

**REGULAR TOWN BOARD MEETING  
TUESDAY, OCTOBER 13, 2009**

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 Favro, Councilman Miller, Councilman Damp, Councilman Rand, and Laurie Curtis Dudley

Others Present: Heather Sackett, Jon Alexander, Attorney Ron Briggs, Superintendent Larry Straight, Bill Billerman, Derek Doty, John Eldridge.

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 September 8, 2009.

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

**BILL BILLERMAN SPOKE TO THE BOARD REGARDING DEICING ALTERNATIVES**

Supervisor Politi invited Bill Billerman to come forward to address the Board. Mr. Billerman spoke as a representative for the Mirror Lake Watershed Association with regards to deicing alternatives.

Mr. Billerman stated I have given each of you information about a deicing alternative. Our program sees a slight increase in phosphorous and conductivity. The conductivity is from chloride, or salt. We are trying to see if we could get something used around the lake that would be less corrosive for the lake. The Village has tried a little magic salt last year. After doing some research, I found some municipalities use it. It comes in different forms; you can use it with your existing salt which neutralizes the corrosiveness of it. It is something that Brad Hathaway has said he is getting more to do more testing of it. I would like to see the Town use it.

Supervisor Politi stated we, with Superintendent Larry Straight, talked in length last year about the possibility of using some material that was more beneficial to the quality of the water.

Mr. Billerman was unaware of the Town's prior discussion and asked if there is anything setup for this year.

Supervisor Politi stated we have not done anything as of yet. Superintendent Straight is here, and we did discuss different alternatives last year. One was a liquid spray on product and the other was the hops you are talking about. Some municipalities buy that end product from beer distillers and utilize it on the roads. It is something that we felt we should consider for this year. I gave Superintendent Straight fliers last spring. Supervisor Politi asked Superintendent Straight to comment.

Superintendent Straight stated I talked to Brad Hathaway a few times about it. They got some from Saranac Lake and tried it on the sidewalks around the lake. The Village takes care of the sidewalk all the way around the lake. The Town uses only 7% salt with sand so I do not see the benefit of using this substance as a substitute. The salt we use is not what is hurting Mirror Lake. It is the State that uses pure salt down Main Street.

Supervisor Politi stated many municipalities use 50% salt to sand and I was unaware at the time when Larry and I spoke that we were only using 7% salt mixed with sand. Larry Masson brought the concern to our attention. He told us that in Colorado they use the liquid material. He too was unaware that our mix was only 7%. I don't know what the Village mix is.

Councilman Miller stated I am unclear as to what you are looking to do.

Mr. Billerman stated I am looking to decrease the amount of salt used around Mirror Lake. I'm here to find out what your procedures are, to see if there is something the Watershed Association, the Village and the Town can do in cooperation. There are deicing agents that are becoming more and more available at a decent price. It may not be as cheap as salt but I feel it should be in your best interest to protect our lake. Our lake is basically our centerpiece.

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Councilman Miller stated how far away from the lake do you have to go before there is a problem.

Mr. Billerman stated what is done immediately around the lake will have an immediate impact. Except for Main Street where we put in Vortex units, we can separate some of that out. It doesn't separate everything and everything eventually flushes into the lake which is part two of the reasons I am here today.

Supervisor Politi stated how many Vortex units do we have. I know there is one over by Mid's Park and some over by Mirror Lake Inn.

Bill Billerman stated there is one by Mirror Lake Inn, one farther down the road from the Inn, one at One Main Street Park and one at Mid's Park. There are four that handle from the center of Main Street north to the Mirror Lake Inn. They are good because they separate garbage and oils, but do not do anything for metals and bacteria. It does separate a lot of the sand. They do a good job but they have to be taken a step further.

Supervisor Politi stated they are also very expensive units. The reason we were able to do it is because we were tearing apart that section of road and we were also doing Mid's Park so it was an ideal time to put those vortex units in.

Mr. Billerman stated further down the road, it would be best if the Town and the Village could improve their storm water system around the east and north sides. That needs to be reengineered because right now everything dumps into the lake. The first step is to get the engineering done to find out what would be the best system to use. There is some flooding problems on the north side and will be some access problems getting across some private properties. The time has come that we start looking into that. Last Thursday there was a waterfront revitalization meeting, which I could not attend because I went to a Land Use Code meeting. Jack Favro, Jay Rand and Jon Eldridge were there; they discussed the possibility of getting on a list so to get some money for doing things like that.

