

Regular Town Board Meeting
February 12, 2008

Minutes of the Regular North Elba Town Board held on the above date beginning at 7:00 p.m. in the North Elba Town Hall, 2693 Main Street, Lake Placid, New York 12946.

Members Present: Supervisor Roby Politi, Councilmen: Jay Rand, Jack Favro, Chuck Damp, Bob Miller and Denice P. Fredericks, Deputy Town Clerk.

Others Present: Attorney Ronald Briggs, Jim Morganson, Larry Straight, Rebecca Steffan, Jacob Resneck, Susan Millington, Connie Issleb, Sean Ayers, Frank Sapone, Michael Pall, Michael Orticelle, Kerry Gates and three other homeowners who live in the McKenzie Pond Development.

Supervisor Politi called the Regular Town Board Meeting to order at 7:00 p.m. by asking everyone to stand for the pledge of Allegiance.

Supervisor Politi asked for a motion on the minutes of the Regular Town Board meeting of January 8, 2008.

Councilman Favro 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 asked if there are any additional items for the agenda?

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

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

Persons present have the opportunity to speak.

Supervisor Politi stated that Jeff Edwards could not make it and I am going to move that down on the schedule Lake Placid Marathon and Ironman because Susan Millington is here representing the Mckenzie Pond Development. He stated Susan why don't you come up right here and sit at the table. He stated I am going to give you the floor now.

Susan Millington stated it is quite a different group of faces from the last time I was here congratulations everybody. She stated that the last time I was here was in October and prior to my representation my clients have gotten a substantial amount of surveying done, engineering done we have maps and plans and deeds and I think you have our report in front of you. She stated when we appeared at that meeting in October we were asked to provide certain other things to the Board which we did since that time we continued on with our project we have gotten our deed description straightened out so any properties where the road I assume you all have some knowledge of where we are at you said our road was not located exactly where you said it should of been. She stated we have that all straightened out and we have our deeds prepared we are using Mt. Abstract in Chestertown to record all those deeds for us so we are all set to now have all of the road in the name of the Homeowners Association. She stated it was our understanding as we were proceeding through this process and I was actually hired in the Summer of 2007 there after we did have a vote of the Homeowners Association, our Homeowner Association by-law do require that we have 75 % of our Homeowners approve the dedication of a road which we have and I think we have provided that to the Town as well. She stated so more then 75% of the Homeowners agreed to sign ballots to say that they agreed to a dedication of the road.

Susan Millington stated it was our understanding from talking to Norm Harlow who was really involved in this all along he came out to see our road he met with us gave us our perspective costs and what was going to happen here was that the Town was going to float a bond the Town was going to provide labor and that we were going to pay the Town back for the materials costs. She stated he gave Andy Abdullah our Engineer what those material costs and the two of them worked together to determine what they would be and what it would cost each homeowner to achieve what we are looking for which is the improvement of paving of these roads so that we can dedicate them. She stated we realize that we had a problem once we hired our surveyor that our roads were not exactly where they were meant to be we were looking for a approval in November but unfortunately in November or fortunately depending where you are coming from on this there was the election held and then that present Board was not very enthusiast about making decisions because they knew that the new Board was coming in but it had been told to us by Norm Harlow, Shirley Seney and by Bill Kissel that everything was proceeding along. She stated that I did make contact with Ron right away to try and see where we were headed but we continued on with what we were

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doing our deeds and everything else.

Supervisor Politi stated three Board members are still here just so you know that.

Susan Millington stated I did get a call from Ron the other day saying that he thought the Town road department was going to be too busy to do our paving this Summer for us that they were going to be able to provide the labor for that and they were going to bid that out which was not our understanding ever because really Norm had told us the exact cost based on the fact that the Town was going to do it and that was how our Homeowners voted. She stated that was what we presented them with was how much it was going to be and any kind of a change in that is going to require us to go back and start again. I guess we are here to find out if you are too busy this Summer or that I guess we would be amenable to have our roads paved in the Fall.

Supervisor Politi stated I think that Larry had a meeting with the County people and I did have a chance to talk to Fred Buck who is the County Superintendent of Highways and I got the impression that they might be willing to do the paving for us. He stated Larry I am going to let you take over because this is really your department.

Larry Straight stated we don't have the equipment and the man power to do the site work which would be to grade the roads and also we don't have the equipment to do the ditch work that needs to be done so we were talking about having you hire a contractor to do that work and when that work is done we will come in with the help of the Town and shared services with other Townships we will do the trucking and we will help the County do the paving.

Supervisor Politi stated we would get the pavement and the crusher run at State contract price just like was discussed before. He stated we would probably get the co-operation of other Towns to help us truck the stuff in, once the road was up to specifications then the County would come in because they have the paving equipment and they have said that they would do that for us. He stated it is something we would not be able to do anyway because we don't have a paver and in other instances and in your instance with Tawhaus Road which was just dedicated we had to actually hire to get a paving company to come in and do the actual paving because we don't have the equipment to do it. He stated I think that the intent was to try to do our best to follow the same course that was indicated even though right now we have difficulties ourselves with actually doing the work because of the number of large projects that have come up that require immediate attention but we felt that by bringing the County in and continuing to do have the pavement and the crusher run trucked in it would help save money for the homeowners in McKenzie. He stated I know there were some grade issues and I know there were issues in regard to the shoulders probably things that we couldn't handle which may require you to get a contractor to come in and bring those roads to specifications. He stated that's what we were contemplating.

