

TOWN BOARD MEETING

TUESDAY, APRIL 14, 2020

Minutes of the Regular Board meeting held on the above date beginning at 6:30 via GoToMeeting.

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

Others Present: Attorney Briggs, Ken Porter, Mike Orticelle, Bill Billerman,

Supervisor Randi opened the Regular Town Board meeting at 6:00 pm by asking everyone to stand for the Pledge of Allegiance.

Supervisor Rand asked for a motion for the minutes of the Board meeting of March 10, 2020.

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

EMPLOYEE OF THE WEEK PROGRAM

Supervisor Rand - We started a new program this year. I think it was a good idea. We have some great employees, and I think it was very meaningful. Emily, could you give us a little update on that "Employee of the Week" this week, and what's planned for next week?

Councilwoman Politi – I don't like to reinvent the wheel. I stole the idea from Roy Holzer from Wilmington. It is a good way to have something positive on our Facebook page and Social Media to say "Thank you" to our essential employees who are really helping us, the community out in this time. I think Terry Snyder is a great person to honor first. We talked about next week, doing potentially a landfill employee, and so I don't know if one of the landfill committee members wants to take the lead on that. If you want to suggest someone, I can help whatever you need me to do.

Councilman Cummings –We will get back to you.

Supervisor Rand - Terry was a good choice. Especially right now, Terry does fabulous job taking care of the Town Hall. Every day it is spotless and in this particular time it is extremely important. Hats off to you, Emily, for that program .If everybody offered him congratulations. We talked a little bit about getting some type of certificate for the employee of the week.

Councilwoman Politi - I think even have a \$25 gift card which is only \$5 from each Board member. We want to be able to offer some sort of reward and it would be nice if we could all sign a card to, but we're not all the same place.

Supervisor Rand – We will certainly keep track of it and we'll catch up with the gift certificates.

Councilwoman Politi –I don't think it necessarily needs to be every week. It can be our spotlight employees

CORONAVIRUS UPDATE

Supervisor Rand - For those of you who may be listening in, I have been posting a lot of information that I get through the County, and the County gets through the State. I post anything that is educational and feel it would be helpful for people to understand coronavirus and where we are and where the County and State are. It changes just about every day, so it is sometimes difficult to follow. I have a phone calls with the County Manager, Chairman of the Board, County Attorney, and the State of New York every night for over an hour and a half. The County Chairman gives all the information to the supervisors of all the different townships. The information is on the Town website "northelba.org", Town Facebook and Friends of Jay Rand Facebook. A quick update on some of the bullet points that have taken place like last week.

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Recycling Center

Most of you realize that the Recycle Center at the transfer station has been closed due to health concerns in regard to the Covid-19 virus. A temporary moratorium was issued this week by the State. Essex County won't be accepting recyclables, through April 30th. Hold your recyclables until it is safe to reopen. The virus stays on some of the products like cardboard plastics, etc., for days at time. The County decided reference the State to close the recycle centers. We are certainly hoping to open it as soon as possible.

Playgrounds

Playgrounds and equipment are taped off to prohibit any use by children due to discouraging gatherings. The kids play in the same stuff, and they can pick up the virus as it stays on metal. The green spaces, of course, in the parks still remain open as much as possible

Tennis Courts

For safety purposes, we closed the Lake Placid tennis courts. We've made new signs, place them at all the locations.

State Boat Launch

At the directive from New York, the State, the boat launches and marinas have been closed for recreational vessels. In other words, can't get your water ski boat and go out there. If someone lives on the lake, it is a permitted use for them to use their boat for transportation to get to their own camp.

Craig Wood Golf courses.

Recently, we were closed and are now deemed unessential. They had some special rules and regulations that had permitted golf courses to remain open.

Additional information

A couple of other points. Stay home, don't travel. No group gatherings. Wash hands often with warm water and soap or hand sanitizers, at least 60% of alcohol, and wear masks and gloves in public. Stay safe. Follow these and the New York State Department of Health advisories. We all have to take this really serious and follow this because it can lead to a quicker recovery.

There are no new cases in Essex County. We have had three that tested positive and three were suspects positive in North Elba. We have had a total of twenty nine positive cases. In comparison with a lot of places, we are doing pretty well up here, because of our location. The good news is, no new cases today, and that's the first time for quite a while.

Councilwoman Politi – Every day there is a new multipage bulletins. My hope is to write a concise easy to read. Not everyone wants to go through multiple pages every day.

Supervisor Rand - They've got a lot of great information on it, but so we'll try and keep it as concise as possible.

PERSONNEL ACTIONS

Supervisor Rand – We need to approve the Black Fly personnel hires and Returning employees. Unfortunately, the DEC cannot give the course that is needed to distribute the BTI.

