

Regular Town Board Meeting
December 9, 2008

Minutes of the Regular Town 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 Robert Politi, Councilman; Bob Miller, Jack Favro, Jay Rand, Chuck Damp, and Laurie Curtis Dudley, Deputy Town Clerk.

Others Present: Chris Knight, George Earl, Cathy Gregory, Larry Straight and Attorney Ronald Briggs.

Supervisor Politi opened the meeting at 7:00 pm by asking everyone to stand for the Pledge of Allegiance.

Supervisor Politi asked for a motion on the agenda for the Regular Town Board meeting.

Councilman Favro moved and Councilman Miller seconded the motion to approve the agenda. There being no discussion, the motion was unanimously carried.

Supervisor Politi asked for a motion on the minutes of the Town Board meeting and the Public Hearing on November 10, 2008.

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

Supervisor Politi greeted all present. He asked if anyone wanted to speak to the Board. There being no issues to discuss Supervisor Politi transitioned to Old Business.

Supervisor Politi stated the first item on the agenda is the Bike Path update. He asked Councilman Damp to give the Press an update.

Councilman Damp stated unfortunately we have some disheartening news. When we got the dollar proposal from Barton & Loguidice it was about \$250,000 plus in engineering fees. This adds to the \$100,000 plus of engineering fees that we have already paid to the firm that crashed and burned. When we originally proposed this and were successful in getting a grant it was \$750,000, give or takes a few thousand. He stated at that time, we anticipated that that was going to get us from start to finish. Obviously, now we are well above \$350,000 and we haven't turned a lick of dirt. He stated we are at a crucial point and have to decide if we move forward totally or say forget it. The way the grant is designed any money that we spend and if we do not complete the project we have to return. Right now, that is about \$70,000. We need to ask the public what they want. Commitment by the taxpayers to what is likely to be closer to \$2 Million dollars. That is just the first phase which only gets us to the Scarface Trail. It does not get us across the little bridge just past the Scarface Trail. He stated we have another grant that has been awarded that has more current construction estimates. The grant is for \$1.2 Million give or take a few thousand. This would take us the rest of the way into Saranac Lake. We have done no engineering, and we don't have a permit for it. He stated we have found the engineering fees tend to be a percentage of the total cost. That is more or less what happened to the group out of

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Buffalo. Once they realized that the original cost of \$750,000 was going to be somewhere twice that, they started asking for change orders and substantial differences in what they wanted to be paid. This is why we decided to part ways. He stated we were under the impression that when we signed contracts with them it would take us through APA permits. They contended that it did not. A law suit would cost money so we decided to get the permits ourselves. The real reason we need to make a decision relatively soon is that we do have a permit at this point. We may be able to apply for an extension. He stated we need to go out to the stake holders. He stated I have talked to Tim Holmes and he has talked to ANCA. They are taking a conservative approach because money is tight. They do encourage discussions but are less likely to say forge ahead. He stated I am laying it out here. How do we go about doing this? What do you think we ought to do at this point? Where is the money coming from? Taking it from Old Military Road to the Village of Saranac Lake, we are close to \$5 Million. I may be a little high on that. He stated we have made some inquiries on projects recently. There was a project that was done out in Iowa or Idaho I'm not sure which. It was about \$350,000 per paved mile. From conversations we've had with that group, they have done it in sections and it is used for bikes and snowmobiles. They strongly recommend we move away from the pavement because the snowmobiles are tarring it up. It makes for a much more labor intensive and a more costly maintenance program. They strongly recommend a cinder approach because it is easier to fix in the spring. It makes a lot of sense to me. He stated with that being said, we may be talking about \$40,000 per mile.

Councilman Rand stated it would eliminate the roller blade and roller ski concept. It is different here.

Councilman Damp stated some of that can be debated because of the roller skis track at the ski jumps. They have a paved track that they can use for that. I can understand what you are saying, but some of that has been abated a bit by that. He stated our contention all along is if we were to go cinders it is a heck of a base for pavement. The APA approved pavement. So they will allow us to go to that point. Now if we go cinders will they modify the permit? I don't know. They were not enamored with the pavement from the get go, but they did approve it. He stated I know these numbers are not 100% accurate but that is where we are. I guess we need to decide on how we want to deal with this.

Supervisor Politi stated one thing you should know is that I did write a letter to Barton & Loguidice suspending any further action on the engineering. My own feeling is that we delay moving forward at the present time. That does not imply that we are abandoning the project. He stated the project makes sense for our community and makes sense for our sister community of Saranac Lake. It would be a mistake to abandon it. Given the that fact that the rehabilitation of Old Military Road and the construction of the Bike Path, which did not occur this summer, would be an inclination to me that the State DOT has financial strains. It would be in our best interest to hold off on the project until things get better and/or we can find an engineering firm that is willing to do this at a more reasonable fee.

