

Regular Town Board Meeting
Tuesday, September 12, 2017

Minutes of the Regular Board meeting held on the above date beginning at 7:00 pm in the meeting room of the Saranac Lake Townhouse, 193 River Street, Saranac Lake, New York.

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

Others Present: Attorney Ron Briggs, Larry Straight, Antonio Olivera, Michael Orticelli, Gene Hicks, Danielle O'Mara

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 August 8, 2017 and the Public Hearing on August 8, 2017.

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

Tobacco Free New York- Danielle O'Mara

Danielle O'Mara- Thank you for taking the time to listen tonight. I have been sharing over Franklin, Essex and Clinton County. Part of what I do is share information with municipalities. Point of sale is where tobacco is being sold in the community. It is so important that at these small stores and pharmacy's that behind the county the first thing small children are seeing is the big power ball that is controlled by the tobacco companies. The trend in the area is dollar stores where tobacco is very much in demand. I frequent these stores to see what kind of packaging they are doing and what is the cheapest cigarettes being sold. In this community I did not take the time to go to all the stores but in the future I would. Point of sale is one of those things where municipalities can have a say in what happens in those stores it can be a tough point to deal with but it is possible. The other topic is what we call tobacco free outdoors this is another way to keep playgrounds, beaches and parks from tobacco use. We push people farther away from are children and where there are activities in community. Since I have been doing this work this year there are three communities that have made some changes. Moriah made all there parks and vehicles tobacco free. The big one was the Village of Malone they started with recreational parks that is a large area that includes beaches, ball parks and more. Champlain also made one park tobacco free. The average age of a smoker in New York is 13, if you ask people who smoke when they started that's the average age they will say. 90% of adult smokers say they first tried by age 18. You can see the vulnerable age is from 10 to 21 and this is where tobacco companies market themselves. There is a lot that needs to happen. You have all the information in your packet. What we are working on recently is what they call tobacco 21, each North Country County is trying to raise the age from 18 to 21. Right now I am working with Franklin County and sharing the information of why it is so important to raise this. If you look you can see where 18 year olds are more apt to be around youth. It would be the same as when they changed the drinking age from 18 to 21 the incidents of underage drinking has dropped. Same thing we are hoping with smoking. In your packet is a letter of support. I shared in Robert's folder some of the most frequently asked questions and answers which is helpful when

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municipalities are looking at going forward with this. In all current policies they do not include e-cigarettes and this is a huge trend. You could update your policies and signage to include this.

Supervisor Politi- Do we have tobacco free signs at the Lacrosse Fields and Horseshow Grounds

Larry Straight- No we do not at this time.

Danielle O'Mara- We can order them; most of them just say tobacco free parks and they can say no e-cigarettes and vaping.

Supervisor Politi- I don't think we have a problem with getting the parks and other areas.

Councilman Miller- Is the county talking about tobacco 21?

Supervisor Politi- I don't think so because at the county level there was a lot of push back about it being 21. People feel that you can be drafted and go to war at 18 so they can decide if they want to smoke a cigarette or not. I heard a lot of that.

Councilman Miller- It's the same thing for alcohol.

Danielle O'Mara- I think what they really are trying to stress at this point is it's a health issue. We are hoping with the support of the six counties it will go forward.

Councilman Miller- Can we pass a town law saying no one can buy cigarettes under 21?

Attorney Briggs- No I don't think so, it's a state law. We can only mirror there laws.

Supervisor Politi- I certainly understand the problem, it's something the state needs to address not the county.

Danielle O'Mara- We have got the attention of the governor and they are working on changing the law to include e-cigarettes and vapor.

Councilman Miller- I know in Massachusetts they have a lot of local laws that are 21. I would love to see us do it. The problem is heavy enforcement.

Danielle O'Mara- Its individual for each municipality depending on the resources they have. We are going to have another meeting here is Lake Placid next month and will include all people from 6 counties.

Supervisor Politi- Villages can pass laws and they have local police to enforce us as a town we have to depend on State Police that are not going to do this unless the State passes a law.

Councilman Miller- You need to meet with the County and people who pull a lot of wait.

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Supervisor Politi- I am telling you right now that Essex County is not going to go for it. It has nothing other than that this is something that should be decided by the State of New York. We appreciate your efforts and keep up the good work.

