

TOWN BOARD MEETING

TUESDAY, JULY 14, 2015

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

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

Members Absent: Councilman Favro and Councilman Miller

Others Present: Attorney Ron Briggs, Larry Straight, Matt Turner

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 June 9, 2015.

Councilman Rand 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.

JET FUEL AGREEMENT – STEVE SHORT

Attorney Briggs – I made the changes to the Jet Fuel Agreement that you recommended. Steve Short came in and signed it and should receive money no later than Thursday.

Councilman Doty – Did we rewrite the entire lease?

Supervisor Politi – This is a spate operating agreement for the Jet Fuel Facility where Lake Placid Airways, our concessionaire at the airport, would operate the 12,000 Galion Jet Fuel Farm during the term of his agreement with the Town to end on May 31, 2017 at which time it would be extended or renegotiated.

Attorney Briggs -This agreement coincides with the Concessionaire Agreement that he has with the Town. They go hand-in-hand. If he no longer has a Concessionaire's Agreement then he no longer has the Jet Fuel Agreement. It is not really a Concessionaire Agreement but a Fixed Base Operator Agreement.

Councilman Doty – Do we have to start that agreement before our construction starts or at the end of it?

Attorney Briggs – It is currently in place now. It is a five year agreement renewed by you in 2012.

Councilman Doty - When does the jet fuel begin? I believe it is not until next spring. C&S will draft the RFP?

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Supervisor Politi – It is already done. We already have the bids. We haven't awarded the bid because we needed to have an agreement with Steve Short. It is important because if he sells his operation to someone else and he would have the jet fuel in perpetuity and we can't let that happen. ACTS II Construction was the low bidder. I need a Resolution granting me the authority to sign the Agreement on behalf of the Town of North Elba.

Councilman Rand moved and Councilman Doty seconded the motion to approve the Jet Fuel Agreement and to adopt the Resolution accepting ACT II Construction as the low bidder. There being no further discussion, the motions were unanimously carried.

BUILDING CLOSURE JULY 24TH – FRIDAY BEFORE IRONMAN.

Supervisor Politi – Laurie has requested that we close the Town Hall the Friday before Ironman. We have done this the last several years. It is not a busy day other than the use of our bathrooms. Councilman Rand moved and Councilman Doty seconded the motion to approve closing the Town Hall the Friday before Ironman, July 24, 2015. There being no further discussion, the motion was unanimously carried.

AGREEMENT TO SPEND HIGHWAY FUNDS

Supervisor Politi – Larry Straight has given us an Agreement to Spend Highway Funds.

1. GENERAL REPAIRS. The sum of \$ 30,100.00 shall be set aside to be expended for primary work and general repairs upon 30.88 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.
2. IMPROVEMENTS. The sum of \$ 165,345.00 shall be set aside to be expended for the improvement of the following town highways:
 - a) On Moody Pond Rd commencing at the Moody Pond Rd, a total distance of 1800 feet. Type: Type 6 Top Mix. Width of traveled surface: 21 feet. Sub base: Asphalt.
 - b) On Algonquin Dr commencing at the Algonquin Dr, a total distance of 1400 feet. Type: Type 6 Top Mix. Width of traveled surface: 24 feet. Sub base: Asphalt.
 - c) On Evans Road commencing at Evans Road, a total distance of 1600 feet. Type: Type 6 Top Mix. Width of traveled surface: 23 feet. Sub base: Asphalt.
 - d) On Franks Lane commencing at Franks Lane a total distance of 1400 feet. Type: Type 6 Top Mix. Width of traveled surface: 23 feet. Sub base: Asphalt.

Councilman Doty moved and Councilman Rand seconded the motion to approve the Agreement to Spend Highway Funds. There being no further discussion, the motion was unanimously carried.

