

## TOWN BOARD MEETING

OCTOBER 10, 2017

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, Councilman Rand, and Laurie Dudley

**Others Present:** Attorney Ron Briggs, Larry Straight, Antonio Olivera, and Mike Orticelle

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 September 12, 2017

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.

### **APPROVE HIRE OF PROJECT COORDINATOR- BIODIGESTER**

Councilman Miller – We need somebody on our team to keep us organized through the 2 year planning phase. Darci LaFave will step in as Project Coordinator for a stipend in the amount of \$3,000/year.

Supervisor Politi – Darci LaFave would step in and act as Project Coordinator for the Biodigester for \$3,000 added on to her current salary and position with the Town.

Councilman Doty – Many thanks to Darci for taking this on. It is a perfect link between all the agencies and to have someone in the Town Hall that is tied to us directly.

Supervisor Politi stated Darci is very interested in the project and is very detailed oriented and Mike Orticelle agreed.

Councilman Miller - It will be nice to have someone who is very organized. I am meeting with Darci and Jen from ANKA on Thursday to bring her up to speed. Daric's job will be to keep track of us so that we can move forward with the milestones that we need to achieve.

Councilman Doty – The key parts are the deliverables. Having her across the hall from Cathy will work out perfect.

Supervisor Politi – The grant for \$1.2 million is still in tacked.

Councilman Miller – We have a 2 year extension for the grant. We will need Darci for 2 years which is the planning phase.

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Councilman Miller moved and Councilman Doty seconded the motion to approve Darci LaFave as Project Coordinator for an additional \$3,000 per year. There being no further discussion, the motion was unanimously carried.

Larry Straight stated he would like to be more involved in this than I have been in the past and Councilman Miller stated they would love to have him at a meeting.

**CHANGE OF TOWN WORKSHOP TO 11/8/17**

Due to Election Day, Supervisor Politi asked for a motion to change the Workshop meeting to November 8<sup>th</sup>.

Councilman Favro moved and Councilman Doty seconded the motion to change the Workshop meeting to November 8, 2017. There being no further discussion, the motion was unanimously carried.

**SET PUBLIC HEARING DATE FOR BUDGETS 11/8/17 AT 5PM**

Supervisor Politi – Pursuant to the request of our Budget Coordinator, we need to set a Public Hearing date for the Sewer, Water and Town budgets for November 8<sup>th</sup> at 5pm.

Councilman Favro moved and Councilman Rand seconded the motion to schedule a public hearing date for the budget. There being no further discussion, the motion was unanimously carried.

**RESOLUTION OF SUPPORT- RAIL TRAIL APPEAL**

Councilman Miller read the following which is asking the Governor to appeal Judge Main’s decision on the Rail Corridor.

The Town of North Elba hereby reaffirms its support of the Remsen-Lake Placid development plan as put forth by the State in 2016 Unit Management Plan. We recognize the important economic development, tourism, and health benefits that construction of the Adirondack Rail Trail will bring to our constituents. We urge the State to take every step necessary to expedite the appropriate procedural actions to allow construction of the corridor to continue including the appeal of Judge Main’s rail corridor decision.

We further urge Governor Cuomo to take any necessary action or authority to designate the Lake Placid to Tupper Lake rail corridor as a NYS Recreation Corridor.

Councilman Miller moved and Councilman Favro seconded the motion to approve the Resolution in support of the Rail Trail appeal. There being no further discussion, the motion was unanimously carried.

Roll Call Votes: 5 Ayes 0 Nays

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Councilman Miller stated they are delaying progress and hopes that the Governor takes notice and appeals this decision so they can move forward.

Attorney Briggs – Would you like me to speak with Mike Hutter, a professor at Albany Law School who has done appellate work, to get involved as a friend of the Court of Appeal as an interferer? It really affects North Elba. The Judge said it was “arbitrary and capricious” which the standard is. He will be reversed.

Councilman Miller asked the cost to retain Mike Hutter and Attorney Briggs stated he believed there would be no cost but will check into it. The Board agreed it is a no brainer.

Councilman Miller – You have to give credit to everyone involved. Every time you think you are there, and you’re not. We just have to keep working through it.

Supervisor Politi noted that Mike Hutter was the Attorney that handled all the Appellate appeals for the Grimditch case.

The question was posted Attorney Briggs as to the time frame and Attorney Briggs noted that if it wasn’t returned, the decision would stand forever.

Supervisor Politi – Does somebody want to move a Resolution to engage Michael Hutter on behalf of the Town of North Elba to appeal Judge Main’s decision?

