

## TOWN BOARD MEETING

TUESDAY, OCTOBER 14, 2014

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

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

**Members Absent:** Councilman Favro

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

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 on September 9, 2014.

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

### **PERSONS PRESENT OPPORTUNITY TO SPEAK**

Richard Boyer – The reason I am here is to address to the Board because I feel as many people in the community feel that we should recognize a fellow employee that passed away on the job. One idea is the third floor or his old office. Kim has spent his whole life here. I would like to dedicate the room here.

Supervisor Politi – The Kim Daby Room or the Kim Daby Conference Areas is that what you mean?

Laurie Dudley – He was the longest employee of the Town. You should dedicate the Annex to Kimball.

Councilman Doty - He fought for that room for 10 years. Nobody would allow tables or chairs in there. He first got permission to put file cabinets in there. Little by little he kept getting permission to put something else in there. Then jack got him the chairs. That is a good idea.

Supervisor Politi – I don't have a problem with that. I don't think that you can use public money to do it. You would have to get donations. You want to come up with a plaque to put on the wall saying, "The Kimball Daby Annex". I don't know how the other Board members feel.

Councilman Miller – I think the Annex dedication is a very good idea.

Richard Boyer – I thought a picture of him with something underneath it.

Supervisor Politi – I think it is just nice to have just a bronze or brass plaque that is mounted on the wall either in that front room or in front of his office.

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Councilman Miller – Saying something noting his 35 years of service.

Supervisor Politi – It amounts to coming up with something and getting a cost. I am sure we can get the money, have it made and do a little ceremony up there before a Board meeting. It's a good idea Richard.

Richard Boyer – I will move forward. Who wants to be a liaison between the Board and myself?

Supervisor Politi – I will put something together as to what I think it should say and we can make it at Abbotts or I can find it online. Get a cost and donated funds and we can do it. A great idea. I'm sure his family would appreciate it. And as Laurie said he was probably our longest employee and more interested in the maintenance and upkeep quality of this place than anybody. If there was ever a problem, he was here in five minutes. That is the way he was.

**ACCEPT BID FOR 1999 VOLVO SINGLE AXEL DUMP TRUCK \$4790.00**

Supervisor Politi – We put out for bid the 1999 Volvo single axle dump truck. We had one bid from JS & JR Enterprises in the amount of \$4,790. It is my understanding it is Larry's recommendation to this Board to accept this bid. I assume this gentleman is prepared to move forward.

Superintendent Straight – Yes he is.

Councilman Miller moved and Councilman Doty seconded the motion to accept the sole bid from JS & JR Enterprises in the amount of \$4,790 for the 1999 Volvo single axle dump truck.. There being no further discussion, the motion was unanimously carried by those present.

**RECEIPT OF PRELIMINARY TOWN BUDGET FROM FINANCE OFFICER**

Supervisor Politi - You received the Preliminary Town Budget for 2015 from the Town Budget Officer. Again this is Preliminary calculations for 2015 because we didn't finish our budget process. I mention it because the total requested Tax Levy is about \$4,156,524 which represents a projected increase of 2.3% over the 2014 budgeted tax levy. I am so noting for the record that the Finance Officer provided such information to us and that we are in the middle of the current budget process.

**AGREEMENT FOR FIRE PROTECTION SERVICES WITH LPV**

Supervisor Politi – Ron, we had an agreement for the Fire Protection Services. Did you review it?

Attorney Briggs – I revised it based on the information provided by Cathy.

Supervisor Politi – The copy Cathy gave us shows our projected payment to the Village of Lake Placid would be 68.83% which is down from 72% last year. We need to have a Public Hearing

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on this agreement. Ron reviewed it and it is to his satisfaction. I don't know if everybody has had an opportunity to read it. Subject to this Board's satisfaction, I would like to schedule a Public Hearing for Fire Districts 1 and 3 prior to our next Board meeting which I will discuss a little later.

Councilman Doty – A year ago we talked about a capital reserve account and asked about under our MOU that we have a say when that money is used. There is about \$400,000 in it. I am wondering if anything has come of that. I think Bob and Jack were involved when they bought the ladder truck. Do you feel that we have adequate representation? We are the leading stakeholders. I am not saying we should have voting rights.

Supervisor Politi – That is a very, very good point Derek. It is one that we discussed. Quite frankly, Ron has read this more thoroughly than I have. There needs to be as you have so noted, a provision in this agreement which allows for our say in the expenditure of funds and the use of reserve monies.

Attorney Briggs – It is not in here but should be. You need to have input.

Supervisor Politi – This is something that needs to be addressed. We have talked about this for a long time and although Jack and Bob may have attended meetings, I am not absolutely certain that you advised on a regular basis as to the expenditures.

