

Regular Town Board Meeting
April 17, 2007

Minutes of a Regular Town Board Meeting held on the above date beginning at 7:30 p.m. in the meeting room of the North Elba Town Hall, 2693 Main Street, Lake Placid, New York 12946.

Members Present: Supervisor Shirley W. Seney, Councilmen: Jay Rand, Jack Favro, Derek Doty and Chuck Damp.

Others Present: Rebecca Steffan, Chris Knight and Randy & Katie Osgood.

Supervisor Seney called the Regular Town Board Meeting to order at 7:30 P.M. by asking everyone to stand for the pledge of allegiance.

Supervisor Seney then asked for a motion on the minutes of the Regular Town Board meeting of March 13, 2007 and the bid opening of March 21, 2007.

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

Supervisor Seney then asked for a motion on the proposed agenda.

Councilman Doty moved and Councilman Rand seconded the motion to approve the agenda as presented. There being no discussion the motion was unanimously carried.

Supervisor Seney stated that under old business is the continuation of Tahawas Road dedication. She stated Norm said to keep this on along with Bill Kissel they are working on still getting some legal things done as far as trying to get somebody to authorize this and I don't know how that is going to turn out has anybody heard?

Councilman Doty stated last we knew it was just new documents to include each person on the deed.

Supervisor Seney stated that was Theanogeun but this is Tahawas. She stated we will leave it on the agenda.

Supervisor Seney stated next is the bike path update and Chuck I e-mailed you some stuff that to me.

Councilman Damp state it looked like that was the complete submission stuff so we are just waiting for the sign off.

Supervisor Seney stated do you think that stuff is going to take place as far as what they are trying to do right now? She stated I mean to get the wetlands done.

Councilman Damp stated the APA has basically approved it as we were doing it. He stated I shouldn't say that they haven't approved anything yet. They hypothetically looked at the project on site and it appeared that they are all for it so the rest of it is pretty much a slam dunk so I am assuming that everything will be a go but we just need the DOT to sign off and it sounded like at the meeting that she was going to sign off it as soon as she had it but they have to sign off on it because they are the owners of the corridor.

Councilman Doty stated then that's the end of the application process.

Councilman Damp stated then we have to sign it because we are the sponsors then it goes into the APA.

Supervisor Seney stated who is Karen?

Councilman Damp stated she is with the DOT.

Supervisor Seney stated it says you will need to sign the revised application and send it to Shirley Seney at the Town of North Elba.

Councilman Damp stated she is a representative of the property owner which is the DOT.

Supervisor Seney stated when I hear from her with something to sign...

Councilman Damp stated I should think that we would want to give her like a ten day window and if we don't hear from her call her and say what is going on the ball is in her court now.

Supervisor Seney next is the Delaware Engineering Sewer District again we are

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waiting has anybody heard from Bill on that?

Councilman Doty stated all we are waiting for is the language from the Village and language for new users coming in on the Town side for infrastructure updates or costs.

Supervisor Seney stated Mr. Kissel is in Florida and will be back on Friday and I have been in touch with him most everyday so when something comes up I can clear it with him.

Supervisor Seney stated he mailed this road dedication for Thenoguen to Bob Miller and copied it to me and I copied it to you and Norm Harlow. She stated I didn't realize everybody's signature needs to be notarized, can they do it as a blanket thing to notarize it you are suppose to sign in front of the person who notarizes it.

Councilman Doty stated that is why we have been at it for two years.

Supervisor Seney stated we are keeping it on the agenda and Bob Miller knows we are we are keeping it on the agenda so hopefully it will get done.

Supervisor Seney stated has anybody heard anything on the update replacement for the JRB vacancy? She stated has anybody else got any suggestions you have given me permission to put it in the paper so I guess I had better. She stated can you guys help us out?

Chris Knight stated we put something on a couple months ago but we can put something on again should we have them call the Town Hall if they are interested.

