

REGULAR TOWN BOARD MEETING
DECEMBER 11, 2007

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

Members Present: Supervisor Shirley W. Seney, Councilmen: Jay Rand, Jack Favro, Chuck Damp, Derek Doty and Barbara S. Whitney, Town Clerk.

Others Present: Larry Straight, Peggy Gadwaw, Bob Miller, Doug Hoffman, Bill Kissel, Wayne Johnston, Jim Morganson, Norm Harlow, Jacob Resneck, Charles Marshall, Frank Sapone and two other homeowners who live in the McKenzie Pond Development.

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.

Deputy Supervisor Rand spoke a few words and made the presentation of a plaque to Shirley Seney for her 12 years of service as Supervisor of the Town of North Elba from January 1, 1996 to December 31, 2007.

Supervisor Seney read a prepared statement that is on file in the Town Clerk's Office.

Deputy Supervisor Rand made a presentation of a plaque to Barbara Whitney, Town Clerk for all her years of service, from August 25, 1975 to December 31, 1981 as Deputy Town Clerk and Clerk to the Supervisor and then from January 1, 1982 to December 31, 2007 as Town Clerk.

Jack Favro spoke of Councilman Derek Doty and made a presentation of a pen to him for a job well done as Councilman for the past 4 years.

Chuck Damp spoke of Highway Superintendent Norm Harlow and made a presentation of a pen to him for a job well done for the past 4+ years.

Doug Hoffman, on behalf of the North Elba/Lake Placid Republican Committee, presented the Supervisor with a bouquet of Flowers for her 12 years of service as the Supervisor of the Town of North Elba and her 24/7 devotion to the citizens of the Town of North Elba.

Supervisor Seney asked for a motion to approve the minutes of the Public Hearing and the Regular Town Board meeting on November 13, 2007.

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

Supervisor Seney asked for a report on the Soccer Fields from Norm Harlow.

Norm stated that because of the snow the soccer fields didn't get seeded and been put to bed for the winter. He stated that the work will have to start again in the spring.

Councilman Doty stated that, the first thing in the spring the project will have to go full steam ahead.

Supervisor Seney asked for a report from Bill Kissel on the Town/Village Shared Services agreement for zoning.

Mr. Kissel stated that he shared with Janet his concerns about the cost of litigation and she wanted to talk with her Board and he thought she did it last week, but he hasn't heard anything from her to report.

Supervisor Seney asked if there is anything further on Theianoguen Road that needs to be done? She stated that the bond has been completed.

There were no comments.

Supervisor Seney stated that the McKenzie Pond Homeowner's Association people are here. She stated that the Town received a packet from Susan Millington. She stated that she spoke with Susan today and they went over everything. She stated that

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everything seems to be in order right now. She stated that she will turn this over to the new Board for 2008 and to the new Highway Superintendent who will be working with the you on the Road dedication.

Mr. Frank Sapone asked if there will be any resolution to this in January or February?

Supervisor Seney stated again, that this will have to be taken care of by the new Town Board and the new Town Attorney. She stated that she was sure that the new group will work with you as easily as we have done. She stated that all the paperwork is done, but you'll have to wait until spring to have the road paved. She stated that the hard work is done and Susan seemed anxious to get started in the spring.

Supervisor Seney asked for a Bike Path update from Councilman Damp.

Councilman Damp stated that the good news is, it is on the agenda for the APA meetings on Thursday and Friday. He stated that they have received an informal invitation to attend the meetings. He stated that on Thursday it is brought before the Regulatory Committee and then it is presented before the full Board on Friday. He stated that the APA is fully on board, the staff is recommending that the permit be issued. He stated that we are assuming that this is going to happen with no surprises.

Supervisor Seney stated at the meeting we attended on November 29th, Wilson Moore from DOT composed a letter to the APA which came jointly from the Town of North Elba and the DOT to put in the packet for this meeting. She stated that this does look promising.