WAIVE FEES FOR BIO-DIGESTER TESTING

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Supervisor Politi – You all got an email from Bob. They want to do a Bio-Digester test at the landfill over a period of 2 weeks. Casella will be bringing in food waste products from several different restaurants and grocery stores. We would like to have resolution agreement in place so Casella will not be charged for going into the landfill. This is a community project and is part of our grant. I want to have it on the record so others do not question why they are charged and Casella is not.

Councilman Doty moved and Councilman Rand seconded the motion to approve waiving landfill fees to Cassells while testing the Bio-Digester. There being no further discussion, the motion was unanimously carried.

ALGONQUIN ROAD BRIDGE CLOSURE – AUGUST 15TH

Supervisor Politi – To update everyone, August 15th the Algonquin Bridge is coming out. I spoke to Kirk about the flag man. At our workshop, Jim brought up the issue that he thought it was a dangerous situation because there was no flagman on Old Military Rd where the trucks were coming out and depositing fill down the road. I called Kirk on that and he said he would look into it.

Superintendent Straight – The times I went by there was a flagman.

Supervisor Politi – He also raised the issue of depositing all the landfill in Ben Lawrence's yard without a permit. The County guys were not aware of that. I told them they need to find out before they deposit fill to make sure the landowner is in compliance. Again, they will start the Bridge on August 15th and then start the Roaring Brook Bridge on River Road the day after Ironman and then they will start the Monument Bridge as soon as that is done.

The County received a grant from the Nature Conservancy for the two bridges which were red flagged.

GATEWAY SIGNS PROJECT DISCUSSION

Supervisor Politi – The Village of Saranac Lake sent us a request from the Community Director, Jeremy Evan, seeking finding for the Gateway Signs Project. We didn't think there was going to be a cost. The application now says that there will be a \$4,000 cost. We talk about this at the Workshop. The Mayor responded. I think we need to know exactly what is involved; where the signs are going and what the proposal is. Before we say okay, I don't think we are ready to commit monies until we know what we are committing to. How do you feel Derek?

Councilman Doty – Gateway is a pretty big term. I am not even sure a \$4,000 investment will cover what everyone thinks this program is. We don't know the parameters of it. It has been a wish list until now with no definition. We aren't saying no, but show us what you've got.

RESOLUTION- ALLSTATE VOLUNTARY EMPLOYEE INSURANCE PROGRAM

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Supervisor Politi – Cathy gave us a proposal seeking a resolution regarding the Allstate Voluntary Employee Insurance Program. It is a program whereby employees can get health, life and disability insurance and monies can be deducted from their wages. There is no cost to the Town. We need a resolution to allow for this to happen.

Councilman Doty moved and Councilman Rand seconded the motion to approve a Resolution allowing Allstate to offer employee insurance plans. There being no further discussion, the motion was unanimously carried.

AGREEMENT FOR CREDIT CARD – VALUE PAYMENT SYSTEMS

Supervisor Politi – Cathy also gave us a payment service agreement for processing credit cards. This is primarily for the Transfer Station. It would be utilized for the Jet Fuel station and the Clerk's office was looking forward to using it for various fees and receiving real-estate tax payments. The agreement is with Value Payment Systems which is a Tennessee company. Payments with Visa, Master Card, Discover and Debit Card user fee would be 2.45% or a minimum of \$1.75 for non-tax payments and minimum of \$3.95 for tax payments.

Councilman Doty moved and Councilman Rand seconded the motion to approve a Value Payment Systems to offer the use of credit cards for Town wide payments. There being no further discussion, the motion was unanimously carried.

DANC AGREEMENT - TOWN HALL SERVICE ORDER & FIRE HOUSE SERVICE ORDER

Supervisor Politi – As discussed at the Workshop, the Agreement for the Development Authority of the North County (DANC) is for our communication system in the Town Hall which amounts to \$300/month for 5 years for the construction portion of the communication system to provide us with 100 Megs. The second agreement is for the Fire Department construction of communication, which the Village will be paying for and will provide 20 Megs. For the first three years there is no payment but the payment will be a number not to exceed \$700/month. The Village is onboard with that. The USOC is utilizing this organization and we thought it was in our best interest to upgrade our system.

