

## TOWN BOARD MEETING

TUESDAY, JULY 10, 2012

Minutes of the Regular Board meeting held on the above date beginning at 7:00 pm at the Town House, 191 River Street, Saranac Lake, New York.

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

**Others Present:** Attorney Ron Briggs, Larry Straight, Chris Knight, Andy Flynn, Ted Morgan, Jim Morganson, Gene Hicks, Matt McNamara, Michael Orticelli, Bill Hurley

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

Supervisor Politi asked for a motion on the minutes of the Board meeting on June 12, 2012.

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 unanimously carried. Councilman Favro abstained due to his absence from the June 12, 2012 meeting.

### **GENE HICKS – COMLINKS UPDATE FROM JUNE 12, 2012 MEETING**

Gene Hicks – I will make this short tonight. I left a couple copies with the clerk that I would like you to look at. One is from Disability Advocates and the other letter is from Franklin County Housing Council. The Disability Advocates got involved with the Wesvalley house I and II back in May. They were trying to get the Housing Authority to comply with federal law. The updated policy from Ms. Gillen that came back on June 6, 2012 states that they are trying to bring this North Elba housing property into compliance with State law. After talking with officials in Albany, the State law has not been updated since 1968. With the Fair Housing Act and the Americans with Disability Act being updated many times in the recent 25 years. The requirements that the State have don't come close to what the Federal Government is requiring. As we go forward, I am anticipating an official from the State of New York to come out and say the State is out of compliance with the Federal law. After that, most of this will resolve.

Supervisor Politi – When I spoke to Senator Little's office, her aid said they were working on it.

Gene Hicks – I put a complaint in with them when this started and they never got back to me. If they are working on it then they haven't shared that with me.

Supervisor Politi – They said they are aware of the issue.

Gene Hicks – We figured out what we should do. The State of New York is running 40 years behind the times. We've heard they do that in other agencies. Hopefully we can get that out and share it with the media. Thank you for your time.

### **ZONING RECLASSIFICATION - BALSAMS**

Supervisor Politi – I'm not sure if you have had a chance review that case.

Councilman Miller – I need more time to review it. I have it here and it is pretty complex. I think it would be best to take some time.

Councilman Favro – I wasn't here when it came to us so I will have to agree. I would like to look it over.

Councilman Doty – I'm not ready to move forward on this.

### **BUILDING CLOSING – IRONMAN FRIDAY**

Supervisor Politi – I have a request to close the Town Hall the Friday before Ironman. We do it every year. The reason for that is because the Town Hall becomes the restroom for 3,000 people. It creates a problem. There is very little business that day.

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Councilman Doty – Does the Village follow suit?

Supervisor Politi – Last year they were open. The bathrooms and stairwell door were locked.

Councilman Favro moved and Councilman Miller seconded the motion to close the Town Hall on July 20, 2012 which is the Friday before Ironman. There being no further discussion, the motion was unanimously carried.

### RESOLUTION FOR CONSOLIDATED FUNDING APPLICATION

Supervisor Politi read the following resolution which was a request received Matt McNamara who is with Community Resources and Planning at the County. The resolution is on file in the Clerk's office.

#### RESOLVED:

That Robert T. Politi as Supervisor of the Town of North Elba is hereby authorized and directed to file an application through the Consolidated Funding Application(CFA) Process for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$500,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of North Elba for the Development of Recreation Fields in the Town of North Elba, and if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

#### BE IT ALSO RESOLVED:

That Robert T. Politi as Town Supervisor of the Town of North Elba is hereby authorized and directed to file an application through the Consolidated Funding Application (CFA) Process for funds from the New York Department of State Local Waterfront Revitalization Program in an amount not to exceed \$50,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of North Elba and the Village of Lake Placid for the update of the North Elba Comprehensive Plan.

Supervisor Politi – This is all part of a process of joining various needs of the communities to make this financing a joint process. Too also make it more interesting to the State in terms of financing. The resolution is needed by us so Essex County can add it to their package. The information was in the article today. Matt, if you would please explain the two resolutions and the process you are undertaking.