TOWN OF NORTH ELBA 43935

PERSONNEL ACTIONS FOR BOARD
MEETING **ACCEPT RECOMMENDATION OF
NEW HIRES:**

<u>NAME</u>	<u>POSITION</u>	<u>DATE OF HIRE</u>	<u>UNION</u>	<u>RATE OF PAY</u>	<u>CIVIL SERVICE CLASSIFICATION</u>
Sam Gibney	Black Fly Technician	03/12/2020- 03/26/2020	n/a	\$11.80/hr training (30 hrs);	non competitive

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				\$16.00/hr thereafter
Sydney Aveson	Black Fly Technician	03/12/2020-04/02/20	n/a	\$11.80/hr training (30 hrs);
				\$16.00/hr thereafter

* Recommendation made by: John Reilly

ACCEPT RETURNING SEASONAL EMPLOYEE APPOINTMENTS

<u>NAME</u>	<u>POSITION</u>	<u>Date of reappointment</u>	<u>UNION</u>	<u>RATE OF PAY</u>	<u>CIVIL SERVICE CLASSIFICATION</u>
Tyler Dezago	Black Fly Technician	43935	n/a	\$17.00/hr	non competitive

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

UPDATE OF THE COMPREHENSIVE LAND USE CODE (LUC)

Supervisor Rand – We have all been extremely committed to update the Land Use Code following the passing STR Law. The Village Board made a motion at the last meeting to update the Comprehensive Land Use Code. They asked if we would consider doing the same. Would anyone like to make that motion?

Councilman Cummings moved and Councilwoman Politi seconded the motion to approve updating the Comprehensive Land Use Code to include the Short Term Rental Law.

Councilman Doty – I would like to discuss our next step to pick someone to help us through process and a timeline so folks know that we are moving ahead.

Councilwoman Politi – The next step is for a Town Board representative, which we all agreed is me, the Village Board representative, Craig still has not decided who it will be, and Dean Dietrich. We will video conference and decide who we want to be on the Technical Steering Committee. We are looking for experts in the field of Land Use Planning, Architecture and Construction. That committee will help set the parameters of what we are looking for in a new Land Use Code. We will discuss our issues and we will eventually turn it into an RFP to hire a consultant. I imaging Dean, myself and the Village representative can meet even next week. We just need the Village to pick someone.

Councilman Doty – Thanks Emily, I mostly made you to go through all that because It is nice for the public to know where we are in the process.

There being no further discussion, the motion was unanimously carried.

AUTHORIZE VICTORIA DUFFY AS A BACKUP COURT CLERK FOR JENNIFER HAYES

Supervisor Rand - We need to authorize Victoria Duffy as a backup Town Court Clerk for Jennifer Hayes. The Village did the same last week. The reason we are doing this is that the clerks have limited help. One clerk can fill in for the other in certain situations. They can receive fine money for each other. It permits a little bit more efficiency in the office. Any questions or concerns?

Councilman Favro moved and Councilwoman Politi seconded the motion to approve the Town Court Clerk backup to back-up the Village Clerk. There being no further discussion, the motion was unanimously carried.

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AIRPORT PROJECT – REFURBISH TAXIWAYS B&C (APPROVE INDEPENDENT FEE ASSESSMENT (IFE) FOR CONSULTANT COST RANGE)

Supervisor Rand- The project at the airport to is to Refurbish Taxiways B & C. Derrick, you and I are on that committee. We have an Independent Fee Assessment from MRB Group with a project cost of \$138,500. The Independent Assessment bids ranged from \$129,903 to \$142, 893. Could I have a motion to accept the proposal of Independent Assessment Fee from MRB Group?

Councilman Doty moved and Councilwoman Politi seconded the motion to approve MRB Group as the independent consultant for the Refurbish Taxiways B & C project

Councilman Doty -Jay, do you want to mention the timeline of this project?

Supervisor Rand - I talked to Doug Bauer today from C&S and he said that they put the advertising out today. A lot of the local contractors including Luck Brothers, Real and Fuller are all going to bid on it. The bids are due May 7th. There is no fee for us locally. It is all State and Federal. The total package is \$500,006.

Cathy Edman - Jay, generally, the town contributes 5%.

Supervisor Rand - In this case, from what Doug has told us, there will be no fee to the Town on this project.

There being no further discussion, the motion was unanimously carried.

AIRPORT HANGER PROJECT STATUS

Supervisor Rand - The hangar project...

Caller from the community - Excuse me, before you move on to the next item on the agenda, you seem to have skipped over the Short-Term Rental.

Supervisor Rand - I'm going back to that.

Supervisor Rand - The T-Hangars were bid three times. This would be the fourth time. They are taking out the electrical, which is worth \$15,000 to \$18,000 and have are local Electric Department do that.

Councilman Doty – They will do the electrical in attempt to get a bid below the estimated cost of construction.

Supervisor Rand – The Town would have to absorb 20% because it is a state grant. An 80% is paid for. We bid it already three times and if we decide we are not going to do it, then we are still in the hole for \$61,000. We will see where it turns out. He's, again, making a good effort to get the local contractors. Hopefully people will be hungry from work. I think it would be really great to have those additional five hangars here.

Councilman Doty – We have a waiting list to fill the hangars.

Supervisor Rend – That is where we are with the airport right now, quite a bit going on, down there. Two good projects.

