

TOWN BOARD MEETING

TUESDAY, MAY 14, 2013

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

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

Members Absent: Councilman Favro

Others Present: Ron Briggs, Larry Straight, Chris Knight, Ted Morgan, Chuck Damp, Jim McCulley, Mike Sweeney, Bruce Barry, Patty Rascoe, Chris Karamitsos, Steve Hann, Molly Hann, Kim Clark, Pat Gallagher, Susan Sweeney

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 Board meeting on April 2, 2013 Board Meeting

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.

STAGE II – LP-SL MULTI-USE TRAIL (CHUCK DAMP)

Supervisor Politi - Chuck Damp is here to talk about the Saranac Lake/Lake Placid multi use trail. I put copies of letters from Mr. McCulley and also Mr. Damp.

Chuck Damp – We still have a contract on the table for Phase II engineering. At this point we are in a waiting pattern on that until we can tell the engineers that they can move forward. We are basically holding off spending any money on Phase II. Did we talk about the DOT?

Supervisor Politi – We haven't talked about it but I know that you and Bob in my absence met with Maryanne Mariotti.

Chuck Damp – We met with Maryanne and her boss, Frank, from the DOT. We talked about North Elba's desire to get Phase II done. Is that what we want to do and are we willing to commit to finishing the project? Obviously, or maybe it isn't as obvious as I think it is because I live and breathe this stuff, the numbers are coming in as such that it would indicate our desire to get the 4 miles from Ray Brook to Saranac Lake with the monies that are in the pipeline now will be a challenge. With that being said, we did discuss some alternative approaches with the DOT. They seemed to not object to being creative. What do I mean by that? At one point I was talking about redoing the old sidewalk in Ray Brook but if we want to get to Brand Brook from Ray Brook, actually spending money along the side of Old Ray Brook Road might not be realistic. Living on that road for the last 20 years people walk it and bike it all the time without a sidewalk or shoulder. We might want to consider the fishing access that they put in a few years ago to the little pond in Ray Brook and come out to the road at that point and continue along Pendergrass Farm Road at to the tracks at that point. Really just focus on signage and that type of thing in that area as opposed to actually spending dollars to stay within the corridor.

Supervisor Politi – What is the status on Pendergrass Road? Is it a Town road or private road?

Chuck Damp – My understanding is that it has been used as a Town road to the tracks. After that it appears to be a private road which is fully within the 100 ft right-of-way of the rail corridor. Where it goes down the hill and starts to veer off where there is signage that says it is private and there is a gate actually. That starts to veer out of the 100 ft. right-of-way that the DOT controls. Jim Lapan indicates that he has the right-of-way to cross that property. I am not by any means giving a legal opinion if he does or not. The bottom line is that is fully within the 100 ft right-of-way that the DOT owns. I would make sense to me that we follow that gravel road and come back to the tracks at the corner where it starts to turn away from that road. It is a little bit more than a mile and that would certainly get us into Saranac Lake within the budget.

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Councilman Doty – How does DOT react to a year round situation with that scenario?

Chuck Damp – Our path is primarily a seasonal use path because the snowmobile group actually has the use in the wintertime.

Councilman Doty – I was thinking in terms of when the tracks aren't passable. Of course they couldn't even get to that point if the tracks weren't covered in snow. Not to back you up, but could explain the difference between Phase I and Phase II for the public.

Chuck Doty –Phase I starts at Old Military Road...

Councilman Doty - And is it secure?

Chuck Damp - It's secure as it can be without actual bids.

Councilman Miller – They had mentioned the possibility that we needed to get a Federal Permit to get through the wetlands.

Chuck Damp - The final decision hasn't been made. It appears like the people we are talking to are starting to agree that the national rail permit, which is our preferred decision, needs to be where it is headed.

Councilman Miller – Is that the only thing we have to wait for to put this out for bid?

Chuck Damp - That and a couple of fill in the blanks in our bid package.

Councilman Miller – What is the drop dead date? When do we need to know that we are good to put this out for bid?

Chuck Damp – We need to have that decision within two weeks to stay on the schedule that we have on the table. They are anticipating that we should have some type of answer next week.

Supervisor Politi – Who is anticipating? The DOT?

Chuck Damp – The DOT via our engineers. Creighton Manning and the DOT are confident we will have a decision by next week. For those that don't know, at the last minute the Feds that are involved in this said we may be subject to a Sights Specific Federal Wetland permit as opposed to a National Rail Corridor permit that they granted in the past. The contention by the State DOT and the engineer is that this should be subject to the Federal Rail Corridor Standard Wetlands permit and not sights specific. We have gone through one of the most rigorous wetlands scrutiny that you have out there through the APA so why do it again. It would delay the project, there is no question. Why did I go into all of that on the Ray Brook side of things? It is really so we can get the project done with the money we already have in the pipeline without having to come up with new money. We would be asking the engineers in Phase II to permit the whole thing in the corridor on the premise that at some point we can move forward. It only makes sense to go into the corridor in Ray Brook where we are permitted and that would last for a period of time.

Councilman Miller – Correct me if I'm wrong, we are not moving forward with Phase II until after Phase I has been out to bid and we received bids?

Chuck Damp – That is going to give us a much better indication that the engineer's numbers are accurate. With that being said, we don't want to lose this corridor or so. Once the bids are in, we need to make that decision very quickly. It is awfully hard to know what our costs will be in Phase II without some boots on the ground.

Supervisor Politi – So far we have been approved for \$1.12 Million in Phase I, \$1.8 Million for Phase II and they are Scenic By-Ways monies in the amount of \$1.5 Million. Fortunately, that Scenic By-Ways is for Phase I also of which the share runs anywhere from 70/30 to 80/20. One of the questions that has been raised, and I think was raised by Jim McCulley, has to do with anticipated costs and cost proceeding projections. We all understand that if we don't go forward with the project, we have to pay back any and all money that we utilized from the federal

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proceeded. The Board has always battled with and you noted earlier, you don't want to get into a situation that when you start and down the road and then you realize you can't afford it. You don't get it accomplished and you have to pay the money back. That has always been my concern and it is also a concern of this Board. We had almost come to the conclusion that given the amount of funds that we had, at least starting this recreational corridor towards Saranac Lake in Phase I could lead to the potential for enough monies at a later date to connect the two communities which was ultimately was the goal. My question is, your confidence in the numbers that we have been told in terms if construction costs being accurate for Phase I. I guess we aren't going to know that until we bid it out. We aren't going to go forward until we bid it out anyway.

Chuck Damp – Our engineering firm has worked a similar type path and they are very confident that their numbers are marketable. Until we actually have a bid, it is hard to confirm that. I don't believe that we are dealing with the conference center fiasco that happened the first time around. These guys have built very similar projects in the North Country. The closest is Saratoga. They have been pretty accurate with their estimates. Again, I can only rely on what you guys know at this point. Having served on this Board and also watched this process for the last 12 years, I don't think this board is being overly aggressive with taxpayer money. We've stopped it dead because we thought we didn't have it and then we gained some more money. By any means, I don't think that you are being cavalier with taxpayer funds.

Supervisor Politi – In our opinion that has not been the question. It's when do you proceed. I would want everyone to know that we are not going to proceed until we know that it is doable.

Chuck Damp– I'm the very short period of time that we have been out in earnest trying to raise funds, it has been very well received. Without really hitting the press yet, we've got some money starting to come in just with the email blasts. Kenny's group is doing their Century Ride specific to the trail this year. We've got a naming contest going on. There are already 35 entries and some really neat ones.

Councilman Miller – How much do you need to raise and are you on target?

Chuck Damp – We need to raise about \$750,000 and I am confident that we can raise that. Had you asked me that a month ago, I might have said "pretty sure". With the reception we have been getting so far, I am quite comfortable that we can do that.

Supervisor Politi – I know you want to proceed with the phase II contract, but I am trying to stall as long as I possibly can for obvious reasons.

Chuck Damp – The message is perfectly clear. If you sign a contractor, you are obligated to the contract. There isn't going to be a heck of a lot that is going to happen between now and the point where we start to look at bids. There are a few things that need to happen sooner rather than later to at least start that process.

