

Regular Town Board Meeting
January 9, 2007

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

Members Present: Supervisor Shirley Seney, Councilmen: Jay Rand, Jack Favro, Derek Doty, Chuck Damp and Denice P. Fredericks, Deputy Town Clerk.

Others Present: Jim Morganson, Norm Harlow, Mr. Kissel, Bob Miller, Chris Knight, Rebecca Steffan, Sean Ayers, Ruth Richards, Dr. Schoonover, Skip Beck.

Supervisor Seney called the Regular Town Board meeting to order at 7:30 p.m. by asking everyone to stand for the pledge of allegiance..

Supervisor Seney then asked for a motion on the minutes of the Regular Meeting of December 12, 2006 and the Organizational Meeting of January 2, 2007.

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

Supervisor Seney asked for a motion on the proposed agenda.

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

Supervisor Seney stated we will wait for Bill on the road decision.

Supervisor Seney asked Councilman Damp on the bike path update.

Councilman Damp stated that it looks like we are headed towards late Summer to Fall before the construction can get under way other wise it is what I said last month.

Supervisor Seney stated update on the Adirondack Loj Road Norm.

Norm Harlow stated the bridge is across and in place the decks are and tomorrow the County is going to put the guard rails on and finish the headwall on the other side so hopefully by the weekend everything will be operational.

Supervisor Seney stated how long is it now?

Norm Harlow stated it is 160 feet.

Supervisor Seney stated I guess what I am looking for is it long enough for the County to take it over.

Norm Harlow stated it is a temporary bridge.

Supervisor Seney stated I know that but is it so when we put in our own..

Norm Harlow stated when we put in our own bridge that is part of the design.

Councilman Rand stated that before there was some talk of the cost of that did we end up having to pay for that?

Norm Harlow stated we didn't have to pay any rental on the bridge all we had to pay for is the County manpower they won't let us put the bridge together it's their bridge and I understand that.

Councilman Rand stated but no rental?

Supervisor Seney stated Norm and I met with DPW in E-Town as well as Noel Merrihew and Tom Scozzafava who is in charge of finance and it was agreed upon that we had already paid for the bridge when it was purchased in our tax dollars and they would be charging us any rental fee.

Councilman Favro stated that the Town Highway workers should all be commended on the work of putting it in.

Councilman Doty stated it was a great effort Norm and you made it a priority and it wouldn't of come together without being right on top of it.

Supervisor Seney stated thanks to you and your department please convey our thanks to your staff they worked hard on it out there they can be proud of what they have

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done.

Supervisor Seney stated next we will discuss Thenoguen Bill you have worked with Bob Miller and it is pretty well all done.

Supervisor Seney stated Bob do you want to come up and sit down.

Bob Miller stated I have a petition signed by all four residents. He stated there are seven lots and four residences.

Supervisor Seney stated do the people who own the lots have to agree to that as well?

Bob Miller stated they do agree to it.

Mr. Kissel stated are they going to be signing the petition then?

Bob Miller stated we have signed petitions from all lot owners on both roads right now we have only the residences notarized for you.

Mr. Kissel stated you have the other folks signed but need the notarization. Bill stated you have a total of seven lots and three more coming in. He stated do you know when you might have those other three notarized?

Bob Miller stated I told Christina don't even send it out till after this meeting because as I understand what we needed was residences at this meeting and I wanted to find out what other information you guys had and what else you needed from us and then I will get with Christina and make sure I will have the other ones in place.

Mr. Kissel stated you have talked to those other folks.

Bob Miller stated we have signed petitions from the other three.

Bob Miller stated it is a homeowners association that owns both roads so what we did was we actually had a meeting where we all said we were going to put together a petition so people from both roads were involved and we had a unanimous from 5 property owners five from the lower road and seven from the upper road all signed but not notarized. He stated this is the deed.

Mr. Kissel stated I will look at this and get back to you.

Supervisor Seney asked Norm do you have any input as far as where do we go from here I guess Bill would be the one to...

Mr. Kissel stated that as a refresher and I guess Chuck wasn't on the Board at that time but it has been a while and maybe we should review it section 200 of the Town Law allows either the Town Board on it's own initiative or a certain percentage of the residents along the road to petition the Town Board to have a road approved and brought up to Town standards and then dedicated to the Town and whether it is started by petition on and I will go through the records in terms of whom the owners are Bob so we can verify the proper percentage of people have signed and I am sure they have but we have to independently verify that. He stated when that has been verified and you have the petition in front of you then there is a series of steps that the Town Board takes which basically is information collecting in terms of what it is going to cost with input from Norm as to what is needed to bring the road up whether property will need to be acquired for the right a way, Bob believes that his association owns the property we will need for the road but we will need to verify that. He stated we will have to have a public hearing and will have to have the information including the survey and an official engineers report including a cost estimate. He stated it is a multi step process it is probably a good three or four months if everything goes smoothly and they don't always go smoothly as you know some of those folks are here to talk to us on that road as well. He stated now I need to verify that the petition meets the standards set forth in the statute if it does the steps that we have to take will be set out. He stated that he has a copy of a outline that he will circulate to Bob, it is one that I have prepared as the statute is very lengthy and some what complicated to read so I did this checklist and Chuck I will get you a copy and Derek I don't know if you were here but it might be a good idea if we circulate this again to everybody. He stated Bob I know you are standing by ready to work with us. He stated I think it is important if you can those other signed notarized petitions back to us.

