

TOWN BOARD MEETING

TUESDAY, APRIL 5, 2016

Minutes of the Regular Board meeting held on the above date beginning at 3:00 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, Larry Straight, James Morganson Jim McCulley, Tony Goodwin

Supervisor Politi read the public notice stating it was properly published and posted.

PUBLIC NOTICE

TOWN OF NORTH ELBA
CHANGE APRIL MEETING

Please take notice that the North Elba Town Board will hold the April Board Meeting on Tuesday, April 5, 2016 at the North Elba Town Hall, 2693 Main Street, Lake Placid, New York at 3:00 p.m.

Supervisor Politi opened the Regular Town Board meeting at 3:00 pm by asking everyone to stand for the Pledge of Allegiance.

Supervisor Politi asked for a motion for the minutes of the March 8, 2016 Board Meeting, March 3, 2016 Special Meeting on the Biodigester and March 21, 2016 Special Meeting on the proposed Vacation Rental Policy

Councilman Doty moved and Councilman Miller seconded the motion to approve the minutes as written and presented. There being no further discussion, the motion was carried. Councilman Rand and Councilman Doty abstain from the March 8, 2016 Board Meeting motion and Councilman Favro abstains from the March 21, 2016 special meeting motion as they were absent.

HAZARDOUS WASTE DAY

Supervisor Politi – Hazardous Waste Day is June 4th from 8am – 1pm. It is funded by the County. The other Hazardous Waste Days scheduled within the County are at North Hudson on July 30th and Lewis on August 6th. Both are also scheduled from 8am – 1 pm.

APPROVE MODIFIED EMPLOYEE POLICIES FOR DRUG AND ALCOHOL TESTING

Supervisor Politi – Ron Briggs has reviewed the proposed Drug and Alcohol and Workplace Policy. I have reviewed those changes. He tightened it up and covered our backs. You did a great job.

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Councilman Miller – The policy should address the duty for the department supervisors to report abuse. I am worried about the situation where the supervisor may know but doesn't want them to get in trouble. That person should be held accountable for not reporting it.

Attorney Briggs – That would be part of the proper duties of a department supervisor. A department head cannot apply the rule discriminately, giving one person a pass and another not. It is their duty to report in all instances to be fare.

Supervisor Politi – We discussed eliminating time between being selected for a drug test and actually taking the test. Bob wanted it supervised. If Larry is notified that I have to have a drug test, Larry tells me and takes me.

Superintendent Straight – I notify personnel and I take them.

Supervisor Politi – I want to make sure that the supervisor of the department escorts the individuals to the testing facility.

Attorney Briggs – You can pass it with that caveat and I will add it.

Councilman Rand suggested it is overkill to have the seven commercial drivers in “two pools for random drug testing purposes”. Attorney Briggs also had questions regarding the pool process.

Supervisor Politi – The CDL drivers only have to take a 5-pannel test which the DOT requires by law. That is what Dan Palmer told me.

Attorney Briggs – The 5-pannel test is a minimum. I will talk to Dan Palmer about it.

Supervisor Politi – The County Union might be different in that they say the DOT requires a 5-pannel test and you don't have the right to do anything else.

Councilman Miller confirmed that Attorney Briggs is going to look into the CDLs taking a 10-pannel test instead of the 5-pannel and if it is determined that the 10-pannel test is allowed then there is no need for two pools.

Supervisor Politi asked for approval subject to those modifications.

Councilman Rand moved and Councilman Favro seconded the motion to approve the modifications to the employee policies for drug and alcohol testing subject to the modification regarding the supervisors escorting employees to the testing and the modification to the pool as determined by the Union requirements. There being no further discussion, the motion was unanimously carried.

PERSONNEL ACTIONS- CEMETERY

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Supervisor Politi – We need to approve the reappointment of Ernest Wood at the cemetery at \$11.75/hr. His Civil Service Classification is Laborer. He was recommended by Superintendent Straight.

Councilman Doty moved and Councilman Favro seconded the motion to approve the reappointment of Ernest Wood. There being no further discussion, the motion was unanimously carried.