Councilman Miller – And that is going to cost us money.

Chuck Damp– There will be a small amount of money, 20% or .20¢ on the dollar.

Councilman Miller – My only concern is how much more are we are going to put with not knowing whether we are able to go forward.

Chuck Damp– Right now technically they haven't spent anything on Phase II, Out of the grant money that we received specifically for Phase II.

Councilman Miller – How much do we have into it the whole project so far?

Chuck Damp– A little bit heaver of \$300,000.

Councilman Miller – Obviously our hope is that we are going to be able to accomplish this thing, but we won't know if we can do Phase I until we get the bids back.

Chuck Damp – I realize we are in a catch 22 here.

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Councilman Miller – How much are we going to have to front not knowing whether we are going to be able to accomplish this? If it's up to me, we minimize how much more we have to invest in this thing without knowing.

Chuck Damp – The amount of work that is happening at the engineer firm that we are being billed for right now is kind of limited. Can I give you an actual dollar amount, no. There isn't a lot happening. We are in a waiting pattern on this federal decision. There isn't a lot more that they need to do at this point. We've got a full draft of the bid specks plus the drawings which basically we just have to fill in a couple of blanks on until we get this federal decision. There is not a burn going on if that is what you are talking about.

Councilman Miller – Are we going to have to invest in the engineering of Phase II before we know for sure we can do Phase I?

Supervisor Politi – That is a fair question. Is it possible to delay the signing of the Phase II contract until such time that we received bids?

Chuck Damp – If that is what you decide to do, it is certainly possible. I guess, the biggest issue would be what the decision comes out on the feds. If they back us up in 90 day, then the answer is no because we would lose this whole season to be able to get the permits. What we are hoping happens is that the construction will wind down on Phase I and then kick right up into Phase II which will save us some money on the Phase II construction. I don't know if it will be the same contractor or not, but obviously the guy that is all set up is going to be cheaper on a bid than maybe somebody coming in green.

Councilman Doty – The bid process is still contingent on the federal wetlands permit.

Chuck Damp – Right now we can't even release bid packs until we know.

Supervisor Politi – You figure about 2 weeks to get a permit. After the permit, how long before bid packages could be presented?

Chuck Damp – 30 days

Supervisor Politi – We are looking at another 30 days after that by the time we get bids in. Really six weeks.

Chuck Damp – Once they give the packages out, they have 30 days to respond.

Supervisor Politi – Now we are talking 10 weeks out.

Councilman Miller – Can we hold off from spending any money on Phase II for 10 weeks?

Councilman Doty – It's our decision.

Chuck Damp – If that is what your decision is, we could sign a contract contingent on the fact that they aren't to do anything until we have the bids in. The contract is two sided.

Supervisor Politi – It actually sounds reasonable. You sign a contract contingent upon the acceptance...

Chuck Damp – It doesn't sound unreasonable to me.

Councilman Doty – Actually one of our options is just like Roby outlined in originally. It was to do Phase I and then figure out how we are going to get to Saranac Lake. I am not saying it is the way it is going to end up.

Supervisor Politi – We have \$1.8 Million for Phase II. There is money there.

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Chuck Damp – There is money there and the way the estimates are coming out from the engineers there appears to me adequate money to get us to Saranac Lake as long as we are creative. I really think if we minimize the expense in Ray Brook then we can do it. One of the heaviest costs is going to be getting across that bridge right after the Scarface Trailhead. That is Phase II. There is an old truck road, and I have been out there since 1978, and I see people driving it along the rail track. They are saying its real heavy in there.

Councilman Doty – Does Phase I have to cross the trestle or could it go to the parking area of Scarface Mountain?

Chuck Damp – It would cost us so much money for a temporary solution that we might as well tackle the trestle.

Supervisor Politi – One of Jim's concerns was, and I will let him ask questions in a few minutes because he is the one person here that is most interested in this, was the area in-between the firehouse and the area of the first trestle where those wetlands are. I've walked it all the time and out there cross country skiing so I do know that it is a fairly substantial wetland area. I am sure you looked at it too Chuck with the engineers.

Chuck Damp – One of the things we did when we did boots on the ground with the engineer, the DOT, the DEC, the APA and every other alphabet you can think of. The wetland specialist from the LA Group (who used to be a DOT engineer and they all seem to migrate from DOT to private which is another whole conversation.) had a pole and on a regular basis it was down in the wetlands and his conclusion was that the vast majority of the wetlands that we are going to be anywhere near are on railroad fill. The fill isn't just where the tracks are. It is wider at the bottom and then it goes up. He said very little of what we are going to impacting is not on what was fill at one point. At one point they were using gabions. At some point the technology is now a screw in devise. They have had phenomenal success with that in other areas. It is a lot less invasive. Some of the Boardwalk is coming back and it is because of that. The engineers are telling me it is cheaper in those situations to do that plus less overall impact on wetlands than the gabions would be. Because of the work that has been done on Old Military Road, and some of the wetland mitigation that we had promised as part of our permit, we lost some of that square footage to this bridge realignment. Some of the wetland mitigation that they are doing they took a copy of our plan and took part of it to do a trade-off there. There was some discussion about moving some fence around that practice building. I got permission from the Village. Brad didn't have a problem and Craig didn't have a problem. I just got told yesterday by the engineers that our requirement is going to be reduced some because of some of the minimization they have accomplished. The .75 Acres of wetland we were going to disturb in the first term is actually reduced. Therefore we don't have to encroach in that fenced in area.

Supervisor Politi – Less mitigation is required.

Chuck Damp – That will have positive impact on our costs on that side of Old Military Rd. In a nut shell, to me it would be a sign of good faith if we signed it with a 10 week delay. That at least confirms to the engineers that we're planning on moving forward. They have been doing some work on Phase II without billable. It would reassure them that we are going forward.

Councilman Doty – I think that is realistic.

Supervisor Politi – I do too. Now Jim McCulley is being such a good boy, do you want to bring your chair up and join us? I know you had some questions, and while Chuck is here it is a good time to talk about this.

Jim McCulley – One of the questions I have is, you said you have \$1.8 Million to go from Ray Brook to Saranac Lake. Is that my understanding?

Supervisor Politi – That is correct.

Jim McCulley – How much money do you have to go from Ray Brook to Old Military Road?

Supervisor Politi – \$2.6 Million

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Jim McCulley - \$2.6 million is with the funding from ANKA?

Chuck Damp – That is correct

Jim McCulley – You're looking at six miles which is about \$400,000 per mile? My concern is, as a tax payer, I just want to make sure all of our bases are covered. I based the yearly maintenance cost on what road maintenance is and I based that on the North Elba Highway Department budget. It comes out to be about \$10,000 a mile. We are probably at agreement that we all would just like to see the train go away.

Supervisor Politi – I wish you could raise your wand. I have been waiting for years for you to do that!

Jim McCulley – I think it will be interesting to see how these bids come back. I go along the railroad bed quite often myself and there are a lot more issues out there that even attempting to drill into the rail bed itself and hang stuff off it is going to be an engineering marvel. We may have the History Channel here.

Chuck Damp – There is very little of that happening. At one point that is what it was going to be but that isn't the case now.

Jim McCulley – I would love to see the trail there too. It benefits everybody.

Supervisor Politi – We would like to see the trail connect to Saranac Lake.

Jim McCulley – If it doesn't connect to Saranac Lake then we are missing the boat on why you have these trails. My feeling is that we will know what it is going to cost when the bids come in. That's going to be what makes or breaks the whole deal.

Supervisor Politi – We agree. We will see what happens. In the meantime, we are not going to make any decisions that are not prudent.

Jim McCulley – That's fine. I actually enjoyed Chuck describing what is going on.

Supervisor politi – Chuck has spent an awful lot of time.

Chuck Damp – I was supposed to teach my kid how to ride a bike on this trail and he'll be 24 tomorrow! Jim, I did a little research too on the estimated maintenance cost. I found it to be about \$1500 a mile. I then asked our engineers and they spoke directly to the people who maintain the Zim Smith Trail and they are \$100 a mile because it's new.

