

TOWN BOARD MEETING

TUESDAY, AUGUST 13, 2019

Minutes of the Regular Board meeting held on the above date beginning at 4:30 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: Larry Straight, Mike Orticelle, Ivan Zdrahal, Judy Landin Dan Lundin, Jennifer Lundin, Laura Klinger, Elizabeth Izzo, Emily Politi, Fred Balzac

Supervisor Politi opened the Regular Town Board meeting at 4:30 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 9th, 2019.

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

PERSONS PRESENT TO SPEAK: IVAN ZDRAHAL - NEWMAN ROAD GROUND WATER

Supervisor Politi – We invited Ivan Zdrahal here because he is the Town Engineer. The Lundins and Dave Randall have raised the issue with regards to the water issues on Newman Road. We asked Ivan and the Code Enforcement Officer, Mike Orticelle, to look at the property.

Ivan Zdrahal – I was inside with Mike Orticelle and there is definitely high ground water condition in the basement.

Supervisor Politi – This was to get Ivan’s response to what he found and what the potential alternatives are in solving this problem if it can be solved at all. We are relying on the experts to answer. When you go over your finding, could you speak slow and loud?

Ivan Zdrahal – I reviewed the area in question and call it the Watershed Area which is bound by Newman Rd and Church Street. At the intersection there is a existing low area which was historically wet. It is obvious based on the existing wetlands. There is a drainage course running through that area which connects to an existing culvert on Church Street. The culvert was put in place recently by the Town and was placed in an elevation as low as they could. I looked at the area in the field, walked the area and drove around. The 50 year old map I used looks like the area in my estimation which shows only improvements of a few houses on Newman Rd and the hospital on Church St. Subsequent to that the initial development that occurred in the watershed was the Olympic Regional Training Center and the US Luge facility. In my opinion this area was low specifically it drops at the Newman park. Both sides of the area are low. All the area that are not developed are wetlands. Any work in that area would have to be permitted. I was thinking what would be the way to improve the situation there, in my opinion; the only matter which could address the high ground water would be to influence the levels with a fairly deep under drain system which would discharge to the other side of Church St. About 300 ft. down stream the topography drops. The lower elevation of the topography at that location would allow installation of that system. A preliminary estimate on those improvements which would have to be a subsurface investigation, the cost could be \$800,000 plus engineering and surveying. There would be easements needed. The project could exceed over \$1 Million.

Councilman Miller – How many houses are involved?

Ivan Zdrahal- I haven’t discussed if there are any other houses affected. I understand there are neighbors affected. There are about 12 houses.

Councilman Miller – 12 houses at a cost of \$1 Million.

Ivan Zdrahal stated there could be more houses. There is drainage on the other side. Supervisor Politi stated it drains to Pine Brook.

Supervisor Politi – Did you look at the park? Derek mentioned that at one point there was a low area just before Randall’s house and Lundin’s house that crossed the road and went into the

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wetland area that adjoined Church Street. Derek said that land owner had filled in that drainage culvert.

Councilman Doty – That was a conversation I had with Jack who talked to an old timer that remembered that water elevated itself.

Supervisor Politi – The water crossed the road between what was Bernie Bombards residence and Lou Strack. Did you notice that there was evidence that there was a culvert at one time there?

Ivan Zdrahal did not notice evidence of a culvert neither did Superintendent Straight.

Ivan Zdrahal Reported the road drops down from the Park to the intersection of Church St. Everything is low. All the houses are built too low. I image at one time it was all wetland and was probably filled. The additional development in the watershed is not helping for sure. One might think we could go through and dig a big ditch. You will never get a permit because you will be draining a wetland. It can be explored but it won't be considered an emergency.

Supervisor Politi – Unfortunately every time an impermeable surface was created, it generated more flow.

Ivan Zdrahal – The area was wet but it is worsened by the additional impermeable surface in the watershed are making it worse. I think it is possible to fix it at a substantial cost.

Councilman Miller – If we were to create a special district, who determines what the boundaries are? Is that Ivan?

Attorney Briggs – The Town Board decides based upon empirical evidence.

Judy Lundin – You haven't looked at Balsam Street. I have photographs showing what we incurred this year. Our house is on the corner of Balsam and Newman and the house was built in 1870. At that point, they did not fill in the land. It was built there and was one of the original houses in the community. We have not incurred the water we have until now. (Judy showed pictures to the Board.)