Councilman Doty – The engineers will have the latest spec sheet this week so it can go out to bid.

DISCUSSION ON STR LAW - APPEALS BOARD STATUS

Supervisor Rand - We talked about the Land Use Code and discussion on the STR Law and the Appeals Board status. Emily?

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Councilwoman Politi – This is not necessarily discussion about the law but about the STR Appeals Board. We had 10 people apply. We advertise in the enterprise, our Facebook page and on our website. It was actually picked up by the paper in an article that Elizabeth Izzo ran twice. We had a got a pretty good response. I was a little bit worried about finding good volunteers. We received 10 applicants that presented something positive that they could have contribute, but we had to go down to five people. Working with the planning office with Mike and Darci, we asked people to tell us about themselves and why they're interested. Dick and I, as Committee members for zoning issues, and we all worked together to choose five members. We would like the Town Board to appoint the members. Dave Genito and Bob DeMarco represente the Village and Lori Fitzgerald's, Yvon, Raimondo, and Miah Rosner are representatives in the Town. We filled that requirement to have one village and one town.

Supervisor Rand – Do you recommended to the Board that we do a motion to accept them?

Councilwoman Politi – I think, we want to get started with Developing Board and the aspects of how it's going to operate sooner than later. I would like a motion to get these people on board and start working through the process. The Village does have to appoint them too.

Councilwoman Politi moved and Councilman Cummings seconded the motion to approve the Board of Appeals as recommended.

Supervisor Rand –Further discussion?

Ronald Briggs - We have to stagger the Board like we did with the Zoning Board. How did you propose to do that, Emily?

Councilwoman Politi- I'm glad you brought that up. I meant to look back into the law to see how it had to be laid out and how we stagger the terms, I didn't do it. I really don't know. Maybe it's a policy decision that we make now.

Ronald Briggs - I don't have the law with me, but I think it says staggered. We do like the Planning Board, and the Zoning Board.

Michael Orticelle – You are right, Ron. The members do have to be staggered according to the law. I would suggest to pick 1, 2, 3, 4, and 5 and give them that many years and then we place as necessary as peoples terms come up.

Ronald Briggs - It doesn't matter how you do it, but the decision has to be made. Whole idea of the whole idea is to make it randomized.

Councilwoman Politi- Right, so do you want me to just do it as I read the names?

Supervisor Rand - That's as good away as any, I believe, at this point.

Councilman Cummings - I'm just reading the law now, and it says, five members, including the Chairman. The members first appointed shall serve staggered terms in the same manner as provided in section 9.2C and shall be appointed to a term of five years. There needs to be a Chairman of the Board.

Michael Orticelle – Generally the Board votes a chairman and a Vice-Chairman at their first meeting.

Attorney Briggs – We can decide this later. You can think it through. I have some points I would like to raise regarding the STR. I have been talking with Janet Bliss and Mike Orticelle and are trying to find a way to handle the 90 deferral of enforcement of the Law. Then we had COVID19 hit us. There are parts in the law that are to be included in the application. Those include the septic system inspection, chimney flue cleaning and the site plan. Janet Briggs brought up these issues

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with the Village Board today. The Village would like Mike to get as much information as he can excluding the items mentioned. Issue a conditional permit with receiving the additional information when time permits.

Mike Orticelle – That is what we have been doing and advising applicants that we will process what paperwork they have and then expect all other documents required at a later date.

Attorney Briggs – The issue we need to think about is if someone applies who applies comes up here not knowing that the Building Department would give them a conditional license. Should we post that somewhere so people are aware?

Supervisor Rand – We should definitely do that.

Attorney Briggs – Mike, you, me and Janet will collaborate on that tomorrow and come up with something that makes sense. Another thing in regards to the STR Law, Article 1 Section 10 of the US Constitution said, “No state shall pass a law that abrogates private contract rights”. Any contracts that are in place before the effective date of our law cannot be abrogated by or law. They talked about it at the Village Board meeting today and since we are already six months into the calendar year. The 90 day will continue to be the controlling factor and they will have to have evidence of an existing contract that is in place and binding. I don’t think it will be a problem. It’s something to be aware of.

Councilman Doty – To add to the idea, how does that apply to the previous reservations and the new occupancy tax?

Attorney Briggs – That is a good question. I don’t know. I would ask Dan Manning that question. We were concerned more about existing binding contracts would be taking away from the 90 or added on top of the 90 days per calendar year and the Village Board feels the same that we are almost 6 months into the calendar year. It may be an issue going forward. If so, people are going to establish with evidence binding contracts in place.

Supervisor Rand – Thank you for that information. The same thing might come up with the occupancy tax. Are there any other comments? We need to a motion to approve the names for the Appeals Board as presented with the intent to complete it with the staggered terms next week.

Councilman Cummings – We already did that for the discussion.

There being no further discussion, the motion was unanimously carried.

