

TOWN BOARD MEETING

TUESDAY, AUGUST 11, 2015

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

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

Others Present: Attorney Ron Briggs and Larry Straight,

Supervisor Politi opened the Regular Town Board meeting at 7:00 pm by asking everyone to stand for the Pledge of Allegiance.

Supervisor Politi asked for a motion for the minutes of the Board Meeting of July 14, 2015.

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

OLD MTN. ROAD DECISION

Supervisor Politi- Bob Stegemann from the DEC called twice today. He left a message with the second call. I have not had a chance to call him back.

Attorney Briggs – We got a Notice of a Decision. I am concern about being served with a Decision. The novel legal position in the Decision says that the mere filling of the Master Plan by the DEC and the APA seven years ago constitutes legislation, which of course it doesn't, and by giving you notice I am wondering if you do absolutely nothing then their position is going to be that you accept it. We have to talk about the response, and whether it be in writing or by actions or something.

Councilman Miller – I was prepared to suggest that we ask Larry to send a truck down there and do a little work.

Superintendent Straight – We have been working on the Old Mountain Road up to the parking lot.

Supervisor Politi – It needs to be just beyond the parking lot.

Councilman Doty – Even if you York rake it or mow it.

Councilman Miller – Anything on the other side of the parking maybe 20 yards. Don't kill yourself but anything so we can demonstrate that this is our land.

Superintendent Straight – If there are rocks in the road so we can move them.

Attorney Briggs – Take pictures of some kind of action and email them to me. I will print out the photo and send it to them.

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Supervisor Politi – Our concern is that next it will be South Meadows and then the Kelly Road. We are probably going to have to do some work the Kelly Road to the second parking lot. Kelly Road goes to Pine Pond. The Dec says we haven't done any work on that road in many years.

Superintendent Straight – Where does the Kelly Road begin?

Supervisor Politi - It begins at the big parking lot. There is a culvert sticking up and if we buried that and did something up there, it is the same idea.

Supervisor Politi – When I talk to Bob Stegemann, I will tell him we started working on them.

Councilman Miller – But this is something we were planning for a long time. This is not in response to the notice.

Attorney Briggs – That is correct. It is ongoing maintenance of our road. The Notice says it has been deemed abandoned because it has not been used for 6 -8 years. That is not true, because it has been open to recreational use; cross-country skiing, hiking. It does not have to be used as a road to maintain its status as a road.

Supervisor Politi – Highway is not defined, it is for travel use but doesn't say what type of travel uses.

Attorney Briggs – We should respond in writing to say we have been working on it and include our legal position. Another note; McCulley is going to file an Article 78 challenging the determination. He could be a friend of the Court and submit some papers in support of it if you wish.

Supervisor Politi – Are we going to have a conflict of interest? Nice try. I am not going to put the Town in that position.

The Board agreed with Councilman Miller's suggestion to use Tim Smith or Bill Kissel. They will know more after Supervisor Politi speaks to Bob Stegemann.

RESOLUTION- HIGHWAY WORK PERMIT – DEC

Supervisor Politi – Larry needs a resolution for the Department of Transportation for the Highway Work Permit. It is for the Undertaking Agreement between the Town and the State. What is this for?

Superintendent Straight – If we do any work on their roads then we need a permit. However we don't work on their roads. It's just a formality just in case.

The Town Board of the Town of North Elba hereby agrees to the terms of the Undertaking agreement (Perm 1) of the NYS Department of Transportation and further approves the execution of said agreement by the Supervisor.

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Councilman Miller moved and Councilman Favro seconded the motion to approve Highway Work Permit Resolution. There being no further discussion, the motion was unanimously carried.

WRITE-OFF PARK DISTRICT VEHICLE & 3 COMPUTERS

Supervisor Politi – Cathy has requested us to write-off 3 Dell obsolete computers and a junk 2005 Chevy pick-up truck from the Park District which has no salvage value.

Councilman Doty moved and Councilman Favro seconded the motion to approve writing-off 3 Dell obsolete computers and a junk 2005 Chevy pick-up truck from the Park District. There being no further discussion, the motion was unanimously carried.