Councilman Damp stated that the meeting with the snowmobilers was very fruitful. He stated that they decided that there were areas where the fence needed to be removable. He stated that they identified areas where their grooming equipment is challenged to stay on the path and they were concerned that they would be hitting the fence. He stated that it is a 3 foot fence just to delineate between the railroad track and the bike path. He stated that he felt that it was a very favorable meeting.

Supervisor Seney stated that we have got the funds to continue from Raybrook to Saranac Lake.

Supervisor Seney asked Councilman Rand for an update on the Town Hall roof repairs and the continuation of the contract with North Woods Engineering for this project. She read the letter which stated that North Woods Engineering has reached the estimated \$4,300.00 that they had quoted it would cost for this project. She read that there remains some issues with the Contractor and they have expended their budget. The letter is being written to confirm that the Town would like North Woods Engineering to continue their services working on the Town's behalf to insure that the project is completed in a satisfactory manner. She read that these services will be invoiced on a time and material basis in accordance with the standard rates. North Woods Engineering is unable to provide a cost estimate as the Contractor has had difficulty maintaining a schedule and addressing the punch list items.

Councilman Rand recommended that the agreement be signed to retain North Woods Engineering for the Town Hall roof repair project. He stated that the only thing that has to be done is a small amount of work around the Bell Tower. He stated that we do have a retainage of about \$3,800.00 for that. He stated that he doesn't see a large expense to finish the project.

Councilman Rand moved and Councilman Damp seconded the motion to accept the agreement and authorize the Supervisor to sign the agreement with North Woods Engineering. There being no discussion, the motion was unanimously carried.

Supervisor Seney stated that last month she asked for a Resolution to approve of the 10 year Lake Placid Airport Master Grant agreement and it was done, but she neglected to notice that we have to do SEQRA to go with it. So, we need to do SEQRA.

Mr. Kissel stated that this is a grant it is not a construction project, this will be brief. He stated that you are determining whether there is a potential for significant adverse environmental impact.

Mr. Kissel stated, after going through all the SEQRA questions, told the Board that they can entertain a motion that the proposed actions will not result in significant adverse Environmental Impact and determines that it shall be a Negative Declaration.

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Councilman Damp moved and Councilmen Favro and Doty seconded the motion that the 10 year Lake Placid Airport Master Grant agreement will not result in any significant adverse Environmental Impact. There being no discussion, the motion was unanimously carried.

Supervisor Seney then asked for another motion to accept the 10 year Lake Placid Airport Master Grant, PIN #1904.58.

Councilman Rand moved and Councilman Damp seconded the motion to approve of the Master Grant application. There being no discussion, the motion was unanimously carried.

Supervisor Seney asked for a motion on the Budget transfers as recommended by Cathy Gregory our Budget Officer and filed in the Town Clerk's Office.

Councilman Favro moved and Councilman Doty seconded the motion to approve of the budget transfers as recommended. There being no discussion, the motion was unanimously carried.

Supervisor Seney stated that we have several resolutions that we need to approve of at the recommendation of the Budget Officer which will be on file in the Town Clerk's Office.

Supervisor Seney asked for a motion to approve of the establishment of a capital reserve fund to be known as the "Highway Improvement Reserve Fund" and continued to read the full resolution. She stated that she need the consent of the Town Superintendent of Highways.

Norm Harlow gave his consent.

Councilman Doty moved and Councilman Favro seconded the motion to approve of the preceding Resolution.

Supervisor Seney then stated that she needed a roll call vote: Jay Rand, AYE; Jack Favro, AYE; Derek Doty, AYE; Chuck Damp, AYE and Shirley Seney, AYE. The motion was unanimously carried.

Supervisor Seney stated that the second Resolution is to Fund Highway Reserves for Type "Capital Improvement, which is on file in the Town Clerk's Office.

Supervisor Seney read the resolution and then asked for a motion to approve of said Resolution.