Jackie Dubey (called in) - I have a question; why some sections of town exempt from the 90 days and why other were not? Especially why the exempts are in the town borders? I don’t get the point of the 90 days. I do understand why you are trying to eliminate traffic to this area. This area thrives on tourism. Limiting it is inflecting exemptions in the outlier areas of the Town of North Elba instead of within lake placid itself.

Supervisor Rand – Emily, would you like to address that?

Councilwoman Politi – A majority of the corridors are in the Village. It also was taking into all of the comments that came through the public hearing s on all sides.

Jackie Dubey – That doesn’t really answer the question.

Attorney Briggs – When you pass a law, it is a product of many sources of input. There were three public hearings. Hundreds of people spoke. Hundreds sent in letters. The way the law was drafted in the past, both boards had to agree to revise. All legislation is part a response to the public input and a compromise on the people who vote on it. The Town and the Village each have five Board members. Not all ten people agreed on everything. In summary, the law is a reflection of input

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from the public as well as discussions and negotiations from the two boards. This is the end product. The feeling was that those corridors, because of the level of commercial activity, should be exempt from the 90 days. That was a decision by the two boards.

Jackie Dubey – It is based on the commercial activity of the area is why you let some places exempt from the 90 day limit?

Attorney Briggs – I didn't say that. It is too nuanced and subtle to say there is one reason why that has happened. There are scores of reasons why it has happened. A reason for one elected official might be different than another elected official. You can't pin it down to a reason. It doesn't work that way.

Supervisor Rand – Moving on...

AUSABLE RIVER ASSOCIATION AGREEMENT – REQUEST FOR PAYMENTS

Supervisor Rand ask Cathy Edman to give some background regarding the payments for the Ausable River Association Agreement.

Cathy Edman - A little bit background for the new board members. Back in 2018, our prior supervisor signed an MOU with the Ausable River Association for a grant that was awarded to Clinton County. And the purpose of the MOU is for the Town to front the funding to the Ausable River Association for their expenses. Once the contract was signed with Clinton County and Department of State, then Clinton County could start requesting reimbursement under the grant. When they request reimbursement under the grant, the Town will get paid back for the funds that we have spent. Today, we have spent \$107,346 of the \$140,000 grant award. I believe, it was yesterday the River Association sent their sixth pay request under this grant for another \$8,800. Supervisor Rand and I spoke earlier today, our thought is that we should not forward any more money to the Ausable River Association with the understanding that it will make their process a little more difficult because of cash flow restrictions. Until the Town is able to make contact with Clinton County and start the reimbursement request. I sent an e-mail to Rodney Brown, who is in the planning department of Clinton County. I received an e-mail from Catherine Hoggle, the Department of State contact for the grant. I think it's just a matter of processing the paperwork. It could be another eight months before we actually get reimbursed under this grant.

Supervisor Rand -My feeling is that this has been going on for quite a long time. Clinton County, as I understand it, had to put in for the grants with the Department of State, which they didn't do or haven't done. So, therefore, we have not been paid back anything as we're supposed to event from Department of State. I feel hard pressed to provide any additional monies, which could be up to \$33,000. Certainly, we want to support the Ausable River Association, but we just have to get this under control. We need our reimbursement coming in before we put anything out. I'll leave that up for discussion with all of you board members. I think Cathy has been adamantly working on this for the week. Hopefully, we can get the process going as it should be going.

Councilwoman Politi- Cathy, the process is that once we pay Ausable River Association, then you submit payment requestor refund requests to Clinton County. Is that the right process?

Cathy Edman -As I understand it now, yes. However, when I spoke to Supervisor Rand earlier, I think there was a disconnect in the communications. I was under the impression that, and I have not yet verified that this is true or false, that the Ausable River Association was also sending all of the pay requests to Clinton County directly. I haven't heard from Clinton County, so I can't verify that. Once I do hear from them, we will definitely get the process started. Clinton County is the only government who can request reimbursement under the Department of State Grant. Once they do, they have to pay it back.

Councilwoman Politi -And when did you say the first payment went out?

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Cathy Edman - The first payment went out in December of 2018. Supervisor Politi sign the MOU in June of 2018. It took about six months for the first pay request to come through to us, but it's typical, in my experience, at the Department of State, and up to two years to get reimbursed these grants.

Supervisor Rand - So far, we haven't received a single payment.

Cathy Edman – This is the third grant that we have participated in this manner. We had one grant that took us about a year and a half or two years to get some funding from that reimburse to us and it worked great. We didn't have any issues with it. We did it again under the request of the Ausable River Association for the Village Tupper Lake. That one is even older than this one with Clinton County, and we still haven't received that money, and that there are \$70,000 that is waiting to come back to us. We are out of pocket for about \$170,000 between two grants; \$170,000 for Clinton County and 70,000 for Village Tupper Lake.

Attorney Briggs- Jay, I would call Betty Little who could be of any help. I mean, this seems like a long, long delay for a lot of money

Supervisor Rand - It sure is. I don't know, Cathy and I can talk about this further tomorrow. If we can shake it loose, that is one thing. If not, we are going to have to contact anybody that can jump in there and help us on this. That is a big chunk of money.