Supervisor Seney stated so then maybe we can plan on early Spring, Norm what is your work schedule?

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Mr. Kissel stated I think that is pretty ambitious for the work to begin that soon you have to hire an engineer you have to hire a surveyor you have to have them have time to do their work and report back to you and you have to review it.

Supervisor Seney asked who pays for that?

Mr. Kissel stated the cost all goes into the improvement and it then goes back on the property owners.

Supervisor Seney stated the process has started in that you have made your application and we have accepted your application and then we go from there as far as far as doing the detailed work is that right?

Supervisor Seney stated do you have any questions?

Bob Miller stated I will get you the three petition statements and will wait to hear from you.

Supervisor Seney stated Ruth Richards I think you are the spokes person we got your where the Tahawus Way people are requesting further examination of the road dedication of Tahawus Way to the Town of North Elba. She stated there is one person who has not agreed to this and your asking that we work in a way to make this possible. She stated Bill do you address this or does Norm?

Mr. Kissel stated just to bring everybody up to date what happened here is that we were proceeding with a petition from these folks and we were beginning the steps that we needed to take and the assumption in those proceeding from there view point and from our view point and most importantly from a cost stand point was that either we had more money that we needed for the road or the folks along the road needed to give us land and would not charge us for it. He stated that turned out to be true in all but one instance and that one instance was a bit of a surprise I dare say as we thought that individual was going along with this and when it came time for that person to sign on in particularly to sign over that portion of the land that that person owns that was needed for the road he balked and said I am not going to do it you will have to buy the land from me.

Norm Harlow stated we couldn't move forward.

Mr. Kissel stated even the preliminary cost estimates we were working was throw out of kilter and one issue that raises is that person has every right not to donate land to the Town and therefore if this project is going to go forward we would have to condemn that portion of the land however you can't do it without a legal proceeding you have to have a appraiser, you have to have an attorney and you have to start a law suit so there is an extra cost there and I think from my understanding none of the other owners have changed their mind about donating land to be used for the road but is raises it's self now that it would be logical at some point down the road before we are completed for somebody to say hey he is getting paid for his land I want to get paid for my land. He stated I think Bob discussion with us was that you would want to go ahead even with the initial costs.

Norm Harlow stated I spoke with these people to and they all agreed at a meeting that they did want to go ahead and I think that they believe that it is only the one person.

Supervisor Seney stated that is just recently that everybody else has agreed again?

Mr. Kissel stated so everybody wants to go forward but that one gentleman?

Ruth Richards stated yes.

Mr. Kissel stated in view of that I think what we need to do maybe Norm and I and Ruth or one of the other representatives put our heads together. He stated that the first question he had legally was if we can just pick up where we were we weren't very far down the road but we had started or whether we have to go back to stage one irregardless if we go back to stage one or pick up where we were we now need new information and new input relative to the costs because we know it is going to cost condemnation of this persons property and that at a minimum we have to get those costs on the table and add those to whatever other costs will be estimated. He stated I do think it would be prudent to assume that no one else will want to be paid I think it would be prudent to assume everyone needs to be paid and if that doesn't turn out to be the case obviously that cost will not be expended and will not be added to the amount that those folks are going to have to pay. He stated you can decide that is your discretion there is no legal direction that you have to do this or you have to do that. He stated I think now Shirley we need to go back to the

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drawing board a little bit whether or not we go all the way back legally and start from step one I don't know it is not that time consuming in any event again nothing would be done on either road until well into the Summer or Fall.

Councilman Doty stated in the case of Tahawus Norm has already done cost estimates so we have a lot of homework done but keep in mind legal fees and the time involved to bring this around could feasibility double that price.

Norm Harlow stated I believe we even have a appraisal if I am not mistaken.

Mr. Kissel stated I think what we have is a estimate as to what it would cost to get the appraisal I think the next thing to do if we are going to put this project back on the board is to get a legal estimate as well for the attorneys fee and the cost of the proceeding it's self. He stated we have a good number I don't imagine it has changed much.

Councilman Doty stated this is the first time in the few act 200's that we done that we don't have an unanimous type situation so I will go out in front and say this is the first time I am going to go along with saying yes we will go through the process but I can see it turning quickly like you have already recommended.