Laura Klinger- I would like to add to Mrs. Lundin. I live at 122 Balsam. It is property owned by heather Lapiet. At the end of April, my basement had about 2 Ft. of water. For the last two months I have a giant sinkhole in our driveway and nothing has been done about it. I have a 15 month old son and have it barricaded off. (Laura Klinger is next door to the Lundin's)

Ivan Zdrahal – There is another drainage area. I do not know the extent of the number of houses.

Jennifer Lundin – How old is the map that you are using?

Ivan Zdrahal said there is no date but it is a very good topographical mapping done by an engineer Witt. Supervisor Politi added the Witt map is about 1976.

Jennifer Lundin – We can obviously say that with building and construction, that map is no longer accurate to any means. You said a culvert was installed during the Luge and Hospital renovation you diverted water from that site?

Supervisor Politi – No, we increased the size of the culvert crossing Church St.

Jennifer Lundin – By increasing the size of this culvert you have moved water off that site more than you knew.

Supervisor Politi – I would say so.

Jennifer Lundin – That is a true sentence. You have more water than you needed to get off that sight. I looked at studies on earlier maps there were natural waterways that are dry.

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Supervisor Politi – It is worse than it was. There is no question about it.

Jennifer Lundin – We can mitigate the problem, but you are not going to resolve problem. That is my concern. We cannot put water back to its natural state, we know that.

Superintendent Straight – She stated we put the culvert in because there was an increase in water. That is not the case. We put the new culvert in because the old culvert failed.

Supervisor Politi asked if the culvert was larger or the same and Larry Straight informed him it was a double culvert was done four years ago.

Ivan Zdrahal – You have to keep in mind that you couldn't go any lower with the culvert because of the elevation.

Jennifer Lundin – It is funny you said that because four years ago I have observed a lot of water and accumulation.

Supervisor Politi – I have the same thing. I have a house church St. and have a constant flow of water. My electric bill was astronomical because of the pump running constantly. It has been like that for a long time. We understand.

Jennifer Lundin – The concerns are different. I am concerned about the sinkhole which is a danger to whoever is on the property. I look at my parent's house and notice sinkholes. Secondly, we have created a flow of water by the path of foundations. It is directing water towards these foundations.

Supervisor Politi – Ivan says that there is a way to mitigate the problem. It has a cost that has to be born by a special benefit district. For those people that are in the district. It cannot be born by everyone within the community. That is the law.

Jennifer Lundin – Why would it be born by the district of the community and not the people that are responsible for building and changing the land?

Supervisor Politi – Because they all got approval to do it.

Judy Lundin – When you gave me the illustration of Liberty Hill wanting to have a septic system put in because their septic tank didn't work. They requested that you do that and they were willing to pay an additional tax. They asked for that and purchased that. However, we did not ask for the problems that we have now. I can remember as a kid, my father was playing baseball in an empty lot and hit the ball through neighbor's window and was forced to pay for the window. Why because he caused the damage. Why do we have to pay for something we did not cause to begin with? You are going to say to me that they were built low but the house on Balsam St was built in 1920 and ours was 1870 and up until recently, there was no water problem as such. Therefore we are concerned. Because of the water, our garage foundation is cracked due to the water underneath it. We did not ask for this problem and we do not see why exactly we should be paying for it when we did not cause it.

Jennifer Lundin – My concern is, yes they do get permitting, but there is responsibility that they construct from NYS Laws and Regulations from code. I do not think the community should. You don't know that the architect or the engineer or the contractors followed that permit.

Attorney Briggs – I don't know that the construction was done anything but properly. The records in the building department would reveal whether or not they followed the terms of the permit. If they comply with the law, then they wouldn't be responsible.

Jennifer Lundin – You would notice if they diverted water based on their type of curing for concrete, how many pumps they had to use to pump water out. There are ways to looking into whether there was a problem that wasn't brought to your attention.

Attorney Briggs – What you are really suggesting is that the people who built are actually responsible for the problem. That is a heavy burden to establish.

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Jennifer Lundin – It requires an engineering investigation.

Attorney Briggs – It is not dissimilar to when Northwood School put that rear road going back to their building, the water problem in that area got worse. Would it be fair to say that Northwood School is solely responsible to the flooding? No, because there was flooding there long before that. It is a similar situation.

Jennifer Lundin – Except there has not been these ground problems before.

Attorney Briggs – The topographical map which shows the elevations and grades that goes back to the 1970 suggests that there has been a water problem there.

Jennifer Lundin – Look how much construction has been constructed since the 1970s.