Councilman Favro – It definitely wouldn't hurt to call Betty. It is a lot of money and somehow we have to push buttons. State money is going to be tight.

Supervisor Rand - As much as the Ausable River Association is doing a great job on many things, we have to get our funds in before we put more money out.

Richard Cummings - I agree. In order to get a straightened out, and like you said, get it back on track, and I think we just wait.

Councilman Doty – All our priorities change day by day lately. Supervisor

Rand – Thank you Cathy for the good follow-up.

NYS ROADWORK ON RTE. 86 (DETOUR PLAN)

Supervisor Rand – The State DOT contacted me about the plan to replace a culvert on Route 86 in Ray Brook. It is just further than McKenzie Pond Rd. They want our approval for the project. Essex County Route 32 by the prison will be a detour. The work will be 2 to 3 weeks. Jim Duggan has expressed concern about using Route 32 for heavy trucks. He is not sure the road base will allow the large trucks. They would like a resolution of approval, but I will hold this until we get a chance to talk with Jim and Brian Smith from DOT to iron anything out. We have plenty of time because it is not until next year.

Councilman Doty – It is important to add, I am hoping we are still working with OGS and the Department of Corrections on our water project which includes work done in the same section; McKenzie Pond intersection up to the entrance to the prison. If those projects could be aligned together, it would make sense. The traffic will have to slow down to 20 mph on the Old Ray Brook Road. The ditches are dangerous. My priority is the potential water project with the Department of Corrections.

Supervisor Rand – I agree but the culvert bridge is going to happen. I don't think there is any other option than to use the Old Ray Brook Rd. Derek, we can get together to talk about that.

Councilman Doty – We have been waiting for that for 2 years. Jim is a great guy, but it's getting old.

Supervisor Rand – He assures me it is going to happen. They are waiting on a permit and it is ready to go out to bid. They need the final assessment from the Army Core of Engineers for the wetlands.

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MIRROR LAKE SIDEWALK STATUS

Supervisor Rand – The sidewalk around Mirror Lake is in dire need of repair and/or replacing. We bid the project several different ways; pavers, stamped concrete and concrete. The Village agreed on the concrete. The straight concrete bid was a saving of about \$1 Million. Walking around the lake, the stones are always out and it is very difficult to replace them and maintain. To have a nice smooth sidewalk with no ups and downs is what people really want. The Village Board was in favor of colored concrete. I know Derek has a concern about color. Brad Hathaway said if the color is mixed in with the concrete, it turns out much better than adding it after. He is looking at different colors to use. Ivan is recommending HMA Contracting bids include; Stone, \$1,491,208; Concrete, \$1,030,000. I would be interested in your opinions. I would like to see us coincide with the Village and go with the colored concrete.

Superintendent Porter – It is a lot easier to maintain a concrete sidewalk. We tried to pull a broken brick out and it isn't easy to do. You have to remove a large section to replace one brick and they never go back to the way that it was before. Concrete is the way to go.

Supervisor Rand – The transitions at the driveways will be an edge and everything is level. No more puddles or ice. I am in favor of going with Alternate A with HMA Contracting. I would like to entertain a motion.

Councilman Doty – I agree, Jay. Not only will it be easier for maintenance, but it is fiscally responsible in this direction. Ken, you can correct me if I am wrong, we still need curbing in the front without curbing in the back. That is a large savings. My concern is color because 3 years down the road and we have sections to replace, the color mixes are never consistent. You will know what is new and what is old. Give them a sidewalk and make it gray.

Superintendent Porter – That is correct.

Councilman Favro – We already have the curbing. I would agree. People should not be looking at the sidewalk, they should be looking at other things.

Councilwoman Politi – People will be ecstatic to walk on a safe surface.

Supervisor Rand asked for a motion to accept Ivan's recommendation.

Councilman Dotty moved and Councilman Favro seconded the motion to approve HMA Contracting to replace the Mirror Lake sidewalk with Alternate A. There being no further discussion, the motion was unanimously carried.

HOST COMPLIANCE SOFTWARE

Supervisor Rand asked Councilwoman Politi to speak on the Host Compliance Software.

Councilwoman Politi – It was the second time I heard the presentation. I hope that everyone agrees that it was very efficient and very effective and very expensive. With the labor cost that will be saved, it will be worth it. I heard Joe Hanna with two references from New York and California. I will follow-up with the references tomorrow along with the building department who will be using this on a daily basis. I want them to ask the questions that pertains to them.

Attorney Briggs – It was very impressive. If it does what it presented, it is an amazing program. Councilman Cummings – I agree. It fills every need. He didn't have to sell it to us. The program spoke for itself.

Supervisor Rand – It will help us control many things we were concerned about. I was impressed.

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Councilman Favro – I will bring consistency to the process. I liked the hotline, follow-up and documentation. It is everything we want.

Supervisor Rand – Darci and Mike thought the same way. This company bought out the other company.

Councilwoman Politi – That is why they are able to offer such great services. STR Helper was limited in the scope of what they could do. Through the acquisition of post compliance, those extra two feature are what they can offer now.