Mr. Kissel stated although the law certainly contemplates that this should happen even if there is not 100% agreement it does have provisions to allow that. He stated that ultimately what happens Derek is that depending on how troubled a Board member may be about whether everyone is on board or that there is significant opposition or people demanding to be paid amounts of money you have a second public hearing where all the facts are on the table, official engineers, costs and the lawyers costs and the appraisers costs and the surveyors cost are all in then ultimately the decision for this Board is it in the best interest and that is a very discretionary judgement call and you could make that call based on opposition by some even though the law says you can over ride the opposition so you will have a lot of time to think it through and weigh all the factors pro and con.

Councilman Damp stated the ultimates expense though is bore by all? He stated even the one that is making it cost more is going to pay more?

Supervisor Seney stated what kind of resolution do we need to go forward?

Mr. Kissel stated I don't think you need any resolution I think I hear direction from this Board to work with these folks again and Norm and come back to you. He said I need to determine if the prior resolution that you have already passed can continue or if you need another one.

Supervisor Seney stated I need a motion to move forward?

Councilman Favro stated technically it is in gear we are just trying to move it forward.

Supervisor Seney stated we are agreeing to continue to go forward just so we have something in the minutes that let us know that we do approve of what we are doing.

Supervisor Seney stated then I guess you wait till you hear from us you will be in touch with Dr. Schoonover, Mrs. Richards and Mr. Beck.

Supervisor Seney next is Delaware Engineering and the sewer update Bill.

Mr. Kissel stated I spoke to Janet Bliss and she said she was going to speak to her with her Village Board on Monday night whether she did or not I don't know. He stated Jamie asked me did we want of course the agreement between the Town and the Village is what is now needed we need to have a signed agreement and there is a agreement from the Village of Malone which we looked at which is I think is a good blue print for us to use and Janet said oh this says that the Town of Malone can set sewer rates is that what you guys want to do now and I said no Janet that is not what we want to do we just want an agreement we have to have an agreement legally. He stated we want to sanction the ability of the Village to set rates frankly because they need this agreement in my opinion for them to legally do that even though they have been doing it so I said would you please either have the full Village Board available to meet with the two of you.

Councilman Doty stated we thought there was two of us because we respectfully asked to be involved in the setting of these new sewer rates and to learn their thinking process how they go to them so I believe they do need an agreement.

Mr. Kissel stated Shirley and I looked at the agreement that you all have a copy of

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and you designated two people to discuss that issue with the Village.

Supervisor Seney stated Jay and I are the liaisons and we were going to discuss it Friday when we met to review the RFP'S.

Mr. Kissel stated I will have to follow up with Janet I didn't hear from her after the meeting but the status is we are ready to meet we are ready to negotiate the contract when we do that we can go back to where we were way back in Saranac lake when we last acted on this to finalize our expansion of the districts and the creation of the Cascade District.

Supervisor Seney stated in the mean time Mr. Dion is waiting for us.

Mr. Kissel stated Bernie has talked to me and I told him where we were at on it.

Supervisor Seney stated how long now is it going to be before we can give him the go ahead.

Mr. Kissel stated you should ask the Mayor this Board has done all it could do months ago it has gone as far as it can go without the Village's input and co-operation.

Supervisor Seney stated Jim have you any comment on that?

Jim Morganson stated I was at last nights meeting and they had a public hearing and it was very clear half way through and at the end of the meeting what the proposal and I have it here and this is what it is going to be.

Mr. Kissel stated wasn't there any discussion about having a contract between them and us?

Jim Morganson stated there was a lengthy discussion about the Town working in harmony with the village so that this rate was a little bit of a break to the Town. He stated there should be a member of the Town Board at everyone of those Village meetings a discussion of the Town's inadequacy or shortfalls seem to always come up and it snow balls into a big discussion in with the Village residents so the thought that we are a community seems to be breaking down it seems like it is just because nobody is there. He stated they never explained what agreements are being worked on.

Mr. Kissel stated I guess Shirley you have to implore the Mayor and I will Janet to get going on this and get it done.

Supervisor Seney stated our two liaisons are meeting with there two liaisons to review the RFP'S for the MOU isn't it? She stated we are going to be reviewing those to see who we would recommend to go over that is for the \$85,000. Betty Little got for us for the MOU.

Councilman Favro stated that is where Jamie jumps in says the fact rate increase proposed in accordance with the Memorandum of Understanding which is the letter we agreed to earlier in the year where they said they were going to try to eventually equalize the water rates. He stated that is what he was kind of talking about there.

Councilman Doty stated the Memorandum of Understanding is just do we understand?