Councilman Favro stated it was about making a list of all the things that relate to water that could be done. They also said they will compile the list and review it. There was very little money, about \$60,000, for all the communities. It was a starting point to move forward.

Supervisor Politi stated it would be nice if the Village of Lake Placid, the Town and the State were on the same plan. It does no good for us to utilize the deicing salt if they are using 30% or more.

Councilman Miller stated I would like to see the County and State treat this like an experiment and let them try using the alternative with the soil.

Mr. Billerman stated who do we contact at the State?

Councilman Rand stated the problem is that the State has a zero tolerance policy for safety.

Supervisor Politi stated I think you will find that they are insistent upon bare roads, which is why they use all salt.

Superintendent Straight stated I am more than happy to work with Brad Hathaway. If he wants to try some of this on Mirror Lake Drive. I have money in the budget to help him purchase whatever he wants to use. I do have a problem with making a separate pile of sand with something other than my salt when we are using only 7%. It is not cost effective.

Supervisor Politi stated are you talking about a spray on deicing agent, Bill.

Mr. Billerman stated it is actually a treated rock salt that is sprayed with a byproduct from a distillery. It is sprayed and mixed then used straight. Brad Hathaway said he had problems with it last year. His spreader was not capable of spreading it properly. They did not get a good test because they used it late in March; one day they used it in the morning when it was 32 degrees and it then warmed up to 40 degrees by noon. Did it do anything – I don't know. It has become

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more cost effective because it lasts longer and works better and you would use less of it. It is something to try. If you don't like to use it, move onto another alternative. It would help the roads because of how corrosive salt is.

Supervisor Politi stated I don't think any of us have a problem working with the Village on this side of the lake. The problem is getting the State to do anything at all about changing their policy. It is unfortunate because they are a large contributor to the problem.

Supervisor Politi suggested Mr. Billerman get together with Superintendent Straight and Brad Hathaway to discuss the options. Councilmen Miller offered to call the State and suggested Mr. Billerman do the same.

Discussion continued regarding the product and the temperature at which it works. The concern for the State going in and out of Main Street and whether the State will change their zero tolerance policy was also discussed.

Supervisor Politi expressed his appreciation for everything Mr. Billerman does for the Watershed Association, and stated it is an important element for the master plan for this community.

**CONSOLIDATED SEWER DISTRICT EXPANSION - UPDATE**

Supervisor Politi transitioned to the Consolidated Sewer District expansion and asked for an update from Attorney Briggs.

Attorney Briggs stated we published the last resolution in the paper, posted it on our website, and posted it on our bulletin board. Everything that needs to be done has been done which means effective January 1, 2010 the new consolidated sewer district will be in existence. Everything needed to be finished before October 1, 2009 which was the cutoff date for 2010. He stated Cathy Gregory has spoken with Kimball Daby as to how it will appear on the tax bills.

**SWEETWOOD FARMS ROAD - UPDATE**

Supervisor Politi transitioned to the Sweetwood Farms Road and asked Attorney Briggs to provide the board with an update.

Attorney Briggs stated I have not yet heard from Ivan Zdrahal. Larry Straight reached out to the Highway Superintendent Garrow for the Town of Jay. He has inspected the road to come up with an estimate cost which has been given to Denny Allen who represents the property owners. Mr. Allen will get back to the Town after he contacts the owners.

Supervisor Politi stated Ivan Zdrahal was asked to make sure that the road meets Town requirements. He has met with Bob Marvin and will be sending a letter after his inspection. Reaching out to the Town of Jay and Ivan Zdrahal is to remove Superintendent Straight due to his involvement.

Depending on the cost, the homeowner's will decide whether to start a Section 200 or to pay for it as a group of owners.

**JACK RABBIT TRAIL - UPDATE**

Supervisor Politi transitioned to the Jack Rabbit trail asking Attorney Briggs to provide an update.

Attorney Briggs stated I met with Tony Goodwin as well as did research on road dedications. I believe the work to be done is entirely within the right-of-way. That in conjunction with the safety issue of cars parking on the road makes the Town totally authorized to assist with that project. Attorney Briggs offered to put his opinion in writing.