Attorney Briggs – If there has always been a water problem there, can you blame permissible construction for the worsening of the situation? That is the issue. Legally, I do not think we can impose the liability on those builders. I do not think we have a basis to do that under the law.

Jennifer Lundin – I think it is something you should look at because there was a natural watershed and that would be my point. They did disturb a natural watershed that was clearly marked on a map that I looked at. It might not have been brought to your attention at the permitting office. It is not your job to go investigate to ensure the design was what was submitted. They should be held liable to that extent.

Attorney Briggs – Getting a permit to do the construction which was permissible under the law and they followed all the laws and regulations then it would be hard to say they are solely responsible for the cost of solving this problem.

Supervisor Politi – It is likely that it was exasperated by every time a new one came in. There is an independent planning Board and the Zoning Board of Appeals that reviews such things and makes decisions as well as the Code Enforcement Officer who review those things. One construction in and of itself might seem harmless but add that to several other that occurred over the last 30 years, it has had an effect.

Attorney Briggs – One could argue that there was a time that there were no buildings at all here. Over time people settled this area and you could argue that because the land is so low no house should have been build here. Is the person that built the first house responsible for making it worse?

Jennifer Lundin – Commercial Construction with the square footage of the building and the pavement can not be comparable.

Councilman Doty – Ivan, could a hydro geologist help determine the flow of water in that area so that drywell's could be in to identify bad areas where a pump system similar to a septic system can have a point where water collects and ease the ground up that way.

Ivan Zdrahal – In my opinion, the only way to lower the ground water is a subsurface under drain system that will work with gravity. There cannot be any pumping that will be structures to control the function of the system. I would love to drain the wetland but the town would not be able to get a permit to do so.

Jennifer Lundin –If you mitigate the problem, how do these people fix the problem?

Supervisor Politi – There would be a special district created. You take the cost and divide by the number of houses affected. The Town would get a Bond to mitigate the problem and pay for it. Each owner would be assessed a special benefit to offset the debt service on the Bond over a term of 30 years.

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Judy Lundin – A very few people in that area can afford to have an increase in their taxes. Again, why should we all pay for something we did not cause or ask for? There are a couple families on Balsam Street that could never afford such an increase.

Supervisor Politi – The cost would be about \$1300-\$1500 per year per property.

Jennifer Lundin – - That is not including the cost of landscaping and repairing sinkholes.

Supervisor Politi – No, it is to medicating the problem. The landowner will have to take care of that.

Jennifer Lundin asked that the Town consider hiring an investigative engineer to research the construction to find out what actually occurred. Whether they did it in negligence or not, it could have occurred. There was a natural watershed. My recommendation is that is something to consider. If you are willing to incur the cost of \$1 Million then an investigation on what water was diverted and where should occur. The permitting office is not held responsible. The construction contractor and the engineers are held responsible for what happens on that site. He Town did what they were supposed to, and cannot be on the site to oversee everything. It is not feasible.

Supervisor Politi – I don't see how you can identify a specific development project that caused this problem.

Jennifer Lundin – You would have to look at the new medical facility, the Luge facility and the current construction.

Supervisor Politi – I lived next door to your mother for 45 years. I have to tell you that our basement was constantly full of water.

Judy Lundin – You lived on a stream.

Jennifer Lundin – You didn't experience sinkholes did you? It is a different extent of damage.

Supervisor Politi – Somebody has a sinkhole but I can't specifically say that it was caused directly by that. I don't know the answer. I am going to find a mitigating solution to the problem. Unfortunately, the law dictates that those who benefit have to pay for the cost.

Attorney Briggs – All properties benefit by the improvement would be in the district. We would ascertain that through the mapping and engineering as to which properties are going to benefit from the actual work. That would be the size of the district.

Supervisor Politi – You must use a Special Benefit Districts to solve a problem for that particular district. I do not think the entire community can do that.

Jennifer Lundin agreed with that but asked for research by those areas of construction to be done.

Attorney Briggs - Research won't change the fact that you have to have breached a duty to be responsible for damage. If someone goes in and asks for a permit to build something, they build it in accordance with the issued permit and the Land Use Code and applicable regulations then they haven't breached any duty to anyone and therefore they are not liable

Jennifer Lundin – It has been proven that there was a watershed and you are telling me they have been given permission to divert the water per the Land Use Code.

Attorney Briggs said it was a low area over there and maybe the first house should have been built here and Supervisor Politi added we would have to prove that they did something to breach a legal agreement to do it in a certain way and I am not familiar with that. He asked Mike Orticelle if he is familiar with that.