Jim McCulley – When you are putting something through that swamp, there is going to be a continuous problem with sink-age. If you go there and look at the railroad tracks there are sections between the ties where you can look straight down into the rail bed. There is nothing underneath it. You can see where parts of the rail are popping mud as the trail goes across it.

Supervisor Politi – Jimmy, I appreciate your interest because you are interested in this kind of conversation. We need to hear both sides of the issue. In that regard, it proves extremely beneficial and that is why you are sitting here today. I know your interest is in the community just like all of ours. Unfortunately, because a lot of monies were spent on engineering a number of years ago we are into this thing for quite a bit already and we had to change engineers and so forth. It is hard to turn around and look back. We are hopeful that the numbers work because it is in the best interest of the community in the long run given the fact that it does not appear as though the rails are going out.

Chuck Damp – Even though we entered into the engineering, we were most explicit to the most recent engineering contract with if he couldn't come in on budget then we didn't want to move forward. We asked them to do some number crunching with minimal expense to the Town before they really got started. At that point we are looking at \$150,000 into it. They came back and are quite confident that their numbers are good.

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Jim McCulley – I hope they are right. I think it will really benefit the entire region. I obviously have a different opinion on how we should go about it.

Chuck Damp – I do want to say that the railroad crew couldn't be more helpful. They are definitely going to help us quite dramatically on in kind services which is going to help the bottom line in this project. On top of that, the winning name is going to be announced on a railroad ride out to Ray Brook and back.

Jim McCulley – There is going to be a contract on those in kind services, correct?

Chuck Damp – There has to be or we don't get credit for it.

Supervisor Politi –I would like to entertain a motion to sign the Phase II engineering contract contingent upon our satisfaction and acceptance of Phase I bid.

Councilman Miller moved and Councilman Rand seconded the motion to sign the Phase II engineering contract contingent upon our satisfaction and acceptance of Phase I bid. There being no further discussion, the motion was carried by those present. Councilman Favro was absent.

Supervisor Politi – Thank you, Mr. McCulley, I appreciate you being here tonight and thank you Chuck.

AMC – LP HOSPITAL

Supervisor Politi – I put the AMC-Lake Placid Hospital on the Agenda tonight not because we are going to have a discussion but because I wanted to get together with the Village and announce a joint Town/Village meeting which is May 28th at 4:30 pm in this large room. I am certainly happy to listen to any of your brief thoughts since all of us attended the forums that were held. We pretty much know what is going on. I have met with the Chairman of the Board of Directors at AMC as well as the management company. It is a public meeting, and you are certainly welcome. Just so you know, what would happen at that type of a meeting; the doubt there will be a public expression allowing public insight. The Village Board and the Town Board will discuss a direction that we want to go in terms of a statement letter to the Board of Directors that will be delivered prior to their meeting at the end of May. I am somewhat disappointed in the process in that the process has been so quick. As you probably heard, at the first meeting with the leadership, they expressed having these meetings in April. It obviously makes no sense. They did change the meetings too May, but they also have scheduled a Board of Directors meeting to vote on it on that date. I am hopeful that it may not happen. Both the Town and the Village leaders have heard and have an idea of a direction. We intend to voice our opinion. Saying all of that, I have spoken with State leadership, Federal leadership and the Department of Health and this decision is going to be made by the Board of Directors of the Adirondack Medical Center and no one else. I just want you to understand that. It is totally their decision. The Town and Village can have position on this, but ultimately it those folks who represent all of us on that Board of Directors who are going to be making a decision on the direction of the Adirondack Medical center and the Lake Placid Emergency Room. If anyone wants to comment, I am pretty familiar with some of you spoken or read some of the things. I kind of know how most people feel. Certainly I am willing to listen to you all with the understanding that we do have a somewhat healthy agenda this evening.

Patty Rascoe – I have heard that other area hospitals have shown interest.

Supervisor Politi – They have not. I made calls in and they have not returned phone calls. I think potentially it is an ethical issue with the leadership of some of these places. The fact that the two hospitals are so close and the state has been actively pushing the consolidation of services in schools and hospitals there is a lot of help out there. The theory today is forced consolidation. In fact they are willing to give you money to consolidate. We know that because the State is offering funding enhancement if there are consolidation of services and usage between municipal governments. Are there any other questions for me or the Board? We are certainly understanding of public interest.

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Mike Sweeney – With all the World Cup Events is there a medical requirement to have within a certain distance?

Councilman Rand – Not really a certain distance. You have to have a medical plan for any World Cup Events in conjunction with the FIS rules of whatever level event. That is in all the different sports. Whiteface, for example, you have some events have to have helicopter coverage. Many of the local doctors provide volunteer coverage at Whiteface on the physicians' patrol at all the events. They do a fabulous job just being there on a volunteer basis.

Supervisor Politi – I did speak to Jack Favro about the position the USOC might have with regard to World Cup International Events. The response is as it is in most places, as long as there is a facility in close proximity. Jay and I have both been involved in world class ski races and if you are in Baladrazare or St. Maritz and someone gets hurt badly, you are on a helicopter and they may be going 50 miles or more. I didn't find that there was a lot of straight in that particular argument as far as the international governing bodies with regard to sports.

Mike Sweeney – The contract to buy back the building, do any of the endowments to the Placid Memorial Hospital come back?

Supervisor Politi – The property is presently owned by AMC. There is an option agreement which states that in the event they do not provide 24 hour emergency care service or an emergency room in the Town of North Elba that the Town can exercise it's option for the property in 30 days for \$10. It has nothing to do with the Redfield endowment. All of those monies that were departed at consolidation are now in a fund balance, reserved fund or have been utilized for construction purposes by Adirondack Medical Center.

Bruce Berry – If they say they're are going to close the ER and you decide not to buy back the building and they move the ER then decide it's not going to work and close it. They've got the building because you didn't exercise the option?

Supervisor Politi – The option is in place forever. The only way they could sell the building would be if they opened a 24 hour emergency care facility in Uihlein and sold the building while they are still there. That is the only way. No other way.

Bruce Berry – It was my understanding that we needed to exercise the option within 30 days.

Supervisor Politi – I believe the transfer is within 30 days. I think the reverter stays into effect.

Bruce Berry – The one between the Town of North Elba and the Placid Memorial Hospital stated that they had to exercise it within 30 days.

Supervisor Politi – Once we exercise it, there is 30 days to take over. I can assure you that I am a good negotiator. I am just going to leave it at that. I wouldn't worry about that.

Bruce Berry – I appreciate your diligence on all of this and I understand your reservation of providing an opinion until we've had our chance to speak. That is important.

Supervisor Politi – People are always saying to me, you should be saying this or that. There are an awful lot of people that are on the other side. We have a responsibility to everyone and get the facts and not to pass judgment until such time that we are knowledgeable about the plan. Unfortunately the plan didn't come out at the meetings which is a little troubling. I am hopeful that there is no rush to judgment. I am hopeful that they take the time to have a plan in place. If you have been doing this as long as we have, you come to realize that unfortunately everyone wants more services, less taxes and no change. It's impossible. I wouldn't want to be on their Board of Directors right now. I'm sure this is a difficult thing for them. Are there going to be any winners here? Probably not. It's probably all losers to tell you the truth. Both sides lose. That is my opinion because these things are just not easy. Unfortunately everyone is ultimately disappointed. For them it is a disappointing decision they have to make I'm sure.

Councilman Miller – Your point is well taken about waiting for the Board's to take a position. It is pretty tough for us to have a meeting on Friday and then come out with a public position on

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Monday knowing we had a meeting on Friday. It is something we have been talking about on a daily basis. It is something we are very concerned about. We are just trying to be careful and make sure that we listen to everything that we can before we come out with a position even knowing in the end it's not even our decision.

Supervisor Politi – May 28th at 4:30 pm here in the Town Hall is the Special Joint Town /Village meeting.

PERSONNEL ACTION – SEASONAL EMPLOYEE HIRES

Supervisor Politi – We need to discuss personnel action with regard to seasonal employee hires. They are non-union classified. We need to approve them for the coming summer season.