Mr. Kissel stated it is not the legal document that the law requires for Municipalities to allow a Village to set rates for residents outside the Village. he stated we have said that so many times to the Village but they seem to understand it or accept it and I don't know whether this grant you are talking about can be leverage you need to do something as a Board to say we are not going to do anything further on whatever until you come to the table and negotiate this agreement with us.

Councilman Doty stated that we do have to take an honest look at each one of those seven steps in that Memorandum as one of those major steps have fallen off recently so I mean we do have to take a honest look at it I am not suggesting things will fail but it just means representing who we are elected to represent.

Councilman Favro stated every time the rates go up we keep going over this rate thing and we keep saying we don't have the right agreements in place and technically we are suppose to have them so we have to get it done.

Mr. Kissel stated and equally important your Cascade District is being held up we can't get that done and get those people on that line.

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Supervisor Seney stated we are meeting with them on Thursday.

Councilman Doty stated that is a targeted meeting I don't believe we can open up sewer districts in that meeting and you will need to find out what the auspices of that executive session are.

Mr. Kissel stated I don't know why you couldn't put the status or the scheduling of negotiation over the agreement on that agenda not that you would discuss it that day or negotiate it that day but as an item before we leave the meeting we want to understand when we are going to meet what the Villages intention on signing this agreement in some form.

Councilman Doty stated you and Janet are both going to be there right?

Mr. Kissel stated I have to be in Syracuse?

Mr. Kissel stated the Memorandum from Betty Little it's not that meeting there is another meeting on that.

Supervisor Seney stated yes Jay and I meeting at 8:00 a.m. Friday morning with the liaisons from the Village to review the RFP's as to whose going to...

Mr. Kissel I think you ought to put that on that agenda too.

Supervisor Seney stated that is what we intended to do but before we could they set the fees last night. He stated I didn't see the Public Hearing notice and there was a Public Hearing or I would of made...

Jim Morganson stated this on behalf of that other gentleman we mentioned this Board at one time told me to do what I could to facilitate the Rangeview Project and with your permission I would like to go to the Mayor tomorrow and ask what can be done not just for him but for that whole Cascade Sewer District. He stated we are going around in circles and he calls me fairly regularly and I don't have an answer.

Councilman Doty stated we need an answer on that as well especially if we have designated that as a District.

Councilman Favro stated the only thing to remember on that Cascade is there is a flat spot that that won't handle Rangeview supposedly and somebody needs to pay for that and it won't be the taxpayers in that district other then if the guy wants to hook in he is the one that has to pay for the change.

Mr. Kissel stated I think Kathy Suzzio addressed some of that didn't she in her report.

Councilman Favro stated I am concerned because it is the people in Cascade Acres it is the other people through there that are in that district that would have to pay for that change for him I don't want to see that if he is going to hook in he is going to have to pay for the change.

Councilman Doty stated we were going to have that restriction written in the report so that Norm could impose infrastructure costs or however it was going to work so that was going to be covered in Kathy's final report to us I believe.

Norm Harlow stated that is the one thing you have to be careful of is if they get in to the sewer district before that is addressed there covered.

Councilman Favro stated then I guess we are saying then is I will not approve the Cascade Sewer District till that is addressed.

Jim Morganson stated the other side of this is that there is only five or six people that know that and certainly the developer doesn't know that I am not sure that I know that I heard it vaguely from Norm's mouth that there is a problem I don't know what it is or how to fix it or how much money it is going to cost.

Councilman Doty stated that is why we needed a Engineering report to us.

Mr. Kissel stated from what you just said Jim it wouldn't be a bad idea to put Mr. Dion on notice that there are apparent engineering problems if they are in fact real and that the Town will be approving that district at some point with the condition that the developer address those problems.

Supervisor Seney stated next is the update on the Town Hall elevator it is working we have had them come back to have them put some more oil in and it seems to be

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working fine the bill is in the audit tonight to be paid \$39,000. something and so far hopefully it is going to be okay.

Councilman Damp asked if the boiler and machinery contract is going to pay for that?

Supervisor Seney stated what boiler and machinery contract?

Councilman Damp stated your insurance contract your boiler and machinery...

Supervisor Seney stated we turned that over to Cathy I don't know what she has heard from it.

Councilman Damp stated a lot of times insurance companies don't pay the amount billed. He stated I know it was submitted but I think it would be prudent to hold the check till we investigate it.

Supervisor Seney stated that Auleron Bill and I have been working on the Auleron with Cathy and we are waiting to meet with Chris Hunsicker from the small cities grant out of Albany we have some concerns about the operation of the funding and Bill will be able to give us better of an update once we have met with Chris Hunsicker and see what he recommends.

Supervisor Seney stated update on the Land Works completion of the Code Jim could you bring us up to date. She stated when do we have input into different things in the code that we might like to see addressed?