Attorney Briggs – We would like him to be an Intervenor which is a legal procedure by which the Town can intervene in the case which is the first choice because you are then a full party status. I have not yet had a discussion with him as of yet.

Supervisor Politi – We can conceptually approve Michael Hutter as an Intervenor on behalf of the Town of North Elba subject to reaching an agreement on a nominal fee that is acceptable to the Town?

Councilman Favro moved and Councilman Rand seconded the motion to conceptually approve a Resolution to engage Michael Hutter as an Intervenor on behalf of the Town of North Elba subject to reaching an agreement on a nominal fee that is acceptable to the Town. There being no further discussion, the motion was unanimously carried.

### **TREE REMOVAL – CASCADE ACRES**

Supervisor Politi asked Superintendent Straight what the cost is for the tree removal at Cascade Acres which is in the direct line of flight onto the runway and poses a safety hazard.

Superintendent Straight – I received a price from Chris Preston with Cut Above for \$1,200.

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Councilman Rand asked about the tree size and Superintendent Straight explained that it is one tree that splits into two at the top. The Board agreed it was a reasonable number. They have to climb the tree and cut it down it pieces. He will then take care of the downed tree.

Councilman Miler moved and Councilman Rand seconded the motion to approve Cut Above to remove the pine tree at Cascade Acres for \$1,200. There being no further discussion, the motion was unanimously carried.

### ROTARY SNOW PLOW & CARRIER VEHICLE

Supervisor Politi asked for a resolution in support of the Rotary Snow Plow & Carrier Vehicle for the airport project.

Councilman Rand moved and Councilman Favro seconded the motion to approve a Resolution endorsing the Rotary Snow Plow & Carrier Vehicle for the Lake Placid Airport project. There being no further discussion, the motion was unanimously carried.

### BUDGET AMENDMENTS

Supervisor Politi noted the budget adjustments; gas and diesel for the Lake Patrol and the Cemetery amounted to \$398.81 as well as overtime from the beach because of the weather for 9/21/17 and 10/5/17 which are weekends when the beach was packed.

The Board agreed that it was justified overtime and kudos to Jessica for putting it together. She did a great job coordinating those lifeguards.

ACCOUNT	DESCRIPTION	AMOUNT	REFERENCE	ADDITIONAL INFO
A.3120.0412	LAKE PATROL. GAS & DIESEL	274.33	VCHR 172311	excess over 2017 budgeted expenditures
A.8810.0412	CEMETERY. GAS & DIESEL	124.48	VCHR 172311	excess over 2017 budgeted expenditures
A.1990.0400	GENERAL FUND CONTINGENT	(398.81)		
B.1345.0101	BEACH.PERSONNEL SERVICES	3,706.29	PAY DATES 9/21/17 & 10/5/17	overage will be offset by 50% billing to Village of Lake Placid
B.9030.0800	PART TOWN FUND SOCIAL SECURITY	228.33		Billing done in December of each year
B.9035.0800	PART TOWN FUND MEDICARE	53.40		
B..915	UNAPPROPRIATED FUND BALANCE	3,988.02		

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

### SARANAC LAKE ADULT CENTER DINNER

Supervisor Politi informed the Board that the dinner is at 5pm on October 18<sup>th</sup>. You are all invited. Councilman Miller stated that he attended last year and it was a great time.

### COMMITTEE REPORTS – ESTIMATE FOR SIDEWALKS

Supervisor Politi asked Larry Straight and Attorney Briggs if they saw the quote from Ivan Zhadral. Attorney Briggs did see it and Larry straight did not.

Supervisor Politi – The bids came in for the surveying work for the sidewalk around Mirror Lake.

Attorney Briggs – There were two bids; Kubrick Construction is \$6,800 and the other was from Geomatics Land Surveying PC for \$9,000. The survey work should be completed this fall. Kubrick gave us an example of what they charged the Village and how they broke out their unit pricing which was \$1.70 / linier ft. For the 4,000 ft of the North Elba portion is how they came up with the \$6,800 bid.

Superintendent Straight – Is this for survey work for the culvert. When I talked to him the other day and was talking about \$145,000 for immobilization. He said that was surveying and administration. Is Kubricki going to double charge us for that work? He has given me a price that includes the surveying.

Attorney Briggs suggested Larry Straight show Ivan the contract and Supervisor Politi said he fired Ivan from the sidewalk project and said Ivan does not take “no” well.

Councilman Miller asked Larry Straight for more information.