Councilman Miller stated I agree with you. I want the Bike Path, and I think it is wonderful. I really appreciate all the efforts that you and everyone else have made.

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Councilman Damp stated I have not done it alone. There has been a lot of time and effort put in by a lot of different people.

Councilman Miller stated I think we ought to wait a little while. These are uncertain economic times. We ought to wait until it settle out to see how we proceed.

Councilman Damp stated we are probably going to get to where we have to, but there has been a lot of inquiry on it. We should give them as much of a transparent update as we possibly can.

Councilman Favro stated when we first talked about this we talked about not having a big impact to the taxpayers. When it starts to get up to \$2 Million it is harder to come up with, especially in tough times right now. Opportunities may come about in the future because of the same reason we're having issues. It may make it so that we could do it cheaper and different. It's not a bad thing.

Councilman Damp stated there is no doubt. We will probably take that bull you are talking about by the horns. If they cut the \$2.4 Million dollar subsidy that goes out to the railroad every year, then our costs will go down dramatically. He stated I'm not beating the drum that they cut that out, but the economic return on that is challenged.

Councilman Favro stated we can go back and forth on that, but the impact for the community with the path is for all people not just tourists. It is for locals and everybody.

Councilman Damp stated I see this as the answer to the non athlete or family group. The Ironman is not going to rip this up. It is for Mom, Dad and the kids to take a nice flat ride out somewhere.

Supervisor Politi stated we can not put the community in a position of having to pay back monies that are not available. We have to be very cautious at this time.

Supervisor Politi stated the other thing I wanted to talk about is an update on the Ironman Rink. It is my understanding that the installation of the rink will start on Monday. It should take about three to five days. It is my understanding that they are planning a rink dedication over the Holidays. He stated the rink is going where we talked about. It will be approximately 46' W X 100'L. The primary use is for the kids in the community.

George Earl stated it only takes five days to build?

Supervisor Politi stated it is a temporary rink until they can put in the refrigeration system in better weather. It is just temporary for the winter. He stated it will have its own gate which is already there now. That gate will be utilized off the sidewalk to gain access as well as parking.

Supervisor Politi transitioned to New Business; the Town Employee Personnel Manual.

Supervisor Politi stated in our workshop meeting, we talked about an amendment to the Town Employee Personnel Manual regarding a drug policy for the beginning of the year. Cathy has provided us with a Drug and Alcohol Policy and Substance Abuse Policy. He stated I think you

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all have had an opportunity to review it. We had spoken about the concept of a Zero Tolerance Policy during our workshop. Attorney Briggs has provided us an opinion from the Attorney General office. He stated it would not make sense for the Town to have a Zero Tolerance Policy if in fact the concept could be trumped by the Highway Superintendent, who has the absolute authority to hire and fire in his department. Unless someone has an objection thereto, I would like to see us approve this policy as submitted subject to the last page; Designated Employee Representatives be Cathy Gregory and Andrea Randall of the Human Recourse Department. This is long over do; we need to have this kind of policy in our manual it is very vague.

Councilman Favro moved and Councilman Damp seconded the motion to approve the Town Employee Personnel Manual subject to the last page amendment. There being no further discussion, the motion was unanimously carried. Supervisor Politi asked for a Roll call vote: Councilman Miller, Aye; Councilman Favro, Aye; Councilman Rand, Aye; Councilman Damp, Aye, and Supervisor Politi, Aye.

Supervisor Politi stated it is a unanimous decision to amend the policy. Cathy would you please have that added to the Manual and make a note to the Department heads as well as the employees that this policy will take effect as of January 1, 2009.

Supervisor Politi stated we need a resolution for a grant agreement and SEQR determination with regard to the Airport. He read the resolution below.

WHEREAS, the New York Department of Transportation has agreed to a state supplemental grant which matches a FFY 2008 federal grant for the improvements/ rehabilitation to the Lake Placid Airport Project: and

WHEREAS, this agreement supplements the 5-year Master Agreement with the Town of North Elba and will eliminate the need for future supplemental grants for any cost increases to the Lake Placid Airport Project: and

WHEREAS, as the funds from this grant agreement will be used towards the maintenance and rehabilitation of the existing airport runways: now

THEREFORE BE IT RESOLVED, that the Town of North Elba's agreement to the state supplemental grant agreement for the Lake Placid Airport project is determined to be in the public interest and a Type II action as defined by the State Environmental Quality Review Act.