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Mike Orticelle – It would be very difficult to prove that a contractors building a single family home on a lot where storm water management may not have been required at the time would be responsible for creating it.

Supervisor Politi – Let's go away from the single family home. What about AMC, Uihlein Center or the Luge facility.

Ivan Zdrahal stated Uihlein drained the other way and Supervisor Politi asked about AMC and which way the facility drains. It was determined to have a retention pond which drains to the cemetery. He stated the Lake Placid Hospital built in the 50's may have had an effect on diverting the water to that low area. Attorney Briggs stated there are statute of limitations on all of this.

Dan Lundin – I appreciate you listening to our concerns. We moved here in the '70s and bought the house we are in which was built in 1870 and had a solid foundation. We had a sub-pump in the basement as well as a sub-pump in the guest house. That has worked to dry the basements. We have seen an increase of the use of the sub-pumps which run constantly. We have been in supportive of the hospital building, the Training Center and the Luge facility. However, the increase started in the '90s and the increase of incurring water now is impacting our lawn and if this continues, these houses will be worthless.

Supervisor Politi – Ivan, is it possible that the filling of that drainage area at the end of the park, before Randall, which you said that Randall filled that area in, is it possible that because that water was not there and not diverting water across the street to the low area. I grew up there when I was a kid. I know that between Bombard's house and Strack's house there was always a stream or wetland that went right through that area. Is it possible that the elimination of that culvert or drainage across Newman Road could potentially cause this problem of the houses behind it?

Ivan Zdrahal – I am not exactly sure. You are saying the park was filled?

Supervisor Politi – Just beyond the park, between Randall and the Park, there was a low lying area there always when I was a kid. There were cattails that when through there. If that was filled in and that culvert was not there, would that have an effect? Can you please go out there with Larry and take a look at that area where the water always flowed across. My feeling is, if it was filled in it is going to continue to flow.

Ivan Zdrahal – It should be rising back up but I am not sure it is doing that. I don't know exactly what is being said.

Supervisor Politi – That is why I want you to take a look. Jack knows and he will show you. If that were the case, tearing up that road and putting in a deep drainage area under the road going into the low land it might offset amount of water flowing through that area.

Councilman Doty – That is a logical first step.

Laura Klinger – Ivan, in the sinkhole on the property appears there is a pipe underneath. Anther concern is as a renter I understand it is the property owners have to pay to have the sinkhole filled my rent would go up and we cannot afford higher rent. I am terrified tat I am going to walk into my kitchen and have the floor will be in the basement.

Supervisor Politi contacted Brad Hathaway to see if there was potentially a water leak there and he said it was not a water leak. Ivan Zdrahal reported a sinkhole is created when a pipe gets broken and all the soil around the pipe gets soft and drains into the pipe crating a void and pavement collapses. Your problem is probably a pipe which is broken.

Judy Lundin- I can remember when David walked that block from the Waltons. He filled it in a long time ago and it did not have an effect on our property. There was also a stream that was where the Luge facility is now the people have a bridge and there is no water going in it. My kids used to look for littler minnows in the stream and now it isn't even running. Somehow there is a blockage which is causing it to back up into the houses.

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Laura Klinger – Heather did mention there was a previous sinkhole on the property which she just filled in. This is not natural.

Supervisor Politi – I have to move on. All we can do is investigate it more. Unfortunately, if it has to be a Special District you have an idea of that that the cost will be.

AGREEMENT TO SPEND HIGHWAY FUNDS

Supervisor Politi read the Agreement to Spend Highway Funds stating it is required to be approved by this Board.

AGREEMENT between the Town Highway Superintendent of the Town of North Elba, Essex County, New York, and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. GENERAL REPAIRS. The sum of **\$40,000.00** may be expended for primary work and general repairs upon **30.88** miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.
2. IMPROVEMENTS. The following sum of **\$207,000.00** shall be set aside to be expended for the improvement of the following town highways:
 - a) On the road commencing at **Deerwood Trails** and leading to **Quail Lane**. A total distance of **2,135** feet, there shall be expended not over the sum of **\$ 60,075.00**
Type: **6 top**. Width of traveled surface: **23 feet +/-**. Thickness **2 inches**. Sub base: **asphalt**
 - b) On the road commencing at **Evans Lane** and leading to **Eagles Nest**. A total distance of **635** feet, there shall be expended not over the sum of **\$17,109.25**. Type: **6 top**
Width of traveled surface: **22 feet +/-**. Thickness. **2 inches**. Sub base: **Asphalt** .
 - c) On the road commencing at **River Road** and leading to **Deerwood Trails**. A total distance of **55** feet, there shall be expended not over the sum of **\$9,990.28**. Type: **6 top**
Width of traveled surface: **55 feet +/-** . Thickness. **4 inches** . Sub base: **asphalt**.