Superintendent Straight – He has given you a price of \$6,800 for surveying the sidewalk but he gave me a price of \$140,000 that included the sidewalk and surveying.

Supervisor Politi – We have not approved that agreement and you are seeking other prices but regardless we need to have the sidewalk surveyed for \$6,800. My only concern is whether it will still be \$6,800 if they don’t get the job to do the sidewalk?

Superintendent Straight – We can’t move forward with the sidewalk until the culvert gets taken care of.

Councilman Doty recommended that the surveying should be neutral party and not be either contractor even if it costs a little more.

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Supervisor Politi stated the decision did not have to be made tonight and can discuss it further. Larry Straight is getting more prices on the sidewalk.

Supervisor Politi tabled the subject until they receive more information going forward.

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

Supervisor Politi asked for a motion on the audits.

TOWN OF NORTH ELBA			
CLAIMS APPROVED FOR PAYMENT 10/10/2017			
	<b>Regular</b>	<b>Prepaid</b>	<b>Totals</b>
A FUND GENERAL FUND	115,514.84	5,966.09	121,480.93
B FUND GENERAL OUTSIDE VILLAGE	4.99	45.40	50.39
DB FUND TOWN OUTSIDE VILLAGE HIGHWAY	29,987.24	2,766.99	32,754.23
H12-OBSTRUCTION REMOVAL	1,082.99	-	1,082.99
H18 REPLACE RW14 PAPI AND TW ABC LIGHT CONSTRUCTION	2,392.75	6,230.08	8,622.83
H20-MIRROR LAKE DR WHITNEY RD DRAINAGE	-	-	-
H42-EQUIPMENT BONDING FUND	-	-	-
SP PARK DISTRICT	99,525.49	62,106.56	161,632.05
SW3 RAY BROOK	1,899.05	340.95	2,240.00
T TRUST & AGENCY		38,140.62	38,140.62
<b>Batch 1737-1740</b>	<b>\$ 250,407.35</b>	<b>\$ 115,596.69</b>	<b>\$ 366,004.04</b>
172147-172149; 172151-172162; 172164-172174; 172201-172211; 172213-172216;			
172218-172221; 172223-172249; 172276-172278; 172280-172300; 172302-172348			
<b>Batch 999 (Payroll &amp; Health Reimbursement Arrangement) (9/1/17-9/30/17)</b>	<b>\$ -</b>	<b>\$ 57,558.65</b>	<b>\$ 57,558.65</b>
172067-172092; 172110; 172120; 172163; 172175-172200; 172217; 172222			
<b>Batch - HELD</b>	<b>\$ -</b>	<b>\$ 129.99</b>	<b>\$ -</b>
172150			

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<b>DELETED VOUCHERS:</b>			
172212, 172279, 172348, 172364, 172350	\$ -	\$ -	\$ -
NOTES:			
FIT WITHHOLDING FROM VCHRS 172157, 172158	(115.38)		
<b>AMOUNT TRANSFERRED TO CLAIMS CHECKING ACCOUNT FOR CHECK RUN:</b>	<b>\$ 250,291.97</b>		

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

**COMMITTEE REPORTS – TOBOGGAN SLIDE**

Councilman Doty - The windows at the toboggan slide have been ordered and will be installed next month. Jack is going to help with design for a pull bar to allow people to start from the flat. They are aluminum and bolt right on to the slide.

They are cutting a trap door at the top and add stone work to cover the concrete posts. The Highway garage has leftover Vanier stone from the viewing platform and Councilman Favro is donating the leftover stone from the USOC. The different stones will work well together. Greg Gram will be doing the work.

**COMMITTEE REPORTS –DATES TO NOTE**

Superintendent Straight has a meeting with the Wexler’s on Friday to show them the trees that need to be cut because of airport obstruction. It will not be done until next year and will go out to bid as part of the grant.

Councilman Rand reported the Airport status meeting is on Friday, 13<sup>th</sup>

Councilman Rand reported the Community Development Committee is hosting a “Community Day” which is chaired by Val Rogers. It is scheduled for May 20<sup>th</sup>. Community Groups would be serving beer and soda as well as games. They are working on a “fun day”.

**TIME WARNER FRANCHISE AGREEMENT**

Attorney Briggs will contact Time Warner regarding the Franchise agreement which looks as those it has run out. The Village has a separate agreement.

Supervisor Politi – My guess is that Time Warner was bought out by Spectrum and they do not know the agreement from Lake Placid and don’t realize they need one from North Elba as well. I would like to know what they are paying the Village. Kim Daby will give you a copy of the contract.