Comlinks- Gene Hicks

Gene Hicks- I was hoping for the 10 minutes that I didn't get the last time I was here. As you know Susan Farrell has been a resident for many years of the Town of North Elba. She has been in contact with Bill Hurley who is the chair of the planning board enquiring why the agreement the Town of North Elba entered into with Comlinks in 2002 has been ignored. I have been asked to point out the zoning change, changing from RTQ to plan residential that was quite a stir you were the mayor then. The agreement was to build the Comklins project that included a zoning change. As you can see from my handouts number 2 reads any changes in the project will require supplemental review and approval by the review board prior to commencement and number 7 reads because of individual concerns of the Woodhill Townhouses a no cut zone of 20"-25" inches deep will be flagged and put on site plan. That 25 foot no cut zone was changed a few months ago and the question with talking with Mr. Hurley was enforcement it was not up to review board and would be in Mr. Morganson Office. I went to talk with Jim he wasn't there and I talked to Mike and you told me quote "Gene it's only a few trees it's been a long time and no buddy cares" well it wasn't a few trees it was a lot of trees 125 feet tall. The natural vegetation that Comlinks hired to verify. The agreement that they had with Woodhill was very detailed.

Supervisor Politi- Who cut the trees?

Gene Hicks- The new Comlinks Franklin County Council cut them all. It is Mr. Morganson's office responsibility and when I asked if a permit was issues there was not. Mr. Hurley said the feeling was the Franklin County Housing Incorporated was a government agency and did not fall under any environmental review they can go in and remove a big section of the slope which the lawsuit was over and didn't have to require permit. Last time I talked with Jim about two weeks ago he said there was no permit and talked with Britt and again and she said there was no permit.

Attorney Briggs- A permit to take trees down?

Gene Hicks- To remove the entire no cut zone!

Supervisor Politi- That's between Woodhill and Comlinks

Attorney Briggs- This is a decision which is signed by the JRB not signed by the outfit. It's conditional based on the granted permit.

Gene Hicks- Well Ms. Farrell was aware of this when she moved in and now looks at Woodhill and the conditions were clearly spelled out. It says it is conditional and project would require review board approval.

Attorney Briggs- That's not an agreement those are conditions it was designed to protect Woodhill.

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Gene Hicks- You have some of your citizens who are impacted by this and expected these conditions to be held up.

Attorney Briggs- It was 15 years ago and what is the relief that you are seeking?

Gene Hicks- I am not a lawyer I don't know that much of it and it seems like pretty easy conditions. You changed the zoning classifications with those conditions were changed. I spoke with the chairman Mr. Raft asked if he had been contacted about this. Mr. Raft is the chairman of the Woodhill Townhouse Association. How is this active without Franklin County talking with zoning board or Woodhill Association?

Supervisor Politi- This sounds like you have a problem with Franklin County and you are looking at reasons to go after them.

Gene Hicks- This impacts the quality of life looking right out at someone's deck.

Supervisor Politi- She is a tenant not the owner. This was an understanding made between Woodhill and Franklin County not the tenants. It may be in violation but the only ones who can really complain about it are Woodhill. Woodhill can raise an issue but not a tenant.

Gene Hicks- The board is aware of these violations and there is also an issue with a gravel road that's gets to the hydrant. I don't think a fire truck could get in there.

Supervisor Politi- Jack does a fire truck have to get right to the hydrant or close to it.

Councilman Favro - It needs to get close access to it. They wouldn't even bother with it.

Gene Hicks- The Comlinks said that gravel road would be maintained and its gone.

Mike Orticelle- The area that you are talking about is now a stone wall and the hill that they cut the trees on was to protect it and make sure nothing falls on the building.

Supervisor Politi- I understand you are mad and have a bone to pick with them but we don't even know who they are. A lot of things change after 15 years. You are a wonderful advocate I can say that.

Approve Wedding Officiant- Judge Paul Dawley

Supervisor Politi- Paul C. Dawley who is the Chief Justice of the Massachusetts District Court is requested that he be granted approval to marry John C. Gambaccini and Donna E. Hanrahan on October 8, 2017 at 4:30pm in Town of North Elba.

Councilman Favro moved and Councilman Rand seconded the motion to approve Judge Paul Dawley as wedding officiation for October 8, 2017. There be no further discussion the motion was unanimously carried.

Approve NYS. Highway Work Application

Supervisor Politi- Larry we need to approve the highway work application you have reviewed it and there are no issues. We do this every year it's for work along state highways.

Larry Straight - Correct

Councilman Doty moved and Councilman Rand seconded the motion to approve NYS Highway Work Application. There be no further discussion the motion was unanimously carried.

Approve Reimbursement Agreement between TNE and FAA

Supervisor Politi- C&S is requiring that we approve the reimbursement agreement between the Town of North Elba and Department of Transportation Federal Aviation Administrations this is for a fly over and flight inspection at the airport. The cost is \$6230.08.

Larry Straight- This is for after the new taxiway lighting project is done.

Councilman Favro moved and Councilman Rand seconded the motion to approve the reimbursement agreement between the Town of North Elba and the Dept. of Transportation Federal Aviation Administration. There being no further discussion the motion was unanimously carried.