Jim Morganson stated we have a meeting tomorrow night and I think the last two of your workshops I asked you guys to attend and ask what product is coming out. he stated with your permission tomorrow night I will ask that question you needed to get to the Town Board Members.

Councilman Rand stated is this a work session tomorrow night and should anybody be there?

Supervisor Seney stated it is a public meeting.

Jim Morganson stated we are suppose to go over district boundaries. He stated they really should come to this Board and make some type of report.

Councilman Doty stated personally I am fine waiting for this first draft so when all the concerns come up there is adequate time to address it all without slowing them down anymore then it is slowing down. He stated the urgency is there. He stated this e-mail from Angel it says in the January 10th meeting discussion of meetings reports to Municipal Boards they are going to talk about bringing stuff to us second is interface with Lake Placid drinking water project is Land Works working in conjunction something to do with drinking water because that wasn't in any of the perimeters of what we hired them for.

Councilman Damp stated I know the lake overlay group really got involved and that brought in the drinking water.

Jim Morganson stated it is very difficult to push those entities aside. He stated the next thing that has to happen is like a test drive to set standards and perhaps you would be a good person to do that it needs to go to five, six, ten movers and shakers Serge Lussi, yourself people that are involved and look at it and say that makes sense.

Supervisor Seney stated I just got an e-mail from Angel stating that the Town and Village completed the GIS Needs Assessment with Ray Curran in 2005, we didn't get the grant but New York State suggested that we submit it once again there is no match and there is no resolution from the Town needed but what she does need is for us to sign a letter of intent for us to co-operate with the Village in the GIS implementation if the Town wants to continue the project. She stated Angel attached a letter similar to the one you signed last year and the budget is attached and based on Ray's GIS assessment it breaks down to Ray Curran as consultant at \$40,590., someone to come in and input data at \$12,600., training fees for staff \$1,200. and \$33,100. in equipment. She stated she also attached part of the application which gives a quick description of the project on page three. She stated I know Ray worked closely with Jim Morganson and Joyce and maybe Jim could tell you if he thinks it is a good idea I know Ray is working with Wilmington and Keene doing a similar project. The deadline for the grant is February 1st.

Supervisor Seney stated what they are asking for is for me to sign a letter of intent to co-operate with this Village in the GIS implementation if the Town wants

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to continue the project.

Councilman Damp stated is this letter on the premise that we go forward if we get the grant and we don't go forward if we don't.

Councilman Doty stated is the GIS service for the Village and the \$33,000. in equipment the sole property of the Village?

Jim Morganson stated if there is no fee involved I think it would be a good thought to sign that letter.

Supervisor Seney stated is the Board okay with that?

Councilman Damp stated yes as long as that is in the letter.

Councilman Doty stated as long as that information could be shared with the County and North Elba helps the County at the rate of about 35% a year maybe there is some revenue that could come from the County toward with this project.

Councilman Doty stated we will say yes to letting them go forward and work on the County.

Supervisor Seney stated the six soccer fields grant we got the notice from Betty that we got the grant. She stated we received a letter from the new York State Office of parks and Recreation on the construction of the six soccer fields and the contact is John Albert and at our earliest convenience to schedule a meeting to discuss the contract process. She stated did Butch ever follow through on that or did anybody ever follow through on that where do we go on this.

Councilman Damp stated should it be Park District?

Supervisor Seney stated I would think that it would be. She stated there was some concern by Butch and Norm I think that did we want to put those soccer fields where we thought we wanted them to begin with. She stated we should probably get together with Butch.

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

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

Supervisor Seney stated Todd Rissberger has resigned as of the end of his 5 year term which ended the 31st of December, 2006. She stated we need a replacement for him and I also need to send him a letter of thank you for the five years he has worked on our Board and we really should be looking for somebody from the Town that would be a good candidate for that position.

Supervisor Seney stated next we have the Village of Saranac Lake and the 2007 Fire contract revisions. She stated John called me and said they can't do a six month contract they need a full year contract and would we be willing to sign it and I said if it is what we have in the budget, yes.

Councilman Damp I recommend that we sign the contract for the \$34,000. that we put in the budget for the year and continue to go to the meetings that make sense to go to the meetings.

Supervisor Seney stated that this is a one year contract that they sent us.

Councilman Damp stated they said they were changing to a one year contract based on the assessment formula.

Supervisor Seney stated we have one for \$17,162.91 for the period of January 1st to July 1st then from July 1st to December 31st the same amount for a total of \$34,325.82 but it is a year contract we cannot sign a six month contract.

Supervisor Seney asked for approval to sign the Village of Saranac Lake 2007 Fire District contract at the amount budgeted.

Councilman Doty moved and Councilman Damp seconded the motion to allow the Supervisor to sign the Saranac Lake Fire District contracts for the year 2007. There being no discussion, the motion was unanimously carried.