Susan Millington stated in regard to the paving issue what you are saying is that the County would come in and bring in what ever the County needs and pave the road. She stated what's changed is that where the Town would have in the past done the paving and the ditching you are saying that....

Supervisor Politi stated we aren't capable of that with only 5 employees.

Susan Millington stated our problem is that all of our costs and everything we have been through in the last three years have been based on the representations that Norm Harlow and Shirley Seney made to us that was going to happen. She stated I understand that you are saying that you don't have enough manpower right now but we are not saying that we need it to be done ASAP or anything we are just saying that with the Homeowners Association with 37 members who we have finally gotten in line here to say okay we are going to do this, presented them with the cost as were developed between Norm Harlow and Andy Abdullah we are going to go have to start our whole project over again.

Supervisor Politi stated it is extremely unusual for the Town to do any of the work and the Town has not done the work other than one road that I am aware of maybe Maple Wood Acres or Patch Lane maybe those two.

Councilman Miller stated no Patch Lane was done by a contractor.

Supervisor Politi stated I got the impression Susan by talking to the former Board members Jay, Jack and Chuck that there was no indication by the Highway Superintendent that, that was agreed upon, am I wrong?

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Councilman Damp stated I certainly wasn't clear that we were doing that but obviously I wasn't party to the conversations Norm had and I am not saying that anybody is wrong here but I was not aware that we were committing to that type of arrangement I thought we were going to help through state contract and the trucking. He stated I thought that was what we were agreeing to and that was to keep the costs down.

Councilman Rand stated that was what I was under the impression too all the section 200's have always been that way.

Susan Millington stated what way is that?

Councilman Rand stated where the Town did some of the preliminary work and Bill Kissel could probably tell you better but the involvement of the Town was to help put the bonding, get the signatures and come to the Town and then when the road is put up to standards then the Town took it over.

Supervisor Politi stated this is a little unusual because this is a situation where the developer walked away from this property and is not involved in this particular project and this is an after the fact dedication and an after the fact dedications are always difficult because nobody can ever remember what was said and so forth. he stated I have been through this many times myself in dedicating my own roads to the Town. He stated what we have tried to do and in listening to what everyone has said is certainly we want to be as accommodating as possible because some things may have been said by others that weren't necessarily said by people that are here and we what to accommodate the people as best we can but I also don't want to put a strain on Larry's department and not fulfill that obligation that we make.

Councilman Damp stated we don't want to set a precedent here there are other roads that are in similar condition but we don't want to get in to the road paving business of private developments but certainly we want to be participants and do everything we can to bring it up to standards and take over the road.

Susan Millington stated that the norm up till this time has been that in these other road dedications is that you have not provided the services we are asking for?

Supervisor Politi stated no.

Attorney Briggs stated the contractor brings the road up to specs the grading, the ditching and the shoulders and once that is done then the Town approves the specs and then we will assist in the paving end of it by getting the state contract price but not do the work. He stated the only thing different here is that you are being asked to pay the cost of getting the road up to specs grade it, ditch it and do the shoulders that's really the only thing that has changed.

Susan Millington stated I know unfortunately for us that's huge because like I said and I understand what you are saying you may of had a Town employee out saying certain things or people getting certain impressions of what was being said and certain figures quoted. She stated we had exact calculations from Norm as far as what it was going to cost every homeowner and now we are going to have to go back to 37 people and say you know all that stuff we said before that's not the case.

Supervisor Politi stated that's what section 200 says if you have a modification from the price I guess you have to go back and we would have to have a public hearing on it. he stated we want to accommodate the homeowners as best we can yet I don't think we are in a position to do the grading and the shoulders we accommodate you by getting material trucked in if the Board agrees and I have spoken with the County and I have seemed to of gotten their co-operation in helping out and we are trying to do this between Lake Placid and Harrietstown and a couple other towns to do the trucking for us.

Susan Millington stated you are telling me that ordinarily the way that this is worked in the past is that these are bid out?

Supervisor Politi stated yes absolutely.

Susan Millington do you come back to us and tell us?

Supervisor Politi stated HOA would go out and get it bid out and the Highway Superintendent would oversee the work and make sure it is done to specifications and when it was done he would say that it is ready for dedication you would bring it in and we accept the dedication of it. He stated that is how it's always done.

Susan Millington stated here.

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Supervisor Politi stated here the developer always does it.

Michael Pall stated I was just confused why Norm told us he was going to do it.

Supervisor Politi stated I asked him about that and he felt he had time but we have a major problem with a road and a bridge now at Adirondack Loj road which is going to require a lot of attention.

Michael Pall stated if time is the issue I would rather go with time then money. he stated we have come up with the cost of \$285,000. and we are going to have to do the ditching and the grading what are we talking money wise?

Supervisor Politi I stated I don't before you came to that conclusion you certainly would want to get it bid out I don't know if based on the numbers I provided to the County here for the cost they didn't think the numbers were necessarily out of line from what a normal contractor would be charging.

Michael Pall stated how long would it be with this bridge project are you looking at the course of this whole year to get the work done that you need to get done?

Supervisor Politi stated it could be a \$1.2 million dollar project.

Michael Pall stated we don't have to have this done this Summer what if we got the commitment from the Town and went till the Fall or next Spring to do the work.

Supervisor Politi stated I think that's Larry's call I'm not doing the work.

Mike Orticelle stated would it be unofficial if you contracted then the bond incorporated that contract would that be reasonable and Larry over sees everything you hire the contractor under the bond that you are going to float anyway adding that cost into the bond.

