

## TOWN BOARD MEETING

TUESDAY, NOVEMBER 10, 2015

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

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

**Members Absent:** Councilman Rand

**Others Present:** Attorney Ron Briggs, Larry Straight, Matt Turner

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

Supervisor Politi asked for a motion for the minutes of the Board meeting of October 13, 2015.

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

### **PROPOSED GAMES OF CHANCE LAW**

Supervisor Politi – Laurie has requested a proposed Games of Chance Law for the Town of North Elba. We receive requests every year for BINGO Groups and the Youth Center and evidently we don't have a Law. We have been approving these requests for years. Because someone new has to justify their job, we need to prepare a proposed local law for Games of Chance.

Attorney Briggs –The Village has one. I will put one together for the Town.

Councilman Doty asked about the permit process and Attorney Briggs explained that the Town Clerk approves applications which has been done for many years.

Councilman Miller – Do you want to do the public hearing for this Law at the same time we amend the Dog Law?

Supervisor Politi- Bob wants to amend the Dog Law to say that first time offenders only pay \$75 for the Vet fee and the Town fee of \$75 is waived.

Attorney Briggs asked if the current Law states that it is a mandatory fine or just a fine and Laurie Dudley gave Attorney Briggs a copy of the Law. The fine is mandatory.

Supervisor Politi – The fine was reduced on some and not all. An Ag & Market representative came in and told us we are in violation because we are not following our Law.

Councilman Miller – We can't use discretion without changing the law. I thought we should do a first time waiver of the Town fee.

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Supervisor Politi – Ron, you have both those two; proposed Games of Chance Law and amend the Dog Law.

Councilman Doty stated that it will come down to Laurie to keep track of those that received the waiver. Laurie Stated we only had 9 seized last year which can be added to the notes as it would be difficult to remember 10 years later.

### **OLD MOUNTAIN ROAD STATUS**

Attorney Briggs – Matt Norfolk is preparing a combined Article 78/ declaratory judgment action and there is a doctrine law that says if it is a declaratory judgment action you have to name all parties who are affected by the judgment. He is seeking a determination that the road is open and not abandoned. That happened to be the same position the Town has on that particular issue. He has to name the Town in his lawsuit because we are an indispensable party because we have a voice and say in whether or not that road has been abandoned. Technically, it might be a conflict. Matt is representing McCulley and I am representing you. We have a unity of interest so there is no conflict. We are asking this Board and McCulley to sign a waiver acknowledging that there is none. If a conflict arises per chance down the road, then we will have to revisit it. Right now, we want the same thing in this lawsuit.

Councilman Miller – I have no problem with that but I do have some questions about how we are handling this. I don't know if you want to talk about it in executive session.

Attorney Briggs – It is litigation so it is appropriate to discuss it in Executive Session.

### **REQUEST FOR SPEED LIMIT CHANGE – BEAR CUB ROAD**

Supervisor Politi – We received a request to change the speed limit from 40 mph to 30 mph on Bear Cub Road. I did give it to the County on Monday. That is something that is always decided by the State of New York. My guess is that they won't because they don't seem to approve any. As much as I think it is a good idea, for some reason the State doesn't like to make the changes. I don't have a problem with driving up Bear Cub Rd at 30 mph given the way it is. I don't have a problem with River Road. The difference between the two has to do with why a road is supposed to be a County Rd. To note, County Roads are roads that connect between State roadways. River Road connects Route 73 and Route 86. Bear Cub Rd, Adirondack Loj Rd and Averyville Rd should not be county roads but they are because some time in history the Town couldn't evidently take care of them and the County agreed to do so.

Superintendent Straight – At one time those roads could have connected to State roads. The Loj Road connected to Keene through South Meadow. Averyville Rd connected to Saranac Lake. It's a stretch to find the connector for Bear Cub Rd.

### **BUDGET AMENDMENTS**

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Supervisor Politi reviewed the budget adjustments including the gazebo purchased from the Amish which was built and delivered for just over \$7,000 and Jeff Estes health insurance at a cost of \$13,353 which is offset by Park District Fund Balance and asked for approval.