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Supervisor Seney stated we have another foil request from Charlie Walsh this is the second one, the last one he came to Barbara and she did send him the one and only information that she had that he had asked for something new and she sent him the 7/25/94 agreement and she notified Charlie that she had done this and he owed her \$.75.

Mr. Kissel stated that would only leave one item and that would be the 12/31/98 amendment to the agreement between the Town and ORDA. He stated I don't know there is a 12/31/98 amendment but apparently there is. He stated he has sent a letter to Ted Blazer to see if he can help him out. He stated Barb has checked and we don't have a 12/31/98 amendment in our files. He stated it may be interesting to see what Ted's people may find in way of that amendment.

Councilman Doty stated Bill have you had a chance to talk to Charlie?

Mr. Kissel stated no it is not so much legal if you read his letter and if it is legal it is only legal for one small item which if we don't have a copy of it we can tell him we don't have a copy of it and that is the end of it. He stated I would think Ted's office or somebody over there would have a copy of it and that should end the legal request and the rest of it is a lot of what you talked about the last time when he had posed a bunch of questions. He stated you answered most of his questions that it was legal on the referendum so that was the answer so then you wrote a letter with which you got input from me on to Charlie in response saying this is what the Board's deliberation is, thoroughly he is raising concerns about money and concerns about the size of the project and apparently he doesn't think the community is behind it. He said we answered a lot of those issues the last time but I guess he doesn't like the answers. He says how can ORDA proceed to demolish the Town of North Elba Public Parks and Playgrounds property, they are not going to demolish they are going to take down the old convention center and put a new one up with out input and approval by the Town Board. He stated I did pull the ORDA agreement from 1982 it is a lease without a termination date it says upon the effective date of this agreement ORDA shall have sole and exclusive right to do all things necessary, convenient or desirable to carry out its purposes in the operation of these premises under it's law it doesn't say with Town input it doesn't say with Town approval it doesn't say anything else or it shall have sole exclusive right to the premise. He stated in terms of cost over runs and those kinds of things there is a very interesting provision that says upon termination of this agreement we don't know when it will occur if ever but if it does occur the Park District will not in any way be responsible or liable for any indebtedness, obligations, debts or liens relating to construction, renovation, capital improvements or incurred expenses for maintenance and repairs. He said there isn't the kind of language you might be looking for in answer to Charlie's questions specifically but there currently are those provisions.

Mr. Kissel stated you as Supervisor will get follow up from Charlie Walsh on questions 1 thru 6 you the Supervisor because he always comes back to you so the Board should say we either are not going to answer the questions or direct you to answer the questions.

Councilman Damp stated the first three questions are basically the same questions just different wording that you addressed before.

Mr. Kissel stated maybe the answer is that you are not further going to respond.

Councilman Damp stated how can we not be doing the right job if our assets is being improved to the tune of twenty million dollars and we own it with no expenditure to the Town. He stated maybe we should answer him again.

Supervisor Seney stated I will ask him to read the contract that he has and he will find the answers for 1 thru 6 in that contract.

Supervisor Seney stated I did get in touch with the Yando Food Market out of Malone it is run by the Yando one sister and two brothers they have a food market in Malone and Plattsburgh where there is a Price Chopper and a Walmart in both of those places and they are interested they are going to meet with me sometime in the first part of this month and talk about the possibilities and but not committing themselves. She stated in the County yesterday we were talking about the problems we are all having with food stores and there is a gentleman out of Burlington Vermont that is going to be bring a food store in to Port Henry in the Town of Moriah and Tommy Scozzafava called me and gave me his number and I called him and he called me back today and Jim Morganson has sent out maps for him to see he is interested in perhaps doing something down town.

Supervisor Seney stated she has a question on the review of the responsibility of

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legal fees of the joint land use code. She stated where do we draw the line, there were some thing started in the Village before we got into these things that are now coming up that then ZBA has been looking at that we paid 1/2 of the bill that probably we shouldn't have. She stated I guess my question is do we continue to pay a lot of legal fees and a lot of them are in the Village do we continue to do this I need direction from this Board as to what you want us to do in the finance department as far as continuing to pay the legal fees.

Councilman Doty stated anything we haven't agreed to do jointly don't pay a nickel on it.

Supervisor Seney stated we are through as far as anything else that comes up.

Councilman Doty stated all of the cases we have agreed to do together we have decided now and with Jim's information that our current code has provisions for extraordinary costs we are going to start implementing that on things that are reasonable certainly on challenges we can't use that part of the code but we are going to have to tackle it on a case by case deal.

Councilman Favro stated we talked about trying to get a lawyer that would take over the big picture so for X dollars he will handle all that stuff for us I think in the long run that would be a cheaper way to go.

