to the Zoning Board of Appeals. Chuck Finley and the Mayor are in agreement. I would like to offer Linda Friedlander's name for a five year term with this board's approval.

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Councilman Favro moved and Councilman Miller seconded the motion to reappoint Linda Friedlander to the Zoning Board of Appeals for a five year term. There being no further discussion, the motion was unanimously carried by those present.

### **APPT. OF MARRIAGE – KIM WEIBRECHT**

Supervisor Politi – We received a request from Kim Weibrecht requesting the Town appoint her as a marriage officer for a day so she can perform a wedding for her brother, Andrew Weibrecht, and Denja Rand, Jay's daughter. The wedding will be Sunday, September 2, 2012. She is an attorney in good standing in the state of New Hampshire. She is a Notre Republic and she qualifies as Justice of the Peace in New Hampshire. We have done this on an occasional basis.

Councilman Miller moved and Councilman Favro seconded the motion to approve the request of Kimberly Weibrecht to be a marriage officer for Sunday, September 2, 2012. There being no further discussion the motion was unanimously carried by those present.

### **PERMIT FOR OUTDOOR PERFORMANCE – TAIL O PUP**

Supervisor Politi – Eddie Yanchitis is requesting outdoor music permit for the coming year. He has given a security deposit in the amount of \$500 and a fee in the amount of \$100 for the application. This agreement would allow him to get a permit from May 12<sup>th</sup> to June 24<sup>th</sup> weekend only, June 29<sup>th</sup> to September 9<sup>th</sup> daily, and from September 10<sup>th</sup> to October 15<sup>th</sup> weekends only. All music and related performances shall terminate no later than 9:30 pm. No music and or related performance shall commence prior to noon on any permitted day. The applicant shall comply in all respects to the 2011 Land Use Code as well the requirements of Local Law #4 (Noise Ordinance) and #2 ( the outdoor live performance law). The applicant shall further post a security deposit in the amount of \$1,000. He has given us a check for \$500. This would not become in effect until an additional \$500 was posted. This is exactly what we did last year and we did not have any problem. I suggest the more security deposit we have the better it is. Subject to the additional \$500, I have no problem approving this outdoor permit for the year 2012.

Councilman Miller moved and councilman Favro seconded the motion to approve the outdoor music permit for the year 2012 subject to an additional \$500 deposit. There being no further discussion the motion was unanimously carried by those present.

### **APPOINT SEASONAL EMPLOYEE (CEMETERY)**

Supervisor Politi – We need to approve the hire of Josh Wemette as a seasonal part-time employee at the cemetery. His rate of pay is \$10.50 per hour. He replaces an employee who is not returning.

Councilman Favro moved and Councilman Miller seconded the motion to the hire Josh Wemette as a seasonal part-time employee at the cemetery. There being no further discussion the motion was unanimously carried by those present.

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### **BUDGET AMENDMENTS**

Supervisor Politi asked for approval of the budget adjustments explaining the C&D Expansion project is \$310,000 and will a transfer of funds from the General Fund. The Airport Capital Project funds of \$67,337 is a loan from the General Fund to the Park District at 4% interest.

INCREASE A.1420.0451 LAW.LEGAL FEES \$20, 043.50 (FOR PARTIAL PAYMENT OF BRIGGS & NORFOLK INVOICE FOR GRIMDITCH BOATHOUSE, 89 JPS, LLC V. TOWN OF NORTH ELBA & LAKE PLACID GROUP, LLC V. TOWN OF NORTH ELBA)

**DECREASE A.1930.0451 ARTICLE 7'S.LEGAL FEES \$20,043.50**

INCREASE A.9950.0900 TRANSFER TO CAPITAL PROJECT FUND FOR FUNDING OF C&D EXPANSION CAPITAL PROJECT

**APPROPRIATE GENERAL FUND BALANCE \$310,000.00**

INCREASE DB.5110.0414 GENERAL REPAIRS. OTHER CONSUMABLE SUPPLIES \$2,477.46 FOR STREET SWEEPER BRUSHES AND WAFERS \$3,017.21