Re-Approve Amendments Offered by the Community Development Commission

Supervisor Politi- At our July 11, 2017 meeting I declared the public hearing for the land use code closed and at the same meeting Councilman Miller moved and Councilman Rand seconded the motion to approve the land use code modifications as written and presented. Unfortunately no one told Tim Smith and the paperwork was never sent to the Secretary of State. He requested we reapprove it because it has to be within a certain amount of days.

Councilman Miller moved and Councilman Rand seconded the motion to re-approve the modifications to the land use code. There being no further discussion the motion was unanimously carried.

Approve Cutting of Pine Tree at Cascade Acres Improve Flight Pattern

Supervisor Politi- Larry and I met with C&S in regard to runway improvement work and one of the issues that came up was there is a tree in Cascade Acres that is impairing the landing to one runway. We talked about it and wanted to bring it to the board. Cascade Acres has no problem with the removal of the tree. I don't have a cost yet.

Larry Straight- Doug Bauer is going to come up and mark the trees and I will get a price.

Councilman Rand- There is grant money to cut the tops of the trees.

Supervisor Politi- There are more trees but this one is a problem right now.

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Councilman Rand moved and Councilman Miller seconded the motion to approve cutting of pine tree in Cascade Acres. There being no further discussion the motion was unanimously carried.

Board Resolution Awarding Bid to Tracey Road Equipment

Supervisor Politi- I need a board resolution awarding a bid to Tracey Equipment for a new 2017 Hyundai Wheel Loader, Model HL955 with a snow blower for the airport. This was part of our grant with the feds and state. The bid price was \$410, 990 they were the lone and sole bidder. Approximately 90% of this money comes from the FAA \$369,891.00 about 5% from state \$20,550.00 and our contribution \$20,549.00 for a total of \$410, 990.

Councilman Doty-Do we have hangar space for this?

Larry Straight- Yes we just have to move some things including electric cars.

Councilman Rand- What did you think of the price?

Larry Straight- I think it seemed reasonable.

Councilman Favro moved and Councilman Miller seconded the motion to approve board resolution awarding bid to Tracey Road Equipment for a 2017 Hyundai Wheel Loader. There being no further discussion the motion was unanimously carried.

Service Contract- Automated Doors- Town Hall

Supervisor Politi- Cathy gave me a service agreement for the doors at the town hall the contract is with Stanley Access Technology. The contract is in the amount of \$520.00 a year. It's for the same as last year. Butch is talking about adding a second set of interior doors and he will talk to us about this at budget time.

Councilman Favro moved and Councilman Doty seconded the motion to approve service contract with Stanley Access Technology in the amount of \$520.00 per year. There being no further discussion the motion was unanimously carried.

Request for Overtime Approval- Airport Lighting, Signage and Runway

Supervisor Politi- Doug Bauer sent me a request for overtime approval for the taxiway lighting and signage replacement improvement for runway 14. Evidently Baseline who was contracted is requesting to work overtime in the amount of 10 hours a day 5 days a week. As a public works project they are required to receive approval from the Town of North Elba and the State Department of Labor. C&S has submitted this request for approval.

Larry Straight- The reason for this is Steve was having a problem with the airport being closed down for so long.

Councilman Favro moved and Councilman Doty seconded the motion to approve overtime for Baseline King Corp of 10 hours a day 5 days a week for the Airport lighting, signage and runway project. There being no further discussion the motion was unanimously carried.

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Budget Amendments

Supervisor Politi- We have an overage in wages at the beach, in the amount of \$11,967.94. This was one of our best years. I have heard no complaints this year. We also went over budget in Highway Equipment from bonding \$3607.41 they are being offset by fund balance money.

DESCRIPTION	AMOUNT	REFERENCE	ADDITIONAL INFO
LAKE PATROL. GAS & DIESEL	10.16	VCHR 172093	excess over 2017 budgeted expenditures
BUILDING & CODE EMPLOYEE TRAVEL	216.00	PO 30266	excess over 2017 budgeted expenditures
CEMETERY. GAS & DIESEL	150.16	VCHR 172093	excess over 2017 budgeted expenditures
GENERAL FUND CONTINGENT	(376.32)		
BEACH.PERSONNEL SERVICES	11,967.94	PAY DATES 8/24/14 & 9/7/17 &?? Ironman weekend	overage will be offset by 50% billing to Village of Lake Placid
PART TOWN FUND SOCIAL SECURITY	208.68		Billing done in December of each year
PART TOWN FUND MEDICARE	1.99		
UNAPPROPRIATED FUND BALANCE	12,178.61		
TRANSFER TO CAPITAL PROJECTS	3,607.41		EXCESS OVER BUDGET FOR HIGHWAY PURCHASE OF EQUIPMENT FROM BONDING -R/T BOND COUNSEL, FISCAL ADVISORS
PART TOWN HIGHWAY CONTINGENT	(3,607.41)		
YOUTH COMMISSION. PERSONAL SERVICES	201.39	PAY DATE 8/24/17	
CRAIG WOOD. EQUIPMENT	20.88		excess over 2017 budgeted expenditures
UNAPPROPRIATED FUND BALANCE	222.27		

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

Essex County Update- Contributions

Supervisor Politi- Essex Country approved a \$50,000 contribution to Roost toward bid package for FIFU Games.