Councilman Doty stated we are going to stay on this legal issue and try to come up with a plan that gives us across the board coverage so that hopefully finding one firm or one person the Village and the Town split costs and it is a done deal and we have representation.

Supervisor Seney asked will this be addressed in our new code?

Councilman Doty stated I don't believe it belongs in the new code.

Jim Morganson stated those bills should at least be signed off by the Chairman nobody has gone through those bills in other words those bills say on a certain date talked to somebody for an hour somebody had a meeting, somebody needs to verify that it's a lot of money so somebody needs to say that really happened and the second thing they need to be educated that is may cost \$400.00 to sit down and have those discussions and maybe through that process maybe those bills will be smaller.

Mr. Kissel stated I review every legal bill that comes through on these matters and they appear to me to be all in order.

Supervisor Seney stated I didn't know if anybody wanted to respond to Kristen Stemp she wrote the Brighton Supervisor and the Town Board a letter of concern about what is going on in the Adirondack Park as far as development. She stated she wants us to know she is concerned.

Supervisor Seney stated New York State Department of Transportation Old Military Road intersection I did get a letter from them they are going to put sidewalks from Cold Brook Plaza to the Price Chopper on the south side of Route 86 and they are going to be doing a detour route the month of May and the first week in June. She stated there is going to be one way traffic on Main Street.

Mr. Kissel stated we need to do SEQRA on three projects and Norm I am going to need help from you on these the first one is the Terminal Building and Expansion Phase I roof replacement, the second is Runway 14-32 on Airport Obstruction Removal (Design Only) and the last one is to Rehabilitate 9,600 square yards and expand 6,000 square yards Aircraft Apron Construction. He stated we will need to do SEQRA on all of these.

Supervisor Seney stated these came from New York State DOT the projects have been completed but they needed the SEQRA portion to complete their portion of the paper work. She stated FAA got the original I think.

Mr. Kissel stated Norm if you can for the record give a very brief description of them one at a time when you finish the description of each one I will run through the SEQRA and the Board can speak up if they think there is any potential for undue adverse impact on any of the criteria and then each one as we finish the list a motion will be in order and I will address what the motion will be.

Mr. Kissel stated Norm what is the brief description of the Terminal Building Renovation and Expansion Roof Replacement?

Norm Harlow stated basically all they did was re-roof the main terminal hanger

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building which is approximately 8,000 to 10,000 square feet.

The Town Board reviewed the Short Environmental Assessment form under SEQRA for the Terminal building Renovation and Expansion Phase I (roof replacement) and answered all the questions in Part II C, in the negative.

Mr. Kissel stated that after going through the SEQRA questions he told the Board that they can entertain a motion that the proposed actions will not result in any significant adverse Environmental impact.

Councilman Doty moved and Councilman Favro seconded the motion to that the Terminal Building Renovation and Expansion Phase I (roof replacement) will not result in significant adverse Environmental impact. There being no discussion, the motion was unanimously carried.

Supervisor Seney then asked for a motion to approve the grant for the terminal Building Renovation and Expansion Phase I (roof replacement).

Councilman Doty moved and Councilman Favro seconded the motion to approve the terminal Building Renovation and Expansion Phase I (roof replacement). There being no discussion, the motion was unanimously carried.

Mr. Kissel stated now Norm the Runway 14-32 on Airport obstruction removal (design only).

Norm Harlow stated the work was done by C&S it was all paperwork.

Mr. Kissel stated that after going through the SEQRA questions he told the Board that they can entertain a motion that the proposed actions will not result in any significant adverse Environmental impact.

Councilman Damp moved and Councilman Doty seconded the motion that the Runway 14-32 Airport Obstruction Removal (design only) will not result in any significant adverse Environmental impact. There being no discussion, the motion was unanimously carried.

Supervisor Seney then asked for a motion to approve the grant for the Runway 14-32 Airport Obstruction Removal (design only).

Councilman Damp moved and Councilman Doty seconded the motion to approve the grant for Runway 14-32 Airport Obstruction Removal (design only). There being no discussion, the motion was unanimously carried.

Mr. Kissel stated Norm if you will briefly describe the Rehabilitation and Expansion of the Aircraft Apron.

Norm Harlow stated it was total reconstruction of the existing flat top apron that was done for the 1980 Olympics which was done in 1979 and then it's also a parking area for large planes by the wind sox.

Mr. Kissel stated that after going through the SEQRA questions he told the Board that they can entertain a motion that the proposed action will not result in any significant adverse Environmental impact.

Councilman Favro moved and Councilman Damp seconded the motion to approve the that the proposed action will not result in any significant adverse Environmental impact. There being no discussion, the motion was unanimously carried.

Supervisor Seney then asked for a motion to approve the grant for the Rehabilitation and Expansion of the Aircraft Apron.