PROPOSED LOCAL LAW- FENCE

Supervisor Politi –You all received a copy of Tim Smith’s proposed Local Law with regard to fences.

Councilman Doty – It is basic and covers concern. It does not mandate but makes potential problems jurisdictional.

Councilman Miller – So that I understand it, does it say that you only need to apply if you are more than 3ft in the front and more than 8ft in the rear. If someone wants to build a 6 ft stockade fence in their back yard they don’t need a permit?

Councilman Doty – As long as it is not impinging and they have the adjoining neighbor’s permission.

Councilman Miller – It says the 3ft and 8ft height figures would not be height limits would rather be jurisdictional thresholds.

Attorney Briggs – That is correct. That triggers the review.

Supervisor Politi asked why it says fences rather than spite fences and Attorney Briggs responded that it is the conclusion but I don’t think he should put that in there.

Supervisor Politi – You have all read it. We have to have a public Hearing which should be scheduled before our May meeting at 6:45.

Councilman Miller – We have another Public Hearing that we can do at the same time.

Attorney Briggs – The Lot of Record Law can be explained as such; assume I create a lot in 1969. That lot is governed by the 1969 Land Use Code Law. Our 2011 Code language on preexisting, -nonconforming uses and lots is imprecise. You could argue that the language in the 2011 Code allows you to do something even if you could not have done it in 1969. It was poorly drafted and this is clarifying it. .

Supervisor Politi – If you got approval in 1969 subject to those provisions and not 2015 provisions.

Attorney Briggs – Correct, whatever you could do is what you can do and no more.

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Councilman Doty moved and Councilman Rand seconded the motion to have Public Hearing regarding the proposed Local Fence Law and the Lot of Record Law scheduled for May 10, 2016 at 6:45 pm. There being no further discussion the motion was unanimously carried.

CONSTRUCTION COST ESTIMATE- TOWN HALL DRAINAGE

Supervisor Politi – We received a construction cost estimate from Ivan Zhadral and I fell of my chair. The total was \$194,600 for drainage. That is so high it's ridiculous.

Councilman Doty – If we proposed an addition going out six feet it would be less.

Supervisor Politi – Taking a closer look, there is \$190,000 in engineering costs. The sidewalks are \$75,000. The purpose of this was to go out for request for proposals.

Councilman Doty – We weren't changing any elevations.

Supervisor Politi – Given the amount of money, I would have to talk to Cathy about doing a Bond Anticipation Note.

Councilman Doty and Supervisor Straight initially met with Ivan.

Councilman Rand - The problem was water coming off the roof into the building. There has to be a simpler way to do it. Even a swale there and catch it as it comes off the roof. \$200,000 is ridiculous.

Supervisor Politi – What do you think Larry?

Superintendent Straight – I think you should get a second opinion.

Supervisor Politi – This is just a cost estimate. He is giving us an idea as to what it might cost. My concern is that we spent close to \$30,000 in engineering and topographical and surveys with Bob Marvin.

Councilman Doty – I think you go to construction people who do this for a living. We explain what we want and ask for the cost. I would ask Marcel. You need common sense with this.

The Board agreed that Councilman Doty should talk to Marcel. Supervisor Politi will provide the plans.

REQUEST TO NAME BRIDGE OVER CHUBB RIVER

Supervisor Politi – We received a request from Malcolm Alford to name the Bridge out Averyville Road that goes over the Chub River after the Alford's who developed the land out there.

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Superintendent Straight – It is a county Road.

Councilman Miller – He is asking for the Town’s support to ask the County. I don’t care because it is ultimately the Counties decision.

Councilman Doty – It is you that is bringing the message to the County.

Councilman Rand – This is all because his family developed the land out there?

Supervisor Politi – They were the earliest settlers to that area. There is no question that the Alford’s history. The Alford’s and the Westcott’s owned everything.

James Morganson – He was awfully good to the Town when he was at Essex County.