Councilman Cummings – Emily, what is the larger group that they are a part of?

Councilwoman Politi – I don't know the answer to that. They did say they were a partner with someone else. Maybe it is partnered with an international company.

Bill Billerman – Is this program in reference to STR rental? Does it help you regulate rentals?

Councilwoman Politi – Yes. The software is called Host Compliance. It does everything!

Mike Orticelle – Bill, give me a call tomorrow and I will give you a quick tour of what it does for us.

CRAIG WOOD STATUS & WATER ISSUE

Supervisor Rand asked Councilman Doty to speak on the Craig Wood water issue.

Councilman Doty – To make our water source efficient, we need a pressure maintenance pump system that ties into sensors. It is a variables speed pump that automatically slows down when we are not watering. When they are rising sprinkler heads, this pump has the ability to increase to give constant pressure so the greens can be watered uniformly. In the past, we haven't had that water system that has not given us any pressure at all. Without that, we are spending countless hours using the water that is in the line. It goes dry and the source replenishes itself. It amounts to a lot of labor. This is needed for warm spells so we don't lose our greens. The cost is around \$32,000. I can't stress enough that it is imperative that we get this. We need to come up with new revenues to help pay for this. I don't want to say that the revenues are inadequate but it is challenged. Jack has a great idea on how to fund this pump.

Councilman Favro – We talked about looking at the Craig Wood budget and trying to find savings to fund the pump. There is some there but not close enough. The second is to transfer the TOOLCAT and transfer or sell it to the Highway and take the money from the Highway fund. That is just a possibility. Somewhere we have to find the money.

Supervisor Rand – We all know how critical it can be during a dry summer to keep the greens from burning up. We have to have a way of paying for it without taking additional funding.

Councilman Favro – That money in the Highway is sitting there. Giving them equipment is something we could do. It wouldn't effect anything. That money can only be used for Highway.

Councilwoman Politi – Can you tell me what a TOOLCAT is? And is it owned by the Park District?

Councilman Favro – It's like a big 4-wheeler. Village uses one to brush off the sidewalks with it.

Supervisor Rand – We will have to discuss that idea with Cathy.

Councilman Doty – We are 4-6 weeks out to get the pump and then Andrew has to install it. We are in our wet season now but things can turn pretty quickly.

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Supervisor Rand – We will continue this conversation tomorrow.

PRIMARY ELECTION

Supervisor Rand stated there will not be a Primary Election.

ATTORNEY REPORT – MCLEAN PROPERTY

Attorney Briggs – Cathy, What was the actual cost to the Town to remove the mobile home on McLean Property? I have a number of \$2,500 from you.

Cathy Edman – To confirm that we are talking about the same property, I have it as 62 Balsam owned by McLean. The contractor cost was \$2,500. The cost to the Town to haul the debris from our transfer station was an additional \$4,502.90 The Total cost was \$7,002.90.

Attorney Briggs – As you all recall, we talked about taking that building down and imposing the cost as a lean on the real property. I talk with Todd Anthony about this and the County automatically put it on the tax bill. If she does not pay this on her tax bill, she is subject to losing the property in two years. We talked about having Mrs. McLean give us confession of judgement for the out of pocket costs that we incurred and it gets filed in the clerk's office and becomes a lean on the real property. The judgment is good for 10-years. If the property is sold from now until 10-years, we recover our money. We can renew for an addition 10-years before the expiration of the first 10-years. If you agree, I will make an application to the Supreme Court to correct the assessment role to remove this part of the tax bill. This is a solution that is good for the Town and the unintended consequence of Mrs. McLean losing her property at a tax foreclosure sale.

Laurie Dudley – Ron, how long does this process take?

Attorney Briggs – The court system is closed right now. I can do the petition and proceeding and then we have to file in the courts. The good news is that the County Attorney is not going to object to it. It should go fairly quickly but I cannot answer when the court system will be open to accept petition.

Supervisor Politi – This is a great solution.

Attorney Briggs – We should have done that in the first place but hindsight is 2020.

Councilman Doty asked if filing with the court will cost the Town additional money and Attorney Briggs said in is minor at only \$1,000.

Attorney Briggs - We would need a resolution authorizing the Town Attorney go into court to correct the Assessment Role for Mrs. McLean's property and at the same time prepare and have her execute a confession of judgement in favor of the Town. It is a simultaneous parallel track approach.

Councilman Favro moved and Councilman Cummings seconded the motion to approve a resolution authorizing Attorney Briggs to go into court to correct the Assessment Role for Mrs. McLean's property at 62 Balsam Street and at the same time prepare and have her execute a confession of judgement in favor of the Town. It is a simultaneous parallel track approach. There being no further discussion, the motion was unanimously carried.