Supervisor Seney stated that the Auleron Small Cities Grant we have gone through with IDA and have done all the work there and now Bill has to get in touch with Auleron themselves and set up some sort of a contract that he has to bring back to us for our approval and hopefully he will do that before the next meeting.

Supervisor Seney stated the update on Land Works completion of the code we are still waiting. She stated has anybody heard when they are coming back for a meeting? Do you think we should be asking to have another meeting with them or are they going to set it up with us?

Councilman Doty stated I thought one of there last public sessions was the 7th or 10th of May and we were going to let those public sessions go through then put the ball in our court.

Supervisor Seney the six soccer fields grant Cathy is doing the work on it and she has sent in the application to finish it and has not received back the final paper work for our signature. She stated so that we don't lose track of it I am keeping it on the agenda.

Supervisor Seney stated I was checking with the guy at the Gabriels prison and I have not heard back from them on the Hebrew Memorial Cemetery. She stated Derek were you going to do anything further?

Councilman Doty stated I don't think we need to do anything further because the cemetery committee was being contacted by Natalie and Kitty. He stated we left the ball in their court if you want to transfer funds from the Town to a new committee you need to do the homework so that is where it is left.

Supervisor Seney stated should I leave this on the agenda or should I wait for them to get back in touch with us?

Councilman Doty stated do you want me to call Kitty and see where they are with it?

Supervisor Seney stated that would be great.

Supervisor Seney stated at the request of the Budget Officer, we need to make a motion to approve of the transfer of funds presented that will be attached to these minutes.

Councilman Favro moved and Councilman Rand seconded the motion to approve of the transfer of funds as presented. There being no discussion, the motion was unanimously carried.

Supervisor Seney stated at the request of Norm Harlow we need to approve the agreement between the Town Highway Superintendent of the Town of North Elba and the

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Town Board for the general repairs of the highway. She stated pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows: 1. General Repairs in the sum of \$97,300. shall be set aside to be expended for primary work and general repairs for 30 miles of Town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof. 2. Improvements in the sum of \$320,100. shall be set aside to be expended for the improvement of the following Town highways.

Supervisor Seney stated Norm went over with us this afternoon just exactly where those were going to be.

Councilman Doty moved and Councilman Favro seconded the motion to accept the agreement to spend Town Highway Funds as presented. There being no discussion, the motion was unanimously carried.

Councilman Favro stated would you read the roads through real quick.

Supervisor Seney stated the Wesvalley Road commencing at the Village Line to the Bridge, the Cummins Road commencing at the Village Line to Wesvalley Road, the Newman Road commencing at Old Military Road to Church Street and the Old Mountain Road commencing at NYS Route 73 to the top of the hill. She stated those are the four areas in which this money is going to be delegated to take care of.

Supervisor Seney stated I have been in touch with Jim Morrissey who wants to meet with us at any time to review their history as to whether or not we are going to continue with the services of C&S and he sent each and every one of you an e-mail as to days that he is free that we might want to set up a time for him to go over it and review what has to be done the following year with the Airport Federal funds we have gotten for repairs an improvements and things like that.

Councilman Doty stated is Norm involved in these because I learn a lot about what happens at the Airport and all those things while Norm is there.

Supervisor Seney stated I am sure he will be there.

Councilman Damp stated how about Steve?

Supervisor Seney stated that is fine too Norm and Steve.

Supervisor Seney stated the meeting with C&S will be May 2nd at 11:00 A.M. and he will bring lunch and I will call Jim Morrissey.

Councilman Doty stated other then talking about him will be a day that we will be expected to sign any kind of contract?

Supervisor Seney stated he is going to want to talk about that.

Supervisor Seney stated I gave you a copy of the APA Wetland and Shoreline permits and I don't know if it is anything we need to respond to or if this sis just something just showing us that there is new APA Wetland Shoreline permits and i that going to effect us with what is going on with our bike path?

Councilman Damp stated all we are doing is making an area that has some issues better.