APPROPRIATE HIGHWAY FUND BALANCE \$2,477.46

INCREASE SP.9950.0900 TRANSFER TO CAPITAL PROJECT FUND \$67,337.00 FOR FUNDING OF TOWN SHARE OF AIRPORT PROJECTS

TO BE FUNDED VIA LOAN FROM GENERAL FUNDS FUND BALANCE AT 4.0% AS PER RESOLUTION

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

### **BAY STATE ELEVATOR CONTRACT RENEWAL**

Supervisor Politi – The Bay State Elevator contract needs to be renewed. It is the same as contract as last year with a cost savings of \$900. The contract is for \$2,700. Last year the contract was for \$3,600. It is the exact same agreement as in the past. Do I have approval of it and the authority to sign the contract on behalf of the Town?

Councilman Miller moved and Councilman Favro seconded the motion to approve the Bay State Elevator contract. There being no further discussion, the motion was unanimously carried by those present.

### **RESOLUTION ESTABLISHING FUNDING SOURCE – AIRPORT CAPITAL PROJECTS**

Supervisor Politi – Cathy gave me a resolution establishing a funding source for the Airport Capital Projects. The General Fund will be loaning the Park District \$67,337 at 4% interest. This is the Town's share of the overall cost at the airport. The Federal share is \$1,068,630 and the

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State share is \$122,438. Our portion of this cost is \$67,337. We were going to do some of this in-kind and tried but we need to load the Park District this money. It is better to loan the money then go out and get a Bond because we would be better off paying ourselves. You all have copies of this. I need a resolution establishing that Funding Source for the Airport Capital Projects.

Councilman Miller moved and Councilman Favro seconded the motion approve the resolution to establish a funding source for the 2012 Lake Placid Airport Capital Project. There being no further discussion, the motion was unanimously carried by those present.

### **RESOLUTION MODIFYING FUNDING SOURCE – C&D**

Supervisor Politi – We also need a resolution modifying funding for the C&D Expansion Capital Project which is \$310,000. The monies are to be utilized from the Fund Balance.

WHEREAS, the Town of North Elba established a capital project referred to as C&D waste cell expansion in June 2011, and

WHEREAS, the Town has received bids on construction services, and

WHEREAS, the Town acknowledges the need to fund the capital project, and

WHEREAS, the Town intends to save on issuance costs and interest related to issuing municipal debt; now therefore be it

RESOLVED, that the Town will henceforth fund the capital project with General Fund Balance appropriation of \$310,000 to cover construction, engineering fees and miscellaneous professional fees and legal notices.

A.9950.0900	Transfer to Capital Projects	\$310,000.00
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To be appropriated from General Fund unreserved fund balance and transferred to:

H04.0000.5031	Interfund Transfers	\$310,000.00
H04.8160.0444	C&D Waste Cell Expansion. Contracts & Agreements	\$310,000.00

Supervisor Politi – The bids came in and they were substantially less than projected. The bid was \$286,000 and we had projected it would be in the mid to high \$300,000.

Councilman Favro moved and Councilman Miller seconded the motion to support The Resolution Establishing funding source of the C&D Expansion Capital Project. There being no further discussion, the motion was unanimously carried by those present.

### **COMMITTEE REPORTS: ADIRONDACK REGIONAL AIRPORT**

Supervisor Politi – The Town of Harrietstown wants to have another meeting on the Adirondack Regional Airport to discuss the future after the first meeting. They would like to know who our representatives would. Derek and Bob went to the first meeting and I was hoping you and Derek would go to this.

Councilman Miller – I would be happy to go.

### **COMMITTEE REPORTS: BIKE PATH**

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Councilman Favro – We met with Cathy and Chuck Damp about the bike path. We had three bidders and two were very close. They both have experience building paths. They will come make a presentation and talk about cost. We will have more information for our next meeting.