Councilman Rand moved and Councilman Favro seconded the motion to approve of the preceding Resolution. Discussion?

There being no discussion, the motion was carried by a 4 - 1 vote with Councilman Damp being opposed.

Supervisor Seney stated that the next Resolution is to establish a capital reserve fund to be known as the "Highway Equipment Reserve Fund" which is filed in the Town Clerk's Office.

Supervisor Seney read the resolution and stated that she needs the consent of the Town Superintendent of Highways.

Norm Harlow gave his consent.

Supervisor Seney asked for a motion on said Resolution.

Councilman Rand moved and Councilman Damp seconded the motion to approve of said Resolution. Discussion?

There being no discussion, Supervisor Seney asked for a roll call vote. Jay Rand, AYE; Jack Favro, AYE; Derek Doty, AYE; Chuck Damp, AYE and Shirley Seney, AYE. The motion was unanimously carried.

Supervisor Seney stated that the next Resolution is to fund Highway Reserves for Type "Equipment" which is on file in the Town Clerk's Office.

Supervisor Seney read the resolution and stated that she needs a motion to approve of said Resolution.

Councilman Doty moved and Councilman Rand seconded the motion to approve of the

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preceding Resolution. Discussion?

Councilman Damp stated that there was some communication about possibly changing the amount. He stated that, presumably it was left at the amount that was discussed at the work session. He stated that he hesitates to go \$350,000.00 at this point, he would strongly recommend going with \$300,000.00.

There being no further discussion, the motion carries by a 4 to 1 vote with Councilman Damp not opposed to the motion, but opposed to the concept.

Supervisor Seney asked for a motion from the Town Board to approve the Bond Resolution authorizing the issuance of serial bonds of the Town of North Elba, Essex County, New York in an aggregate principal amount not to exceed \$350,000.00 pursuant to the Local Finance Law to Finance the Construction of Soccer Fields and delegating the power to issue bond anticipation notes in anticipation of the sale of such bond to the Town Supervisor.

Councilman Doty moved and Councilman Favro seconded the motion to approve of the preceding Resolution for the Soccer Fields.

Supervisor Seney called for a roll call vote of the Board: Jay Rand, AYE; Jack Favro, AYE; Derek Doty, AYE; Chuck Damp, AYE and Shirley Seney, AYE. The motion carries by a 5 to 0 vote.

Supervisor Seney stated that the next Resolution is establishing Capital Project for: Construction of Soccer Fields, which is on file in the Town Clerk's Office.

Supervisor Seney read the Resolution and stated that she needs a motion to approve of said Resolution.

Councilman Doty moved and Councilman Rand seconded the motion to approve of the preceding Resolution. There being no discussion, the motion was unanimously carried.

Supervisor Seney stated that the next Resolution is establishing Capital Project For: Construction of Fuel Dispensing System Improvements, which is on file in the Town Clerk's Office.

Supervisor Seney read the Resolution and stated that she needs a motion to approve of said Resolution.

Councilman Favor moved and Councilman Doty seconded the motion to approve of the preceding Resolution. There being no discussion, the motion was unanimously carried.

Supervisor Seney asked for a motion to approve of the proposal by CPA Richard Dinolfo to perform an independent audit service for Fiscal Year ending 12/31/07 for a fee not to exceed \$12,000.00 in order to comply with the Federal Government for our Airport Grants as recommended by Cathy Gregory.

Councilman Doty asked if this work needs to be put out to bid, being that the fee is over \$10,000.00?

Attorney Kissel stated that maybe there are certain exemptions, whether this will fall under one of them possibly because it is Professional services. He stated that it may be prudent, if you are inclined to approve it, to approve it subject to his looking at it and giving Cathy or the Board an opinion on it.

Councilman Damp stated that he would be curious if these Professional services could be used towards in-kind service for the Airport Grant.

Councilman Favro moved and Councilman Doty seconded the motion to approve of Dick Dinolfo's services subject to our Attorney's opinion on whether this should go out to bid or not. There being no discussion, the motion was unanimously carried.