Councilman Damp stated I have been down South quite a bit lately and the docks are all floating cement docks and they just float cement on plastic. He stated would that survive here? He stated that could really reduce some costs and you could certainly ride a bike on those easily enough. He stated I don't know what impact that would have Shirley but we will certainly find out.

Supervisor Seney stated haven't they pretty much given us approval of the Wetlands that we are going to be doing?

Councilman Damp stated yes but nothing is official.

Councilman Rand stated how many feet of that would you need?

Councilman Damp stated in the ares where the water is a little bit more open that would seem that it would be more appropriate then where it is sort of wetlands. He stated the number of feet I don't know they were talking about around 2,800 with a board walk so I don't know how much of that would be... but it seems that it would

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give you the surface that some of the athletes are looking for which is the roller blade capable surface. He stated I wasn't sure if the weather impact would be different.

Supervisor Seney stated I put on the agenda the uncontrolled unleashed dogs at the North Elba Showgrounds only because I am having concerns shared with me by senior citizens and people going down to the Showgrounds to walk and their are a lot of unleashed dogs running and jumping on people. She stated I think we have a leash law.

Councilman Favro stated that part two is that instead of making a law which I think we have we also dedicate policy so it is easy enough to make a motion and say for people using the Horseshow Grounds their dogs will be leashed and will be required to pick up after their dogs messes. He stated we can make that a motion and Butch can put a sign up. He stated it is a great place for senior citizens to walk it is level and generally clear and we is a great place for them to walk their dogs and they shouldn't have to worry about other dogs bothering them.

Councilman Doty stated what might come into play here to is if you are a dog lover to have a place to let them go and maybe once we get these six new soccer fields they are going to be fenced in and maybe we can have a place to go and let people let their dogs run.

Councilman Favro moved the motion that the policy is that all people using the Showgrounds from right now will be required to leash their dogs and clean up after them and have the Animal Control Officer follow the policy. Discussion?

Councilman Rand stated there already is a Town leash law. He stated we should put some signs up.

Supervisor Seney stated we can put some of those plastic bags out.

Councilman Favro stated he has some but he needs to put a couple more out. He somebody that is diligent will have one in their pocket bit somebody that isn't won't.

Councilman Doty seconded the motion for the policy to leash and clean up after dogs at the Showgrounds. There being no more discussion, the motion was unanimously carried.

Councilman Rand stated so there is no misunderstanding it's obviously not a Local law it is just a policy at this point.

Supervisor Seney stated we have our paperwork done for the 2006 contract # M050060 for the ORDA Venue Maintenance and repair which is the Town's responsibility each year and Betty Little has always worked with us and before that it was Senator Stafford who got us \$175,000. and Betty has been able to get us \$155,200. She stated we are now working on submitting it for the 2007 and I think I gave you all a copy of this it is a Resolution where we make a Resolution sending in this request for the \$155,200. to the State of New York. She stated we give a total of about \$800,000. to ORDA and of that Senator Stafford always got us this out of his member items the \$175,000. in addition to. She stated even though we have the paperwork done for 2006 we haven't got the funds yet we are still working on getting the funds it is a slow process but it is worth the patience of waiting for.

Supervisor Seney stated I need a motion to accept this resolution.

Councilman Doty moved and Councilman Favro seconded the motion to accept the resolution for Contract for the NYS application for Town funds to ORDA. There being no discussion, the motion was carried with one abstention.

Supervisor Seney stated when Butch's office staff position was filled we approved the work date of 3/27/07 and as it turned out she didn't have to give as much notice so we need to approve her coming in 3/21/07 so the records are straight.

Councilman Rand moved and Councilman Doty seconded the motion to approve the starting date change to 3/21/07 for Andrea Aldrich. There being no discussion, the motion was unanimously carried.

Supervisor Seney stated we have a multitude number of items that our Budget Officer has given to us that are old computer and old equipment that is absolutely no good we need to declare them as surplus so that we can discard them or give them away. She stated I need a motion to declare those items surplus.

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Councilman Damp moved and Councilman Doty seconded the motion to declare the items presented by the Budget Officer surplus to be disposed of. There being no discussion, the motion was unanimously carried.