TOWN OF NORTH ELBA
PERSONNEL ACTIONS FOR BOARD MEETING May 14, 2013 REVISED

ACCEPT RETURNING SEASONAL EMPLOYEE APPOINTMENTS--for Craig Wood

	NAME	POSITION	DATE OF REAPPOINTMENT	UNION CLASSIFICATION	RATE OF PAY	CIVIL SERVICE CLASSIFICATION	DOH
1	Richard Strack	Clubhouse Attendant	4/30/2013	NOT APPLICABLE	\$13.50/hr	LABOR	5/1/1997
2	Jason Beaney	Park Attendent	4/22/2013	NOT APPLICABLE	\$12.85/hr	LABOR	5/2/2005
3	Ray Tempestilli	Park Attendent	4/24/2013	NOT APPLICABLE	\$13.35/hr	LABOR	5/2/2006
4	John Hence	Park Attendent	4/22/2013	NOT APPLICABLE	\$11.85/hr	LABOR	6/8/2007
5	Chuck St. John	Park Attendent	4/30/2013	NOT APPLICABLE	\$12.85/hr	LABOR	8/21/2008

ACCEPT RECOMMENDATION OF NEW HIRES- for Craig Wood

	NAME	POSITION	DATE OF HIRE	UNION CLASSIFICATION	RATE OF PAY	CIVIL SERVICE CLASSIFICATION
1	Larry Gadwaw	Park Attendent	5/6/2013	Not applicable	\$11.50/hr	Labor
2	Don Mortensen	Park Attendent	5/2/2013	Not applicable	\$11.50/hr	Labor

*RECOMMENDATIONS MADE BY: BUTCH MARTIN

Councilman Doty moved and Councilman Miller seconded the motion to approve the seasonal employees and rates of pay as presented. There being no further discussion, the motion was carried by those present.

RESOLUTION OF SUPPORT – RPTL MODIFICATION

Supervisor Politi – This is interesting. You all have a copy of this request to support the resolution of the modification of Real Property Tax Law Section 581. This portion of the tax law is what we discussed a number of years ago with regard to Section 339Y of the Real Property Law which does not allow us as municipalities to tax condominiums and cooperatives the same way as we would tax single family residences even though the prices are the same. I was asked by the County to have this board approve a resolution of support whereby after January 1, 2014 that law would no longer apply in the Town of North Elba if we so choose. Right now, if you buy a condominium here in Lake Placid and you pay \$800,000 for it, the tax law says that property must be appraised as if it were an income property and you must take the entire building of all the units and determine what the property would be capable of generating at net income and converting that net income via capitalization rate into a value. Assessors across the state have had to reduce values somewhere between 50% - 30%. If somebody buys an \$800,000 residence they are assessed at a value of \$800,000 hypothetically. If you buy an \$800,000 condominium you may get assessed at \$560,000 or as low as \$400,000. There was an inequitable situation that arose as a result of this law to protect condo owners in NY City. What was happening was condominiums spread out of the city and now there are condominiums all over the State of New York. People are not being treated fairly. The point of this resolution of support to both the Assembly and the Senate is for Dan Stec and Betty Little to be able to push for a modification of this law and in favor of local municipalities.

Councilman Doty – Townships outside of NY City would definitely jump onboard.

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Supervisor Politi – Except in NY City and Nassau County. The Statement of Support would read:

STATEMENT OF SUPPORT: As condominiums are a form of ownership and not a building style, they should not be assessed differently than a single family home or owner-occupied commercial property. Assessments of condominiums based upon their potential to earn rental income rather than their sale price greatly reduces tax revenue for the Town of North Elba. Current law forces assessors and appraisers to ignore clear, public market information about value, and instead apply an income-basis measure that has no credibility with the taxpayer. Current law undermines the credibility of residential assessments in communities like Lake Placid that recently have experienced growth of condominium ownership.

Councilman Doty – If the State was successful in this venture, Could the Town of North Elba take a position that didn't raise peoples taxes 30 % in one given year but increment it over maybe 3 years. You are talking about something really major here.

Councilman Miller – But we lowered them in one year 30%.

Supervisor Politi – Why isn't it any different than, I bought my house 10 years ago for \$200,000 but just sold it yesterday for \$600,000? Why is that any different? The assessment is supposed to be based upon what market value is. I can understand the reasonableness in allowing people two years to pay these water bills due to an error. There wasn't an error here. These people have benefitted. If the speed limit changes from 40 mph -60 mph, I don't think we can go back and say we want to make it 50 mph because we want to give some people time to realize it should be 60mph.

Councilman Miller – It has to be fair. I don't care if you own a house or a condo, you should be paying taxes based on fair market value. These folks have really been benefiting in a way that they shouldn't.

Supervisor Politi – It's also not fair to any of us.

Councilman Doty – I wasn't insinuating that is should be that way. A 30 % hike in one year is a lot but will be a step in the fair direction.

Supervisor Politi – In our town he is assessing more at 70 % than 50 %. It's construction as of January 1, 2014 but involves the tax year 2015. It certainly gives everybody the opportunity to understand that it may change.

Councilman Miller – Does that have a sponsor in the Assembly?

Supervisor Politi –The sponsors are Sandy Galef and Jane Corwin and Dan Stec in the Assembly and Betty Little in the Senate.

Councilman Miller – Unless one of them is a Democrat it won't even be voted on.

Supervisor Politi – I am told that it is going somewhere. The law says, except NYC and Nassau County. Silver owns everything in NYC. It doesn't affect him.

Councilman Miller – Silver is a large condo owner who happened to change the law.

Supervisor Politi – I need a motion.

Councilman Miller moved and Councilman Doty seconded the motion to approve the resolution in support of the modification of Real Property Tax Law Section 581. There being no further discussion, the motion was unanimously carried by those present.

TAIL O' THE PUP – PERMIT

Supervisor Politi - I got a request again for a permit from Ed Yanchitis. The permit is for the summer season 2013. It is an application for live music onsite for the summer season. He requested a modification of the terms and conditions. In the past early May to late June it has

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been weekends only, from June until just after Labor Day it was daily, after Labor Day to Columbus Day it was weekends only. He has requested from early May to Columbus Day to be daily until 9:30 pm and then he would like to have certain days of the summer until 10:30 pm. I am not in favor of that. I favor what we have done in the past:

May 15th 2013 - June 23, 2013 - weekends only
June 24, 2013 – Sept. 8, 2013 - daily
Sept. 9, 2013 – Oct. 14, 2013 - weekends only.

Again 9:30 pm is the cutoff time. No music and or related performances shall commence prior to noon on any day. \$1,000 security deposit and \$100 permit fee. That is my request.

Councilman Rand – I would agree with that.

Councilman Doty – The best working years have been in the last 3 years.

Supervisor Politi – Does somebody want to move it?

Councilman Rand moved and Councilman Doty seconded the motion to approve the same music permit for Ed Yanchitis as in the past. There being no further discussion, the motion was unanimously carried by those present.

Councilman Miller – This is part of your legacy. You solved the problem that seemed impossible to solve.

EMS WEEK PROCLAMATION

Supervisor Politi – We have a request for EMS Week Proclamation to designate the week of May 19-25, 2013, as Emergency Medical Services Week.

EMS Week Proclamation

To designate the week of May 19-25, 2013, as Emergency Medical Services Week

WHEREAS, emergency medical services (EMS) is a vital public service; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, EMS plays a critical role in public outreach and injury prevention, and is evolving in its role as an important member of the healthcare community; and

WHEREAS, first responders, emergency medical technicians, advanced emergency medical technicians, and paramedics stand ready to provide compassionate, lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, emergency medical responders are supported by emergency medical dispatchers, firefighters, law enforcement officers, educators, administrators, researchers, emergency nurses, emergency physicians and providers, and others; and

WHEREAS, the members of EMS teams, both career and volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of EMS practitioners by designating Emergency Medical Services week; now

THEREFORE, the Town of North Elba, in recognition of this event do hereby proclaim the week of May 19-25, 2013, as

EMERGENCY MEDICAL SERVICES WEEK

With the theme “EMS: One mission. One team.” We encourage the community to observe this week with appropriate programs, ceremonies, and activities.