Councilman Rand moved and Councilman Doty seconded the motion to approve the DENC Agreements for the Town Hall and Firehouse service orders. There being no further discussion, the motion was unanimously carried.

RESOLUTION AWARDING BID FOR ATHLETIC FIELDS

Supervisor Politi – We need a Resolution awarding the contract for construction of the North Elba Athletic Field and Site Improvements. We had secured a matching grant in the amount of \$220,000. We received 5 bids which ranged from \$161,716 to \$292,000. The low bidder was the lowest by \$60,000. Derek, you know these people and they are working on another project here.

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Councilman Doty – They are working at Tractor Supply. They are working on the finished road and pavement.

Supervisor Politi – Derek did say that they can do it for so much less money because they have all the material here already. The bids were reviewed by Behan Planning and Design and they recommended that the lowest responsible bidder, HMA Contracting Corp. be awarded the bid in the amount of \$161,716.

Discussion regarding the bid specifications which stated the 6 inches deep on the field from the Town stock pile.

Councilman Rand moved and Councilman Doty seconded the motion to accept the low bid from HMA Contracting for \$161,716. There being no further discussion, the motion was unanimously carried.

RETIREMENT RESOLUTION – ELECTED & APPOINTED OFFICIALS

Supervisor Politi – Cathy and Ron worked on the Standard Work Day Resolution for Elected and Appointed Officials which is required.

Attorney Briggs – Cathy and I talked and she will file the Resolution directly online.

Supervisor Politi- Laurie has to file it.

Attorney Briggs – Laurie has to sign it and Cathy will file it.

Attorney Briggs – To explain the resolution, every appointed and elected official that is in the State Retirement System has to come up with a Work Day Report that shows how many hours per day within a given quarter. That is the base by which the NYS Retirement System calculates their service credit if you will. Elected Officials do not have normal hours so has to come from the officials themselves and this is what his is about.

Councilman Doty moved and Councilman Rand seconded the motion to approve Retirement Resolution for appointed and elected officials. There being no further discussion, the motion was unanimously carried.

PERSONNEL ACTIONS

Supervisor Politi – The following employees are seasonal appointments for the Showground and Park Maintenance.

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TOWN OF NORTH ELBA
PERSONNEL ACTIONS FOR BOARD MEETING

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ACCEPT RETURNING SEASONAL EMPLOYEE APPOINTMENTS--for Showgrounds and Parks Maintenance

NAME	POSITION	DATE OF REHIRE	UNION CLASSIFICATION	RATE OF PAY	CIVIL SERVICE CLASSIFICATION
Austin Pratt	Showgrounds maintenance	6/24/2015	N/A	\$10.50/HR	SEASONAL/ LABORER
Evan Knox	Parks Maintenance	7/13/2015	N/A	\$11.25/HR	SEASONAL/ LABORER
Devin Brockway	Asst Head Lifeguard	6/20/2015	N/A	\$12.00/hr	NON COMPETITIVE

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

BUDGET ADJUSTMENTS

Supervisor Politi – There is \$2,888 for software application for the Assessor, \$2,750 for Greystone Environmental review of our tanks.

Councilman Doty – It is to finish the spill response drop plan. We are shooting for not this week but next and is going to be a duel training day for the people that will be responders. You will probably include your Deputy Highway Supervisor. We will talk about the type of berm that has to gout there in the back. We will have to modify this plan when the 12,000 gallon fuel tank goes in at the Airport. It will be just amendments in wording because we are following all the current codes for containment and spill.

Supervisor Politi – It is actually \$5,500 and we split is between the Highway and the Airport. In addition to that, there is \$1,000 that we agreed to give to the Shipman Youth Center based on the fact that we hadn't given anything over the past few years. They had requested money for the BBQ Festival. We would not give them money for their event but decided to give to the Shipman Youth Center which came from Fund Balance.