Matt McNamara - We are preparing a CFA application for the Regional Economic Development Council. It involves two different funding choices; one, through Department of State Waterfront Revitalization which is relative to the North Elba Comprehensive Plan. Through that source, this grant proposal will be seeking funding assistance. The total cost of the project is \$50,000 and we are requesting is 50% which is the allowable funding request. The other is the Office of Parks through which we would be looking at the recreation fields. Again, it is a 50/50 match. I have been working with Jim Gerard and Butch Martin talking about the development of the fields. I developed a budget that allows the Town to provide the matching for these projects through labor and material. I have the budget here if you would like to look through it. I would be happy to answer specific questions.

Councilman Doty – Would engineers on this project take care of the rerouting of the venting pipes. We've had to monitor them for about 14 years of which we are ending next year.

Matt McNamara – Yes. I have been in communication with David Mt. Pleasant who was involved with the original closing and capping of the site here and also managed by the site in Saranac Lake. Communications with him have indicated that this is entirely within reason. They just did a project similar in Lake George. The landfills were capped in the mid 90's and the gasses gave run their course. It is a good opportunity to be looking at these sites for reuse.

Councilman Rand – What happens to the filter underneath it?

Matt McNamara – That needs to maintain its integrity. The site will be up to grade by adding fill. The engineering will accommodate for that. North Elba site is pretty well upgraded. The site in Saranac Lake will need more fill.

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Councilman Rand – How many fields?

Matt McNamara - There are three fields in Lake Placid and two in Saranac Lake.

Supervisor Politi – What grant money are you seeking from the Village of Lake Placid, the Town of North Elba and the Village of Saranac Lake?

Matt McNamara – The Town of North Elba as the applicant is going to be entering into an agreement with New York Office of Parks for this project. Then there will be agreements between the Town and the Village of Saranac Lake to share the engineering costs for the two sites. That will dictate the specifics to how much fill goes to each of these places, which is going to guide the matching component. There has to be collaboration. There will be deficiencies in the sense of being able to share that engineering component. Also the landscaping contractor will be shared. Funding will be administered through our office because with the different funding sources and different municipalities it is easiest for us to be the go through.

Supervisor Politi – Does the joint effort give additional merit to the review of the overall project?

Matt McNamara – Yes. The Consolidated Funding Application and the Economic Development Council is prioritizing projects like this which is a collaborative effort is a positive thing for the region. We can make a good case for it with the recreational benefits for the community and tourism. It's a nice application.

Councilman Rand – Is there a parking plan for the three fields?

Matt McNamara – Some of the specific details will be flushed out once we have an engineer look at it. Another concern is bringing water to the site. I put a total of \$40,000 in the budget to get municipal water to both locations.

Supervisor Politi – Has this resolution been passed by the Village of Saranac Lake and the Village of Lake Placid?

Matt McNamara – The Village of Saranac Lake did a resolution of support which will help with the grant. I have not been able to nail down the Village of Lake Placid. As the applicant, the Town of North Elba needs to pass a resolution. I have been working closely with Dean Dietrich with regards to the budget.

Supervisor Politi – We will pass the resolution tonight. It is obviously a cost savings to the Town and the Villages. Would someone like to move the resolution I read.

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

Matt McNamara – I would also request your signature for the State Environmental Quality Review Act (SEQR) Form. I have the form with me.

Supervisor Politi – Let's do it now.

Attorney Briggs reviewed the SEQR form and determined that it is a Negative Declaration which requires a Board Resolution.

Councilman Favro moved and Councilman Miller seconded the motion to approve the Negative Declaration as presented. There being no further discussion, the motion was unanimously carried.

Matt McNamara – I do anticipate a review process by the DEC.

Supervisor Politi – We wouldn't expect it any other way.

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### BUDGET AMENDMENTS

Supervisor Politi – Has everyone had a chance to review the budget adjustments?