Councilman Favro moved and Councilman Rand seconded the motion to approve the agreement to spend Highway Funds. There being no further discussion, the motion was unanimously carried.

ROAD NAME CHANGE- WINDY RIDGE WAY

Supervisor Politi – We received a request for a road name of Windy Ridge Way. It was approved by Essex County Emergency Services and the Fire Department. It is the Frank Sears Subdivision behind the State Coach.

Councilman Doty moved and Councilman Rand seconded the motion to approve the road name Windy Ridge Way. There being no further discussion, the motion was unanimously carried.

PUBLIC HEARING DATE- AUGUST 26, 2019 STR

Supervisor Politi – The public hearing for Short-Term Rental Law will be held on August 26, 2019 at 6pm held at the Conference Center.

ACCEPT RESIGNATION- STEVEN LAHART

Supervisor Politi – We received a formal letter of resignation from Steven LaHart from his possession as a heavy equipment operator for the Town of North Elba Highway Department with today being his last day of employment.

Councilman Miller moved and Councilman Favro seconded the motion to approve the resignation of Steven LaHart. There being no further discussion, the motion was unanimously carried.

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UPDATE- MIRROR LAKE SIDEWALK

Supervisor Politi asked Councilman Rand for an update on the Mirror Lake sidewalk.

Councilman Rand – It goes up and down. The last meeting we were all in agreement that stamped concrete would be a good way to go and is half the price. I talked to Art Devlin today. He said he had a conversation with Jim McKenna. I don't know all the details but they talked about going with granite. They went to a company in Massachusetts and came back with samples. He wants us to take a look at it. The cost would obviously be really high but Jim McKenna had made a statement that they might be able to help offset the cost. I don't know any other details.

The Town Board discussed the money from Jim McKenna must be from the Community Advancement money which is distributed by a committee which the Town Board sets up the committee. Councilman Miller pointed out that it is the Town's money.

Supervisor Politi – In addition, there is potential for another \$1 Million coming back to the Town as a result of the increase in the occupancy tax. If in fact ORDA is planning on utilizing funding for a parking garage, there might be additional money available from that source to help with completion of the sidewalk around Mirror Lake. That is a community benefit.

Councilman Rand – One of the things that changed his mind was that Ian Poole, who is a concrete expert, said that in 9-10 years we would not be satisfied with the stamped concrete sidewalk. It would deteriorate and fade.

Councilman Doty – I talked to Brad Hathaway about that too. The stamping process pushes the stone part of the aggregate down. It leaves just the fines on the top which wears quicker. Unstamped concrete at 6,000 lbs. would be the best concrete product. We are talking basics vs. esthetics.

Councilman Rand - Pemmacan and Techno-Bloc are still very interested. Art said he hears from Tech-Bloc just about every day. He hasn't heard from Permacon for a bit. He is going to double check to make sure they are getting messages. Permacon was a real good product.

Supervisor Politi- You said Art Devlin is going to come back to the town Board with another proposal?

Councilman Rand – Yes.

Councilman Miller – Every meeting there is something new.

Councilman Rand – It surprises me too. After this meeting with Jim McKenna, Art and Brad Hathaway went to this company in Massachusetts and have 3 more granite samples.

Councilman Doty – Brad said the research is over. They have all the info they need and we can sit down and figure it out.

The Board discussed the need for the cost and the life expectancy of the samples from Art Devlin. Councilman Miller asked the estimated cost and Councilman Rand explained that he hoped that for our portion of the sidewalk would be offset enough that it would be in the neighborhood of the other stone.

Councilman Favro – I talked to the Mayor on Friday and he wasn't too keen on the cost of the granite. How long are we going to wait?

Councilman Rand – It is important that the Village and Town are on the same page.

DECLARE PAVERS STONE SURPLUS FOR SALE

Supervisor Politi – We have about 24,500 sq. ft. of pavers and we have gator max for filling cracks between the pavers. Do you want to declare them surplus as the Village has already declared them surplus to sell them to someone else?

Councilman Rand – I think it makes sense at this point.

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Councilman Miller – Did we ever get the compression test to know whether we got what we were sold? We should know before we vote them surplus.

Councilman Rand – I can ask Art if they got that back. He did not mention it to me.