Supervisor Politi stated do we want to be responsible for the contractor.

Mike Orticelle if you guys do the work or you hire a contractor to do the work and it is incorporated into the bond what is the different.

Supervisor Politi stated there would be a huge difference Mike if we hired this whole thing out. He stated you couldn't afford it, it could be double if you had to pay regular price for crusher run.

Mike Orticelle stated we are going to end up doing that now anyway. He stated you folks are going to be doing the paving and crusher run.

Attorney Briggs stated you want us to contract out the upgrade.

Mike Orticelle stated contract out the grading and the other stuff that has to be brought up to snuff let Larry oversee it and incorporate that cost into the bond so we are not going out and hiring a private contractor.

Supervisor Politi stated I don't know why we couldn't do that I don't think Larry has a problem with it. He stated the County gave us the suggestions on who might be able to use and the prices might be reasonable. He stated we don't care I just don't want to mislead you into thinking we are going to do it.

Mike Orticelle stated I don't know who misunderstood you that Larry and his people were going to be out there digging the ditches that was never my intent I don't know what the conversations were that went on between a lot of these people before. he stated all I understood was that the Town was going to float a bond and the roads were going to get done who was going to physically do the work..

Supervisor Politi stated I think the understanding earlier previously Mike was that the Town was going to do it.

Mike Orticelle stated can we look into that possibility then?

Supervisor Politi stated absolutely I don't see any reason why we can't do that unless the Board objects to that. He stated I don't have any problem with Larry looking into that and getting a price for you and over seeing the work for you he intended on over seeing the work anyways.

Attorney Briggs stated do we know if your HOA will accept that if you say we do that and the bids come in we still need to have some acknowledgment from the HOA that those numbers will be acceptable.

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Susan Millington stated unfortunately we don't know the number we did know the number and we did vote on the number and as you are saying Norm thought he was going to have time to do it so we went back to our people in good faith and set it.

Attorney Briggs stated this ties into the petition to the Town to dedicate the road because in that process there's a public hearing on the cost and your people would know what the cost is before any final decision.

Susan Millington stated I am a little confused about that to, tell you the truth I have done resolutions before here you have homeowners that really don't own the road they don't own to the middle of the road the homeowners association owns the road.

Attorney Briggs stated they are going to be paying for it that is why they have the right to be heard.

Susan Millington stated I understand that as well so far we have had 75 % of their vote which is more than Town Law 200 requires.

Attorney Briggs stated on a certain number but what if the number is 50% higher than what happens?

Susan Millington stated we can't know yet we voted on what we thought it was going to be and I think we will have to vote on what it is.

Councilman Rand stated the bids would have to be accepted so we could still go from there.

Supervisor Politi stated the first step is for Larry to communicate with some contractor to come and look at it and give us a price that the first thing. He stated since this proposal was done last year I think the blacktop is in line. He stated we will do that if that is acceptable to you. He stated we will do our very best to get all the stuff trucked here and get it on state contract and make sure that the County will come through with what they said and go from there. He stated that is the only way we can accommodate you and get this done at a number the Homeowners can live with.

Susan Millington stated the roads are really dangerous and they can't go on like this.

Supervisor Politi stated we understand that however it's a private road and we don't have any control over it now.

Susan Millington asked what is your time frame on what you think as far as how long it would take to do some kind of a process to get something going.

Larry Straight stated I can start contacting contractors now but whether then can go over there now and tell us exactly what it is going to take.

Supervisor Politi stated they might not be able to do it with all the snow.

Larry Straight stated to excavate what has to be excavated or cut ditches or cut grades I am sure it would have to be done first. These are all things the contractor are going to be able to tell me if he can do that in the next week or so because of the weather.

Susan Millington stated if we are going to do it the way we are talking about and once that was achieved then the County would come and pave.

Supervisor Politi stated that will be the last thing that is done.

Larry Straight stated we are going to help you truck we are going to buy the crusher run and truck it in the contractor is going to put it down and roll it to our specs and when that is done then the County will come in we will do the trucking and buy the asphalt and do whatever needs to be done.

Councilman Politi stated that is a substantial savings by getting it under state contract and getting us to truck it in and Larry will oversee and make sure it is done to his requirements.

Larry Straight stated by hiring a contractor to do the base work it's going to make it easier for you and it is going to make it easier for us because then the road is going to have some kind of guarantee on it where if we went in and put it down and a year from now the road starts breaking up you have no guarantee.

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Supervisor Politi stated other than us getting over there when we can get over there but if it breaks down the contractor will do it.

Kerry Gates stated the Town is graciously offering to give us a hand here and Larry is doing the contracting. She stated we are saying we don't care who is doing the labor there whether it is a private contractor or the Town but we want someone to help us with process of securing the contractor, get the labor done so Larry basically is coordinating everything and will come back to us with the bid package which we will now have to represent to the members based on modified figures for an additional vote.

Supervisor Politi stated that is a reasonable analysis.

Kerry Gates stated I guess the question for us is what is a reasonable time frame to expect these new packages with the revised bids to come in.

Councilman Damp stated I think Larry said he is going to get a contractor out there and they are going to be able to tell us if they can give us a realistic set of numbers now or if we are going to have to wait till the season breaks. He stated we don't know the answer yet but we will start working on it right away.

Supervisor Politi stated I hope it will be within 60 days. He stated if anything went well I would think you probably would be paving this in the Fall.