Councilman Doty – The only one I don't understand the \$17,316.30 for State Aid,

Supervisor Politi – This money is being utilized from a fund containing state aid to offset cost of road improvements. Examples are Olympic Hill and the culverts on Adk Loj Road. This is moving money from one fund to cover the costs of consumable supplies and general repair. They would have been over budget, but Larry has the money sitting in an account from State Aid.

Councilman Miller – The money is coming from where?

Supervisor Politi – It is money that was given to us from the State Emergency Management Fund that is going to pay the cost for those roads because in those categories he came over budget.

Increase A.1355.0101	Assessor. Personal Services \$1,200.00, for approved raise for M. Marchuk
Decrease A.1356.0463	Assessment Review. Dues and Fees \$1,200.00
Increase A.1410.0200	Town Clerk. Equipment \$87.49, for purchase of multicolor printer
Decrease A.1410.0413	Town Clerk. Office Supplies \$87.49
Increase A.1610.0200	Central Admin. Equipment \$87.49, for purchase of multicolor printer
Decrease A.1610.0413	Central Admin. Office Supplies \$87.49
Increase DB.5110.414	General Repairs. Other Consumable Supplies \$3,322.08 (mostly crusher r un, culverts, filters, tires)
Increase DB.5112.414	Permanent Improvements. Other Consumable Supplies \$13,994.22 (regular top for street paving)
Increase DB.3960	State Aid – Emergency Disaster Assistance \$17,316.30

### Magarey Marchuk – Pay Raise

Supervisor Politi – The Clerk to the Assessor filled in for Kimball during his sickness. This came up at the workshop meeting last week. Her current wage is \$13.53 per hour. He requested a \$1.00 increase to \$14.53 per hour. The cost is being offset by the excess in the Assessors Dues and Fees Budget. There is no additional cost to the taxpayers. We did discuss this and approved it at the workshop. Cathy needs the approval for Margaret Marchuk in writing.

Councilman Favro moved and Councilman Doty seconded the motion to approve the budget adjustments as written and presented as well as the hourly wage increase for Margaret Marchuk to \$14.53 per hour. There being no further discussion, the motion was unanimously carried.

### BOCES RADIO SYSTEM SUPPORT

Supervisor Politi – I received a letter from Champlain Valley Educational Services office written by a gentlemen names Robert Joyce, facilitator. It is requesting our support for BOCES emergency radio system component at the top of Whiteface.

Supervisor Politi read an excerpt from the letter; the whiteface site is located at the summit behind the elevator shaft at the top of a natural rock shelving originally where the shack was carved out. The problem with this location is the environmental condition which is water seepage and damp conditions prevailing and the lack of space for maintenance of equipment. With new equipment being installed being more and more sensitive, we have been looking and are requesting a better location of the site that will meet our concerns and afford better security.

Supervisor Politi – Evidently this is a safety issue. They are having problem with the current location.

Councilman Rand – There is a ton of equipment up there.

Supervisor Politi – It is my understanding that they have problems with the dampness in the shaft and want to move to the Atmospheric Research Center.

Councilman Rand – It's not a bad idea, but there are also the FAA, DEC, State Police... This is more of a DEC issue.

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Supervisor Politi – It is my understanding that the Atmospheric Research Center is owned by SUNY and they are saying no.

Councilman Rand – If one does it then everybody is going to want to do it. We have a lot of equipment.

Supervisor Politi – If the space is available and it is a safety issue for the kids in the region, then I don't see why not. It is not my call. They are just looking for support.

Councilman Rand – I know where the Atmospheric Research Center is but don't know where in the building they want to use.

Supervisor Politi – I sent a copy of this letter to Senator Little. I spoke to Keith and asked him to follow up on this request. I don't know if it is something you want to support at this stage or to see how Senator Little reacts to it.

Councilman Miller – If they are having a problem with that then there are bigger problems with the DEC and the State Police.

Supervisor Politi – I don't think BOCES would have written us if it were not an issue.

Councilman Doty – Can we verify it through our bus garage? All I would need is some verification. I will drop in and ask Jeff Jacques next time I am in the highway garage.