Supervisor Politi – I do not know why the Village agreed to do it if they asked Atlantic Testing to do the testing. Why would they make their pavers surplus without knowing the answer?

Councilman Miller- Can we prove that there was a manufacturing defect.

Attorney Briggs – If they committed so many pounds per sq. in. and we got something different then we have a cause of action.

Councilman Doty asked for clarification for ‘surplus’ which means the Town can sell the bricks and pointed out that the Village put a price on the surplus which was a large discount from what they paid for the pavestones. Attorney Briggs explained they are sold at the highest bid.

Councilman Favro – We should see if there is anything we need.

Councilman Doty – Jack and I talked about different uses for the pavers like under the picnic tables so they do not have to be moved to mow.

The Board decided the bricks could be used at the parks and Craig Wood or near the Toboggan Chute. Declaring the pavers as surplus was tabled

Compression of the pavestones follow-up

Councilman Rand – He had the pavers compression tested by Pemmican and Atlantic Testing. He has a few more questions because Pemmican said it was above 8,000psi and Atlantic Testing said they didn’t meet the requirements. He said Atlantic Testing does not usually test bricks. He is making a few calls tomorrow.

Attorney Briggs – I thought we were analyzing Cambridge to see if we have a cause of action.

Councilman Miller – Why would you use two different companies who gave two completely conflicting results?

Supervisor Politi – For all we know Pemmican owns the other company. I would think you use an engineering company.

Councilman Favro – Atlantic Testing tests cement and blocks all the time.

Councilman Rand – He wants to give them a call to make sure they tested the same way.

Attorney Briggs – What if they test it differently but Atlantic is more appropriate. That is a good question. And who is “He”?

Councilman Rand – Brad Hathaway. He said Atlantic doesn’t test Brick very much.

Supervisor Politi – We have already decided we are not doing anything until we find out.

HOST AGREEMENT- CAN/AM RUGBY

Supervisor Politi – I received a request to enter into an extension of a Host Agreement with CAN/AM Rugby in Saranac Lake for use of our fields for 3 years. The proposed rental fee is \$3,895 for 2020, \$ 4,285 for 2021, and \$ 4,715 for 2022 and is for one Saturday a year. This is pursuant to the same obligations and restrictions that we have had in place for the last 5 years.

Councilman Miller moved and Councilman Doty seconded the motion to approve the CAN/AM Rugby Host agreement. There being no further discussion, the motion was unanimously carried.

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APPROVE CONSULTANT AGREEMENT- AIRPORT OBSTRUCTION MITIGATION

Supervisor Politi- We have a Consultant Agreement for the Airport Obstruction Mitigation tree service repairs. It is a requirement by the FAA. We have retained C&S Engineering as our consultant Engineer for the Airport. The cost of the consulting fees is \$230,000 and the cost of the mitigation is \$800,000. We hired an independent fee company to review their work to determine whether the cost is reasonable or not. They approved such. Before we can proceed with this project, which is 95% funded by the Federal Government and the State of New York, We need to approve the Consultant Agreement.

Councilman Favro moved and Councilman Doty seconded the motion to approve Consultant Agreement for the Airport Obstruction Mitigation. There being no further discussion, the motion was unanimously carried.

APPROVE HALF MARATHON RACE

Supervisor Politi- Last meeting we had a request from Rick Preston for the Lake Placid Classic Half Marathon on Saturday, October 12, 2019. According to Rick Preston, it is the same date they have had the event for the last three years and does not create a problem in the community and attracts more people. He would ask that we approve the use of Town Roads, sidewalks and tents at the horseshow grounds along with bathrooms and shower facilities. They provide the appropriate insurance.

Councilman Favro moved and Councilman Doty seconded the motion to approve the Lake Placid Classic Half Marathon on Saturday, October 12, 2019. There being no further discussion, the motion was unanimously carried.

REQUEST FOR ADDITIONAL FUNDS – MLWA

Supervisor Politi- We received a request from the Mirror Lake Watershed Association for a contribution. We did put \$2,000 in our budget for 2019 in a continuing effort to monitor the impacts of road salt on Mirror Lake. I received a note from Bill Billerman asking if town would increase the contribution to \$3,000 and feels the effort is critical and necessary to understand eth current threats to the lake. It includes ... letter. It is not in our budget and would require an adjustment in our budget amendments by an additional \$1,000 by utilizing unassigned fund balance.