Kerry Gates stated I still am not quite clear is it after that it is paved that it is dedicated to the Town or is it before its paved that its dedicated?

Supervisor Politi stated it is after. He stated it has to be as if it is ready for us to take it over at that moment so you have to have it completely finished for us to take over the maintenance and upkeep of it.

Kerry Gates stated it would probably be beneficial Frank and I am guessing you as President that we have a contact between Larry or Sue I don't know.

Supervisor Politi stated I think Sue should talk with Ron Briggs and anyone of you are welcome to or a representative can talk with Larry.

Susan Millington stated as far as the petition and resolution is concerned.

Attorney Briggs stated we can work that out.

Supervisor Politi stated we know the predicament you are in, sorry you are there but unfortunately that happens with developments that don't have approved road systems.

Supervisor Politi stated does anyone on the Board have any other questions? He stated are you all happy with this because I don't want to be speaking for my Board.

Councilman Rand stated I think it is a great way to proceed myself.

Supervisor Politi stated we will move on to Jeff Edwards regarding a request by Ironman for the approval of their use of Town roads and their approval of the event for July 20th, 2008. He stated I am looking for an approval subject to their providing us with an appropriate insurance certificate.

Councilman Damp moved and Councilman Miller seconded the motion for the approval of Ironman to use Town roads and approval of the date of July 20, 2008 for the race contingent on the insurance certificate. There being no further discussion the motion was unanimously carried.

Supervisor Politi stated he also sent a letter to us requesting permission and support of the running of the 4th Annual Lake Placid Marathon Relay scheduled for Sunday June 15th, from 8:00 am to 2:00 pm. He stated there will be 1,400 runners and the course will be the same as used in 2007 starting line on Main Street first 2.8 miles of the course around Mirror Lake on Mirror Lake Drive once it meets Parkside Drive it will be the same as in past years utilizing Cascade Road and River Road and again, he is seeking permission support subject to the same conditions with appropriate insurance coverage.

Councilman Favro moved and Councilman Damp seconded the motion for support and permission of the 4th Annual Lake Placid Marathon Relay to be held June 15, 2008 subject to the appropriate insurance certificate. There be no discussion, the motion was unanimously carried.

Supervisor Politi stated Ronnie we did receive the sidewalk maintenance agreement,

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did you get a copy of it?

Attorney Briggs stated I did, fully executed.

Supervisor Politi stated it is fully executed by the Village as per the draft agreement by the Town Attorney with the Village Attorney. He stated this is a joint agreement where the Village provides a sweeping service of the sidewalk area from Howard Johnsons to Price Chopper.

Councilman Damp stated is it just for that?

Supervisor Politi stated did you include everything else in it?

Attorney Briggs stated no.

Supervisor Politi stated there is another agreement.

Attorney Briggs stated that is something we ought to do someday is consolidate but this agreement is broad enough in language to include such other sidewalks we deem appropriate I think there is some language in there like that. He stated I think it is broad enough so we can use it in the future for other ones.

Councilman Damp stated for point of reference didn't we inform Cathy to inform NYMIR that they need to execute a certificate, have we done that.

Supervisor Politi stated I did and it's done. He stated I have a certificate from the Village and they have ours.

Supervisor Politi stated next is the Saranac Lake Village/North Elba Fire Contract, Ronnie I am going to leave that for you.

Attorney Briggs stated I made some revisions to it, it is in a form which you can approve it and we have to schedule a Public Hearing. He stated your under the gun and you can send it over to Saranac Lake with you having done what you need to do.

Supervisor Politi stated have you spoken to the Village Attorney in Saranac Lake?

Attorney Briggs stated I have I have spoken to Chuck who was the author of that agreement and I told him the changes I was making and faxed those to him and I am sure they are fine. He stated I just eliminated approval of the State Comptroller because that section was repealed.

Supervisor Politi stated was this modified to a three year contract?

Attorney Briggs stated no upon closer inspection I think it is safer to go with the one year. He stated it is unclear in one breath it says it can be renewed for five one year terms and another section says it has to expire on December 31st of the following year so to play it safe we will just go with one year.

Supervisor Politi stated to play it safe do you want to go over it for the press sake and state the amount.

Attorney Briggs stated this is where the Town of North Elba contract with the Village of Saranac Lake Fire Department to provide Fire Service.

Jacob Resneck stated just fire not rescue?

Attorney Briggs stated that's right.

Supervisor Politi stated no that's not right.

Attorney Briggs stated it's fire and rescue but not ambulance.

Jacob Resneck stated does this include transport medical or is it just for fire protection?

Attorney Briggs stated its unclear the furnishing of emergency first aid squad relief.

Attorney Briggs stated the annual fee for that service is \$38,631.21 payable in two installments of \$19,315.61 on January 1st and July 1st.

Councilman Damp stated it is in our budget.

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Jacob Resneck stated does there have to be a Public Hearing on it?

Attorney Briggs stated it does its required by law under 184 Town Law.

Supervisor Politi stated I think we will schedule that just before the Board Meeting unless you want to do it sooner is there a need to do it immediately.

Attorney Briggs stated no.

Supervisor Politi stated we will set the Public Hearing for March 11th at 7:00 p.m. for the Saranac Lake Village/North Elba Fire Contract.

Supervisor Politi stated the next thing on the agenda is the Harrieststown Airport funding request at the last meeting we discussed this and we were going to carry it over to this meeting until such time Jim McKenna had an opportunity to speak to us on behalf of the Visitors Bureau but unfortunately due to sickness and health of his Father he has been out of Town for a month and was unable to attend our workshop meeting last Tuesday and only arrived in Town yesterday so he hasn't had an opportunity to talk to the Board so I will do whatever you all would like to do if you would like to carry it over to the next workshop.