AUTHORIZE HYDROLOGY STUDY – MIRROR LAKE DRIVE

Supervisor Politi – There was additional information regarding the hydrology study that needed to go to Ivan Zdrahal.

Councilman Doty - Jim Morganson was going to give it to him.

Attorney Briggs – I have talked to Ivan and he knows he is getting it from Jim.

Supervisor Politi – In the mean time, do you want to proceed with the hydrology study if needed with a cost not to exceed \$7,000?

Councilman Doty moved and Councilman Favro seconded the motion to approve the hydrology study if needed and to spend no more than \$7,000. There being no further discussion, the motion was unanimously carried.

LIGHTING SIGNAGE & RUNAWAY REPLACEMENT

Supervisor Politi – We received a grant offer for the lights and resurfacing the runway at the Lake Placid Airport. We need a resolution granting me the authority to execute the grant.

The Town Board of the Town of North Elba hereby grants the Town Supervisor (Robert Politi) the authority to execute all grants pertaining to capital improvements at the lake Placid airport. The Town Supervisor is hereby recognized as the Town's authorizing representative.

Councilman Miller moved and Councilman Rand seconded the motion to approve the Resolution granting the Town Supervisor authority to execute grants for the Capital projects at the Lake Placid Airport. There being no further discussion, the motion was unanimously carried.

BUDGET ADJUSTMENTS

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Supervisor Politi – Many of the budget adjustments are off-set by unexpended monies in the Black Fly Program and monies from insurance from when the lights all went out? There was a small cost for Ray Brook Water which was off-set by Fund Balance.

AUG 2015 BUDGET AMENDMENTS

<u>ACTION</u>	<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>REFERENCE</u>	<u>ADDITIONAL INFO</u>
INCREASE EXPENDITURE	A.1410.0444	TOWN CLERK CONTRACTS AND AGREEMENTS	4,668.00	VCHR 151632 & 150630 (PD IN APR)	to recognize grant revenues for expenditure under records management grant
INCREASE REVENUE	A.0000.3060	RECORDS MANAGEMENT GRANT	<u>(4,668.00)</u>		
INCREASE EXPENDITURE	A.1420.0451	LEGAL FEES	2,871.00	VCHR 151572	MILLER, MANNIX, SCHACHNER & HAFBER
INCREASE EXPENDITURE	A.1610.0200	CENTRAL ADMIN. EQUIPMENT (TELEPHONE INSTALL)	11,773.09	VCHR 151840 & 151641	TWINSTATE FINAL BILLING FOR PHONE SYSTEM INSTALLATION
INCREASE REVENUE	A.2770	MISCELLANEOUS REVENUES	(9,166.71)		VILLAGES SHARE OF PHONE SYSTEM INSTALL FOR 16 PHONES
INCREASE EXPENDITURE	A.3510.0473	DOG CONTROL. PET CARE	75.00	VCHR 151678	AMOUNT OVER 2015 BUDGETED EXPENDITURE
INCREASE REVENUE	A.0000.2611	FINES & PENALTIES DOG CASES	(75.00)		
INCREASE EXPENDITURE	A.8160.0470	TRANSFER STATION BAD DEBT EXPENSE	710.58	JE 150175	WRITEOFF OF NATIONAL SPORTS ACADEMY DUE TO BANKRUPTCY PER RON BRIGGS
INCREASE REVENUE	A.0000.2680	INSURANCE RECOVERIES	(4,370.46)		EXCESS ONE TIME REVENUE (BALLAST CLAIM & DISABILITY INS REIMBURSEMENT FOR SICK TIME)
INCREASE EXPENDITURE	A.9089.0910	MANDATORY PHYSICAL EXAM	228.37	VCHR 15392	RANDOM DRUG TESTING (AMOUNT OVER 2015 BUDGET)
DECREASE EXPENDITURES	A.4068.0102	BLACK FLY CONTROL PERSONAL SERVICES	<u>(2,045.87)</u>		UNEXPENDED 2015 BUDGET
INCREASE EXPENDITURES	SS21.9700.0710	SERIAL BONDS.INTEREST	0.35	VCHR 151234 (PD IN JULY)	AMOUNT OVER 2015 BUDGET
INCREASE REVENUES	SS21.0000.2401	CONSOLIDATED SEWER DISTRICT.INTEREST AND EARNINGS	(0.35)		
INCREASE EXPENDITURE	SW3.8320.414	RAYBROOK SOURCE OF SUPPLY OTHER CONSUMABLES	126.96	VCHR 151616	VILLAGE OF LAKE PLACID FOR MAINTENANCE SUPPLIES AND EQUIPMENT REPAIR
APPROPRIATE FUND BALANCI	SW3..0909	RAY BROOK FUND BALANCE	<u>(126.96)</u>		