Councilman Miller – Awhile ago we said that since we were paying 70% of the bills we should be involved even in the budget session. Not that we have a vote but we should be involved.

Supervisor Politi – Ron, will you address that provision that states budget meetings as well as the expenditure of funds and decisions with regard to capital reserve accounts.

Attorney Briggs – I will make the changes.

### **ORDA BOARD MEMBER DISCUSSION**

Supervisor Politi – Bob brought to my attention that we have an ORDA board member, Jerry Strack, whose term expires on December 31, 2014. The Governor's office has made it clear in the past that in order to get Senate approval we should start making such a recommendation on a timely basis. We haven't discussed it now, but it is an appropriate time over the next 30 days to discuss the intentions of this Board with regard to our appointee for the ORDA Board. Whether it remains the appointee or we choose to appoint another board member with the decisions that were made in the past. At this stage it is probably best, without discussing names, that as Board Members we bring names to the table that we discuss in an Executive Session whether it be our current appointee or someone else. I don't like the idea of an ad because we are not looking for just anybody to answer an ad. We are looking for people that have an invested interest in and acute knowledge of the history of this community and the world class sporting tradition.

Councilman Miller – I am hopeful there is an article in the paper talking about it so that if there are people out there that maybe we are not thinking of and we should.

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Supervisor Politi – That is why Matt Turner is here. The fact that the Board is considering such names, my guess is that we would hear from them. I just don't want to put an ad in the paper.

Councilman Miller - I don't want to put an ad in either but talking about it now will hopefully allow us to discuss it at workshop and then go on to Executive Session and discuss potential members. Are we going to vote on it at the November meeting?

Supervisor Politi – I have names of several people. Jay would have names of other people. I have people saying how about this person or that person. I have been able to consider a realm of people including Jerry.

Councilman Doty – It's going to take us two to three months.

Supervisor Politi – Why don't you plan before the next workshop to give me some idea of what you think and I would ask our present appointees what they think.

Councilman Miller – I have asked one and he was very wise to say that it is your choice, not mine.

Councilman Doty – Do we follow protocol like we did before and contact the sitting Board Member and ask his intent?

Councilman Miller – That is true. For all we know he doesn't want to be considered.

Supervisor Politi will contact Jerry Strack, who has served two terms, and the board will come up with names to discuss in Executive Session at the next workshop Session.

### **CHANGE WORKSHOP (11/3) AND BOARD MEETING (11/10) DATES FOR NOVEMBER**

Supervisor Politi – We need to change our Workshop Session for next month to Monday, November 3<sup>rd</sup> due to Election Day. We also need to change the November Board Meeting to Monday, November 10<sup>th</sup> due to Veterans Day. Both need to be noticed in the press.

Councilman Doty moved and Councilman Rand seconded the motion to move the Workshop to November 3<sup>rd</sup> and the Board meeting to November 10<sup>th</sup>. There being no further discussion, the motion was unanimously carried by those present.

### **SCHEDULE PUBLIC HEARING FOR FIRE DISTRICT 1& 3- 11/10/14 6:45PM**

Supervisor Politi – We also need to schedule a Public Hearing for Fire Districts 1 and 3. I am proposing we do it at 6:45 pm on November 10<sup>th</sup> before the Board Meeting.

Councilman Rand moved and Councilman Doty seconded the motion approve the Public Hearing for Fire District 1 and 3 at 6:45 pm on November 10<sup>th</sup>. There being no further discussion, the motion was unanimously carried by those present.

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### BUDGET ADJUSTMENTS

Supervisor Politi – We received the Budget Adjustments from Cathy. It included the additional costs to the cemetery grounds for removal of trees and additional work for the underground service to the Chapel in the amount of \$717.72. There are a number of Highway Consumables and Equipment repairs in the amount of \$7,889.49 and Craig Wood Expenditures in the amount of \$4,958.12. The Airport has Propane, Consumable Supplies and Professional Services Expenditures in the amount of \$1,249.53. All are offset by the Contingency Account. All are housekeeping and modifications to the 2014 budget as we wind down. The last item is \$10 of interest from a Serial Bond.

Councilman Doty moved and Councilman Rand seconded the motion to approve the Budget adjustments as written and presented. There being no further discussion, the motion was unanimously carried by those present. (Budget Adjustments Attached)

### COMMITTEE REPORTS – UNION NEGOTIATIONS

Councilman Miller – We met with Bowler and are going to invite Tish Beisemeyer and Cathy Briggs and sit and talk about the language with regard to health insurance. It is the only holdup. Ron I sent you the letter the other day.

Attorney Briggs - The letter is clear and unequivocal as long as it represents the agreement.

Supervisor Politi – Unfortunately, it identifies one specific plan, Excellus.