Supervisor Politi – To me, that is not the issue. The issue is whether you want to start naming bridges and roads. I don’t want to change the Old Mountain Road to “McCulley Way” or the Jack Rabbit Trail, “Tony’s Trail”

The Board discussed different road name dedications they agreed they would be opening a can of worms. Craig Wood has had requests to name wholes after people. People can name their private roads after whoever they want however this is public property.

Supervisor Politi – I can understand naming something after the Brewster’s, Jack Shea or somebody who gave their life to the community. In some ways, I think it is nice and in others I think it is president setting. Let’s table this until I have a chance to talk to Chris Garrow and Dan Manning. The County generally approves these things. He did say he would pay for the plaque.

TWINSTATE SERVICE WARRANTEE

Supervisor Politi – Cathy and Paul Ellis would like approval for a five year hardware warrantee for service calls on our Twinstare system. The cost is \$3,117.60 which the Village will share in the cost.

Councilman Favro moved and Councilman Doty seconded the motion to approve the five year Twinstare Warrantee. There being no further discussion, the motion was unanimously carried.

PERSONS PRESENT OPPORTUNITY TO SPEAK – JIM MCCULLEY & TONY GOODWIN

Jim McCulley – We wanted to give you an update on where the trails stand and what is going on. We are waiting for the State to officially announce that they have signed the UMP. We will then wait four month to see if there is going to be a lawsuit filed. From what we have heard from the State, by the end of this year they will be removing track between here and Tupper Lake. There won’t be any trail building for summer bicycles and such until Spring of next year. As far as snowmobiling, that is my portion of the agenda. I would like to see the Town and the County, which I will work with, use a shuttle that runs from the train station during the Summer continue into the Winter for the snowmobilers to ride into Main Street for shopping or eating at a

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restaurant. Although it is a Village issue, anyone staying in a hotel will not have space for their snowmobile trailer. We thought about plowing the parking lot at the train station for the trailers. It is important to get the shuttle service from the train station into town.

Supervisor Politi – The shuttle is Village now. The County might take that program over if the Village wants out. The Village wants to cut the schedule now. They currently run in the winter but I am sure we can arrange that with the County. I anticipated that corridor utilized by snowmobilers and cross-country skiers. I have used that trail and have never ever had a problem with snowmobilers. There is no question that I would move to the side.

Jim McCulley – We do not have user conflicts on our trails. I have heard one person say that snowmobilers go out of their way to make it easy to ski.

Supervisor Politi – It is also better skiing when the snowmobiles have gone by because they pack it down. Tony may disagree because he likes tracks.

Jim McCulley – I have gone by with the groomer which makes many of the skiers grateful. The Jack Rabbit Trail is on the rail corridor in Saranac Lake. From the McKenzie Pond Road, it goes where Tony?

Tony Goodwin – It comes out by the Will Rogers and ½ mile down to NCCC.

Jim McCulley – There are issues with everything. Adults can get along. There are letters to the Editor about how well snowmobilers and cross-country skiers get along. What is important is getting the trail in place. People could be coming to use it as a bicycle trail.

Councilman Doty – Is the four months that you mentioned a mandatory wait?

Jim McCulley – You have four month to appeal and file an Article 78 against a State's decision.

Supervisor Politi – Tony, I want to know how you feel about this.

Tony Goodwin – I have had one preliminary meeting with the North Elba Historical Society to give them an update on where we are and how their property would be used and managed without the rails there. There is going to be a lot of extra space there when the five-wide tracks are removed. It could be parking for trailers. They are looking forward to a business moving into the space the railroad uses now. Having talked to Brian Delany and Kenny Botcher they both may be competing for space. The Historical Society will continue to have a tenant that pays some rent. They are pleased with that. The DEC is the lead agency for constructing trail. Once the rails are removed, they don't have much of a plan. As we thought from the beginning, we would be involved in the actual construction and surfacing of the trail for bicycling. Bill Owens is working on transferring the money.

Supervisor Politi – Arthur Lussi called me and was meeting with Gillibrand who is a close friend.

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Tony Goodwin – I think we have enough political clout that it should be an easy sell. \$4 Million is going to be transferred so instead of creating a 7 mile it will be 34 mile trail.