DOT - SHARED SERVICES AGREEMENT FOR EMERGENCY SERVICES

Supervisor Rand – Ken Porter and I talked about this. It is an agreement to renew the Shared Service Agreement for NYS DOT to provide emergency assistance to municipalities in the absence of a Governor's Emergency Declaration for projects up to \$25,000. If there is an emergency the State would come in and help us and we would help them through the use of equipment and

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manpower. It also includes materials. They need a resolution from the Town Board to give Superintendent Porter to enter into this agreement.

Councilman Doty moved and Councilman Cummings second the motion to approve a resolution authorizing Superintendent Porter to enter into a Shared Service Agreement for emergency Services with the NYS DOT. There being no further discussion, the motion was unanimously carried.

BOND RESOLUTION - TANDEM TRUCK

Cathy Edmond – The Town Board approved a Bond Resolution in March before the COVID epidemic for a bond of \$225,000. We already wrote the letter to the manufacturer committing to the purchase. I do not think we can back out at this point, but I am not sure. Adirondack Bank quoted a 5 year bond at 2.2%, NBT Bank quoted 2.25%. I would recommend going with Adirondack Bank for the Bond.

Supervisor Rand moved and Councilwoman Politi seconded the motion to use Adirondack Bank for a 5 year Bond in the amount of \$225,000 for a Tandem Truck. There being no further discussion, the motion was unanimously carried.

Supervisor Rand asked Superintendent Porter the status on the truck.

Superintendent Porter - It is in production and confirming the color confirmation for the cab. When it is finished it is sent to Tennco to install the hydraulics and wings on the truck.

BUDGET AMENDMENTS

Cathy Edman explained the budget adjustments.

Board Meeting Date		4/14/2020			
2020 BUDGET AMENDMENTS					
ACTION	ACCOUNT	DESCRIPTION	AMOUNT	REF	ADDITIONAL INFO
Increase Expenditure	A000.1220.0200.0000	Supervisor. Equipment and Capital Outlay	65.35	PO 32261	Dell Marketing, camera for supervisor computer
Increase Expenditure	A000.1220.0461.0000	Supervisor. Employee Travel	684.28	vchr 183384	NYC Association of Towns Annual Meeting, hotel reimb. To J. Rand
Increase Expenditure	A000.1410.0200.0000	Town Clerk. Equipment and Capital Outlay	65.35	PO 32261	Dell Marketing, camera for town clerk computer
Increase Expenditure	A000.1610.0200.0000	Central Admin. Equipment	1,143.93	PO 32256	Dell, laptop requested for general use by Town Employees when not in town office; or for use in meeting room
Appropriate Fund Balance	A000.0000.0917.0000	Unassigned Unappropriated Fund Balance	<u>1,958.91</u>	balance as of 04/13/2020 is \$	<u>2,476,664.07</u>
Increase Expenditure	SP00.1347.0102.0000	Tob.Slide. Payroll Temporart	369.03	payroll 20-06	Final pay for tob. Slide season, amount over 2020 budgeted appropriations
Increase Expenditure	SP00.1357.0415.0000	AIRPORT.BUILDING REPAIRS	616.64	PO 32262	Hulbert Tri-Lakes Repair of water heater in Airport Terminal
Decrease Expenditure	SP00.1347.0200.0000	Tob. Slide.Equipment	<u>-985.67</u>		
			<u>-</u>		

Councilman Doty moved and Councilman Cummings second the motion to approve the budget adjustments as written and presented. There being no further discussion, the motion was unanimously carried.

APPROVE CLAIMS

Supervisor Rand asked for approval of the Audits.

Audit Reports Attached

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

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ORDA – SKATING OVAL

Councilman Doty asked attorney brigs for an update on the Olympic Oval.

Attorney Briggs – I am working with Scott Abrahamson on an updated agreement with the school and the Town to permit the work to be done. A survey was done on the property. It was far along and then just stopped because of COVID. Once we get a final draft, I will present it to the Town Board. It is to update the 1981 agreement and to authorize the work they want to do.

Councilman Doty – Unless you are telling me the skating oval is a separate part of our agreement with ORDA, I am more interested if language come up regarding the hockey box. They ran a new water line to the school. I wanted to know if ORDA is still willing to run the new refrigeration to the hockey box. If not, we will have to move it.

Attorney Briggs – I recall Mike offered that. I am glad you mention is. We will incorporate it into this agreement.

SRT LAW REVIEW

Attorney Briggs – I just want to remind the Board what we did. As the Board knows, under the Land Use Code, the Board of Zoning Appeals has certain authority to hear appeals by determinations by the Code enforcement Officer. It also has authority to grant variances; use variance or area variance. A variance in where an owner says they want to be accepted for this part of the Land Use Code that doesn't apply to me and there are certain criteria when the Board of Zoning Appeals would determination. We elected not to do that for the STR Law. We have a special appeals process and it does not go to the Board of Zoning Appeals nor to the Planning Board. It goes to the appeals Board that you talked about earlier tonight. That Board does not have the authority to change any part of the STR Law. No Board has the authority to grant someone greater than 90 days. I want you to understand the distinction.

Bill Billerman – Are you giving the Technical Steering Committee any direction as to what you would like to have legislative for short-term rentals? Is that something the Board has discussed or is it something the Technical Steering Committee has to develop as it moves forward?