Councilman Miller – We did say equal or better. The union is not satisfied and we are trying to do the best we can to work with them to come up with language that is acceptable while not tying us up. He knows time is of the essence.

Supervisor Politi – The English language is a funny thing.

Attorney Brigg- Absolutely, the language always favors their interpretation. They haven't agreed to that language?

Councilman Miller – Not that language, but they are aware that we are working it. We are not disagreeing. We both want the same thing. It's just coming up with the wording that makes everyone pleased.

Councilman Doty – Are you meeting here or down at the garage?

Councilman Miller – At the Town Hall on the 23<sup>rd</sup> but I haven't set a time yet until I get a hold of Tish.

Attorney Briggs – I think I should be there. Send me an email notice with the date and time.

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### **COMMITTEE REPORTS – CEMETERY**

Supervisor Politi – When are you going to finish up the work we discussed about Matt Clarks?

Superintendent Straight – The Park District boys are supposed to get some pipe so we can put it for the posts. Other than that, we're done.

### **COMMITTEE REPORTS – COMPREHENSIVE PLAN**

Councilman Rand – I wasn't able attend the last meeting because I had a conflict. I spoke with Art Devlin because I couldn't get a hold of Dean. Joe Lamb gave a presentation at the meeting on the Advisory Board and they formed vacation rentals and consolidation committees. I am on the consolidation committee. Other than that, there wasn't a lot brought up.

### **COMMITTEE REPORTS – YOUTH PROGRAM**

Councilman Doty – The youth program is over and everyone is back in school. It was the best year we had.

### **TOWN ATTORNEY REPORTS**

Attorney Briggs – On the Grimditch matter, I will repeat what I said the other day. Grimditch filed a Notice of Appeal of the determination by Judge Buchannan. We are preparing a notice of Cross Appeal. That decision will go to the Appellate Division.

Councilman Doty – Is that the last time to say, are you sure?

Attorney Briggs – That is the chance. They have the right to appeal that determination in the Appellate Decision.

Supervisor Politi – They didn't file, they just filed the intent.

Attorney Briggs – You have to file a Notice of Appeal to be entitled to actually appeal. They will have a certain time to which to perfect. We think the reason they filed so promptly is to make a motion to the Appellate Division for a Stay of Execution of a decision. Right now the decision says; take the buildings down in 60 days. They are going to seek a Stay of Execution from the Appellate Division rather than Judge Buchannan which is where they could have gone. I think they anticipated that they would have difficulty at that court so they decided to go to the Appellate Division. The way it works there, they select a single judge of the Appellate Division to go to on an ex-parte basis to try to get the stay.

Supervisor Politi – It amazes me that you can just pick the Judge you want.

Attorney Briggs – Technically, you file it as a certain day and different judges are assigned to a particular day so you can effectively pick the judge you go to. They are all fair.

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Councilman Miller – How long does that process take?

Attorney Briggs – The good news, if they do make an application for a Stay of Execution and it is granted, they will be on a tight time clock.

### ESSEX COUNTY UPDATE

Councilman Doty – Tell me about Circle & Casella. Were they close, because it took you less than a week to make a decision?

Supervisor Politi- We put out RFPs and it requested information be provided and values on certain services be provided. There were only two bidders; Casella and Circle. Casella did not address several of the items that were on the list. They were going to charge for administration of the program. The Town of North Elba was basically out in terms of recycling. The Town of North Elba will continue to do its own thing. All the other towns will be charged on a tonnage basis for all recycling and so forth. Circle was the cheaper of the two because there were too many unknowns in the Casella bid. The issue became the County's willingness to continue and finance a lot of this program and have it continue the same way or to go to the other carrier with a lot of unknowns. That was the decision that was made. It's a 5 year contract. Two things you should know; Governor Pataki took away the right for any county to have a landfill within the Adirondack Park. What are we going to do with our garbage if we can't have a landfill? In exchange, they developed transfer stations in certain places to have it transported outside. The State agreed in exchange for us not having landfills they would finance the county \$300,000 a year to help offset the cost. The problem is that there are 18 Towns. The Town of North Elba can do whatever it wants. We can stand on our own two feet. The other towns can't. Minerva, Newcomb, Essex and even Keene were going to be charged by Casella for everything. The choice I had was to vote what is best for North Elba or work as a group. We thought it was best to go in the direction of what benefits the County. Keene doesn't want to do that and go on its own.

Councilman Doty – Will they haul to Hudson?

Supervisor Politi – They want to have a Zero Sort system. I'm not convinced that the Zero Sort is as good a system as the one that we have. In our system everything is picked and we have dedicated people. Other Towns can't afford that.

Councilman Doty – Plus we are market ready when we are done with our system.