### **DISCUSSION: KELLY LOCKE**

Attorney Briggs – This situation with Kelly Locke and two other situations in town, would it make sense to have Jim Morganson address these points at the department head meeting next time.

Supervisor Politi – We go over this stuff each month at the workshop and it doesn't do anything.

Attorney Briggs – I will check the law but I suspect the law is going to say that he can't do this. It then becomes enforcing the law. The First line of enforcement is always the Code Enforcement Officer.

Supervisor Politi – I am concerned about the garage and on whiteface Inn Road. You cannot use residential property for commercial use. We need to address the Kelly Locke situation too.

Attorney Briggs – I will check the law and copy the Town Board on a letter to the Code Enforcement Officer. My daughter has a complaint and has not made it because I am the Town Attorney.

Councilman Favro – That is a bad situation. There may be others is the same situation.

### **DISCUSSION: LIABILITY INSURANCE**

Attorney Briggs – When does the Town pay for its liability insurance? Is it an annual policy? As you recall, we had a laps in the coverage relative to what the Village has. To refresh your memory, under our insurance policy we have public officers covered; if a Code Enforcement Officer or a Planning Board Officer gets sued for money damage then we are covered. However, if the lawsuit is to force them to do something then our policy has no coverage for that. The Village policy says, if it is a nonmonetary we won't indemnify but will provide a legal defense at our cost.

Supervisor Politi – I brought this issue up with Cathy about a year ago, and I think Lechmere did ad that so our coverage was the same as the Village of Lake Placid. I will confirm that with Cathy.

Councilman Miller asked why it needs to be done.

Attorney Briggs – It arose in an enforcement case on Mirror Lake where the Town Officers and the Village Officers were sued in one lawsuit. The Villages insurance coverage provides for a legal defense and your policy did not.

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### APPROVE AUDITS AS PER AUDIT #'S

Supervisor Politi asked for approval of the audits.

TOWN OF NORTH ELBA			
CLAIMS APPROVED FOR PAYMENT 5/8/12			
	Regular	Prepaid	Totals
A FUND GENERAL FUND	144252.63	39363.87	183616.5
DB FUND TOWN OUTSIDE VILLAGE HIGHWAY	6712.49	5829.52	12542.01
H01 SECURITY/PERIMETER FENCE AIRPORT CAP. PROJECT	0		0
H02 -BLOCK HANGAR REHABILITATION AIRPORT CAP. PROJECT	0		0
H03 - 5 BAY T HANGAR	2639.13		2639.13
H04-C&D WASTE CELL	0		0
H05- CRAIG WOOD GOLF COURSE CONSTRUCTION	11573.9		11573.9
H06-TERMINAL BLDG	7781.25	4670.5	12451.75
H07 RUN WAY REHAB			0
H08-AIRPORT MASTER PLAN	4237.45		4237.45
H09-APRON EXPANSION	0		0
H10-RSA IMPRV & RW 32 HLDNG BAY	0		0
RD03-THIEANOGUEN WAY ROAD DISTRICT	0		0
SF1-FIRE PROTECTION DISTRICT #1	0		0
SF2-FIRE PROTECTION DISTRICT #2	0		0
SF3-FIRE PROTECTION DISTRICT #3	0		0
SP PARK DISTRICT	47510.93	13448.09	60959.02
SS21 CONSOLIDATED SEWER DISTRICT	0		0
SW1 SEWER DISTRICT #1	0		0
SW2 MCKENZIE	0		0
SW3 RAY BROOK	4379	591.14	4970.14
T TRUST & AGENCY			0
TE PRIVATE PURPOSE TRUST			0
<b>Batch 1215-1218</b>	<b>229086.78</b>	<b>63903.12</b>	<b>292989.9</b>
120871-120913; 120937-121061			

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

### ADJOURNMENT

There being no further business to come before the Town Board, Councilman Miller moved and Councilman Favro seconded the motion to adjourn the meeting 9:12 pm.

Respectfully Submitted,

Laurie Curtis Dudley, Town Clerk