Councilman Doty asked if the \$5,500 was part of our Audits. After looking though the audits for reference # 151417, it was determined that the bill was omitted in error. The Board did however approve the payment.

JUL 2015 BUDGET AMENDMENTS

ACTION	ACCOUNT	DESCRIPTION	AMOUNT	REFERENCE	ADDITIONAL INFO
INCREASE EXPENDITURE	A.1355.0200	ASSESSOR.EQUIPMENT	2,888.00	VCHR 151478	IBM SOFTWARE APPLICATION PER 6/02/15 WORKSHOP APPROVAL
INCREASE EXPENDITURE	A.1420.0451	LEGAL FEES	1,740.25	VCHR 151382,	MILLER, MANNIX, ET ALL RE GRIMDITCH/ BRIGGS
INCREASE EXPENDITURE	A.5132.444	HIGHWAY. CONTRACTS & AGREEMENTS	2,750.00	VCHR 151417	GREYSTONE ENVIRONMENTAL MANAGEMENT
APPROPRIATE	A.0909	FUND BALANCE	<u>7,378.25</u>		
INCREASE EXPENDITURE	SP.1357.444	AIRPORT CONTRACTS & AGREEMENTS	2,750.00	VCHR 151418	GREYSTONE ENVIRONMENTAL MANAGEMENT
INCREASE EXPENDITURE	SP.1357.0416	AIRPORT GROUNDS REPAIR	535.00	VCHR 151378	BASELINE KING REPAIR PAPI CIRCUIT (AMT OVER REMAINING AVAIL. BUDGET)
INCREASE EXPENDITURE	SP.7180.0400	THOMAS SHIPMAN YOUTH CENTER	1,000.00	VCHR 151253	PER MAY 12 2015 BOARD MEETING MINUTES
APPROPRIATE	SP.0909	FUND BALANCE	<u>4,285.00</u>		

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

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COMMITTEE REPORTS – SKI JUMPING COMPLEX

Supervisor Politi – I got a letter from Ted Blazer regarding the capital project at the ski jumping complex. I'm not sure if you have seen this Jay, but I want to make sure that this is what they plan to do.

Supervisor Politi gave the plans to the Ski Jump Complex to Councilman Rand who said it was a good project and hoped that it would increase revenue. The plans for the Athletic Fields were given to the Board and Matt Turner to review.

COMMITTEE REPORTS – NORTH ELBA CEMETERY

Supervisor Politi – We had an issue the other day at the cemetery. A guy called me and said he was mad because the lilac bushes were cut and the rose bush in front of his mother-in-law's grave was cut. Our response was that in our agreement, we have certain terms and conditions that are associated with ownership of a cemetery plot; for example, no shrubs or trees. I then looked at the deed which contains none of that. The agreement was not signed. I told Laurie to change the deed to include Restrictive Covenants. What happened was, years ago before we had these agreements, people put shrubs up and people died. We have inherited it. A generation dies out and the children don't know to maintain them.

Superintendent Straight – The problem is that people let the shrubs grow so big that they are encroaching on another person's grave.

Supervisor Politi – I understand that however before we decide to cut something, we have an obligation to contact the people we might know to say that we may have to remove the shrub.

Laurie Dudley – How would we know who to contact. This particular grave is his wife's family. I know many people in North Elba, but I would never have made the connection that Jim Beaney's wife is a Gonyea. The last person buried was in 1980. How would I know who to contact?

Supervisor Politi – Marc Meeks might see people going to a grave. If he doesn't know and the plant is encroaching then we have to do it. You have to do your best because it is devastating to have something cut when it was planted to remember a loved one. It's all about how you say things and how you do things. Mark might come in to you with a list of 20 grave sites and you might know what family to contact or someone else might know who to contact.