Councilman Favro stated carry it over.

Supervisor Politi I think he wanted to have an opportunity to talk to us and I would rather extend him that opportunity.

Councilman Damp stated I agree.

Supervisor Politi stated does anyone have any old business?

Supervisor Politi stated under new business I gave you all a copy of Beverly Reid's historical report and just for purposes of the record I want to thank Beverly for that informal synopsis of what happened last year and for purposes of the record I want to offer a resolution of appreciation for her doing that work it's not as if she gets paid a lot of money to do it on behalf of the Town and Village.

Councilman Rand moved and there was a unanimous second and carried by all Board Members offering an resolution of appreciation to Beverly Reid for all her hard work.

Supervisor Politi stated the next thing on the agenda is the Tri-Lakes Humane Society service funding. He stated we had a discussion on this at the workshop last week and it is my understanding that the Tri-Lakes Humane Society is looking for the Towns help along with the Dog Control Officer in taking care of animals that we are unable to help after the 5 day waiting period right now if you pick up an animal we keep it for 5 days and then after that period of time then the animal is either taken by the Tri-Lakes Humane Society or destroyed. He stated it is my understanding from the Dog Control Officer Marty Perkins is that he has had a very close working relationship with the Tri-Lakes Humane Society in the past and they would like to enter into a service agreement with the Town of North Elba and are looking for the sum of \$5,000. for that service agreement to take care of those animals through out the year.

Jacob Resneck stated do you have your own shelter?

Supervisor Politi stated we do.

Jacob Resneck stated where is it?

Supervisor Politi stated it is down by the landfill.

Jacob Resneck stated what is the capacity.

Supervisor Politi stated 10 dogs and cats.

Supervisor Politi stated have you all had a opportunity to review it? Discussion?

Councilman Miller stated right now Marty works for the Village and we pay the Village for half of all the expenses and services how come the bill doesn't go to the Village and we just pay half.

Supervisor Politi stated it is a question we discussed last week and I haven't had a opportunity to talk to the Mayor about it. He stated if they pay it we pay half quite frankly. He stated actually that's not correct because that's his salary

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that's different.

Attorney Briggs stated didn't he say the Village already approved paying half?

Supervisor Politi stated I can't remember.

Councilman Damp stated he did it was informal.

Attorney Briggs stated it was informal but he said they were fully in support of paying half.

Councilman Rand stated I think it is the right thing to do I would just like to see at the end of the season see how the money was spent.

Supervisor Politi stated certainly Bob the agreement can be modified to say Tri-Lakes Humane Society along with the Village of Lake Placid and the Town of North Elba rather than just the Town of North Elba if you would like that. He stated that is a pretty simple change and if you want to include the service agreement with us paying half or \$2,500. we can certainly do that. He stated Chuck I know you have an opinion on this.

Councilman Damp stated I have no problem with conceptually this whole thing i go strictly by dollars and as I mentioned before \$32,000. with \$3,000. in just doesn't make alot of sense to me. He stated I think it makes perfect sense that if we are going to move forward with this we make sure that lake Placid isn't getting solicited for another \$5,000. which I don't think they are but we want to make sure that they aren't.

Supervisor Politi stated I think if the motion is made that the service agreement is amended to include the Village and the Town and the Town agrees to pay then that would be satisfactory I would hope. He stated the only problem we would have would be if the Village said no then it would have to come back on the table for us to discuss for action.

Councilman Favro stated we do have a big investment in this whole deal but what do you do in the end that is my struggle.

Councilman Damp stated this is one of those services that obviously needs to be dealt with but I am just not sure that we are doing it the most cost effective way.

Supervisor Politi stated we are the only community with a full time Dog Control Officer and we are also the busiest place.

Councilman Damp stated there is no dispute there but I realize we are paying half of the services and it's not all dog control for what it's worth.

Councilman Favro stated we probably should address that with them also.

Councilman Damp stated we need to do that before June. He stated it has to be done before June the way our agreement is on this if we are going to object it has to be noticed but I am not saying we are going to object but if we are going to make any amendments to it, it has to be done before June.

Councilman Favro stated so it is defining what he does.

Councilman Miller moved and Councilman Favro seconded the motion to approve giving the Tri-Lakes Humane Society \$2,500.00 in exchange for their services. Discussion?

Councilman Damp stated it just seems to me that if we are going to do that we ought to be consistent.

Supervisor Politi stated it certainly would continue to tie us to the Village in this particular aspect of community involvement.

Councilman Damp stated or the alternative is this is the way we solve it that we just contract with the Tri-Lakes and us. He stated I am not advocating that but I am saying there is an alternative as well. He stated I feel more comfortable with some direct tie to the contract at least the way it is set up now.

Supervisor Politi stated do you have any problem amending your motion Bob?

Councilman Miller moved and Councilman Favro moved to amend the motion to include that we will pay half of the \$5,000. in the contract be drawn between the Tri-Lakes Humane Society, the Town of North Elba and the Village of Lake Placid.

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Supervisor Politi asked for a roll call vote: Councilman Damp: AYE, Councilman Miller: AYE, Councilman Rand: AYE, Councilman Favro: AYE, and Supervisor Politi: AYE.