Supervisor Seney stated that we need to approve of the 5 year lease for the Lake Placid Airport FBO with the one change of the fuel hour. She stated that this was due in June of 2007.

Councilman Damp stated that the change to the lease will not impact very many at all. He stated that Steve indicated that, if there was someone there that they new ahead of time, they would accomodate them anyway.

Councilman Favro moved and Councilman Rand seconded the motion to approve of the 5

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year Lake Placid Airport FBO lease. There being no discussion, the motion was unanimously carried.

Supervisor Seney stated that we talked about a 40 hour week for those employees who wish to do that. She stated that we need to approve of the 40 hour week for 3 employees, Clerks, one for the Assessor, one for the Park District and one to the Finance Office.

Councilman Rand moved and Councilman Doty seconded the motion to approve of the 3 Clerks for the 40 hour week option. There being no discussion, the motion was unanimously carried.

Supervisor Seney asked for permission to close the Town and Village Offices at 12 Noon on December 24th.

All Town Board members approved.

Supervisor Seney gave the Essex County reports. She stated that they did the budget. She stated that they had a 4 hour session getting the budget finalized. She stated that they had a great Public Hearing, there were a lot of people who came to the hearing. She stated that they worked hard on the budget, they did a lot of cutting and there were some things that were added after the Public Hearing. She stated that there are still some requests coming in, but the Budget has been approved.

Supervisor Seney asked for a motion to approve of the audits as per the audit numbers as follows: 20072125, 20072187-20072217; 20072234-20072289; 20072296-20072344; 20072346-2072348; 20072350-20072352; 20072370-20072371.

Town General (A)	\$	261,758.82
Part Town (B)	\$	30,167.74
Townwide Highway Fund (DA)	\$	48,730.32
Town outside of Village Fund (DB)	\$	35,912.83
Park District (SP)	\$	216,507.30
Dewer District (SS14)	\$	460.00
Sewer District (SS20)	\$	6,143.46
Raybrook Water (SW3)	\$	<u>1,193.42</u>
Total Claims:	\$	<u>600,873.89</u>

Councilman Favro moved and Councilman Damp seconded the motion to approve the audits to be paid as presented. There being no discussion, the motion was unanimously carried.

Supervisor Seney stated that Butch has received some contracts from the group that is taking over for Comsec Ventures. She stated that Mahoney has taken over from Comsec and they have given us new agreements to replace Comsec's. She stated that Butch is not comfortable having these signed until he gets clarification on some of the wording, which may take a day or so. She read that Butch states that we have currently have fire and security at the Club House. She stated that she would prefer that we let these go until Butch comes back to us with them, and take them to the Board for January 2008. She stated that Butch is concerned about some of the prices, as well.

Councilman Rand stated that we were supposed to have a meeting with NYPA about the energy study of the Town Hall on Thursday at 10:00 a.m. He stated that he received an email just before he left work and they said that it would make more sense to have an Engineering Firm, Genesis, that does small facilities. He stated that they said that they would come look at the Town Hall, at no cost and then they will meet with us.

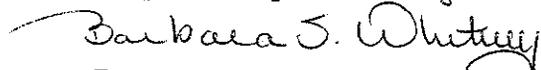
Supervisor Seney stated that we are going to meet with Fred Buck on Thursday, December 13th at 8:00 a.m. to discuss the Old Military Road construction project for 2008 that Essex County is going to be doing, Shirley, Roby, Norm & Larry. She explained that we have shared some concerns with them about the Bike Path and the width of the road, etc. and the Bike Path people had written a letter to Fred Buck with the concerns.

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Supervisor Seney welcomed Peggy Gadwaw, the new Town Clerk, she welcomed Larry Straight, the new Highway Superintendent.

There being no further business to be brought before the Town Board at this time, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,



Barbara S. Whitney, Town Clerk
My last meeting.