NOV 2015 BUDGET AMENDMENTS 11/10/2015

ACTION	ACCOUNT	DESCRIPTION	AMOUNT	REFERENCE	ADDITIONAL INFO
INCREASE EXPENDITURE	A.3510.0421	ANIMAL CONTROL TELEPHONE	25.93		VERIZON WIRELESS CONTRACT (THIS WILL BE A RECURRING BILL MONTHLY)
DECREASE EXPENDITURE	A.4068.0421	BLACK FLY CONTROL TELEPHONE	(25.93)		
			<u>-</u>		
INCREASE EXPENDITURE	DB.5130.0200	HIGHWAY EQUIPMENT	7,174.89	PO 28681	CHANGE IN EQUIPMENT ORDERED DUE TO PLANNED USAGE
APPROPRIATE FUND BALANCE	DB.0000.0909		<u>7,174.89</u>		
INCREASE EXPENDITURE	SP.1350.0200	CRAIG WOOD EQUIPMENT & CAP IMPROVEMENTS	7,181.00	VCCHR 152252	ADK STORAGE BARN FOR GAZEBO
INCREASE EXPENDITURE	SP.9080.0800	PARK DISTRICT HEALTH INSURANCE	13,353.72	VCHR 152187 & DEC PREMIUM	ESTES;
APPROPRIATE FUND BALANCE	SP.0000.0909		<u>20,514.72</u>		
INCREASE EXPENDITURE	SW3.9700.0710	RAY BROOK WATER, DEBT SERVICE INTEREST	0.09	VCHR150065	(JAN, 8, 2015)
INCREASE REVENUE	SW3.0000.2401	RAY BROOK WATER, INTEREST & EARNINGS	<u>0.09</u>		
			<u>-</u>		

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

## **RESOLUTION – APPROVE BENEFIT WATER AND BENEFIT SEWER DISTRICTS**

Supervisor Politi – We had our Public Hearing for the Water Sewer Districts and the assessments for Theianoguen Lane and Tahawus Lane. It now needs to be approved.

Councilman Favro moved and Councilman Doty seconded the motion to approve the Benefit Water and Benefit Sewer Districts and Special Assessments as presented at the Public Hearing. There being no further discussion, the motion was unanimously carried.

## **RESOLUTION – APPROVE THE 2016 BUDGET**

Supervisor Politi – We had a Public Hearing for the Budget. We need a resolution approving the 2016 Budget as presented

Councilman Miller moved to approve the 2016 Town Budget which was unanimous seconded. There being no further discussion, the motion was carried.

Councilman Doty noted that Cathy Edman makes this process so easy and Supervisor Politi stated we are fortunate to have a CPA.

## **RETURN UNPAID RAY BROOK WATER**

Supervisor Politi – Ron, Cathy gave me a list of returned unpaid Water charges in the Ray Brook Water District. She asked me if we need to approve the relevy on the tax bills.

Attorney Briggs – We should.

Councilman Doty – How high is the deficiency?

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Supervisor Politi – The total is \$2,481.58 from Armstrong, Brady, Cairns, Hilbert, Neil Sexton, Stanton, NYS DEC and NYS Police.

Councilman Doty – Many of them were involved with the water break. I will check with Brad and follow up with Cathy.

Supervisor Politi – We can approve the return of the unpaid Ray Brook bills subject to Brad Hathaway's approval of the list.

Councilman Favro moved and Councilman Miller seconded the motion to approve the unpaid Ray Brook Water for return to taxes subject to Brad Hathaway's approval of the list. There being no further discussion, the motion was unanimously carried.

### **COMMITTEE REPORTS – SARANAC LAKE AREA YOUTH PROGRAM**

Councilman Doty – Round 57 of the Village of Saranac Lake Area Youth Program! Paul Vancott finally brought it up. I talked to Tom Catillaz today and he said he does not know what the vote was but the Village is definitely done with us. There has been conversation back and forth as to whether they are on board or not. We need some longevity to be able to straighten this program out. Last year was the first year that we had a Director that was compensated which was new. Long story short, we don't have a final financial report yet but the closest they could give us is that we were \$4,000 deficient this year. I am sure it equates to that salary. We raised \$15,000 from the public. Village is done and Mike Kilroy has offered to take it over at the Town of Harrietstown. We don't know how he will look to set the program up. It boils down to a dozen employees paychecks every two weeks. It is going to be easier to work with the Town of Harrietstown. As a Board member from the Program and I represent the Town. I will need input from all of you. Our initial idea for moving this program forward is to try to find a more structured environment for the swim lessons. We would like to utilize NCCC pool. Lifeguards will always be a problem but we think we can work around that and hope the Village helps in that aspect.