Supervisor Politi asked the Board if they would agree to ask Superintendent Straight to help out to add sufficient parking in that particular location. Because it will alleviate a safety concern that has been there for quite a while, the Board agreed. Attorney Briggs will contact Tony Goodwin.

Discussion continued regarding the parking on Whiteface Inn Road for the Jack Rabbit Trail. Superintendent Straight reported the County is looking into that area.

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**JOINT VILLAGE/TOWN MEETING REMINDER**

Supervisor Politi moved onto new business reminding the Board of the Joint Town/Village Board Meeting regarding the Land Use code. The meeting is on Wednesday at 3:30 at the Beach House.

**FIREWORKS REQUEST FOR A WEDDING**

Supervisor Politi stated we received a request for a fireworks permit for a wedding. I gave Attorney Briggs a copy of an informal opinion from the Solicitor General regarding a fireworks display permit for a wedding party in Ithaca, NY. In 2009/2010 the Senate modified the law which states the same; fireworks displays can only be for municipalities, fair associations, amusement parks, and organizations of individuals. The definition of organizations of individuals is as so noted in the Attorney General's office opinion; fireworks for private weddings are not permissible in the State of New York.

Attorney Briggs states Section 270 of the penal law makes the possession and discharge of fireworks illegal. Then Section 405 of the penal law creates an exception which says that any State Park, County Park, City, Village or Town may apply for an application in writing to grant permit for a public display of fireworks by municipalities, fair associations, amusement parks, or organizations of individuals. They then go on to define what "organizations of individuals" is. This opinion makes is clear that it would be illegal to have a fireworks display for private use and private benefit.

Supervisor Politi stated it says here, "fireworks held for the benefit of a private group only in our opinion is an illegal private display." The types of organizations contemplated by "organizations of individuals" are religious, civic, or comparable organizations. Based on what I see it is clear that public displays of fireworks can be held by only municipalities. ORDA would qualify as an organization, but for private weddings it appears to be illegal.

Derek Doty stated playing devil's advocate and as a hypothetical situation, the Lodge is a party year round. Does an organized group count if the Shore Owner's Association put a bid in for the July 4<sup>th</sup> fireworks?

Supervisor Politi stated I don't know if the Shore Owner's Association qualifies as an organization. It is an organization only to those people on the lake. If an outside organization came in, such as the National Association of Realtors, and requested a permit then they could get one.

Attorney Briggs stated that is the one part of the statute that is a little unclear. It goes on to define it as "organizations of individuals" are religious, civic or comparable organizations. What is a civic or comparable organization?

Discussion continued regarding which organizations might be expectable and which are associations that may not. A Rotary Convention is a civic organization and would qualify. The Codes Association may not.

Mr. Billerman stated I was talking to the Village Board at their last meeting raising their deposit fee and trying to be more selective in who gets to shoot off fireworks.

Supervisor Politi stated I would hate to see fireworks shot off anytime someone wants to have a wedding or another private celebration. I have a problem with that. ORDA is an extension of the State Government; those types of uses are permissible. We could consider a larger fee including a cleanup fee for other organizations that qualify. Those types of fireworks benefit the entire community. A private wedding only benefits those at the wedding and possibly the hotel. If the event brings in one thousand people or so then the event may benefit restaurants and stores which in turn is a benefit to our community.

Mr. Billerman stated the concern is cleanup. The fee was about \$100 and the fireworks company would rather pay the fee than spend much more cleaning it up themselves. The larger the fee the more chance they will do the cleanup. The Village is looking at the fireworks policy. The Town would have to establish their own policy.

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Supervisor Politi stated in the past, people have private 4<sup>th</sup> of July fireworks displays on the lake, and I personally do not believe that they qualify. It is only for the few. If we have questions to determine what an “organization” is, then Ron can ask that question of the DA’s office.

Councilman Favro stated it is different when fireworks are shot off over the water. How do you clean up the water? All the little events add up to a much larger mess. After all, this is our drinking water. Unless there is a big economic benefit, they I would have to question if a fireworks permit is to be granted.

Councilman Damp stated it sounds clear cut; if we issue a permit for a wedding then we are breaking the rules. It sounds like it is a good way for civic organizations to make a little money on the side. They just need to sponsor the event.