Discussion continues to the importance of adding the covenants to the deed and the best ways to maintain the cemetery with contacting owners when possible. Attorney Briggs reviewed the new Deed.

COMMITTEE REPORTS – JEFF ESTES

Supervisor Politi – We talked about Jeff Estes receiving family insurance. Cathy gave me an idea of the cost. We can pass a Resolution whereby we can appoint a Director of Golf with a wage

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plus health insurance benefits. He would have to contribute towards health insurance benefits the same as every other employee. We raided his salary \$8,000 last year to cover health insurance benefits. The actual cost is \$16,700 for a husband and wife, which is unbelievable. He mentioned it to us. He is a great employee and we don't want to lose him. He said he would take less salary because he and his wife don't have health insurance. His contribution to his health insurance is 25% which is \$4,500 per year. I am not looking for a resolution today because we have to be clear on it going forward. I do think that if you want to continue to have a relationship with someone who gets high marks and has done a great job, we have to figure out a way to reduce his salary and give him health insurance. I will work on something between now and the next meeting. I will meet with Jeff and see if he will agree to a reduction in wages in exchange for health insurance.

TOWN ATTORNEY REPORTS – GRIMDITCH UPDATE

Attorney Briggs – The attorneys for Grimditch filed a motion with the Court of Appeals asking permission to appeal to the court. We anticipated it. As I said earlier, the likelihood that the court will take that case is discretionary and up to the court. There is no right to appeal. It is the Highest Court in the State of New York. There are many cases that don't make it to the Court of Appeals because they are just not willing to take it. We won't know for a while. It might be up to 60 days. The interesting thing is that they did not simultaneously make an application for stay of execution of the Order they are appealing. What that means is that they are under compulsion to follow the terms of the Appétit Division Order. They have to begin dismantling within 30 days and complete dismantling within 90 days. Unless the Higher Court gives them a Stay of Execution, they will have to comply with the Order. Failure to do so would be a contempt of court. If the Court takes the case, by the time it is heard the boathouse will be long gone.

Supervisor Politi – Wasn't their paperwork 50 pages long? How could they possibly get that done?

Attorney Briggs – Yes, it is 52 pages and that is what a team of lawyers do.

Supervisor Politi – I would bet the Court of Appeals has better things to do than to here this the 3rd time.

Councilman Rand – What dates are we talking about?

Attorney Briggs – It is 30 days from the Notice of Entry which is July 2, 2015. So they have to begin dismantling by August 1st. If they don't start within a short period of time, we will move to contempt of court.

COMMITTEE REPORTS – COMPREHENSIVE PLAN

Supervisor Politi – Dean Dietrich, the Mayor and I are going to sit down on Thursday and discuss about 14 items for consideration in amending the Joint Comprehensive Plan. Rather than have a meeting and put everybody to sleep discussing 14 items, we will narrow it down to those

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items that we feel are slam dunks we feel need to be addressed immediately. We will then call for a joint meeting to discuss it.

ROAD FLOODING BY ALGONQUIN DRIVE – PAT KELLY

Councilman Doty – Larry filled us in on Algonquin Drive. We both reacted because of the Workshop when Pat Kelly came in. We each discussed our options. Kirk came over and we have a plan for that shoulder of the road that we think is going to work very well.

Supervisor Politi – Did anyone call her?

Councilman Doty – No, because we were going to wait we know when it can be done.

Superintendent Straight – I got prices on paving that and it's about \$17,700 which is ditching it and paving the ditches and then kicking the water back out into the storm drains. I think we should go to another plan because I don't know where that money will come from. We should just ditch it at the driveway and just let it go. At least we would be trying. They are in a situation where nothing is going to work there because of how low they are.

Councilman Doty – You have to anticipate the erosion factor so the water doesn't end up eating under the coverts if you put the drains.

Superintendent Straight – What we have to do when we get to the driveway is to drop down below at least 6 inches below.

Discussion continued between Councilman Doty and Superintendent Straight regarding installing drains, piping and where the water will end up at the pit. The pit was originally there to catch all the water.