Supervisor Politi stated Ronnie I think I gave you a copy of the contract for Essex County contract for snow removal. He stated the County agrees to pay the Town the sum of \$4,941.09 per mile of County road within or adjacent to the Town, there are 16.11 miles of County road the compensation to be paid by the County to the Town shall be \$79,600. with the sum to be paid in three annual installments of \$26,533.65 due on the first day of March, the first day of June and the first day of September. He stated Larry has reviewed this and approved it and I would like your approval to sign this contract and return it to the County so we can get paid for what we have done already.

Councilman Miller stated where does the price per mile come from does the State set that price?

Supervisor Politi stated I don't know the answer to that but I think it probably is a combination of State numbers and Local numbers but I don't know.

Councilman Miller moved and Councilman Rand seconded the motion to approve of the Essex County Snow removal contract and approve the Supervisor to sign. There being no further discussion, the motion was unanimously carried.

Supervisor Politi stated that based on all the press that has been going on I did find out we don't have a credit card policy so I have initiated one. He stated we have a proposed Town of North Elba Credit Card Travel Policy which is somewhat similar to the one that was recommended by the State to the Village of Lake Placid. He stated the only change I made to the copy you may of gotten was the reimbursement for all meals per day shall not exceed the maximum reimbursement of \$43.00 and in high cost areas such as New York City you add another \$12.00. He stated the reason for that is because it had to be consistent with our policy procedure manual which was approved by this Board in the past and I originally had \$50.00 there and it wasn't consistent with this. He stated that is the only modification that has occurred. He stated we only have two credit cards one is for Staples and there is one travel credit card both are held by the budget officer and they are only used for obvious purchases of supplies and for booking travel.

Supervisor Politi stated that this policy says that it would be unanimously adopted by this Town Board and take affect as of this date.

Councilman Damp moved and Councilman Favro seconded the motion to accept the North Elba Credit Card Travel Policy as presented. There being no further discussion, the motion was unanimously carried.

Supervisor Politi stated next is the Museum Litigation retention of Legal Counsel. He stated you are all aware of this and you have the Town Attorneys letter in regard to that particular litigation and I think that I would like to have a motion to approve this that the Town would pay for this expense and if you would like to discuss this I think we will need to go into Executive Session later to discuss the payment of it with the Village because it is a contractual item and if not we can move forward but if you want to we can have a thorough discussion of it is probably best because it is pending litigation to go into Executive Session.

Councilman Damp stated I prefer we move it to the end of the agenda and move into Executive Session.

Supervisor Politi stated Ron Briggs has provided us with a quote to handle the defense of the article 78 at a reduced rate of \$125.00 per hour with a cap of \$3,500. this proposal does not include the handing of an appeal in the event the Joint Review Board decides to either defend or prosecute an appeal of the lower courts decision.

Jacob Resneck asked what is your normal rate Ron?

Attorney Briggs stated the Town pays \$175.00 to outside Counsel and that is what the Town has done is select Counsel from the outside on these matters and I was basing it on that.

Supervisor Politi stated on the article 7's we pay between \$185.00 and \$225.00 an hour.

Jacob Resneck asked are you going into Executive Session to discuss it to try and to get the Village to help for half of it.

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Attorney Briggs stated what we want to discuss what has to do with the case it's self it is kind of net mixed together that is the reason for the Executive Session.

Jacob Resneck stated I am not clear on is, is the Town going to pay the full expense up to the \$3,500.?

Supervisor Politi stated that is what the expense is going to be and that it what the discussion will be and you are certainly welcome to wait till after the Executive Session is over and I open the meeting back up again.

Supervisor Politi stated next is to approve the Craig Wood Golf Professional contract for 2008. He stated it is the same as it was last year it has not changed with the exception that I am intending to appoint a golf committee which is noted and has always been noted in this agreement but there never has been one.

Councilman Miller asked financially it's the same?

Supervisor Politi stated it is.

Councilman Favro moved and Councilman Miller seconded the motion to approve the Craig Wood Gold Professional contract for 2008 as presented. There being no further discussion, the motion was unanimously carried.

Supervisor Politi stated we need to approve the attendance for the Board or any appropriate Town Representatives for the Local Government Day to be held on March 25th and March 26th, 2008 at the Crown Plaza Conference Center and a special session at the DEC in Ray Brook.

Councilman Miller asked why is this an agenda item?

Supervisor Politi stated because there is a registration fee and sometimes rather then a particular.. Jim may want to go or some member of his department may want to go and typically they are approved. He stated the Organizational Minutes stated that there was approval for any Board Member and representative to attend the Association of Towns but this is a different event so anytime there is a expenditure of money it has to be approved.

Councilman Miller stated anytime there is a meeting or training that a department head wants to go to it is not approved by the Supervisor it's approved by the Board.

Councilman Rand moved and Councilman Favro seconded the motion to approve the attendance of the Board or appropriate Town Representatives to attend the Local Government Day March 25th and March 26th, 2008. There being no further discussion, the motion was unanimously carried.

Supervisor Politi stated next is the request for proposals for Craig Wood concession 2008 I think you have a copy of this from Butch it has been in the paper for proposals to be received no later then February 20, 2008 at 2:00 p.m. He stated I don't know what we have received to date and Butch is on vacation this is just for information purposes for all of you.

Supervisor Politi stated we need approval of the Mahoney Security contract I did speak with Butch and he said he has reviewed this, this is a maintenance and inspection contract for Craig Wood it is \$384.00 a year. He stated they evidently are providing us with the service now and for fire and alarm inspection service for the Town Hall is that right it doesn't say but I am assuming it is for here and the one for here is \$200.04 per year and the for Craig Wood is \$348.00 that is for fire and security and the one for Craig Wood for the alarm preventive maintenance and inspection of fire and security alarms is \$384.00.