Biodigester

Councilman Miller- Derek and I met with a group about the biodigester. It went really well and we talked about the possibility of moving forward. The county came and they sent someone who had designed biodigester in the past. He was very helpful.

Councilman Doty- Everyone is excited we are going to write a new RFP that will be clearer.

Councilman Miller- We need to put this out and see if there is a company out there that can do this for X amount of money. If there is we can moved forward.

National Grid

Supervisor Politi- I had a meeting with the Village and National Grid. They are really stepping forward to work with us to solve electrical issues. This is the second meeting and they have

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committed to being part of a team. One of the problems they have is the line on the railroad track and DOT owning the corridor. They need to be able to work with New York State so they can get access to these.

Councilman Miller- That's wonderful.

APPROVE AUDITS AS PER AUDIT #'S

Supervisor Politi asked for approval of the audits.

TOWN OF NORTH ELBA CLAIMS APPROVED FOR PAYMENT 09/12/17	<u>Regular</u>	<u>Prepaid</u>	<u>Totals</u>
A FUND GENERAL FUND	73,318.93	6,108.93	79,427.86
B FUND GENERAL OUTSIDE VILLAGE	263.10	45.25	308.35
DB FUND TOWN OUTSIDE VILLAGE HIGHWAY	8,145.06	4,349.85	12,494.91
H12-OBSTRUCTION REMOVAL	59,577.00	-	59,577.00
H18 REPLACE RW14 PAPI AND TW ABC LIGHT CONSTRUCTION	5,081.39	-	5,081.39
H20-MIRROR LAKE DR WHITNEY RD DRAINAGE	510.00	-	510.00
H42-EQUIPMENT BONDING FUND	53,787.59	-	53,787.59
SP PARK DISTRICT	38,501.48	3,206.54	41,708.02
SW3 RAY BROOK	13,540.09	147.60	13,687.69
T TRUST & AGENCY		37,122.13	37,122.13
Batch 1732-1736	\$ 252,724.64	\$ 50,980.30	\$ 303,704.94
171920; 171922-171171941; 171943-171944; 171947-171960; 171962; 171969-171991; 172018-172027; 172029-172043; 172045-172065; 172093-172109; 172111-172119; 172121-172146			
Batch 999 (Payroll & Health Reimbursement Arrangement) (8/1/17-8/31/17)	\$ -	\$ 68,017.89	\$ 68,017.89
171894-171919; 171945-171946; 171961; 171963-171968; 171992-172017; 172044; 172066			
Batch - HELD	\$ -	\$ -	\$ -
DELETED VOUCHERS:			
171942	\$ -	\$ -	\$ -
NOTES:			
FIT WITHHOLDING FROM VCHRS 171609, 171610, & 171611	(173.07)		
AMOUNT TRANSFERRED TO CLAIMS CHECKING ACCOUNT FOR CHECK RUN:	\$ 252,551.57		

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

Press Questions-Wheel Loader, Snow Blower

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Antonio Olivero- The snow blower is that a piece of equipment the town basically had?

Supervisor Politi- Yes we got a federal grant, it's for the airport runways.

Antonio Olivero- To the casual reader how would you describe it, is it a truck?

Larry Straight- Its mounted on a front loader and it's exclusively used at the airport.

Press Questions- Biodigester

Antonio Olivero- You were talking about the Biodigester, who was the gentleman, what's his name and how did he get involved.

Councilman Doty- His name is Todd Hudson he is an environmental engineer from the County.

Press Questions- Land Use Code Local Law

Antonio Olivero- What did happen in regards to new local law?

Supervisor Politi- It was in affect there is just a time limit to get it to Secretary of State, there was no issues with this, it just wasn't sent in on time so that is the reason for re-approval.

Press Questions- County Coroner

Antonio Olivero- One last question the state is implementing new standards for the county coroner. I am wondering how the county feels and what they would like to see in regards to certification and standards.

Supervisor Politi- I have not participated in any of those discussions. The only thing I am aware of is we are having trouble getting people to become coroners. Certifications are great but they keep imposing more and more. They make it harder and harder. I think Frank would tell you he does a lot of work. They also do this for no pay, so with this and all the certifications it is hard to find people. But to my knowledge he has not come to the Essex County Board of Supervisors.

ADJOURNMENT

There being no further business to come before the Town Board, Councilman Doty moved and Councilman Rand seconded the motion to adjourn the meeting at 8:00 pm.

Respectfully Submitted,

Laurie Curtis Dudley
Town Clerk