Supervisor Politi – Exactly, and in Zero Sort there is a lot of stuff that goes though that is not recyclable. My guess is that Keene will fall in with the group. What bothered me about the other Towns is that if they went with a new hauler and the County is now out of the business and walks away from a financial commitment then what happens to the rates in ten years? The good thing about what we have is that we can control our tipping fees for the people. If someone else comes in and runs the program, it becomes a monopoly.

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### **SKI JUMPS – PATIO CONSTRUCTION**

Councilman Rand – I spoke to Joe Lamb about the patio that ORDA wants to put in at the Jumps. Joe is fine with it as long as it meets the criteria so if a 70 meter is put in they would have adequate room. They were supposed to get a proposal.

Supervisor Politi – I don't think we can approve it until he is satisfied, you are satisfied and this Board is satisfied that whatever improvements are done there that they are done in such a manner that it does not affect the efficiency and usability of that facility.

Councilman Rand – I will call Bob Hammond in the morning to make sure.

### **PRESS QUESTIONS**

Matt Turner – How preliminary is the Budget? Did you just get packets tonight? What is the deadline?

Supervisor Politi – There is always a preliminary budget. We've had three budget meetings and we are going through ever department. I believe the budget is due November 11<sup>th</sup>.

Matt Turner – What is the total spending in the budget and what is the tax cap?

Supervisor Politi – We wouldn't know what it is now. The preliminary expenditures right now which does not include capital projects was \$7.1 million. The budgeted revenue not including capital projects was \$2.5 million. The tax cap is 2.3% and right now we're at the tax cap. Will we make that, I don't know because we have a number of capital projects that we are considering. One, reduce the size of the C&D pit which is across from the Lacrosse Fields and is an eyesore. It needs to be ground up and taken out. We can get it ground up for \$35 per ton and transported for free. We are also considering a needed salt shed for Larry. After 20 years, the bricks around Mirror Lake need to be replaced.

Matt Turner – All those things add to \$2.5 Million?

Supervisor Politi – The total Revenues, money coming in, is \$2.5 million. The total Expenditures, money going out, is \$7.1 million. The difference is made up by taxes. Those projects we talked about are not included and they are capital projects that we are considering. They are not budgeted. Do you spend the money to go over the cap to better the community? These are things we are considering. We may have to do some of those things and cut costs somewhere else. That is all part of the budget process. On a preliminary basis we are looking at a tax levy of \$4.1 million.

Matt Turner – Do you have the assessed property values for the residents?

Supervisor Politi – We don't know that. It's too early.

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

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Supervisor Politi asked for approval of the audits.

<b>TOWN OF NORTH ELBA</b>			
<b>CLAIMS APPROVED FOR PAYMENT</b>			
<b>09/09/14</b>			
	<b>Regular</b>	<b>Prepaid</b>	<b>Totals</b>
A FUND GENERAL FUND	98791.14	66137.47	164928.61
B FUND GENERAL OUTSIDE VILLAGE	0.00	37.91	37.91
DB FUND TOWN OUTSIDE VILLAGE HIGHWAY	23707.73	18338.53	42046.26
H11 APRON EXPANSION CONST.AND TW DESIGN	48.59	0.00	48.59
H42 HIGHWAY MACHINERY PURCHASE			0.00
RD04-TAHAWAS WAY ROAD DISTRICT			0.00
SF1 FIRE PROTECTION DISTRICT			0.00
SF2 FIRE PROTECTION DISTRICT			0.00
SF3 FIRE PROTECTION DISTRICT			0.00
SP PARK DISTRICT	45272.82	79409.84	124682.66
SS21 CONSOLIDATED SEWER DISTRICT	20510.00		20510.00
SW1 SEWER DISTRICT #1			0.00
SW2 MCKENZIE			0.00
SW3 RAY BROOK	511.09	601.28	1112.37
T TRUST & AGENCY			0.00
TE PRIVATE PURPOSE TRUST			0.00
<b>Batch 1436-1439</b>	<b>188841.37</b>	<b>164525.03</b>	<b>353366.40</b>
141936-141954; 141956-141966; 141988- 141991; 141996-141998; 142000- 142132; 142154-142175			
<b>Batch 999 (Payroll)</b>	<b>0.00</b>	<b>71218.07</b>	<b>71218.07</b>
141915-141935; 141955-141964; 141967- 141987; 141992-141995; 142133- 142153			
<b>Batch - HELD</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>DELETED VOUCHERS:</b>			
141759; 141896	<b>0.00</b>		

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 by those present.

**ADJOURNMENT**

There being no further business to come before the Town Board, Councilman Rand moved and Councilman Doty seconded the motion to adjourn the meeting at 7:46 pm.

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Respectfully Submitted,

Laurie C. Dudley, Town Clerk