Councilman Rand moved and Councilman Favro seconded the motion for a grant agreement and SEQR determination with regard to the Airport. There being no discussion, the motion was unanimously carried by those present.

Supervisor Politi stated the next item on the agenda is the appointment of ORDA Board Representatives whose positions have terminated. The appointments for North Elba Board representatives would be Edwin Weibrecht for the term ending December 31, 2012 and Jerry Strack with a term ending December 31, 2013. He stated I spoke with both of these individuals,

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and they have an interest in remaining as North Elba representative. They were appointed by a prior Board. Unless someone has an objection I think we need to move forward.

Councilman Favro moved Councilman Damp seconded the motion to appoint Edwin Weibrecht and Jerry Strack as North Elba ORDA representatives. There being no further discussion, the motion was carried by those present. Councilman Rand abstained due to professional involvement with ORDA.

Councilman Rand stated the Town can recommend, but it must be approved by the Senate.

Supervisor Politi stated I have been to many of those meetings. All three individuals Surge Lussi, Ed Weibrecht, and Jerry Strack have always taken a keen interest in what is going on at ORDA. They have always acted in the best interest of the Town.

Councilman Rand stated from my perspective they have done a great job.

Supervisor Politi transitioned to the out-of-grade compensation to Britt Pickard for after hours work schedule. He stated we talked about this already. This is for the work she does in the evenings for the Planning Board sessions which is out of her job description. She would be paid at a higher grade of \$16.00 and hour for that time. We discussed it before. Unless anyone has an objection, I would like to have a motion to approve that rate increase for those hours.

Councilman Damp stated I have absolutely no problem with the grade differential but those hours in addition to the hours she works normally would that impact over-time?

Cathy Gregory stated that she currently works 35 hours a week which allows for 5 hours extra hours before over-time. I don't foresee many over-time hours.

Supervisor Politi stated the OT hours are nominal and that is one of the reasons we decided to compensate her without having to hire someone else.

Councilman Damp stated it is all fine. I just wanted to be clear out it.

Councilman Rand approved and Councilman Miller seconded the motion to approve a pay increase for Britt Pickard for the evening Planning Board sessions. There being no discussion, the motion was unanimously carried.

Supervisor Politi stated the next item is Budget Adjustments. Cathy since you are here you can explain these house keeping items to the press.

Cathy stated in the General fund we are over budgeted on our fuel because of the price increase in the beginning of the year. We are moving surplus money from one account to pay these.

George Earl stated you were over budgeted on gas and diesel?

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Supervisor Politi stated everyone is over budgeted on gas and diesel this year. He stated instead of taking money out of a fund balance we have surpluses in other funds. It is just jockeying funds from one fund to another to off-set these costs.

Cathy Gregory stated there was also work done at the Transfer Station. The scale house was in bad shape and it needed to be replaced. We made a budget adjustment and took surplus funds to do that. We were also under budgeted for Health Insurance and took unused equipment funds to cover that.

Supervisor Politi stated the net result is that it does not cost the tax payers anything. He asked for a motion to approve the budget modifications.

Councilman Rand moved and Councilman Damp seconded the motion to approve the budget modifications as presented. There being no discussion, the motion was unanimously carried.

Supervisor Politi stated I want to bring to everyone's attention that we scheduled the Organizational Meeting for January 5, 2009 at 4:00 pm.

Supervisor Politi stated I want to remind everyone of the Joint Town/Village Organizational Meeting this Thursday at 4:00 pm. That meeting is to discuss water costs. We also have the Government Efficiency final update just after that.

Supervisor Politi stated we received from the Department of Transportation a letter of response and concern to our family of moose living on Route 73. We got a lot of calls on that. The DOT has conducted a field study of the area including a review of the roadside characteristics as well as accident history. Based upon the information gathered they have determined that it would be beneficial to install Moose Crossing signs on Route 73 for approximate four mile cored. We will arrange to have the signs installed as soon as our workload permits. That is from the regional Traffic Engineer and the Department of Transportation.

Supervisor Politi transitioned to Committee Reports.

Councilman Miller stated we will schedule a Recycling meeting after the Holidays. We would like Shannon and Larry to come and speak to some folks who may have an interest in Recycling.

Supervisor Politi stated it is important to recognize that Lake Placid is the only Recycling Center for our community. A lot of people in the Saranac Lake area have an active interest in our recycling program. We most certainly want to invite everyone, not just the North Elba Community. We also want to invite those folks from Saranac Lake that are also utilizing our facilities. We want to make these facilities better. He suggested to George Earl that this would make a good article; writing about our intentions at the Recycling Center including additional amenities to that facility for everyone to utilize. We have a totally green concept at our landfill in regards to the Recycling Center. Shannon would love to talk to you, George, about what our intentions are, how our products are brokered, what our intentions are at the C&D, and the expansions at the C&D. He stated we do not like how the construction and demolition pile has grown into a small mountain, and we need to find ways to grind it down to reduce the size of it.