Councilman Rand moved with a unanimous second to approve the EMS Week Proclamation to designate the week of May 19-25, 2013, as Emergency Medical Services Week. There being no further discussion, the motion was unanimously carried by those present.

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Supervisor Politi – Thank you Bruce for all that you do. It obviously wouldn't be a community without your efforts. We appreciate it very much. We are extremely lucky to have you guys. We are happy to give you support. Most of us couldn't do what you do. Thank you.

ROAD NAME APPROVAL

Supervisor Politi – Jack Favro emailed me these final names for North Country School; Round Lake Way and Haskell Way. We need to have an approval for the name changes for the record.

Councilman rand moved and Councilman Miller seconded the motion to approve the road names Round Lake Way and Haskell Way for North Country School. There being no further discussion, the motion was unanimously carried by those present.

GARY LAWRENCE – BOARD OF ASSESSMENT REVIEW FILL TERM 2016

Supervisor Politi – I need to appoint Gary Lawrence at the recommendation of Kim Daby to fill the position of Virginia Haselton on the Board of Assessment and Review through the year 2016. Gary took the course in Elizabethtown a few days ago and passed. He would like to be a member of our Board of Assessment Review.

Councilman Doty – Aren't they right in the middle of assessments right now?

Supervisor Politi- From the frying pan to the fire!

Councilman Doty moved and Councilman Rand seconded the motion to approve the appointment of Gary Lawrence to the Board of Assessment Review. There being no further discussion, the motion was unanimously carried by those present.

Councilman Miller – When do assessment reviews go? June?

Attorney Briggs – Grievance Day is the 4th Tuesday in May by statute. The role has to be filed on or before July 1st.

Supervisor Politi – Mr. Gallagher is here tonight and is a member of the Board of Assessment Review.

Pat Gallagher – We had our first meeting this morning. This is only my second year so I don't have a real long history with it.

Discussion continued regarding the grievance process explaining that those with complaints have a chance to talk to the assessor regarding their concerns. Some cases are resolved and some go on to the Board of Assessment Review who makes a decision to leave it or modify it. The Assessment is correct until somebody presents a case that proves otherwise.

TWO RESOLUTIONS: MOVE FUNDS FROM HIGHWAY OUTSIDE TO TOWN GENERAL OUTSIDE & DECREASE BUDGETED APPROPRIATIONS PARK DIST. FOR BEACH AND TOWN GENERAL FOR TROLLEY, INCREASE APPROPRIATIONS FOR TOWN GENERAL OUTSIDE

Supervisor Politi – We discussed this in the work session. We have two resolutions. The first resolution is for moving funds from the Highway Outside to the Town General Outside Fund, which is the (B) Fund. The second resolution is decrease appropriations for the Park District for the Beach and the Town General for the Trolley and increase the appropriations for the Town general outside.

Supervisor Politi – Just so you all know what we are doing, we are talking about cost sharing at the beach and cost sharing with the trolley. In order for the Village people not to pay twice because they are in the Park District and they pay Park District tax, we need to move funds in the Highway funds to an outside fund where the village people do not participate. The village will budget these expenditures as a village tax payer cost and the town will not include those tax payers in those benefit monies. Does everybody understand that? Town Monies are basically sales tax monies.

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Superintendent Straight – Explain to them that it is not Highway funds.

Supervisor Politi – It is not Highway funds. We have a highway fund budget and we get additional monies that go into the highway fund from the redistribution of sales tax revenue from the county. It is a substantial amount of money. It goes in there and has been accumulating. It has developed a large fund balance. We try and find ways that we can utilize that in terms of providing services that benefit the Town tax payer. This is one way we can do it were the Village tax payer only has to pay for it once. Accounting wise it is somewhat difficult but it is a way to circumvent that problem and to allow for us work with the Village to contribute these kind of services that we both participate in.

Councilman Doty – We’re not the only ones that get this sales tax revenue. The Village gets it as well.

Supervisor Politi – They are not missing out because they get sales tax revenue as well. I need to pass those resolutions allowing us to do it.

REALLOCATION OF TROLLEY AND BEACH TO OUTSIDE VILLAGE GENERAL FUND (B FUND)					
ACTION	ACCOUNT	DESCRIPTION	AMOUNT	BY BOARD RESOLUTION	ADDITIONAL INFO
DECREASE	A.3310.0461	TRAFFIC CONTROL.TROLLEY	(40,000.00)		VILLAGE SHARES IN COST OF TROLLEY
INCREASE	A.0000.0909	FUND BALANCE	(40,000.00)		RETURNED TO FUND BALANCE IN GENERAL FUND
INCREASE	B.3310.0461	TRAFFIC CONTROL.TROLLEY	40,000.00		TO MOVE COST OF TROLLEY FROM A FUND TO B FUND
INCREASE	B.0000.5031	INTERFUND REVENUES	(40,000.00)		TO RECEIVE 2011 SALES TAX MONEY FROM DB FUND BALANCE
INCREASE	DB.9901.0400	INTERFUND TRANSFERS	40,000.00		TO MOVE 2011 SALES TAX MONEY FROM FUND BALANCE TO B FUND--SAME TAX BASIS
DECREASE	DB.0000.0915	ASSIGNED UNAPPROPRIATED FUND BALANCE	(40,000.00)		
INCREASE	B.0000.2770.1345	MISCELLANEOUS REVENUES. BEACH	(45,310.00)		TO MOVE REVENUE BILLABLE TO VILLAGE OF LAKE PLACID TO OUTSIDE VILLAGE GENERAL FUND FROM PARK DISTRICT-VILLAGE SHARES IN COST OF BEACH
INCREASE	B.0000.5031	INTERFUND REVENUES	(3,723.55)	A	TO BALANCE BEACH BUDGET IN B FUND WITH USE OF 2011 SALES TAX MONEY FROM DB FUND BALANCE
INCREASE	B.1345.0101	BEACH PERSONAL SERVICES	36,200.00		
INCREASE	B.1345.0103	BEACH PERSONAL SERVICES. OT	2,000.00		
INCREASE	B.1345.0200	BEACH EQUIPMENT & CAPITAL OUTLAY	1,000.00		
INCREASE	B.1345.0414	BEACH CONSUMABLE SUPPLIES	3,158.75		
INCREASE	B.1345.0415	BEACH BUILDING REPAIRS	475.00		
INCREASE	B.1345.0416	BEACH GROUNDS REPAIR	902.50		
INCREASE	B.1345.0417	BEACH EQUIPMENT REPAIR	475.00		
INCREASE	B.1345.0421	BEACH TELEPHONE	1,700.00		
INCREASE	B.1345.0445	BEACH ADVERTISING/LEGAL NOTICES	200.00		
INCREASE	B.9010.0800	STATE RETIREMENT	2,368.40		
INCREASE	B.9030.0800	SOCIAL SECURITY	553.90		
INCREASE	B.9035.0800	MEDICARE	-		
INCREASE	B.9040.0800	WORKERS COMPENSATION	-		
INCREASE	B.9080.0800	HEALTH INSURANCE	(0.00)		
INCREASE	DB.9901.0400	INTERFUND TRANSFERS	3,723.55	A	TO MOVE 2011 SALES TAX MONEY FROM FUND BALANCE TO B FUND--SAME TAX BASIS
DECREASE	DB.0000.0915	ASSIGNED UNAPPROPRIATED FUND BALANCE	(3,723.55)		
DECREASE	SP.0000.2770.1345	MISCELLANEOUS REVENUES. BEACH	45,310.00		
DECREASE	SP.1345.0101	BEACH PERSONAL SERVICES	(36,200.00)		
DECREASE	SP.1345.0103	BEACH PERSONAL SERVICES. OT	(2,000.00)		
DECREASE	SP.1345.0200	BEACH EQUIPMENT & CAPITAL OUTLAY	(1,000.00)		
DECREASE	SP.1345.0414	BEACH CONSUMABLE SUPPLIES	(3,158.75)		
DECREASE	SP.1345.0415	BEACH BUILDING REPAIRS	(475.00)		
DECREASE	SP.1345.0416	BEACH GROUNDS REPAIR	(902.50)		
DECREASE	SP.1345.0417	BEACH EQUIPMENT REPAIR	(475.00)		
DECREASE	SP.1345.0421	BEACH TELEPHONE	(1,700.00)		
DECREASE	SP.1345.0445	BEACH ADVERTISING/LEGAL NOTICES	(200.00)		
DECREASE	SP.9010.0800	STATE RETIREMENT	-		
DECREASE	SP.9030.0800	SOCIAL SECURITY	(2,368.40)		
DECREASE	SP.9035.0800	MEDICARE	(553.90)		
DECREASE	SP.9040.0800	WORKERS COMPENSATION	-		
DECREASE	SP.9080.0800	HEALTH INSURANCE	-		
		INCREASE FUND BALANCE	(3,723.55)		