Supervisor Politi – The Feds created the problem via the Army Corps of Engineer.

Jim McCulley- It is important to note that we are working with a Rails-to-Trails recently retired employee and he is responsible for numerous trails.

Tony Goodwin – He is now a consultant for Rails-To-Trail Conservancy. He has built a lot of trails from the ground up.

Supervisor Politi – I forwarded your email to Chuck Damp. I would like him to be involved as a Town representative. I would assume you sent emails to Chuck because he is more knowledgeable than any of us. This has been his baby and I don't want to step on him.

Jim McCulley – With any of these projects, the State is looking for help. If you can provide help, by even trucking stone would be greatly appreciated. This is going to be one of the greatest things that happen to the region.

Supervisor Politi – We once made a commitment to help the Lussi's with their trail system. Certainly we would provide any in-kind service provided we have time to do it.

Councilman Doty – Has the DEC done any work to choose materials for the trail?

Jim McCulley – We are in the design process and that is why we brought in the consultant. It is important that it is not a tarmac trail and has to be something permeable that won't leave frost heaves. You have to have something that allows volunteers to go in and work. They are working on the Lamoille Valley Rail Trail across Vermont which is similar terrain. They put down the road fabric, crusher run and then stone dust. You York Rake it at the beginning and end of summer. Any tractor can mow it. We are here to let you know what is going on and where we stand at the moment.

The Board is in support of the trail and Jim McCulley asked is the Board could push the State to move a little faster. Although Supervisor Politi stated it is difficult to get in touch with the DEC, the community conveys to the Board they love the idea. They discussed how the trail will bring in new interest to the region winter, summer and fall.

Jim McCulley – Tony and I have been in contact with ROOST who is on board and excited about promoting the trail. We have contacted Blue Mountain Museum trying to get them on board for kiosk which will relate to the history of the corridor. We have a website that will offer spots to stop for lunch or even where to stay. It is also a quality of life issue for the residents.

TOBOGGAN SLIDE – NORTH WOOD ENGINEERING

Councilman Rand – Derek, It has everything that we talked about; deteriorated and detached steel framing, handrail, decking, guard rail system, top station and loading area. We talked about

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having an angle so it isn't as hard to push everybody off. We talked about the summer water idea. Everybody that I run into asked if we were having a waterslide.

The Board expressed how "cool" it would be to have a water slide.

Supervisor Politi – The cost estimate of \$14,800 - \$17,500 is for the engineering plus an additional \$500 in reimbursable expenses.

Councilman Rand – It's certainly cheaper than what Ivan would have done. They wanted to use the Electric Companies bucket lift. It is not for the entire building of it but for the engineering inspection. They might just have to get a hoist lift. I asked for an estimate of the entire project and he said it was too early to tell.

Councilman Favro – Jay, What does a 40 meter ski jump cost to build?

Councilman Rand – based on similar hills and including the engineering and steelwork, \$700,000.

Supervisor Politi – Are they talking about taking what is there down and replacing it?

Councilman Doty – There are only about three pieces of steel needing to be replaced.

Supervisor Politi asked Councilman Doty to give an estimate as to what he thought the additional cost would be and Councilman Doty anticipates it to cost to be \$70,000 due to the difficult accessibility to the site for materials.

Supervisor Politi – This is probably the most important venue we have. More people talk about the Toboggan Slide than the Bob Run.

Councilman Rand – It will look very much the same except dressed up. To get back to the water idea to have docks out there.

Councilman Doty – We can always build that separate.

Councilman Rand – It doesn't have to be separate because you would already have the runs. You have to add an insert and water running through it. They can sit on their butts just like in Disney World.

The Board talked about the need of a lifeguard on duty there at all time adding that it would be remarkable and they should find a way to do it.

Supervisor Politi – You are talking about spending up to \$20,000 for engineering to get bid specs. Once we get a bid or an idea of the cost, I can seek a grant.

Councilman Rand – The engineering cost not only covers the specs it is also overseeing it, construction contracts, submittals, review of the site; it is a complete package.

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Councilman Doty – It gives us good legal protection.