Supervisor Seney stated Ken Jubin brought in to me office for us to look at a sample resolution of training of codes committees. She stated he thought it was something we should look at as he picked it up at the Association of Towns meeting. She stated I told him I would share it with you and it is something I don't know if we need to work into our codes or not but we might give it to the guy working on our codes or at least to Michael Clarke to look at. She stated I don't know if anybody has any comments or not.

Councilman Doty stated the first step will be in our next budget session recognizing each of our Planning, Joint Review Board and Zoning and probably we will elect to send one of each of those people to at least the Association of Towns so that they can acquire what is out there on the State level. he stated taking whole committees and training them we are probably not ready to accept that cost yet but if we take department heads or whatever an get them trained and they bring the information back that's a big start. He stated if we have four committees there's four thousand dollars right there to send a person down there for three days.

Supervisor Seney stated that is a good suggestion.

Councilman Doty stated I am not everything that is written there isn't valid but I am sure if you take the numbers in the committee's and put them in the same training session I don't know if we can go from zero to sixty that fast.

Councilman Damp stated isn't some of this forced upon us by the law that is cited in the first paragraph that we have to do four hours a year for each of the volunteers.

Councilman Doty stated time served is applicable too for accreditation.

Councilman Doty stated I am in full agreement of training that's for sure.

Councilman Damp stated I would like till next meeting to digest this and get some comments from Ken.

Supervisor Seney stated John Reilly gave us the names of the new employees they put on as of March 18th that is part of his budgeted items the names are Jamee Decker, Shannon Fegley, Otto Gabrielson and Kyle Murray. She stated that the following employees returning will be Lora Couture, Harold Slater and Jim Van Woert. She stated John has been a great job in getting things ready and as soon as the weather clears up they will start treating the streams again.

Councilman Rand stated were you going to check with the fire department Jack on the boat?

Councilman Doty stated I am.

Councilman Favro stated Norm still has that boat which is more then capable of...it's a nice boat. He stated I know the other boat is broken down so I am not sure we need to talk to the fire department about taking the boat it would be very beneficial up to the Lake for rescues an other things and we could transfer some funds through the fire contract or whatever.

Supervisor Seney stated will you check on that.

Councilman Favro stated yes between Derek and I.

Councilman Doty stated we will check with Norm too when he is back on his feet.

Supervisor Seney stated just a reminder that we have a joint Town and Village meeting with CGR representative Charles Zettek, Jr. the MOU consultant on May 3rd at 3:00 p.m.

Supervisor Seney stated also don't forget the Public Forum for the Ski-Jump Complex Biathlon construction on April 19th at 7:00 P.M.

Supervisor Seney stated as per our new policy the travel pre-authorization form our Park District Manager has submitted for travel to the New York State Recreation & Parks Annual Conference in Buffalo from April 22nd to April 25th.

Councilman Damp moved and Councilman Doty seconded the motion to approve the travel

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pre-authorization for the Park District Manager. There being no discussion, the motion was unanimously carried.

Supervisor Seney stated we also have a request from the Lake Placid Village Clean-up that they have complimentary dump passes for the Lake Placid Village Clean-up debris.

Councilman Favro moved and Councilman Damp seconded the motion to approve of the complimentary dump passed for the Lake Placid Village Clean Up. There being no discussion, the motion was unanimously carried.

Supervisor Seney stated jay would you like to do this.

Councilman Rand stated this is long over due and those beautiful pictures you see on the walls were donated by Nancy and Fred Richards and the plaque that Tom will put up on the wall between two says the painting by local artist Averil C. Conwell were a generous donation to the Town of North Elba by Nancy and Fred Richards. he stated they are beautiful pictures and offer a lot to the room and this is long over due.

Supervisor Seney stated our thanks to Nancy and Fred and also the pictures in the other room are part of the gift that they gave to us and for some reason there never was a plaque put up that supposedly should of been put up years ago.