Councilman Doty – Since I went to the meeting with the Village, I learned about he plants that are being planted in parking areas that are not killed by the salt and help keep the salt and sand back. That program will be coming in front of us to sponsor a \$30,000 grant to spot target all areas within the Town.

Councilman Miller moved and Councilman Doty seconded the motion to approve the additional \$1,000 to the Lake Placid Watershed Association. There being no further discussion, the motion was unanimously carried.

DISCUSSION – HIGHWAY LOADER

Supervisor Politi- Where are we with the highway loader?

Superintendent Straight – The cost is \$32,000 to repair the old loader. They are gonging to give us \$30,000 on a trade-in.

A new loader in \$230,000, Councilman Favro asked if it worth us keeping it and the cost to repair is \$30,000. Councilman Miller suggested keeping it and Larry Straight said it would only be worth scrap iron.

Councilman Miller – Can we find out what it is worth if we fix it in proper working order? If we put \$30,000 into it, what can we sell it for? Can we find that out?

Superintendent Straight – We have to do something soon because I am getting pressure from John Deer who we bought the new machine from.

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Supervisor Politi – We bonded for the new machine already. The purchase of the new machine was contingent upon a trade in for this one. This machine is not workable right now and they won't take it the way it is so it will cost us \$32,000 to correct the problem.

Councilman Miller asked what they are giving us as a trade-in and the Board reiterated the trade-in value is \$30,000 which costs the board \$2,000. The Board does not like the choice.

Superintendent Straight – If John Deer had delivered the machine the way they should have, they waited until June.

Councilman Miller – What do you do with the old one?

Councilman Doty – Bob, it goes as a trade-in. We have to put \$32,000 into it to get a trade-in value of \$30,000.

Councilman Doty moved and Councilman Favro seconded the motion to approve fixing the loader to trade-in for a new loader. There being no further discussion, the motion was unanimously carried by those present.

Councilman Rand was on the phone finding out the pressure test for the pavestones and asked what the decision was about. Attorney Briggs summarized the decision regarding the loader.

BUDGET AMENDMENTS

Supervisor Politi asked for approval of the Budget adjustments. The only addition was \$1,000 has to be added for the Mirror Lake Watershed Association coming from Fund Balance and the fencing at Newman Park.

**2019 BUDGET AMENDMENTS
08/13/2019**

| ACTION | ACCOUNT | DESCRIPTION | AMOUNT | REF | ADDITIONAL INFO |
|--------------------------|---------------------|--------------------------------------|-----------------|---|--|
| Increase Expenditure | A000.1110.0461.0000 | Municipal Court, Employee Travel | 459.16 | vchr 1186 | Alec Friedman Taking the Bench training |
| Increase Expenditure | A000.8160.0415.0000 | Transfer Station, Building Repairs | 3,576.00 | vchr 1412 | Wood wizard repair from damage caused by customer |
| Increase Revenue | A000.0000.2680.0000 | Insurance Recoveries | 3,576.00 | | |
| Appropriate Fund Balance | A000.0000.0917.0000 | Unassigned Fund Balance | <u>459.16</u> | | |
| Increase Expenditure | DB00.5130.0417.0000 | Highway Equipment Repairs | 985.86 | po 31781, 31790; vchr 1368 & 1369 | Olympic Auto; Sheldon Truck Sales |
| Appropriate Fund Balance | DB00.0000.0915.0000 | Assigned unappropriated fund balance | <u>985.86</u> | | |
| Increase Expenditure | A000.7110.0459.0000 | Parks, Other Professional Services | 8,400.00 | quote from C&E fencing for installing Newman Park | Per Jack --informed him the Town should have two proposals |
| Appropriate Fund Balance | A000.0000.0917.0000 | Assigned unappropriated fund balance | <u>8,400.00</u> | | |

Guideline 3: All estimated purchases of:

- Over \$20,000 – formal bidding and legislative approval pursuant to GML § 103.
- Less than \$20,000.00, but greater than \$10,000.00 require a written request for a proposal (RFP) and written/fax quotes from three vendors.
- Less than \$10,000.00, but greater than \$1,000.00 requires an oral request for the goods and oral/fax quotes from two vendors.
- Less than \$1,000.00 are left to the discretion of the purchaser.

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

COMMITTEE REPORTS – LACROSSE FIELDS IRRIGATION

Councilman Doty – We received two bids for the Lacrosse Fields Irrigation. It is labor only bids and the pay scale is prevailing wage. The first bid from Luck Brother's was for \$196,000 and Northeast Irrigation was \$80,005. I was expecting bids between \$70,000 - \$100,000.