Supervisor Politi asked for a motion to spend up to \$20,000 for North Woods Engineering for refurbishing of the Toboggan Slide and specifications to seek an RFP.

Councilman Favro moved and Councilman Doty seconded the motion to approve up to \$20,000 for North Woods Engineering for refurbishing of the Toboggan Slide and specifications to seek an RFP.

Councilman Doty – Do we legally have to do anything with the Village on this project because they own the land.

Supervisor Politi – We are improving it for them. After all, we own the parking lot and they collect revenue from it.

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

NEWMAN PARK

Councilman Miller and Councilman Favro discussed the possibility of making a plan and getting prices for future discussion. Councilman Miller will ask Rotary if they would like to team up on the project.

SARANAC LAKE WATER

Councilman Doty – I received a call from John Sweeney. I am curious if it would be in our interest and theirs to sit down again to discuss water.

Supervisor Politi – I spoke to Clyde Rabideau and he said the same thing, what is the problem why are you being so difficult? I told him there might be a disagreement over the way you do things and the way we do them. I agreed we needed to sit down and talk when Ron and Brad Hathaway return from vacation. We will then set up a meeting in the near future. They appointed a new Treasurer.

Attorney Briggs – Our position is that we have an agreement in place for 10-15 years. If we need to update it that's fine but he wants to come up with all sorts of new provisions. He wants to resurvey the districts.

Councilman Doty – They want us to maintain the equipment with no revenue source. Where do we go with this?

Supervisor Politi – They did want us to make all the improvements and they get all the money. Brad Hathaway is not happy with the way they do things and he wants to be able to discuss it. You need to have Jeff Darrah and Brad Hathaway involved in a meeting.

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Councilman Doty – Clearly I said I would not sit down to talk about prison water when you guys are trying to make us take care of equipment with no revenue source on their water district. He must have called you after our conversation. He knows I won't talk to Clyde. There is a lot of money out there for municipalities that "share services". I told them we are going to develop the lines to the prison and take all the revenue.

Supervisor Politi – All I did is douse it with water but when we have a meeting you aren't invited!

Councilman Doty - I know he's sending the water into opposite direction down the pipes and everyone is screaming because there water quality stinks. It is rescaling and taking things off the pipes. Water used to pump from McKenzie Pond and go toward the Village. Now they are Route 3 and are pumping it the opposite way.

Supervisor Politi – I guess I will invite you to the meeting. He knows more than I do.

MOUNTAIN LAKES ACADEMY

Councilman Rand asked if Councilman Miller spoke with Mountain Lakes.

Councilman Miller – I had a wonderful tour of the facility. I was there for quite some time. It is not the old Camelot. It is a different animal. She told me a story about the time the Helicopter was in the air and said it was an unfortunate time when it looked like a prisoner escape when it was a search and rescue mission. They had a 5 ft scared kid who was there and every time you said "Boo" he would run away. That is why he was brought to Mountain Lake. The Councilor yelled at him for his room being messy. They took his shoes away and he was out there in the woods without shoes.

Councilman Rand – I know all that. A couple years ago there was a guy that left and went to Washington, DC. I am wondering what type of kids are there.

Councilman Miller – I was shocked about the kids there. When I was there I spoke to a bunch of kids and met with staff. 44 kids and most are there because eh courts removed them from the family for being in unsafe environments. These kids aren't the criminals. They are the victims. I mentioned that there were rumors that the kids were sneaking off the grounds and seen elsewhere. She said they have cameras and sensors.

Councilman Rand – I can identify with that but there is an example where the councilor got beaten-up by a kid there. Some of the kids walk down the street talking to themselves with the councilor way behind.

Councilman Miller – They can't touch the kids because they are not awards of the state.

Councilman Rand asked how they choose kids and whether there is an interview process and Councilman Miller explained they are all from Albany and North. They are mostly North Country Kids.

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Councilman Miller – I asked her about the incident that we talked about and another since heard. It is not what you hear. It is unfortunate that we had Camelot here and people think it is similar and the stories get out of control. Jay, I got a different feel for it. You should go for a tour.