Councilman Miller asked Mr. Billerman if the Village plans on tightening up their approval policy, and Mr. Billerman informed the Board they are looking into revising their policy. Supervisor Politi offered Mr. Billerman his copy of the opinion written by the DA regarding the fireworks case in Utica to pass on to the Village Board.

Supervisor Politi stated the Board agrees to deny the request for the wedding. I will let Jim Morganson know so he can inform the parties involved.

Supervisor Politi transitioned to the budget amendments stating they are housekeeping items. An increase to the Village for the Dog Control Budget to cover the bond anticipation note final payment in the amount of \$3,179.57, an additional cost for the legal advertising for the Black Fly department of \$287.90 which was offset by a transfer of money from salaries in the same amount, and the cemetery personnel services in salary went over by \$121.60 which was offset by leftover funds in the cemetery equipment fund. All are offsets with no financial effect to the tax payer.

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

**PROCLAMATION TO PROCLAIM OCTOBER AS EMPLOYEE OWNERSHIP MONTH**

Supervisor Politi stated we received a proclamation to proclaim October as Employee Ownership Month. The group will be in town within the next couple of weeks and requested that the Town pass this National Request which is going across the Country.

Supervisor Politi read the proclamation which is on file in the Clerk’s office and asked for approval.

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

**EMPLOYEE APPROVAL - STEVE LAHART**

Supervisor Politi stated we have a request from the Highway Department to hire Steve LaHart as a full-time permanent employee who is currently a temporary employee. He has been working at a rate of \$11.08 per hour. The Superintendent of Highways has recommended that his rate be raised to \$12.00 per hour when he is appointed to the permanent position.

Councilman Favro moved and Councilman Rand seconded the motion to approve Steve LaHart as full-time employee at a rate of \$12.00 per hour. There being no further discussion, the motion was unanimously carried.

**NY SOLID WASTE SEMINAR – SHANNON PORTER**

Supervisor Politi stated Shannon Porter has requested permission to attend a one day conference at the Crown Plaza in Albany regarding Problem Recyclables and Waste Recycling Practices. The conference is in November and because she is a member and intends to pre-register the cost will be \$60.

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Councilman Damp moved and Councilman Favro seconded the motion to approve Shannon Porter attending the recycling conference in Albany. There being further discussion, the motion was unanimously carried.

**NORTH COUNTRY LABOR RELATIONS AGREEMENT**

Supervisor Politi stated we discussed at our Budget Meeting the present agreement with the North Country Labor Relations which is currently a 12 month retainer basis. We talked about North Country Labor Relations working for the Town on a on call basis when needed. Dan McKillip gave us a proposal of \$110 an hour which would go into effective January 2010. Would the Board like to move forward on this? We are currently paying \$750 a month which at that rate works out to about 80 hours. We do have union negotiations coming in 2010.

Councilman Miller stated I have never been involved with contract negotiations. How many hours do we need them?

Derek Doty stated one year we used Dan McKillip for four days; two were all day and two days were in and out with the groups.

Supervisor Politi stated it is only 20 hours at the most. In these financial times it is probably in the best interest of the Town to move forward with Dan's proposal in that regard.

Councilman Rand moved and Councilman Favro seconded the motion to accept Dan McKillip hourly rate proposal. There being no further discussion, the motion was unanimously carried.

**REQUEST SUPPORT FOR THE SL AREA CHAMBER OF COMMERCE FOR THEIR PROPOSED SUNCHASER CHALLENGE**

Supervisor Politi stated we received a request at our workshop meeting from the Saranac Lake Area Chamber of Commerce for a letter of support and approval for their proposed Sunchaser Challenge to be scheduled for May 21<sup>st</sup> -23<sup>rd</sup> of next year. Although they would utilize roads within the Town of North Elba, the event is in the Village of Saranac Lake. He stated I would like to have a motion approving a letter of endorsement for the Saranac Lake Area Chamber event.

Councilman Miller moved and Councilman Favro seconded the motion to approve a letter of support for the Saranac Lake Area Chamber with regards to the Sunchaser Challenge. There being no further discussion, the motion was unanimously carried.

Supervisor Politi stated we did discuss they meet our requirements with regards to insurance and they consider having a recycling option.