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Councilman Rand stated people are always interested in asking questions because they want to do the right thing. The facility is now so organized it's good to talk about.

Councilman Miller stated we had a meeting last year. We invited about ten people and more than thirty showed up. We are constantly getting comments from the community saying what a wonderful job that has been done down there.

Councilman Damp stated I thought Shannon's report at last weeks meeting about taking the metal out of the computers and generating a little more income that way was good. While also reducing the size of the stuff that eventually goes in a hole.

Councilman Miller stated unfortunately the market has died.

Supervisor Politi stated you have to look at it two fold. One it is potentially a revenue stream, two it is important for the environment. If in fact the market is soft at times then there is still another reason to recycle. We can't tell people enough that if you recycle the cost of your garbage goes down. Not everyone gets that. If you are only taking half your garbage then they have half the cost.

George Earl stated I don't understand why the demand has gone down.

Larry Straight stated the answer we are getting from most of our brokers is that the Chinese buys most of our stuff. When they were putting on the Olympics their factories were shut down because of pollution. They built up so much stock that they are having a hard time catching up so they are not buying it now. We can get rid of it but instead of it being \$140 per ton it is \$80 per ton.

Supervisor Politi stated the production of the product is down everywhere because of the economy. It's Europe, United States, Asia...etc.

Attorney Ronald Briggs stated are the haulers entitled to recycle? Where I live we split it up in the shed, and we don't know what happens to it. We suspect it just gets thrown in the truck.

Supervisor Politi stated the haulers are not recycling, and they are taking our garbage out of North Elba. We have discussed this at a couple of workshops. He stated we talked about initiating a load control of where garbage goes as wells as recycling. And that is coming.

Larry Straight stated Shannon has a couple of reports from different communities which she promised to us.

Supervisor Politi stated we are looking at potential legislation to consider that particular item, Ron.

Supervisor Politi stated Chuck and I were asked to attend a meeting with Betsy Lowe as well as a phone conference with the Regional Director of DOT, Brian Roback, and the DEC Legal Council in Albany to discuss the Adirondack Loj Road. We were discussing ways in which we

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could deal with the bridge replacement on Adirondack Loj Road and/or a takeover of the road by the State of New York. Although we have not finalized an agreement, some progress has been made. The State of New York Department of Transportation is considering giving the County another bridge in exchange for the bridge that is in place now. Progress has been made. We have not made any final agreements on the takeover of the road at this time.

Supervisor Politi transitioned to Attorney's Report.

Attorney Ronald Briggs stated the 2009 Fire Contract with the Village of Saranac Lake for District 2 needs to be approved by you and signed tonight and delivered to Saranac Lake.

Supervisor Politi stated has Chuck and Jack seen this agreement?

Councilman Damp stated I have not seen the numbers, but can I assume all they did was change the dates?

Attorney Ron Briggs stated let me give you the numbers. There is a credit carried forward of about \$2,051.00 which brings the total cost for 2009 down from \$41, 043.00 to \$39,792.43 paid in two installments; January 1, 2009 and July 1, 2009.

Supervisor Politi stated it is what we budgeted. What is the credit for?

Councilman Damp stated when the contract was first put together the formula they used was tweaked because a vocal opposition. The Village picked up a larger percentage of the whole. We had already approved our contract, and we paid based on the previous. They are adjusting it forward. The Village picked up one or two percent more than originally proposed in the contract.

Supervisor Politi stated now we need a motion authorizing me to sign the contract on behalf of the Town of North Elba.

Councilman Damp moved and Councilman Favro seconded the motion to approve the Supervisor signing of the 2009 Fire Contract with the Village of Saranac Lake for District 2. There being no discussion, the motion was unanimously carried. Supervisor Politi asked for a Roll call vote: Councilman Damp, Aye; Councilman Rand, Aye; Councilman Favro, Aye; Councilman Miller, Aye; Supervisor Politi, Aye.

Attorney Ronald Briggs stated on the signature page they had an error. I am striking it out and you need to initial it. Supervisor Politi signed the contract.

Supervisor Politi stated we have a meeting on December 18, 2008 in regard to outstanding tax cases; Lake Placid Lodge, Brook Hill Condominiums, Lake Side Condominiums. The meeting is with David Murphy, Bill Kissell, Ron Briggs, myself, and the Superintendent of Schools. The meeting is at 10:30 am on December 18th here at the Town Hall.