Councilwoman Politi – In my opinion, the Technical Steering Committee would be shaping what we are asking for and then going back to the Town or Village Board and asking if they are okay with that.

Bill Billerman – The people you put on the Board are instrumental in what the Town Board and Village Board are going to take.

Councilwoman Politi – That is correct.

Attorney Briggs – Do you invasion the possibility of analyzing the existing STR Law?

Councilwoman Politi – Looking at the STR Law and how it relates to our current zoning especially in terms of districts. That is where I see it coming into play.

Bill Billerman – Would the Technical Steering Committee also include Mike as the Code Enforcement Officer and having problems with the consistency of the current Land Use Code?

Councilwoman Politi stated Mike would definitely be on the Steering Committee. Mike Orticelle responded that he would be happy to be on the Technical Steering Committee adding it needs to be approached in a different fashion as in the past adding it should be a Top-Down Steering Committee Stake Holders as the Government level. We that use the Code everyday can point out inconstancies to clarify and present to the public for comment and possible revision for the Board to vote on.

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Bill Billerman – You do have a lot of comments of the Code right now. Top-Down would be a good avenue and to involve some residence who have been instrumental in building the Code as it stands now. I did receive a response from Mike regarding the complaints that were filed concerning violations of the Land Use Code with transient rentals. I thought the response was unsatisfactory. I and other residents developed what we thought were facts and things to consider concerning those Zoning Code Complaints. Has anyone on the Board or Ron have a response to what we sent back?

Attorney Briggs – I reviewed Mike’s response to you and I thought it was good and accurate. The notion that a short-term rental operator is a commercial use is not accurate under the law. The use is residential. People come and sleep there, they make meals there. That is a residential use and not a commercial use. The issue is, does the transient nature of the residential use violate the Code in a single family residential Districts. What has created the feeling that might be the case is the Northwood School case. In that case, the trial court made the determination that one factor they considered in finding the dormitory use violated the Land Use Code because of the transient nature of the students. Until the Court says that the use of a short-term rental use in a residential district is not permissible, it is not crystal clear that it is impermissible. It is not an easy call as most people think it is. I don’t know if that is a satisfactory answer either Bill?

Bill Billerman – Some of the minutes from the previous year, you were looking at the appellate court decision for a family and if the appellate court upheld in that regard, I thought that was something to build upon for enforcement. It appears as though that is not the case because it is not complete enough. The appellate Court backed the Town and they looked at the permanence.

Attorney Briggs – They determined a number of things. One was the transient nature of the dormitory use. There were a number of things that it looked at. It could be argued that if the Town and Village Boards decided to take that to court and go the distance with it, they could do that. There would not be a ruling until the appellate division spoke on it which could be 2-3 years down the road. The Town or the Village may or may not win in that case. In the meantime, nothing is happening with short-term rentals during that duration of that litigation. Both Boards had several public hearings and they adopted the STR Law that you see. I know you are not happy about that but is what happened.

Mike Orticelle – Prior to this law being passed, we didn’t have a definition for use of a short-term rental. Now we do. Going forward, with revisions of the Code we can address that and how we zone for it. What happened in the past is in the past. We need to look forward in how we can create a vision for the Town and Village going forward at this point.

Attorney Briggs – The problem that the Town and the Village have always had is trying to find a proper balance between the interest in the community that doesn’t want have any short-term rentals and the interest of the community that wants to have a lot of short-term rentals. There is a balance between those two interests. It was difficult. It probably didn’t make a lot of people happy.

Bill Billerman – A whole new economy. If there is a balance to be struck and I hope with reviewing the land Use code we can strike that balance even further.

Attorney Briggs and Mike Orticelle agreed.

Attorney Briggs – I talked with Janet Bliss about this. The way the current Land Use Code, which is a joint code, the districts are large and are not surgical and they don’t recognize the different parts of the district. Going forward, and Emily pointed this out, we may see many more districts in the Town to address the actual uses in the districts as they exist today.

Bill Billerman and Councilwoman Politi agreed there would be many more districts.

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MOMENT OF SILENCE

Supervisor Rand - I asked for a moment of silence for all the victims of the Coronavirus and for their loved ones who have to bear their losses. (Silence)

Supervisor Rand – A Moment of silence and prayer for all the brave and heroic personnel in the medical field that risk their lives 24/7 so that others can survive this terrible pandemic. (Silence)

EXECUTIVE SESSION

Councilman Doty moved and Councilman Cummings seconded the motion to go into executive session at 7:44 pm for the purposes of discussing Pending litigations. The motion was unanimously carried.

Councilman Favro moved and Councilwoman Politi seconded the motion to come out of executive session at 8:05pm.

ADJOURNMENT

There being no business transacted during Executive Session and no further business to come before the Town Board, Councilman Cummings moved and Councilman Doty seconded the motion to adjourn the meeting at 8:05pm.

Respectfully Submitted,

Laurie Curtis Dudley
Town Clerk