Councilman Rand moved and Councilman Miller seconded the motion to approve the Mahoney Security contract as presented. There being no further discussion the motion was unanimously carried.

Supervisor Politi stated I thin you have in your packet a copy of a letter from Fred Buck, Essex County Department of Public Works which reads in regard to the temporary bridge on the Adirondack Loj Road it says the temporary bridge on Adirondack Loj Road has been is service for over a year allowing for unrestricted access toward Heart Lake. The bridge was installed as a cooperative effort between the Town of North Elba and Essex County bypassing the failed Town culvert just downstream. The intent when the temporary bridge was installed was to divert traffic while a new bridge was being designed and installed by the Town. During the past year Essex County has helped the Town to progress conceptual plans for the new bridge. Currently, three conceptual alternatives have been developed and delivered to the

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Town. The temporary bridge is on loan at no cost to the Town by Essex County. He stated Essex County needs to utilize the bridge and it is requesting the Town take measures and replace the bridge that is in place now. he stated they intend to move that temporary bridge to the second on the Adirondack Loj Road which is just short of the Adirondack Loj it's self just beyond the South Meadows Road. He stated the anticipated cost of a new bridge is estimated at somewhere between \$600,000. and \$1.2 million plus or minus. He stated this is a tremendous burden because there are only 8 property owners out there beyond the bridge and it would not make economic sense to have a section 200 on a bridge but the other problem we face is the bridge and the use of the road is preliminary by non-residents I would say 95% of the use of Adirondack Loj Road crossing the bridge is non local traffic.

Jacob Resneck stated you need a toll bridge.

Attorney Briggs stated I did check on that today it is under the authority of the Public Authorities Law and it has to be a special bill of Legislature so we would have to get our Assemblywoman and Senator to move that along but it's duable but has to be done that way.

Councilman Miller stated does it have to be a bridge or could it be tubed.

Supervisor Politi stated it can't be tubed we asked that question the span of the bridge either has to be 60 feet or 100 feet those are the two alternatives. He stated it's a huge cost and quite frankly at this stage my first thought was to make a call to Senator Little to see if there was a possibility of grant money available given the unique nature of that particular road.

Sean Ayres asked will the County take it over?

Supervisor Politi stated no the County will not take it over and it is not a County bridge the second bridge is a County bridge and we are faced with a problem now how are we going to pay for it whether it's through grant monies whether it's consideration of toll road to non locals or toll road to non locals I don't know but it certainly is something that we have got to look into and will probably require conversations with the Adirondack Mountain Club as well as our State Senator and Assemblywoman. He stated I don't what thoughts you have I have made a call to the State of New York also I have not made contact with Betsy although she did call me back she was on the run and I wasn't here when she called and vice verse and I would assume that I will hear from the Senator tomorrow about it to try and find a way to come up with an economical solution.

Jacob Resneck stated what happened to the last bridge?

Supervisor Politi stated the one that is there?

Jacob Resneck stated that is a temporary bridge the original bridge.

Supervisor Politi stated it out lived it's economic useful life.

Councilman Rand stated everything there the abutments and everything were gone.

Supervisor Politi stated it became a dangerous situation and the County can in and gave us a temporary bridge and there is a lot of demand for bridges and we have had that bridge in place for over a year and now they have another problem with the bridge beyond.

Jacob Resneck asked was it 2005 they put in that temporary bridge?

Councilman Damp stated it was about a year ago.

Supervisor Politi stated I think it was early 2007, so it has been over a year.

Supervisor Politi stated the people who really need the bridge are local people and there are only 8 local owners after you cross the bridge.

Jacob Resneck stated that includes the Adk.

Supervisor Politi stated that includes the Adk so there are really only 7 or which 6 are year round residents and 1 seasonal camp and the Adk. He stated the majority of users of this bridge are using the facilities and the high peaks trails so the State has a stake here and we are hoping that the State of New York recognizes it's partnership with the Town in this particular situation.

Councilman Damp stated personally I don't think until you have those conversations

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we really can do anything.

Supervisor Politi stated I will keep you informed as to what happens.

Supervisor Politi stated we have a request from Cathy to declare certain computer equipment surplus property and authorize the disposal of such. He stated they are mostly outdated monitors and such.

Councilman Damp moved and Councilman Rand seconded the motion to declare the requested items surplus property and authorize disposal. There being no discussion, the motion was carried.

Supervisor Politi asked Attorney Briggs if he had any Attorney Reports?

Supervisor Politi stated does anyone have any committee reports from any of the liaison or committee members in regard to any of the departments?

Councilman Damp stated the bulk of what we talked about at the highway was discussed already with the McKenzie Pond road.

Councilman Favro stated we talked about the landfill with recycling and getting some grant money and Shannon has also found numerous vendors for different items like glass for instance there are two markets one is just grinding it up and us it like sand and the second is mixing with paint. He stated as far as computers, batteries the biggest part is trying to get them to make sure they are thinking big enough when they look at the recycling center instead of thinking like we can only do this and this what else can we do and how else can we do it, how can we make it better and more pleasing and more of a green type deal for people to actually want to do and to get rid of the stigma that people think we throw things away.