Councilman Rand moved and Councilman Doty seconded the motion to approve two resolutions; the first is for moving funds from the Highway Outside to the Town General Outside Fund which is the (B) Fund. The Second resolution is decrease appropriations for the Park District for the Beach and the Town General for the Trolley and increase the appropriations for the Town general outside which is the (B) Fund. There being no further discussion, the motion was unanimously carried by those present

LP HALF MARATHON

Supervisor Politi – Rick Preston and Art Devlin have requested that he Town approve the 34th Annual Lake Placid/North Elba Half Marathon to be run on Saturday, September 7, 2013. They are seeking the support of the Town of North Elba for use of Town roads and sidewalks, tents at the Horseshow Grounds and for bathroom and shower facilities at the Horseshow Grounds. Last year they had 210 runners. The races begin at 9:00 am leave the Olympic Oval, run the 1st 4

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miles within the Village and leave Village limits into the Town of North Elba to River Road and back to the Horseshow Grounds.

Councilman Rand – Is Butch all set with it and they will provide the proper insurance?

Supervisor Politi – Yes, Butch has no problem. The same insurance rules as everyone. They have also received approval from the County Board of Supervisors for use of River Road.

Councilman Rand moved and Councilman Doty seconded the motion to approve the Lake Placid/North Elba Half Marathon scheduled for Saturday, September 7, 2013. There being no further discussion, the motion was unanimously carried by those present.

T-HANGAR EXPANSION

Supervisor Politi – I gave you the emails from C&S Engineering. They want to know what to do. If you read the emails you will note that it is likely that the funding for the apron is no longer available. They say that the FAA will fund the T-Hangers. State Grants which will become available, and in their opinion, we should move forward on it. It is a 90/10 split.

Councilman Doty – I thought we finished all our aprons.

Supervisor Politi – The apron goes from behind the t-hanger out to where the jet fuel would be. Did you all read it? Steve and Adirondack Flying Service is somewhat concerned about adding t-hangers and taking up tie-down space.

Councilman Doty – Because of the Horseshow?

Councilman Rand - They need more space for incoming aircraft.

Supervisor Politi – There was some comments in the email about there was no one interested in the T-Hangers. That is not true. We have a list. The last time around we only took local people. We turned down a number of people who have houses here but don't base their planes here. The concept before was those who base their plane here got the hanger first. There were at least three others that wanted hangers that didn't get them and are still on that list.

Councilman Rand – I think we should do it now.

Superintendent Straight – It's a three year duration grant. You don't have to build it today.

Supervisor Politi – You can apply for it. If you don't get inline and you don't get it, you don't get it. I don't know why you wouldn't. Doug Bower wanted me to tell him tomorrow. The second thing in that grant is a mower for the grass air strip. You need that badly.

Superintendent Straight – I need it badly.

Councilman Doty – A PTO or a self contained.

Superintendent Straight – It will be a three gang.

Supervisor Politi – We are going to request those two things. Does somebody want to move a resolution?

Councilman Doty moved and Councilman Rand seconded the motion to approve the grant requests for a T-hanger and mower through C&S Engineering. There being no further discussion, the motion was unanimously carried by those present.

Councilman Doty – As long as we are on airport, has there been any recent conversations with Steve with Jet fuel?

Councilman Rand – I haven't had any conversations with him.

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Supervisor Politi – I had a conversation with Ivan about this. If we don't go forward with the jet fuel, we have to pay back over \$30,000. Ivan says you are better off putting in a smaller tank. You don't have to fill it with jet fuel but you have the capability in the event you want to provide jet fuel in the future it is there. Otherwise we have to give the money back. The state is paying for 85% of it.

Discussion continued regarding the tank size; the size has been reduced from 12,000 to 6,000 gallons and the project is still in motion.

RITE AID TAX CASE SETTLEMENT

Attorney Briggs – We have cases pending for the years 2008 thru 2012. Those cases will be dismissed on the merits with Prejudice. For 2013 the assessment will be reduced to \$2.2 Million. Last year it was \$2.3 Million and the years before that it was \$2.4 Million.

Supervisor Politi – They are going to walk away from five years and we are reducing the assessment \$100,000.

Attorney Briggs – Yes, it is a great deal.

Councilman Doty moved with a unanimous second. There was no further discussion. Councilman Favro was absent

BUDGET ADJUSTMENTS

Supervisor Politi – Most of the budget amendments are housekeeping. Except \$40,000 to be moved from Highway fund from sales tax monies to be allocated into an account to pay for our share of the trolley, and \$45,310 to go into an account for the beach. We are going to be receiving a portion of that money back on the beach from the Village. There is no reason why there shouldn't be carryover money in that account for next year. The other is for the floor at Craig Wood which is offset by my monies. The Toski & Co. audit \$12,000 is in there also; they did a financial audit and I did meet with him. We will have a report in the next 10 days. I thought it went extremely well. They were very happy with Cathy.

May 2013 Board Meeting Budget Amendments
For Claims, Encumbrances, and Resolutions through May 14, 2014

General Fund: ACTION	ACCOUNT	DESCRIPTION	AMOUNT	VOUCHER NUMBER	ADDITIONAL INFO
INCREASE	A.1220.0417	SUPERVISOR EQUIPMENT REPAIRS	120.00	130750	GBH SERVICES \$120,000 OVER BUDGET
DECREASE	A.1220.0101	SUPERVISOR. PERSONAL SERVICES	(1,863.00)		
INCREASE	A.7110.0200	PARKS. EQUIPMENT & CAPITAL OUTLAY	1,863.00	131079	FOR FLOORING INSTALLED BY ROBY AT CRAIGWOOD
INCREASE	A.1610.0444	CENTRAL ADMIN CONTRACTS & AGREEMENTS	12,000.00	131433	TOSKI & CO. AUDIT SVCS NOT IN BUDGET
DECREASE	A.1990.0400	CONTINGENT ACCOUNT	(12,120.00)		
			-		
Park District: ACTION	ACCOUNT	DESCRIPTION	AMOUNT	VOUCHER NUMBER	ADDITIONAL INFO
INCREASE	SP.1346.0200	SHOWGROUNDS EQUIPMENT	29.77	130731 & 130775	Northern Safety purchase of storage/utility cabinets, budget was \$1000.00 total cost \$1029.77
DECREASE	SP.1346.0414	SHOWGROUNDS.OTHER CONSUMABLES	(29.77)		
INCREASE	SP.1350.0200	CRAIGWOOD EQUIPMENT	2,275.00	PO 26567 131161	HULBERT TRI-LAKES PUMP OVER BUDGET \$575.94 STAPLES FOR CASH REGISTER (NOT BUDGETED) \$159.99
				131532 130890	RANGE SERVANT AMERICA OVER BUDGET \$91.56 PROSHOPKEEPER FOR NEW POS COMPUTER (NOT BUDGETED) \$976.20
				122826	UNIVEST CAPITAL LEASE FOR TWO MOWERS \$471.31 OVER BUDGET
INCREASE	SP.1357.101	AIRPORT. PERSONAL SERVICES	119.20		APRIL PAYROLL, ANNUAL BUDGET WAS \$7500 SP.1357.0101 ACCOUNT WAS BUDGETED AT PAY RATE OF 14.41/HOUR NEW UNION AGREEMENT INCREASED PAY RATE TO 14.90/HOUR BUDGETED 25% OF PAYROLL EXPENSE TO AIRPORT, 75% TO CEMETERY (GENERAL FUND)
DECREASE	SP.9950.0900	INTERFUND TRANSFERS -REPAYMENT OF INTIAL LOAN TO CW	(2,394.20)	je 130053	REPAYMENT OF INTIAL LOAN TO CRAIGWOOD CAPITAL PROJECT \$6800
			-		

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

COMMITTEE REPORTS: - CRAIG WOOD

Councilman Doty – We are finally winding down but there are still some loose ends. We are finding with the new building that there is a market out there for small weddings. There are things we need to look at in the future. I would recommend for us to buy nine round ten-top

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tables. The wedding clientele typically has families. We can maximize seating with round top tables. Jack has been looking at estimates and believes it will cost \$2,500. It will only take five events with 50 people with our venue fee to get our money back.