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

JET FUEL TANK- AWARD BID

Supervisor Politi – Ron, you confirmed to me and the Board at the Workshop that Steve Short paid his money.

Attorney Briggs – I gave the check to Cathy that day.

Supervisor Politi – We are now at a point where we have to approve the bids. We received six bids: Environmental & Fuel Systems for \$279,400, Murnane Building Contractors for \$278,700, Luck Brothers Contractors for \$282,422, Reale Construction for \$279,000, KEAR Civil Corporation for \$489,000 and ACTS II Construction, Inc for \$249,777. Ivan Zdrahal Associates reviewed them and approved ACTS II. They are all very close except for one that is way out of line. We did not approve this bid given the fact that we did not receive the money from Steve Short. We have now received the money and we should not hold this guy up and award this contract.

Superintendent Straight – ACTS II did our C&D Pit.

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Councilman Rand moved and Councilman Doty seconded the motion to award the bid for the Jet Fuel Tank to ACTS II Construction, Inc. There being no further discussion, the motion was unanimously carried

MIRROR LAKE TEST RESULTS

Supervisor Politi- You all received a copy of the water quality test at the beach before Ironman and after Ironman. The danger level is 240 CFU's/100mls. Before Ironman we took three samples that ran from 4-8 CFU's/100mls. After Ironman and the fire on Main Street the samples ran from 44-56 CFU's/100mls. It was less than 1/4th.

Councilman Miller – Did you see the news that in Brazil the water quality is 1,000 times the safety limit. Everyone is getting sick.

CRAIG WOOD UPDATE

Supervisor Politi- I had a meeting with Lynn Wilson. He has decided to retire as of December 31st. Butch has no problem with stepping away from the Golf Course and pursuant to your authorization and our discussion, I appointed Jeff Estes Director of Golf to take over the golf course as of last week. I had a meeting with all of the employees and told them Jeff is in charge. I left and he had a meeting with them. It is my understanding that everything is going really well. Lynn Wilson is coming back next year as a seasonal employee. He is thrilled about that. In his leaving, we are void of a \$45,000/yr salary and health insurance. Jeff is taking on more responsibility. I told Cathy to come up with some kind of a plan because he feels it is necessary to hire another guy. There are candidates from other golf courses. We were going to pay Jeff \$15,000 plus Health Insurance. My thought was with the savings from Lynn and pay Jeff \$28,000 plus health insurance which is about \$1400 per pay period. He is getting about \$1100 now. We would have an additional \$32,000 that we might want to give Andrew an increase in pay because he will be next in command. It will also give us an opportunity to go out and hire a new person.

Councilman Doty – We are at the same place six years ago with my recommendations to this Board. The secret is to bring on employees that have Pesticide Certification. We spend \$30,000 a year with Jim Gerard at the athletic fields. When we have three people that are Pesticide Certified, and we are buying an arider this year, we should be taking care of our own fields. Taking care of the lacrosse fields is easier than taking care of the golf course. It's fertilization, mowing and watering. It is watching for insecticides and grub control. We have the workforce to do it but we have to hire at least one person. If you use that \$30,000 that we pay out for a service and put it into our own manpower, we are ahead. We take care of 18 holes of golf course. The lacrosse fields are nothing. We are mowing them now.

Supervisor Politi - I never thought of that. If we do it then we have \$60,000.

Councilman Doty – We store the chemicals in the shed so we plan to buy two more pallets every year. We will save a lot of money.