Supervisor Politi – Gene Hicks knows how one hand doesn't communicate with the other. It is troubling.

Matt McNamara – Our office is working on radio communication between different counties. It is a huge project. It is relevant to this topic. ORDA is looking at different sites to house their equipment. Mike Mascarenas know what is going on. They talked about another ski patrol shack at the top of Little Whiteface that would hold all the radio equipment.

Supervisor Politi – It is somewhat troubling; there are a lot of buildings on Whiteface now. It's not like it will be seen. Given the issue of public safety and the lack of communication, it is one of the reasons Essex County is undertaking a \$20 million dollar radio project. The firemen can't talk to each other. This shouldn't be the case in these times. Government leaders need to work this problem out.

### **COMMITTEE REPORTS – CRAIG WOOD**

Councilman Doty – We are winding down into our final phase to put a job description together on the renovation we are going to tackle. I'll have a meeting within the week with our construction committee and we will decide which way to go. We may have to do a little rewriting but we can get together to do that. My target is to have a spec sheet in print by the first week of August that would give us a minimum of six weeks for contractors to respond. We are currently working on elevator projections and different schematics, electrical load. We are very close to putting a package together.

Supervisor Politi – Are you all set with this Jim?

Jim Morganson – On the golf house, yes.

### **COMMITTEE REPORTS – SKATEBOARD PARK**

Supervisor Politi – Do you want to give an update on the skateboard park?

Councilman Miller – I called the school superintendent a couple of times and he hasn't called back. I haven't heard from Dan Leff. I'm stepping back for awhile.

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**COMMITTEE REPORTS – TRANSFER STATION C&D**

Councilman Rand – Some of the contractors didn't make it to Thursday's meeting. They were redoing the testing. The first one failed because of the wrong mix. They expect this one to be good.

Larry Straight – They got approval on that yesterday and they started putting down the sand-benonite mixture. They are about two weeks out.

Councilman Rand – It looks great.

Councilman Doty – Roby, Little Whiteface could turn into elevated seating for the new fields!

**COMMITTEE REPORTS – HIGHWAY ROADS**

Superintendent Straight reported all roads are done with the exception of Tahawus Way which will be done in August.

**TOWN ATTORNEY REPORTS- CAFÉ RUSTICA**

Attorney Briggs – I received a call from Brian Barrett today. Café Rustica would like to change their Liquor License to include Liquor. They would like the Town Board to waive the 30 day notice period.

Councilman Doty moved and Councilman Favro seconded the motion to approve the 30 day waiver for Café Rustica. There being no further discussion, the motion was unanimously carried by those present.

**TOWN ATTORNEY REPORTS- ALDI TAX ASSESSMENT**

Attorney Briggs – I received a letter from Cathy Drobny regarding the ALDI tax assessment case. I would like to talk about this litigation in Executive Session because there are specific terms that should not be discussed publically at this point.

**APPROVE AUDITS AS PER AUDIT #'S**

Supervisor Politi asked for approval of the audits.

	Regular	Prepaid	Totals
TOWN OF NORTH ELBA			
CLAIMS APPROVED FOR PAYMENT 7/10/12			
A FUND GENERAL FUND	108233.63	35868.19	144101.82
DB FUND TOWN OUTSIDE VILLAGE HIGHWAY	54517.28	5804.52	60321.8
H01 SECURITY/PERIMETER FENCE AIRPORT CAP. PROJECT	0		0
H02 -BLOCK HANGAR REHABILITIATION AIRPORT CAP. PROJECT	0		0
H03 - 5 BAY T HANGAR	6203.33		6203.33
H04-C&D WASTE CELL	103747.6		103747.6
H05- CRAIG WOOD GOLF COURSE CONSTRUCTION	0	306.5	306.5
H06-TERMINAL BLDG	15149.02	0	15149.02
H07 RUN WAY REHAB	0		0
H08-AIRPORT MASTER PLAN	0		0
H09-APRON EXPANSION	23627.5		23627.5
H10-RSA IMPRV & RW 32 HLDNG BAY	23.6		23.6
RD03-THIEANOQUEN WAY ROAD DISTRICT	0		0
RD04-TAHAWUS WAY ROAD DISTRICT	0		0
SF1-FIRE PROTECTION DISTRICT #1	222473.23		222473.23
SF2-FIRE PROTECTION DISTRICT #2	0		0
SF3-FIRE PROTECTION DISTRICT #3	88070.08		88070.08
SP PARK DISTRICT	92559.58	32767.26	125326.84
SS21 CONSOLIDATED SEWER DISTRICT	0		0
SW1 SEWER DISTRICT #1	0		0
SW2 MCKENZIE	0		0
SW3 RAY BROOK	0	433.06	433.06
T TRUST & AGENCY		0	0