Supervisor Politi – No chairs just tables.

Councilman Doty – At this point we can seat 100 right now. Down the road it would be nice but our chairs are in fine shape. The tables will appeal to the people with 75 – 100 guests. The second phase to ensure that we can go from 80 people to 140 is to put awnings on the eaves outside on the new deck. That could extend over to the railing.

Supervisor Politi – I agree. We talked about that and I think it's a great idea. I don't know if it's this year or next year.

Councilman Doty – The reception that we have had already is tremendous. If we decide on the tables tonight or later, we need to let Joe Warren know because he has 2 -3 parties he is talking to right now. It's for this summer events. Cathy will be integral on this because she is handling the money. There were two ideas about purchasing tables; one because the vender has use of the whole place they may have to buy the tables. I take the opinion that we want to accommodate anybody that goes there anytime. Because of the new vending fee, we can pay for the tables in a short term turnaround. I'm suggesting that we buy them and we own them.

Supervisor Politi – Do we have a place to store them? I have no problem with this.

Councilman Doty – Behind the elevator.

Supervisor Politi – Should we be buying them or should the concessionaire be buying them. The cash register used to be owned by the former pro. When he left he took the cash register. The cash register should be there forever the next pro and the next pro after. I have no problem buying them.

Councilman Doty moved and Councilman Rand seconded the motion to purchase nine ten-top tables. There being no further discussion, the motion was unanimously carried by those present.

COMMITTEE REPORTS: -ORDA-

Councilman Doty – I would like to discuss ORDA for a minute. I have been a liaison to ORDA for years as well Roby and Jay. I don't have to speak about ORDA to Jay because it has been his life for a long time. In any respect, we are in a situation now where we need to appoint a board member.

Supervisor Politi – We don't need to, that is the discussion that we have been having for the last few months. The board members that are there have been there so long that there is some discussion that it may be time to change people. Right?

Councilman Doty – I'm not suggesting that we incorporate a change. I am asking for consideration for Board representation and board appointments. I strongly feel that at least one of our three appointed positions should be held by a board member. It goes along with the thoughts that as a liaison you are not privy to all the inside information that is very helpful as far as structure of budgets and revenue flow. I just believe our relationship with ORDA could be much stronger with a sitting board member.

Supervisor Politi – Do you want me to be the devil's advocate on that?

Councilman Doty – I would like to talk a little bit further. The other thing that ties ORDA with us is revenues and the depletion of revenues. Because of the 2% property tax, our ability to raise more money in our Park District and pay this annual \$750,000 a year is crippling us. No different on their side of the fence. Their revenues have dried up from the State. We are both fighting the same battle. I have done some preliminary research into this zip line idea. Five years ago it was a hot topic. It dropped off due to revenues. I am suggesting that we have the opportunity either as a

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Town entity or together with ORDA to help them pursue the zip line idea because we own the town venues; Scott's coble could be a good one.

Supervisor Politi – I thought they proposed it at the ski jumps.

Councilman Rand – They have one at Salt Lake at the ski jumps that is pretty successful. You would have to look at some engineering plans. The length is plenty.

Councilman Doty – It is a logical site for something like that.

Councilman Miller – We talked about that. If ORDA is not going to do it, maybe we should be considering it.

Councilman Doty – All I am saying is that it is a way to augment our revenues and not go to the tax base for it. Yes it is an initial bond but look at what we did at Craig Wood. It's \$4 for per \$100,000 of assessment for 15 years. The average person is going to pay \$10 - \$12 a year for 15 years. Anyway, those are my two issues.

Chris Morris – For clarification, are you advocating for a Town of North Elba Councilman to be on the ORDA Board of Directors?

Councilman Doty – Yes.

Chris Morris – Wouldn't the Governor's Office have to make that call?

Councilman Doty – The Town of North Elba holds three appointments.

Supervisor Politi – It is subject to legislation approval.

Councilman Doty – My idea is to solely strengthen the relation.

Supervisor Politi – If you want to go back to that one first. I would immediately throw that back to council because I am always concerned about conflicts of interest; we are giving them money, we have contractual agreements with them and yet we would also be on the Board of Directors. At one time I think Jack Shea may have been many years ago when it first started. I don't know whether you can do that.

Attorney Briggs – You would be serving two separate masters. You would have fiduciary duties to each board and if there is a conflict between what is in the best interest.

Councilman Miller – If you are sitting on the ORDA Board and you might be asking the Town for a million dollars, and you are on the Town Board. How do you do that?

Councilman Doty – Any person that we appoint, who do we want them to represent, us or ORDA?

Supervisor Politi – When we appoint somebody to the ORDA Board, they have fiduciary duty to the ORDA Board. We appointed Jerry Strack, Surge Lussi and Ed Weibrecht. We appoint them because we feel that they have the background and business skills and so forth to make decisions on that board that ultimately may be in the best interest of the community. That is it. We don't appoint them to say, you vote our way.

Councilman Doty – You don't think one of us could make those same sound decisions?

Supervisor Politi – We could make it but we have a conflict of interest. It is just what Bob said. If that board decides they want this board to pay 1.5 Million, you are caught in the middle.

Councilman Doty – Regardless of our direction here, keep in mind that we will soon be looking at a similar situation when terms keep expiring.

TOWN BOARD MEETING

TUESDAY, MAY 14, 2013

Supervisor Politi – There is one Board member whose term has expired that is a layover and there is another board member whose term expires on December 31, 2013. The other board member's term expires December 31, 2014. Do we make a change or do we not make a change? When this issue came up I received resumes from a number of interested community members.

Councilman Miller – So I understand this properly, one reason you are bring this up tonight is because we have people that have served well on the board for many years and we are looking at options. What are our options? There have been a couple of people that have shown interest but not that many. I would like to know from the community if there are others interested.

Supervisor Politi – Does the board of directors solicit board members – not on any Board that I have ever been on?

Councilman Miller – If the community doesn't know that this is happening, they don't know to show their interest.

Supervisor Politi – I think they will be aware of it tomorrow.

Councilman Miller – I think that is the reason we are bringing it up tonight.

Chris Morris – Whose term has expired, whose is up this year and who next year?

Supervisor Politi- Ed Weibrecht has expired, Surge Lussi's expires on December 31, 2013 and Jerry Strack's on December 31, 2014. They are five year terms. I believe that ED and Serge have served close to 20 years. Do we have term limits and do we want to make a change? I think we have to come to a conclusion. We have a term that has expired and someone has to make at some point come up with names and discuss those individuals and make a decision at least to the direction of the first position. I would gather you would do the same thing for the others. I think we need to make it clear that the terms are up but it doesn't necessarily mean we are going to make a change. It does mean we are looking at the position moving forward.

Councilman Doty – That is it in a nut shell.

Supervisor Politi – Jack has expressed to me he feels that he has a conflict of interest in an ultimate decision because of his relationship in contractual and events with ORDA. Ethically, he doesn't want to vote. It comes down to the four of us unless he changes his position.

Councilman Doty – The Town of North Elba has got to be one of the biggest players at the table.

Councilman Miller – Yes but it has been watered down. How many members are on the board?

Councilman Rand - There is also a requirement for there to be a 15 person advisory of which 10 are appointed upon the recommendation of the North Elba Sports Council which no longer exists. I'll give my ORDA contact a call on this tomorrow.