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### CHRIS FADDEN WAS ASKED TO COME IN AND TALK TO THE TOWN BOARD

Supervisor Politi – We would like to know about the barrier and how it gets moved.

Chris Fadden – Usually in the spring I pull it out of the way and this time of year I put it back.

Supervisor Politi – Why would you do it without asking?

Chris Fadden – It's on my property. I could push it over the bank.

Councilman Miller asked where they can put the barrier and Chris Fadden stated it would have to be moved another 150 -200 ft up the trail where the State has it flagged.

Chris Fadden - No one goes into the road in the summer. They use it in the winter. The barrier is bad because the Forest Rangers and the Fire Department can't get through it.

Supervisor Politi explain that a picture was taken because a car was driving down. Chris Fadden stated someone tried to drive a car in the first 30 ft but you can't drive a car farther than that.

Supervisor Politi asked where Chris would like the barrier.

Chris Fadden - It can stay there. He moves it so he can get by. Putting it in the middle of the road is not good for anybody because the Fire Department went up there in 2015 and they had to drag a guy out with 8 different snowmobiles and UTV. With the barrier in the middle they will not be able to get by.

Supervisor Politi – We are concerned that if we move the barrier farther down the road to the property line; people will be driving in and parking. You are not going to want that.

Chris Fadden – In the Winter that parking area is full and they park in my driveway and the barrier isn't going to stop them.

The Board will try to put two smaller barriers with a 6ft wide opening which will allow snowmobilers to get through and Chris said he wouldn't mind them putting that on his property.

Supervisor Politi – We own the road. It is your right-a-way on the Town road.

Chris Fadden – Let's talk about the road and the shape that it is in. I haven't been able to get to my house three times, once in winter and once in the spring. Who is liable for my house when the Fire Department can't get to my house when it catches on fire?

Supervisor Politi – Is the road in bad condition?

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Chris Fadden – Twice it was not plowed and I had to walk in. It is recorded at the fire house that I called three times in the spring to get crusher put in the road because I couldn't drive my pickup through the road.

Supervisor Politi – Why would it not have been plowed? What is the shape of the road now?

Chris Fadden – They have raked it a couple of time this summer. If someone in a development made this road, I wouldn't be in your specs to take it over as a Town road and you own it.

Supervisor Politi – We wouldn't take it over a development unless it was paved. Pine Pond Rd and South Meadow Rd are in the same situation. There are a few roads in Town that are gravel roads.

Chris Fadden – People don't live on those roads and I think you worked on them last year.

Supervisor Politi – People live on Pine Pond. We rake the road and that is it.

Chris Fadden – You widened it, dug out stumps, and brought crusher in.

Councilman Miller - I see this as two separate issues. I get where you are coming from but let's see how we can solve the barrier.

Chris Fadden – You can put the barrier back where it was. That is fine. You just have to leave room on one side to get by.

The reason this came to my attention is because somebody sent me a photograph. I asked Larry this morning what was happening and he wasn't aware that it had been moved. We do not want cars going down there and getting into that beaver dam area and creating a problem. You also don't want people camping down there.

Chris Fadden – They already do. I put up a fake surveillance sign for garbage because they were dumping it over the bank. I am picking up pieces of deck, tires, empty ice salt buckets...

Supervisor Politi – It is probably something we will find at the parking lot at Pine Pond or the end of Averyville because they are both dead-end roads.

Councilman Miller - Put the barrier where it is comfortable for you and where the emergency 4-wheelers can get in but a truck cant. I would appreciate that.

Supervisor Politi asked Superintendant Straight what is the condition of the road out to Chris's house and Superintendent Straight said it probably could be raked again.

The question was asked why it wasn't kept plowed and are we able to maintain it. Superintendent Straight said that when you get 42 inches of snow, everything is a challenge but the road has been maintained.

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Chris Fadden – There is no surface to the road. It is washed down. If you drive in, there are large boulders on the surface of the road because they rake everything to the outside edges and the center of the road becomes a tunnel or drainage for the water to run through.

Supervisor Politi asked what the answer is and Superintendent Straight said they could probably put some crusher there but it is a gravel road.

Supervisor Politi –It is similar to Pine Pond Rd because they get the same kind of traffic.

The Board thanked Chris for taking the time to come in.

### ADJOURNMENT

There being no further business to come before the Town Board, Councilman Miller moved and Councilman Rand seconded the motion to adjourn the meeting at 7:40 pm.

Respectfully Submitted,

Laurie Curtis Dudley  
Town Clerk