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Supervisor Politi – What do you all think of that?

Councilman Miller – You are saying we eliminate Jim Gerard? Are you sure we can do that.

Councilman Doty – We can take care of our fields. We take care of a golf course that is ten times what those fields are. It's grass. The \$60,000 savings can get you two employees year round. All we really need is one year round and one seasonal.

Supervisor Politi – Every time you take in a full-time employee you have health insurance and benefit costs.

Councilman Miller am concerned about hiring someone new and making sure they are somewhere just below Andrew. You do not want to upset the apple cart because we don't want to ruin the motivated employees down there.

Councilman Doty – You would be surprised to look at the pay with overtime down there. Willis makes more than Lynn in the summer. There is something being said to eliminating a lot of overtime and having more help. We only have three people that can run equipment down there.

Discussion continued about how to eliminate overtime and it was agreed that Jeff Estates will take care of it because of better management. They also discussed a full-time employee will cost the Town health insurance, retirement, disability, and time off which opens the door to another civil service job.

Councilman Doty – Having Jeff on board and the communication with him and Andrew will be a good thing. We have made the mistake of taking a part-time seasonal employee that filled in and barely did a professional job. I am not throwing anybody under the bus. Many little things never got checked up. For example, the raking of the sand traps.

Supervisor Politi – They get on the riding mover and they don't want to get off. I know Jeff's plans are to replace one or two seasonal employees with two other people. I am not worried about it. I think he is going to do a good job.

Councilman Doty – The main thing is getting someone qualified with a license.

Supervisor Politi - The course looks great. The trees are cut on 13th which should have been done 10 years ago.

Councilman Favro – All in all, do you think it is enough money for him?

Supervisor Politi – I think so. I will have a meeting with him. I just wanted to see if you guys were on board with me talking to him to say that now that he has more responsibility, we will have to pay him more. He is going to get health insurance. We will have to see what he says.

Councilman Miller – I am fine with Jeff and I am fine with bumping Andrew and Fine with the one person who is going to take Lynn's job.

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Supervisor Politi – There is no more Lynn’s job.

Councilman Miller – Okay, with Lynn leaving we can bring in another person or maybe two.

Supervisor Politi – You have to remember that Lynn is coming back. He is a great greens keeper and loves doing it. He is keeping his fertilizer license. We are going to pay for it at \$750.

Councilman Doty – That will give us three people who can go down to the lacrosse fields and leave two on the golf course. You have one doing plugs and fertilizers on green and another guy doing grub control on the fairways. It’s just about efficiency. We do have to react because people start grabbing good employees.

Supervisor Politi – Everybody is at Craig Wood now because of the rates. They can get 18 holes with a cart for \$38. The club is \$70 and Whiteface is over \$100.

Councilman Doty – With the greens coming back, we can bump it again next year.

The employee changes will not take effect until next budget season. The health insurance for Jeff will start right away and the increased salary will begin after January 1st. The Board discussed a new aerator that will cost approx. \$14,000 and that they are in a better financial position than when Jimmy was there. Jimmy received all the ball money from the range and a tournament percentage. The Town now has the money from the range which is a lot.

Councilman Doty moved and Councilman Rand seconded the motion to authorize Supervisor Politi to negotiate with Jeff Estes regarding health insurance beginning now and a new salary beginning January 1, 2016. There being no further discussion, the motion was unanimously carried.

Councilman Rand asked about the aerators

Councilman Doty –I question how they roll the greens all the time. We have such compact greens and have a root structure that can’t breathe. Yes you can level everything out in the spring and that is when you start aerating. You let oxygen and fertilizer get down there and promote growth. Then you can cut down to 9/64th and have a fast green. In my opinion they have been doing it ass-backwards. Aerating is like vacuuming a carpet and standing all the fibers up. It helps when you do a lot of top dressing. The turf to the crown of the green is sand which helps promote filtration of the water and chemicals. Some of the problem with the greens is that they were top dressed to heavy. Jeff and I talked about bringing in someone with an ability to use a spore scope. As soon as you start seeing any variety in the green like root pythium when it’s 85° and the heat starts putting pressure on the greens. A superintendant gets down on his hands and knees with a tiny magnifying glass to identify the spores I would use Rutgers’s University instead of Cornell for soil samples. I don’t believe they have ever sent soil samples in. You can get toxicity reports so you know to back off on the nitrogen.