Supervisor Politi – I don't know if you are ever going to solve that problem because nothing is going to be good enough. The house is low.

CRAIG WOOD IRRIGATION UPDATE

Councilman Doty – I met with Jeff, Lynn and Corry Mettler from Rainburh. We talked about the possibility of moving towards irrigation. We talked about the water resource, distances and where we may have to cross roads. He could come up with a plan. It is an early phase of discussion. It was a good meeting.

SARANAC LAKE YOUTH COMMITTEE -

Councilman Doty – We talked about Saranac Lake Area Youth with a strong start of 135 – 140 kids per day. It is really going well.

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ORDA MEETING

Councilman Doty – Did you hear about a potential ORDA Board meeting?

Supervisor Politi – I sent Ted Blazer an email a week ago asking if he could fill me in on the next Board meeting. Why there hasn't been one, I don't know. I don't understand it.

APPROVE AUDITS AS PER AUDIT #'S

Supervisor Politi asked for approval of the Audits.

TOWN OF NORTH ELBA			
CLAIMS APPROVED FOR PAYMENT 7/14/15			
	Regular	Prepaid	Totals
A FUND GENERAL FUND	292506.27	29745.64	322251.91
B FUND GENERAL OUTSIDE VILLAGE	746.59	180	926.59
DB FUND TOWN OUTSIDE VILLAGE HIGHWAY	76353.8	11016.86	87370.66
H11-APRON EXPANSION CONSTRUCTION	10315.19		10315.19
H12-OBSTRUCTION REMOVAL	11435.01		11435.01
H42-MACHINERY AND EQUIPMENT PURCHASE	9307.57		9307.57
H44-ATHLETIC FIELDS	383.43		383.43
SF1-FIRE PROTECTION DISTRICT	0		0
SF2-FIRE PROTECTION DISTRICT	0		0
SF3-FIRE PROTECTION DISTRICT	0		0
SP PARK DISTRICT	274011.22	12396.94	286408.16
SS21 CONSOLIDATED SEWER DISTRICT	186		186
SW3 RAY BROOK	277.84	378.32	656.16
Batch 1523-1527	\$675,522.92	\$53,717.76	\$729,240.68
150839; 151204-151253; 151277-151278; 151280-151288; 151290-151296			
151299-151339; 151342-151350; 151374-151478			
Batch 999 (Payroll & Health Reimbursement Arrangement)	\$0.00	\$54,826.96	\$54,826.96
151091-151113; 151254-151276; 151279; 151298; 151340- 151341			
Batch - HELD		\$0.00	\$0.00
DELETED VOUCHERS:			

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

LETTER FROM JAMES MORGANSON

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The Board discussed a letter regarding Jim Morganson addressed to the Board. They agreed is a nice thing but the details and timing is vague. It states, by signing this you indicate you support the individual which includes drill training and more importantly responding to assist communities and occasional training. They were concerned that they could get him anytime they want him adding, he will never be working.

MATT TURNER – QUESTION REGARDING THE TRAINING FIELD.

Supervisor Politi – The new field is a training field. We were given a grant of \$440,000; Saranac Lake got \$220,000 for their athletic field and we received the same. We are utilizing the money to create a seventh field adjoining the existing six. That field will be primarily a training field. The place that the field will be is now sand and dust. All the exhibitors have their tents on this. We constantly have to water it down to keep the dust out. The concept is to create a field that is grass. When the event comes in the exhibitors can utilize that grass area which is a training area when they leave.

Matt Turner – What do you do with the extra \$60,000 from the bid?

Supervisor Politi – We can utilize it for an irrigation system.

ADJOURNMENT

There being no further business to come before the Town Board, Councilman Rand moved and Councilman Doty seconded the motion to adjourn the meeting at 8:00 pm.

Respectfully Submitted,

Laurie C. Dudley, Town Clerk