Supervisor stated the Essex County update you all read. The county approved a zero percent budget for 2009. There will be no increase there. The reason being they received a \$1.9 Million payback for Horace Nye previous years payment. It is probably the last time we will get that

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payment. In addition, there was about \$5.5 Million from general fund surplus that was utilized. There was a total of about \$7.4 Million dollars; this should off-set the tax levy.

Supervisor Politi stated the only other thing I wanted to mention to Chris. I did receive today from the County attorney a letter in relation to the buy-out that you brought up in the Press lately. You might want a copy of it.

Chris Knight stated he did not call me back but I would like a copy of it.

Supervisor Politi stated I think he didn't call you back because he hasn't been in. I know he was in today and I think he just wrote this letter. I got the letter at 4:00 pm. My guess is that he was waiting for an opinion letter which he received from the State Comptroller's Office. He says here, "finally I have been asked to address a scenario where a Town Supervisor takes cash in lieu for both the Town and the County while taking his or her health insurance coverage from an outside source. Although this might appear awkward and could be politically unwise, it is my opinion that there is nothing illegal in taking the buy-out from both the Town and the County excepting outside insurance... and so fourth. Other items are addressed in it as well. I don't have a problem with giving you a copy.

Councilman Miller stated I thought your report Chris on the radio was really interesting. There is a difference between being illegal and maybe unethical.

Supervisor Politi stated it's not unethical because I think the Comptroller's opinion basically says it can be done. I don't know if it a good practice.

Councilman Miller stated is the County Board of Supervisors going to deal with it. I think it's unfortunate.

Supervisor Politi stated as Chris knows, there are those that do and those that don't. I don't even know who does.

Councilman Miller stated I think we should know who the ten are. I think it's wrong. And just as you suggested, Chris, it's double dipping.

Supervisor Politi stated well, they look at it from the standpoint that it has been their policy and it is cheaper to buy someone out then to have them on their policy. That's the way they look at it.

Chris Knight stated why offer insurance at all if they can get it from the Town. That has been the big question.

Supervisor Politi stated I don't know. We don't offer it. Our Town does not offer it to any of the Supervisors. We are probably the only Town or Village, that I am aware of, that passed that policy. I don't know who, Chris. I know Randy Douglas does because you took him to task on it. If you were to ask him, he would be very straight about it. He is the only one I know.

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Supervisor Politi stated I want to clarify. Our Town has a buy-out for employees, not for any of the Board Members because we don't have an insurance program for our Board.

Supervisor Politi stated we need a motion to approve the audits as per the audit numbers. Did everyone sign these?

TOWN OF NORTH ELBA
CLAIMS APPROVED FOR PAYMENT 12/9/08

	Regular	Prepaid
A FUND	124,135.90	48,853.13
DA FUND	30,524.69	9,209.41
RD03	6,132.00	-
SP PARK DISTRICT	25,613.90	13,531.58
SW2 MCKENZIE	-	73.80
SW3 RAY BROOK	-	587.16
T TRUST & AGENCY	-	68.09
	<u>186,406.49</u>	<u>72,323.17</u>

81366; 82347; 82399-82436;82438-82477;82500-82529;82531-82570

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

Supervisor Politi stated is there anything else to come before the Board?

Councilman Damp stated I just want to tell everyone that I attended the Legislative Breakfast at the Visitors Bureau for the Hotel Association of State. Teresa was there. She made a presentation. The bottom line is what we've have been hearing all along. They are looking for places to cut spending. The message we were basically hearing is that it will be tougher to get publically funded projects. One of the things that they want to pull the wagons around is the "I Love NY" funding. They embraced what Jim McKenna has been doing locally and that is going out to an independent third party and showing a return on equity. It is making headway. They can show the \$21 billion dollars they spend on a program can gave a return in the billions. It was driven home there. Teresa said although the budget process is coming, it did garner some support from the powers to be.

Supervisor Politi stated they are looking for programs to cut in this region. We can hope that ORDA is not one of those items. ORDA is really the wheel that drives the economics of this immediate region; in terms of jobs, recreation, and events. I am all in favor of considering anything else but that.

There being no further business to be brought before this Board at this time, Supervisor Politi moved to go into Executive session at 8:05 pm to discuss proposed litigation. Councilman Miller moved and Councilman Rand seconded the motion. There being no discussion, the motion was unanimously carried.

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Supervisor Politi moved and Councilman Rand seconded the motion to come out of Executive Session at 8:20 pm and adjourned the Regular Town Board meeting with no motions being made.

Respectfully submitted,

Laurie Curtis Dudley
Deputy Town Clerk