Councilman Miller – Do we have guys down there that understand this stuff?

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Councilman Doty – We send people to seminars once every month and it is nothing but a coffee party and free lunch. You start holding them accountable when they go to these things and have them give you a report.

Supervisor Politi – It is a good idea. I foresee at some point being able to test those greens and come up with the chemical content of that grass and send it via a computer to Rutgers’s University.

Councilman Doty – It took four years to get the greens right out at the Club. John Grande, the head guy at Rutgers’s, comes here 3x a summer. He returns the information almost overnight. Cornell is backed up and it takes a week to 10 days.

Councilman Miller – If you ever get thrown off this Board we might be willing to offer you a job.

TOWN ATTORNEY REPORTS - GRIMDITCH

Attorney Briggs – I talked to Mike Hutter and he said he will call the clerk of the Appellate Division on Friday. He did not want to rush it.

APPROVE AUDITS AS PER AUDIT #'S

Supervisor Politi asked for approval of the audits.

TOWN OF NORTH ELBA			
CLAIMS APPROVED FOR PAYMENT 08/11/15			
	Regular	Prepaid	Totals
A FUND GENERAL FUND	\$ 130,082.46	\$ 24,957.47	\$ 155,039.93
B FUND GENERAL OUTSIDE VILLAGE	\$ 1,196.46	\$ 37.89	\$ 1,234.35
DB FUND TOWN OUTSIDE VILLAGE HIGHWAY	\$ 54,711.27	\$ 8,936.44	\$ 63,647.71
H13-JET FUEL STATION	\$ 2,400.00		\$ 2,400.00
H14-TAXIWAY LIGHTING			\$ -
H42-MACHINERY AND EQUIPMENT PURCHASE	\$ 179,741.05		\$ 179,741.05
H44-ATHLETIC FIELDS	\$ 2,969.05		\$ 2,969.05
SF1-FIRE PROTECTION DISTRICT			\$ -
SF2-FIRE PROTECTION DISTRICT			\$ -
SF3-FIRE PROTECTION DISTRICT			\$ -
SP PARK DISTRICT	\$ 76,426.97	\$ 13,921.04	\$ 90,348.01
SS21 CONSOLIDATED SEWER DISTRICT			\$ -
SW3 RAY BROOK	\$ 713.81	\$ 73.80	\$ 787.61
Batch 1528-1531	\$ 448,241.07	\$ 47,926.64	\$ 496,167.71
151297; 151502-151530; 151533-151574; 151598-151668; 151671-151696;			
151698-151700			

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Batch 999 (Payroll & Health Reimbursement Arrangement)	\$ -	\$ 87,102.61	\$ 87,102.61
151351-151373; 151479-151501; 151531-151532; 151575-151597; 151631;			
151669-151670			
Batch - HELD		\$ -	\$ -
DELETED VOUCHERS:			
151458			

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

COMMITTEE REPORTS – SL YOUTH

Councilman Doty – I should report that I just came from a meeting for the Saranac Lake Youth Program. It was very successful. 145 – 201 kids. The Village has not given us a financial report yet. They are dropping us September 20th. Mac Rand went up to get a financial from the Village and Karen Taylor gave him the resolution saying when they are done. It was as if to say, “There’s your financial report”. Without Paul Ellis there, they are probably scrambling to put the numbers together. We could be a little behind this year because Pirates Cove didn’t donate. They charged us \$500 for the kids. They are not donating to anybody any more. Mac Rand is the real deal. We had an IEP kid who has a disability that grabbed a friend and stuck her under the water which scared the heck out of her. There was bad news on Facebook from parents which we took care of. There were other incidences that Mac took care of so professionally. The staff was excellent. The school is still onboard. How we move forward with the Village is a big question. Personally, I want nothing to do with them. They appointed a representative, Tom Catillaz, to come to our meetings and he came to the first one and we never saw him again. It was really disappointing. We now have to find a new administrator which will probably be the Town of Harrietstown.