Supervisor Seney stated under Essex County reports in the County there is quite a discussion on the Otis bridge and they have now put an article 72 and a couple of people have gone to court and have an article 72 put on this. She stated now she has read in the paper that DEC is going to become involved and that there is some historic presence of things there. She stated it is a lot of money for a bridge nobody wants.

Councilman Damp stated who is pushing it?

Supervisor Seney stated the Elizabethtown Board is the one that wants to do and of course it is a County Bridge because it is over 30 feet. She stated it is quite a big expense and there is has been quite a bit of controversy about it in the County and the Elizabethtown Board has made a resolution to go forward with it but now with this DEC thing they haven't made a report yet but I am sure it will be on our next agenda.

Supervisor Seney asked for a motion to approve of the audits per the audit numbers as follows:

Abstract # 3 for the month of March, 2007.

Town General: The total is \$150,187.03 with the following voucher numbers; 20070374; 20070395-406; 20070427; 20070434-455; 20070469-470; 20070472; 20070474-480; 20070487; 20070492-498; 20070504-508; 20070515-516; 20070519-520; 20070546; 20070548-553; 20070554-555; 20070557; 20070560-565; 20070568; 20070570; 20070572-573; 20070576-578; 20070580-583; 20070585.

Part Town: The total is \$2,741.81 with the following voucher numbers; 20070374; 20070407; 20070428; 20070456-460; 20070471; 20070473; 20070481; 20070500; 20070515; 20070471; 20070473; 20070481; 20070500; 20070515; 20070584.

Townwide Highway Fund (DA): The total is \$3,865.46 with the following voucher numbers; 20070408-413; 20070461-463; 20070569; 20070586-590.

Town Outside of Village Fund (DB): The total is \$106.85 with the following voucher numbers; 20070509.

Park District (SP): The total is \$32,692.75 with the following voucher numbers; 20070374-20070414-426; 20070464-467; 20070482-486; 20070501-503; 20070510-512; 20070514; 20070547; 20070553; 20070556; 20070558-559; 20070566-567; 20070571; 20070574-575; 20070579; 20070591-593.

Sewer District (SS14): The total is \$497.50 with the following voucher numbers; 20070517.

Sewer District (SS15): The total is \$5,500.00 with the following voucher numbers; 20070517.

Sewer District (SS16): The total is \$1,340.00 with the following voucher numbers; 20070517.

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Sewer District (SS17): The total is \$580.00 with the following voucher numbers;
20070517.

Sewer District (SS18): The total is \$370.00 with the following voucher numbers of;
20070517.

Sewer District (SS19): The total is \$1,422.50; with the following voucher numbers
of; 20070517.

Water District #1 (SW1): The total is \$2,040.00 with the following voucher numbers;
of; 20070517.

Ray Brook Water (SW3): The total is \$1,249.87 with the following voucher numbers;
20070513; 20070549-550.

Fire District #1 (SF1): The total is 183,831.12 with the following voucher numbers:
20070499.

Fire District #3 (SF3) The total is 62,459.23 with the following voucher numbers;
20070499.

Total claims is \$448,884.12.

Councilman Favro moved and Councilman Rand seconded the motion to approve of the
audits as paid and presented. Discussion?

Supervisor Seney stated she was opposed to approving audit # 14479 in the amount of
\$1,140.00.

There being no further discussion the motion was unanimously carried.

Councilman Rand moved and Councilman Doty seconded the motion to go into Executive
Session at 8:20 p.m. for litigation. There being no discussion, the was unanimously
carried.

Councilman Favro moved and Councilman Doty seconded the motion to come out of
Executive Session and go into Regular Session at 9:10 P.M. to make the following
motion.

Councilman Rand moved and Councilman Damp seconded the motion to approve Attorney
James Brooks to appeal the Boyd case. There being no further discussion, the motion
was unanimously carried.

There being no further business to be brought before the Town Board Supervisor Seney
adjourned the meeting at 9:20 p.m.

Respectfully submitted,

Denice P. Fredericks
Deputy Town Clerk.