Supervisor Politi stated I would like to form an adhoc citizens committee to work with you all and to work with the recycling people to get more community minded participants in that program. He stated I know that Stan Pilawa did meet with Shannon and Larry last week Stan Pilawa is a local guy who happens to own a very successful waste management and hazardous waste disposal company. He stated one of the things he talked about is the possibility of investing in a grinder to grind plastic which would increase the take five times in terms of it's value because it is a lot easier to market plastic that has been ground and there are more buyers out there. He stated the other thing is I would love to see a composting pit and I think there are local people who are interested in that kind of thing and I think it would be a great addition to that facility.

Councilman Miller stated I think we are looking at some pretty exciting changes down there and Larry is aboard and Shannon is excited about it she is spending her time off on the computer doing research.

Councilman Damp stated make sure you keep Jerry Blair on the list.

Supervisor Politi stated he is on the list and I had given Larry Master who heads the environmental interest group and Jerry Blair is another one.

Councilman Miller stated she has been visiting recycling centers on her time off.

Supervisor Politi stated it is nice to see employees that are excited to take on something new and accomplishing something like that.

Councilman Miller stated I speak with the High School about engaging the environmental science class and they were very receptive. He stated we hope we can bring the kids down there show them what we are doing and get ideas from them as how we can do better it will be good for the kids and it will be good for the Community.

Councilman Favro stated I think the nice part is that Shannon's enthusiasm is going over to the other employees down there. He stated people that weren't involved before are trying to do some research to come up with new things now so we are on a good track.

Councilman Miller stated she is going to put together an organized plan as to how we are going to get to where we are to where we want to be.

Councilman Rand stated everybody was there and I thought it was a good meeting with C&S.

Supervisor Politi stated we are looking at major renovations at the Lake Placid Airport it is about 1.8 million dollars in upgrades to the terminal building,

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runways and a jet fuel distribution facility.

Jacob Resneck stated is this a Town undertaking?

Supervisor Politi stated it is a grant.

Jacob Resneck asked are you applying for it?

Supervisor Politi stated no we have it, there is approximately 1.8 million dollars to be spent this year. He stated it is a Federal and State grant for Airports for the terminal, improvement of runways and for a jet fuel distribution facility which will require some permit approvals.

Supervisor Politi stated from the Essex County stand point a couple of things happened this month the County agreed and approved along with the Election Commissioners the purchase of the voting machines for the County which were mandated by the State. He stated one of the things that you should be aware of and Jack mentioned it to me today and it also came up in the County was that the Department of Environmental Conservation is talking about not approving any permits for burning at Landfills in the future. He stated unfortunately it's likely to cause more incidence of fire because people are not able to bring stuff to the Landfill they will try to burn something in their backyard illegally. He stated that the County Board of Supervisors did pass a resolution objecting to the state's position in regard to that because it is going to cause potential fire hazards this Summer.

Supervisor Politi stated that another thing that seems to go on and on is the discussion about the Governor's budget and the cuts in the Governor's budget and how it is going to effect the County and all of us especially from a health care stand point, I know the Horace Nye home is looking at a reduction in funding of about \$850,000. and it is inevitable that it is going to hit everyone of us and that is happening to all those particular types of institutions across the State.

Supervisor Politi stated the Statewide System did not get approved because it hasn't worked anywhere and if it won't work on a flat area it is unlikely it is going to work in the Adirondacks so the alternatives are low band frequency or VHF high band frequency and it is something that is being considered it is a very complicated issue but is something that we aren't going to jump right into all at once because you are looking at fairly substantial costs the estimate is somewhere between nine and twelve million dollars.

Supervisor Politi stated hopefully there will be certification for the jail soon and I am told there are 17 inmates in our 120 bed facility which seems like a real shame to say the least. He stated that the 120 bed jail was mandated by the State and a lot of the predicaments that Towns and Counties are in today are a result of these mandates.

Supervisor Politi asked for a motion to approve the audits as per the audit numbers as follows: 20072121, 80001-80002; 80022; 80024-80035; 80037-80049; 80051-80055; 80057-80107; 80128-80169; 80171-80183; 80190; 80228-80294.

	<u>Regular</u>	<u>Prepaid</u>
Town General (A))	\$101,056.75	\$53,370.74
Town Highway Fund (DA)	48,060.62	396.41
Rec Path (H41)		11.00
Soccer Fields (H44)	21.75	2,300.00
Theianoguen Way Rd. (RD03)	878.02	
Park District (SP)	15,835.39	9,925.15
Water 1 (SW1)	99,751.83	
Raybrook Water (SW3)		944.08
Trust & Agency (T)		13.45
Hebrew Memorial (TE)	500.00	
Totals Claims:	<u>\$266,104.36</u>	<u>\$66,960.83</u>

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

There being no further business to be brought before this Board at this time, Supervisor Politi stated we will now go into Executive Session to discuss litigation.

Councilman Damp moved the motion to go into Executive Session to discuss Litigation

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at 8:30 p.m. The motion was seconded by Councilman Favro. There being no further discussion the motion was unanimously carried.

Councilman Damp moved and Councilman Favro seconded the motion that they come out of Executive Session at 8:40 p.m. and go back into Regular Session and make the following motion:

Councilman Damp moved and Councilman Rand seconded the approval of the designation of Ronald Briggs for Attorney of record for the West case. There being no further discussion the motion was unanimously carried.

There being nothing else to be brought the Board at this time, the Regular meeting was adjourned at 8:45 p.m.

Respectfully Submitted,

Denice P. Fredericks
Deputy Town Clerk