Supervisor Politi – We are working with Dan Stec and Betty Little to get the State of New York to approve the Lifeguard CPR training for two year approval instead of requiring them to be certified each year. They are aware of it.

Councilman Doty – The program totals are higher; we average 180 to 205 kids a week. 52% of the kids are SL Village kids. I have made no bones about it. I told the Village that you have turned your back on your own kids. That is that way I feel.

Attorney Briggs – What is your assessment on why they did that?

Councilman Doty – Maybe some uncertainty in our budget process because some year's \$5,000 deficient. They have come back to me with shared liability. They wanted each township to share in the insurance.

Attorney Briggs – They have insurance. That is unbelievable. That is a red herring.

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Supervisor Politi – The County provides lunch for them. They could be sewed.

Councilman Doty – I believe they traded their kids program that helps all the families in town for their 6'er program. They quoted that in the letter they sent to us last summer. I have never heard a municipal Board turning their back on their kids.

Councilman Miller wanted the press to write a story on the SL Youth Program and Matt Tuner said there would be.

Supervisor Politi - It is the same thing with the SL Chamber at the Town House. When they get a snow storm, we have to send our guys over there to plow it because the Village of Saranac Lake will not help their chamber out. Our guys take the garbage and the recycling. I don't get it.

Councilman Doty – There are some things that are sacred. You have to keep kids in an environment that promotes your town.

**COMMITTEE REPORTS – SENIORS**

Supervisor Politi asked for an update on the Senior Program.

Laurie Dudley stated that the County does not want the seniors to know they are moving until a later date. Debbie went over to see the Shipman Youth Center and she is thrilled. She anticipated the worst and was pleasantly surprised.

Terry Snyder fixed the walkway to the ramp door and will clean the bathroom and kitchen floors.

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

Supervisor Politi asked for approval of the audits.

TOWN OF NORTH ELBA			
CLAIMS APPROVED FOR PAYMENT 11/10/15			
	<b>Regular</b>	<b>Prepaid</b>	<b>Totals</b>
A FUND GENERAL FUND	\$212,702.28	\$27,602.87	\$240,305.15
B FUND GENERAL OUTSIDE VILLAGE	\$40,111.88		\$40,111.88
DB FUND TOWN OUTSIDE VILLAGE HIGHWAY	\$124,959.96	\$11,550.48	\$136,510.44
H12-Obstruction Removal Environmental Assessment	\$6,280.71		\$6,280.71
H13-JET FUEL STATION			\$0.00
H14-TAXIWAY LIGHTING			\$0.00
H42-MACHINERY AND EQUIPMENT PURCHASE			\$0.00
H44-ATHLETIC FIELDS	\$7,009.00		\$7,009.00
SF1-FIRE PROTECTION DISTRICT			\$0.00
SF2-FIRE PROTECTION DISTRICT			\$0.00
SF3-FIRE PROTECTION DISTRICT			\$0.00

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SP PARK DISTRICT	\$118,824.91	\$134,480.02	\$253,304.93
SS21 CONSOLIDATED SEWER DISTRICT			\$0.00
SW3 RAY BROOK	\$31,893.07	\$331.32	\$32,224.39
<b>Batch 1541-1544</b>	<b>\$541,781.81</b>	<b>\$173,964.69</b>	<b>\$715,746.50</b>
152123-152155; 152158-152159; 152186-152214; 152216-152257; 152284-			
150330; 152332-152338			
<b>Batch 999 (Payroll &amp; Health Reimbursement Arrangement)</b>	<b>\$0.00</b>	<b>\$46,579.97</b>	<b>\$46,579.97</b>
152021; 152087-152112; 152156-152157; 152160-152185; 152215			
<b>Batch - HELD</b>		<b>\$0.00</b>	<b>\$0.00</b>
<b>DELETED VOUCHERS:</b>			
152082			

Councilman Miller 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.

**EXECUTIVE SESSION**

Councilman Doty moved and Councilman Miller seconded the motion to go into executive session to discuss legal advice regarding Old Mountain Road at 7:35 pm

**ADJOURNMENT**

There being no motion made at the executive session and no further business to come before the Town Board, Councilman Favro moved and Councilman Doty seconded the motion to adjourn the meeting at 7:40 pm.

Respectfully Submitted,

Laurie C. Dudley, Town Clerk