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TE PRIVATE PURPOSE TRUST			0
<b>Batch 1219-1223</b>	<b>714604.85</b>	<b>75179.53</b>	<b>789784.38</b>
120378; 121224; 121386-121392; 121394-121422; 121447-121495; 121497-121501; 121525-121566; 121568-121584; 121612-121613			
Batch 999 (Payroll)	0	48004.83	48004.83
121423-121446; 121502-121524			
Batch - HELD	18563.44	0	18563.44
112313, 120188, 120355, 121496			
DELETED VOUCHERS:			
121342; 121567			

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

**PRESS QUESTIONS**

Supervisor Politi – Because I don’t anticipate there being any business to be conducted after the executive session, I am going to open comments up to the press.

Chris Morris - Community Resources and Planning

You said, not to exceed \$50,000. When Dean Dietrich came to the Board he asked for \$12,500 from the Town and the same from the Village. What is the \$50,000?

Supervisor Politi – The request was for \$12,500 for two years.

Matt McNamara – The budget that Dean developed has a contribution from the Town and a contribution from the Village. They both shook out to \$12,500 each. When I developed a grant, I put it together in such a way that those funds needed to cover the consultant, a professional planner, to assist in this process which is about \$22,000. The matching component to that is being provided by all of the contributions from all committees. The funding request comes in the neighborhood of approximately \$23,000.

Councilman Doty – It’s basically 50/50?

Matt McNamara – Yes. There are other items that go into it, copies, supplies, etc. Realistically, the strategy was to relieve the Town and Village of the need to distributing those funds and allows the Department of State through this program to assist municipalities with getting that professional.

Chris Morris – Why set it as high as \$50,000?

Matt McNamara – That is something that is pretty common when resolutions for grants are done understanding that there may be some movement within the budget. What they often do is say, not to exceed a certain amount, so the Board is comfortable.

Chris Morris – If the grant came back over what was needed, would the Town return that grant money?

Matt McNamara – They are going to enter into an agreement with the Department of State with a work plan that lays out specifically what items the Town and Village will be providing and what items the State will be providing.

Supervisor Politi – Chris’ question was, if there is money left over what happens to it?

Matt McNamara – It has to be allocated somewhere.

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Ted Morgan – Radios on Whiteface

Can you briefly describe the radios on whiteface?

Councilman Rand – The feeders are in the shaft and there is no question it is wet in there. There are multiple feeders up there; State Police, two from DEC, Whiteface, BOCES, FAA, FBI, and a few more. A couple of years ago, two were moved to a lower location. I don't know what they are using the other building for now. Champlain Communications does most of the work up there.

**ADJOURN TO EXECUTIVE SESSION**

Councilman Favro moved and Councilman Miller seconded the motion to adjourn the regular Town Board meeting to go into executive session at 7:50 pm. There being no further discussion, the motion was unanimously carried.

Councilman Doty moved and Councilman Rand seconded the motion to come out of executive session at 8:45 pm.

There being no business conducted during executive session and no further business to come before the board, Councilman Favro moved and Councilman Rand seconded the motion to adjourn the meeting at 8:45 pm.

Respectfully Submitted,

Laurie Curtis Dudley, Town Clerk