Supervisor Politi asked if anyone reviewed the bids and Laurie Dudley reported Ivan Zdrahal took the bids tonight for review.

Supervisor Politi – Until such time that he finds the bids to be satisfactory and meet the specs, we will approve the award to the low bidder.

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Councilman Doty – There is some urgency if we are going to approve the lower bid to get it on the work schedule.

Supervisor Politi – We can approve the lower bid subject to Ivan’s approval of the review of specifications.

Councilman Doty moved and Councilman Doty seconded the motion to approve the lower bid subject to Ivan’s approval of the review of specifications. There being no further discussion, the motion was unanimously carried

COMMITTEE REPORTS-NEW MAN ROAD FENCE

Councilman Doty – I talked to Butch Martin and Zack Clark who have been looking for bids. We don’t have anybody close in the area. The next closest is Albany. They helped us with the irrigation fields and that fencing. All the parks and beach fencing has been C&E fencing out of Plattsburgh. Two other’s from Plattsburgh are too busy and don’t want even talk to us. I call two companies out of Vermont who said they too were too busy. It is not a big enough job. Our limit is \$5,000 and the price is \$8,400. I can get one more bid after calling a over a week.

Councilman Favro – The fence there now is not in good shape. There a lot of kids playing and it is sharp at the top. We are leaving ourselves open for a liability for not fixing it as soon as possible. It is an emergency to fix it.

Supervisor Politi – If you had two people told you they will not bid. It is the same as having three bids. The issue, do you want to spend the money on it? If you think it is a necessary expense, then move the budget adjustments. I went by the other day and there were probably 9-10 kids there.

Councilman Doty suggested making the fence removable were Mike Corow’s house should he ever need to repair his wall without damaging the new fence.

Councilman Favro moved and Councilman Doty seconded the motion to approve C&E out of Plattsburgh to install the fence at Newman Park.. There being no further discussion, the motion was unanimously carried.

SPEED SKATING OVAL -

Supervisor Politi- We would like to request that when ORDA replaces and upgrades the oval, we find out if it is possible for them to extend any glycol system directly to the hockey box which is 20 ft. away. That solves the issue of utilizing the hockey box at unseasonable times during the winter. We will discuss that issue with Mike Pratt when he gets here.

MT. VANHOVENBERG EASEMENT

Ron, I would like you to find out on behalf of this Board get the Title information on Mt. Van Hoevenberg. I know the Town of North Elba owns Mt. Van Hoevenberg. I have not been able to locate the easement agreement between The Park District and the Department of Environmental Conservation. I believe it happened in the ‘70s. The reason I ask this is because of the trees that were cut at Van Ho and the wood that is piled there. Is it person property that is owned by the Town of North Elba? It is the States position that they cannot sell any timber that is cut. They have to let it rot. My guess is that the agreement is for the operation and management of the Bob Run but not anything else.

Attorney Briggs – Once they cut it, it is personal property. I will find the agreement.

DEC UPDATING

Supervisor Politi- The DEC is updating and mandating all rules and regulations including phosphorous levels and ammonia levels in waist water treatment plants. Other towns have installed new plants are now being told that they do not meet specs. It is nonsense that the y have to redo everything. Typical for the State of New York.

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Superintendent Straight – A lot of the information in that is not true.

Supervisor Politi- I need to know that. I was supposed to be there but I was out of Town. I need Shannon to give me an analysis.

LABOR DEPARTMENT INSPECTION

Superintendent Straight – The Labor Department inspected the Highway Garage and there were a few things that will be corrected by Rose VanWarmer because she is the safety coordinator. The violation is being taken care of. A couple weeks later we had an inspection at the Transfer Station inspection. Apparently, an employee at the County called the labor Department and there was a big to-do about it. Because the Compactor belongs to the County, we got involved in that. The only thing that we were in violation of is that we do not have a policy in place that doesn't allow an employee to get into the compactors. If somebody falls in the compactor we have to call the fire department.

Supervisor Politi- They are going into every single town checking Town Highway Departments and every town Transfer Station. It's all about money. They are looking to fine Towns and Counties.

Superintendent Straight – We are up-t- date and there were no fines.

APPROVE AUDITS AS PER AUDIT #'S

Supervisor Politi asked for approval of the audits.

(Attached)

Councilman Favro moved and Councilman Doty seconded the motion to approve 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 Miller moved and Councilman Favro seconded the motion to adjourn the meeting at 8:30 pm.

Respectfully Submitted,

Laurie Curtis Dudley
Town Clerk