Councilman Rand – I might just do that. Living out there, there are other instances which I heard from a Forest Ranger that lives out there. They damage signs.

Councilman Miller – I am sure kids will be kids. They are selective. They knew they couldn't house the one kid and he required a more secure facility. However, he hadn't committed any crimes. They do pick and choose. I came away with a different impression. The problem is that there were Camelot kids committing crimes. These kids are victims.

Councilman Rand – The Camelot kids were great. They went to the High School here and played on soccer teams. I will go out and talk with Carol Prevost.

Councilman Favro – It sounds like they need to do public relations regarding their facility within the neighborhood.

Supervisor Politi – They can't talk about the kids because of confidentiality. Carol Prevost is easy to speak with.

WOODWARD FOUNDATION

Councilman Favro - Larry and I met with officer of the Woodward Foundation. They thought they could do the work cheaper than the \$1Million Ivan was talking about. They can put in a steel culvert as opposed to cement. If you look at Northwood beach near the rowing rack, they

Councilman Favro reported the Woodward Foundation thought they could solve the problem \$500,000 less than the \$1 million estimate from Ivan by using a steal culvert and not concrete. The culvert would be 30ft wide and meander in the area of the Northwood Beach where the rowing rack is now located. It is a big impact to the area. Supervisor Politi noted that Mike Mascarenas is applying for a grant. Northwood school culvers need to be replaced and the road may need to be raised. They discussed that they may need to take some land from Northwood. Once the 30ft is taken and built it won't be as much of an impact and will promote the Au sable River Foundation.

BUILDING DEPARTMENT PRINTER & NEW HOSPITAL PROJECT

Jim Morganson asked for a new printer for his office. The cost is less than paying now. Supervisor Politi talked to Cathy Edman to approve ordering the printer.

Jim Morganson reported the engineer, Peter Gibbs, is designing the new Hospital stating if someone has something to say they should do it now. Supervisor Politi noted he heard concerns about water runoff and he reported there will be retention ponds.

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APPROVE AUDITS AS PER AUDIT #'S

Supervisor Politi asked for approval of the Audits

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| TOWN OF NORTH ELBA | | | |
| CLAIMS APPROVED FOR PAYMENT 04/05/2016 | | | |
| | Regular | Prepaid | Totals |
| A FUND GENERAL FUND | 64999.10 | 44314.29 | 109313.39 |
| B FUND GENERAL OUTSIDE VILLAGE | 4.99 | 45.48 | 50.47 |
| DB FUND TOWN OUTSIDE VILLAGE HIGHWAY | 2848.82 | 9590.84 | 12439.66 |
| H12- OBSTRUCTION REMOVAL | 10395.70 | 0.00 | 10395.70 |
| H42- EQUIPMENT PURCHASES | 64315.77 | | 64315.77 |
| SF2 FIRE PROTECTION DISTRICT | 38349.71 | | 38349.71 |
| SP PARK DISTRICT | 34100.34 | 9960.96 | 44061.30 |
| SW3 RAY BROOK | 2141.89 | 561.27 | 2703.16 |
| 1610-1613 | \$217,156.32 | \$64,472.84 | \$281,629.16 |
| 160478; 160572; 160582; 160617-160619; 160621-160643; 160646-160691; | | | |
| 160716-160727; 160729-160744;160749-160764; 160766- 160777; 160802 | | | |
| Batch 999 (Payroll & Health Reimbursement Arrangement) | \$0.00 | \$46,128.03 | \$46,128.03 |
| 160591-160615; 160644-160645; 160692-160715; 160728; 160745-160748 | | | |
| Batch - HELD | | -\$220.35 | -\$220.35 |
| 152376;160583; 160689 | | | |
| DELETED VOUCHERS: | | | |
| 160620; 160765 | | | |

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.

ADJOURNMENT

There being no further business to come before the Town Board, Councilman Doty moved and Councilman Miller seconded the motion to adjourn the meeting at 4:10 pm.

Respectfully Submitted,

Laurie C. Dudley, Town Clerk