Supervisor Politi – I am sure St. Armand is interested.

Councilman Doty – They are onboard for \$2000 per year. At budget time we will talk about a slight increase to help the cause. We are going to raise the fee from \$60 to \$100. We have no choice. It is only \$100 for 6 weeks and they get two meals a day. We are going to talk to NCCC about swimming. They get funding from Franklin County and Essex County. We would like kids to be able to have good instruction on swimming at least once or twice a week. Maybe we have to pay for a lifeguard. We don’t have a WSI Lifeguard right now.

Supervisor Politi – It is a problem everywhere in the County. Towns are struggling with lifeguards.

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COMMITTEE REPORTS – CONSOLIDATION

Supervisor Politi – We are going to have a Joint meeting that Dean will schedule to primarily talk about vacation rentals and consolidation.

Councilman Rand – Consolidation is now out.

Councilman Doty – Vacation rentals as in bed tax or fire safety?

Supervisor Politi – Fire safety. The County is going to pass the Occupancy Tax Law to include vacation rentals. It's to make the playing field equal. However, it will never be equal because there is no way for the County to enforce vacation rentals because the State will not pass a sales tax law to cover vacation rentals. They said they won't do it because there are only a couple places in the State where this is an issue. They look at it as just more tax and are not going to do it. The problem is, as you know Derek, the majority of the houses are owned by people who live out of town and they don't file tax returns in NYS. There is no way that we can find out what money they are getting at any given time. It is a voluntary honor system.

Councilman Rand – I observed the Houses on Hillcrest and there are so many cars that you can hardly get through there. They parked in the middle of the road. There must have been twenty cars at each one of the rentals.

Supervisor Politi – The Village just put up no parking signs from Marcy Rd to the Benty house on the right. Now you can at least see when you pull out. I would guess that they will put no parking at all from Marcy Rd down. They are going to allow it only in front of the park. I did talk to Dean to make sure they make it mandatory that they have enough parking on sight. He said they don't want to do that. If they don't do it, than they are putting everybody on the street.

Councilman Favro – The Old Santa's Motel is now going to be vacation rentals. Are they going to be designated as a hotel? Can anyone buy up motels and turn them into vacation rentals?

Supervisor Politi – They will have to pay commercial water/sewer and electricity rates. If Essex County passes a vacation occupancy tax law then they will have to pay. I would rather be in that position than the Holiday Inn because they have to file a sales tax return.

Councilman Miller – The big house on Hillcrest that always rents to so many people, are they going to have to start paying commercial rates?

Supervisor Politi – Anyone who rents their house for more than 30 days a year has to pay commercial rates.

Councilman Miller – Wow, so much for being honest. It's a voluntary tax and it costs you a lot of money to be honest.

Supervisor Politi – Part of the negotiation on the County level is from the Occupancy Tax monies. Every town other than North Elba get \$2,500 back for an event that they want to hold,

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like fireworks, and \$50,000 goes to the Fish Hatchery because it is a tourist related item. I talked to hotel owners in Lake Placid and made sure they understood that \$100,000 of this money is going to other towns and other places. The consistent response was that they don't care as long as it is an even playing field.

Councilman Doty – Will the County re-write the law?

Supervisor Politi – No. The money goes to the Visitor's Bureau and the County will make a deal with them as to how to allocate those monies. The \$50,000 to the Fish Hatchery helps the county because they don't have to budget the \$50,000. It helps to off-set the tax levy.

Councilman Rand – Jim McKenna will be at the joint meeting to give a briefing about the Ironman 2017.

Councilman Doty asked if we had enough rooms for the event because they needed over 4,000 rooms and Supervisor Politi reported that it is going to be all the way to Plattsburgh.

ADJOURNMENT

There being no further business to come before the Town Board, Councilman Rand moved and Councilman Doty seconded the motion to adjourn the meeting at 7:53 pm.

Respectfully Submitted,

Laurie C. Dudley, Town Clerk