Supervisor Politi – How do you want to leave this? Chris is going to talk about it and I would gather we will hear from people.

Councilman Doty – Let's talk about it again in June.

Supervisor Politi – We need to say that at a certain date we are going to make a decision as to the appointments for the ORDA Board for the position that expired and the position that is about to be expire. I don't want to insinuate in anyway, Chris, because it is not the case that the people who are there are being replaced. We may not replace them. The issue is that their terms have expired and we either need to appoint or reappoint and that is the discussion.

Councilman Rand – Having been there for many years and worked with the Board during my ten years at Whiteface, both Ed and Surge as representatives have done a remarkably good job. They know the business and they know the industry. They have great experience.

Supervisor Politi – They both have given so much of their lives to the community and Jerry too.

TOWN BOARD MEETING

TUESDAY, MAY 14, 2013

COMMITTEE REPORTS: SARANAC LAKE YOUTH COMMITTEE

Councilman Doty – I would just like to mention that ORDA has always been very supportive of our youth program. So has Jack at the Olympic Training Center. It is important to note that the one day we give the kids is important. Jack takes the kids one day and whatever athletes he has and creates a mini-Olympics for them. We have 80-100 kids just like our North Elba. When they are done with that, he gives them lunch. From there we are going to take them to Wet & Wild. The last three years ORDA has been gracious to us and lets the kids go up on the gondola. If you don't mind Chris, Don't report on that. It's tough because they try to appeal to somebody different every year. We have been lucky 3 years in a row to get it. You can't imagine the families that have lived here all their lives and have never had that opportunity.

COMMITTEE REPORTS: TOURISM COUNCIL

Councilman Doty – I was just asked to join the tourism council. ROUST is working on behalf of Saranac Lake, Franklin County to help their marketing effort over there. They asked me to cover Saranac Lake issues and become part of the Tourism Council.

COMMITTEE REPORTS: AIRPORT

Councilman Rand – Larry you are up on the airport construction.

Superintendent Straight – I received an email from Mike Fountain.

Supervisor Politi – My position on that is, I know there is a warranty and I know they have to fix it. I know they want to get paid but why don't they fix it now. Why would I pay him and then have to chase him. I don't like to chase people. I like to be ahead not behind. You can tell him I enjoyed reading his letter but I expect that they will complete the work and then I will cut them a check.

Superintendent Straight – I will pass that on.

COMMITTEE REPORTS: BIODIGESTER

Councilman Miller – Has Tammy Morgan contacted you about the biodigester? It looks like there is going to be a meeting. As soon as I know the exact date and time, I will email you. She is going to have Garrett from Elizabethtown and representatives from companies that have been involved with the project. She is thinking she will have grant money to cover the entire project. We really need to participate more in the conversation and decide if we want to apply for these grants and move forward. I will email you when I get the information from Tammy.

TOWN ATTORNEY REPORT

Attorney Briggs – We were in court today. As you recall we had a conference some time ago and Judge Buchanan set a very tight discovery schedule. The deadline for that was approaching. Attorney Brook on behalf of Grimditch filed ponderous discovery demand probably 3 inches thick. He wanted to depose Judge Myer, Mr. & Mrs. Moccia and Mr. & Mrs. McMillan with derogatories running on 30 pages. In our view it was a way to slow the entire process down. We filed motion for summary judgment this morning, both the Town as well as the private land owners. The filing of the motion for summary judgment stops all discoveries. The Judge liked it being approached that way. We feel that given the appellate division decision, there is no discovery that is necessary. It is purely a question of law. The law was determined in our favor. Therefore the case is right for summary judgment by this judge. He agreed to stop discovery which we thought was just oppressive and wasn't going to gain additional facts. All the facts in this case are known to everyone. There are no new facts. Our view was that it was a delay tactic. The judge has received a motion to summary judgment by the plaintiffs. The defendants will have an opportunity to respond and the judge will rule. In our motion we are asking to take the boathouses down.

Councilman Doty – I thought you were in summary judgment going there.

TOWN BOARD MEETING

TUESDAY, MAY 14, 2013

Attorney Briggs – We filed summary judgment in the old case that went up to the appellate Division. We came back and you have to file it again. I feel real good about it. You could tell the judge’s response in the way the arguments went.

Supervisor Politi – I’m sure the judge loved the idea of calling Judge Meyer.

Attorney Briggs – The Judge was a little surprised. I have been doing this for 40 years and I have never seen a lawyer depose a sitting judge who sat on the case. Judge Meyer was not there but was represented by an Assistant Attorney General. At one point the judge asked the Assistant Attorney General what is Judge Meyer’s position on this? Jim Brooks interrupted and said, he would be happy to be deposed. She turned to him and said, well I’m representing Judge Meyer and he does not want to be deposed. It was interesting interplay and very reveling.

ESSEX COUNTY UPDATE

Supervisor Politi – The budget process started. We are meeting with every department, so far so good. There are some very difficult decisions that have to be made again. I am encouraged by early meetings.

APPROVE AUDITS AS PER AUDIT #’S

Supervisor Politi – We need to approve the audits.

TOWN OF NORTH ELBA			
CLAIMS APPROVED FOR PAYMENT 5/14/13			
	Regular	Prepaid	Totals
A FUND GENERAL FUND	107547.72	38069.31	145617.03
DB FUND TOWN OUTSIDE VILLAGE HIGHWAY	11151.44	18807.45	29958.89
H01 SECURITY/PERIMETER FENCE AIRPORT CAP. PROJECT			0
H02 -BLOCK HANGAR REHABILITATION AIRPORT CAP. PROJECT			0
H03 - 5 BAY T HANGAR			0
H04-C&D WASTE CELL			0
H05- CRAIG WOOD GOLF COURSE CONSTRUCTION	18729.1	36936.15	55665.25
H06-TERMINAL BLDG			0
H07 RUN WAY REHAB	2219.5		2219.5
H08-AIRPORT MASTER PLAN	0		0
H09-APRON EXPANSION			0
H41-REC (BIKE) PATH	29286.16	84117.47	113403.63
RD03-THIEANOQUEN WAY ROAD DISTRICT			0
RD04-TAHAWUS WAY ROAD DISTRICT		5362.5	5362.5
SF1- FIRE PROTECTION DISTRICT 1	12142.57		12142.57
SF2- FIRE PROTECTION DISTRICT 2			0
SF3 - FIRE PROTECTION DISTRICT 3	4242.94		4242.94
SP PARK DISTRICT	399198.21	37480.55	436678.76
SS21 CONSOLIDATED SEWER DISTRICT			0
SW1 SEWER DISTRICT #1			0
SW2 MCKENZIE			0
SW3 RAY BROOK	4539.25	740.28	5279.53
T TRUST & AGENCY		365.39	365.39
TE PRIVATE PURPOSE TRUST			0
Batch 1314-1319	589056.89	221879.1	810935.99
130670-130678; 130704-130806; 130832-130926; 130962-131028; 131030-			
131039; 131076; 131078-131079			
Batch 999 (Payroll)	0	70498.79	70498.79
130679-130703; 130807-130831; 130927-130961			
	UNPAID VOUCHERS		
Batch - HELD	0	34252	34252
130419-MURNANE BUILDING RELATED TO AIRPORT TERMINAL			
DELETED VOUCHERS:			
131154-131174; 131176; 131178; 131180; 131182; 131029			

TOWN BOARD MEETING

TUESDAY, MAY 14, 2013

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

PRESS QUESTIONS

Chris Morris – I have no questions except to tell you that this is my last meeting. I accepted a position at Adirondack Community Trust. I will be their communications manager. They have never had that position and they have a really small staff.

Roby – That’s the best news I have heard from you and the worst I’ve heard from us. It is a tough loss for the news paper and a tough loss for us. I have been doing this for a long time and most guys don’t get it right. You got it right every time. We wish you the very best.

The Board congratulated Chris Morris and wished him the very best.

ADJOURNMENT

There being no further business to come before the Town Board, Councilman Rand moved and Councilman Miller seconded the motion to adjourn the meeting at 9:00 pm.

Respectfully Submitted,

Laurie Curtis Dudley, Town Clerk