Derek Doty stated should they notify Scott Monroe. They will have a lot of people and I know they will need help. They have the mutual agreement between Tupper Lake, Saranac Lake, and Lake Placid for each Chief.

Supervisor Politi stated I will see him tomorrow. It is a good point.

**OUT OF THE DARKNESS WALK**

Supervisor Politi stated I received a letter from Deb & Doug Jerdo regarding the Out of the Darkness Walk. They say this year was a huge success with over 750 people in attendance and they are anticipating over 1,000 people next year. The event was held on October 4<sup>th</sup> and they would like our permission to use the speed skating oval again on Sunday, October 3, 2010.

Councilman Damp moved and Councilman seconded the motion to approve the Out of the Darkness Walk on October 3, 2010 subject to insurance requirements. There being no further discussion, the motion was unanimously carried.

**COMMITTEE REPORTS**

Councilman Favro stated I went to the Watershed meeting. There is potential money for the Vortex units, possibly the bridge on the Loj Road, trail heads and a few other things. They are compiling a list to see where it goes. There is not a lot of money there so we'll see what happens.

There were no other committee reports and the town attorney had nothing to report.

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Supervisor Politi stated the Board of Supervisors passed the vessel regulations law which modifies the ordinance making a 5 mph speed limit for all boats within Paradox Bay.

Councilman Damp stated I went to the dump this weekend and there was a candidate there. I don't have a problem with the candidate, but it may be tying up the employees. They were handing out coffee and donuts in the recycling center. The employees did not seem to be involved other than enjoying the coffee. I don't have an opinion either way. It is just information to put out there.

Supervisor Politi asked Attorney Briggs if it is legal or there a policy against it.

Attorney Ron Briggs stated when I ran I went everywhere to hand out cards. I went to a lot of landfills. It might not be proper, but I did it. Candidates have to stand a certain distance from the US Post Office but unless there is a law against it, the Transfer Station is a public place.

Councilman Miller stated I don't like it because I don't want the people to get the impression we are endorsing one candidate or another.

Supervisor Politi stated it is a public place. Candidates are in the County Board of Supervisors room every day that I am there.

Councilman Damp stated I only brought this up because I am curious. I am certainly not against it. They just did not help me unload my recyclables.

Derek Doty asked Supervisor Politi is the Board of Supervisors made a decision with regards to the Board of Elections Commissioner issue.

Supervisor Politi stated commissioners are appointed and can only be unappointed by the Governor. One of the Election Commissioners had a heart attack and the Board appointed someone to provide extra help.

Supervisor Politi stated we need to approve the audits per the audit number.

TOWN OF NORTH ELBA		
CLAIMS APPROVED FOR PAYMENT 10/13/09		
	<b>Regular</b>	<b>Prepaid</b>
A FUND	100,549.07	34,336.06
DA FUND	7,939.79	4,633.36
DB FUND	38,388.01	6,446.31
H31-CODE UPDATE	137.53	-
H43-2008 AIRPORT CAPITAL PROJECTS	2,848.83	-
RD03-THEIANOQUEN	-	-
SF1 FIRE PROTECTION	-	-
SF2 FIRE PROTECTION	-	19,896.21
SF3 FIRE PROTECTION	-	-
SP PARK DISTRICT	57,719.28	16,428.73
SS14-PENINSULA	2,872.50	-
SS15- FAWN RIDGE`	-	-
SS16-WHITE FACE INN	7,895.00	
SS17- RUISSEAUMONT	3,430.00	
SS18- PLACID HEIGHTS	2,175.00	
SS19- SENTINEL HEIGHTS	8,167.50	
SW1-WATER DISTRICT #1	14,960.00	
SW2-MCKENZIE WATER	-	73.80
SW3 RAY BROOK	(8.88)	379.76
T&A TRUST AND AGENCY	-	76.29
TE -PRIVATE PURPOSE TRUST	-	-
	247,073.63	82,270.52
9464; 9945; 10860; 10917-10974; 10976-10999; 11001-11008; 10030-11090; 11092-11105; 11126-11128;		
11130-11133; 11135-11154		

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

There being no further business to come before the Town Board, Councilman Miller moved and Councilman Favro seconded the motion to adjourn the Regular Town Board meeting at 7:50 pm.

Respectfully submitted,

Laurie Curtis Dudley  
Town Clerk