Councilman Favro moved and Councilman Damp seconded the motion to approve the grant for the Rehabilitation and Expansion of the Aircraft Apron. There being no discussion, the motion was unanimously carried.

Supervisor Seney the Zoning Board of Appeals Ken Jubin has requested that three of his ZBA members attend the Association of Towns meeting in New York City. She stated we have experienced in the past when Zoning Board people make reservations to go some place we make reservations and then they don't go. She stated that we had a resolution several years ago that they are more then welcome to go but they are to bring back there receipts and we reimburse them for their expenses. She stated if the Board approves of this we will suggest that they go on the bus like we do which takes care of a lot of travel expense.

Councilman Doty stated I am all for education that is for sure but typically we will

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need to know about this ahead of time and put it in our budget. he stated this year we are safe because he is not going so we do have money for two to go. He stated probably are going to have to set a limit and I would like to see the schedule to see if the section I on planning and those type courses justifies there going because some years it is very strong in certain areas depending on what is going on in the State and I think we should reserve the right to pick years that are appropriate or not.

Councilman Rand stated I agree people that are volunteering are willing or interested enough to want to go to these things it is certainly no question that additional training is a good thing. He stated they are pretty serious Boards now but I think like you said it has to be in the future up front so we know and I am not sure if every member needs to go. He stated Ken said he is interested in going.

Councilman Doty stated I am not sure I want to okay three members from the Zoning Board to go because we have a Planning Board, we have a Joint Review Board and if one member from each Board was allowed to go that is a whole different story and then the information comes back and it is transferred. He stated I am not looking to send 3/4 of the Board.

Supervisor Seney stated what is your decision will you authorize one person to go or do you want to tell them we can wait and put it in the budget next year?

Councilman Rand stated I am interested if is a person that is finishing up in a year or if it is a person that will be putting in a few years I think that is another thing.

Supervisor Seney stated I should go back to Ken and ask him who would like to go and what their intentions are?

Councilman Damp stated I think we have a time issue here before our next meeting that we don't have time to delay it till the next meeting. He stated maybe we should say up to two of you can go. He stated I am with Jay if they are a volunteer group and are willing to take the time it is only going to be to the advantage of all of us in the long run.

Supervisor Seney stated they can go and submit their expenses when they get back.

Councilman Doty stated that they will need to go under the same auspice we go which is up to \$1,000.00 a person.

Councilman Damp stated encouraging the use of the bus is good to as it reduces the cost.

Councilman Favro moved and Councilman Damp seconded the motion to allow two members of the Zoning Board of Appeals to go to the Association of Towns in New York City and submit their voucher for Payment. Discussion?

Supervisor Seney stated I will let you know who the two are and stipulation that they go by bus and they submit their voucher.

Councilman Doty stated I don't know that you have to say by bus because the train is no more then the bus.

Councilman Damp stated if the bus is \$80.00 then they are allocated \$80.00 for travel expense including parking.

There being no further discussion, the motion was unanimously carried

Supervisor Seney stated there is a Legislative breakfast tomorrow morning at the Hotel Saranac at 7:30 a.m. and Assemblywoman Sayward, Duprey and Senator Little will be there.

Supervisor Seney stated the Lake Placid Regional Winter Sports Committee has named initial directors to the Committee and they have asked me to be on it and I said that I would be a part of it because they need some input as to people who have served on different committees that would be good. She stated they have J. Patrick Barrett, Elizabeth Kenny Lack, Serge Lussi, Elizabeth Little, Art Spiegel as Treasurer, Kay Stafford as secretary, Sandy Treadwell as President and Ed Weibrecht. She stated they are a group of people who want to keep the Regional Winter Sports going in the area.

Supervisor Seney stated the Town Offices will be closed on Martin Luther king day which is January 15, 2007.

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Supervisor Seney stated we need to approve the purchase of two compactors for the transfer station that will be coming out of Norm's 2007 budget that is already budgeted.

Councilman Damp moved and Councilman Favro seconded the motion to approve of the purchase of two compactors for the transfer station which are budgeted items. Discussion?

Councilman Doty stated those are new Norm that's a good price.

Norm Harlow stated they gave us a better price because we got two.

Councilman Rand stated what is that for Norm?

Norm Harlow stated that will be for newspaper and white paper.

There being no further discussion, the motion was unanimously carried.

Supervisor Seney stated we need to approve the appointment of Father Lamitie as marriage issuing clerk at FCI Ray Brook as recommended by Barbara Whitney.

Councilman Damp moved and Councilman Doty seconded the motion to approve the appointment of Father Lamitie as marriage license issuing clerk at FCI as recommended by Barbara Whitney. There being no discussion the motion was unanimously carried.

Jim Morganson stated may I take a moment of your time? He stated first of all I would like to publicly thank Mr. Rand I recently had trouble with one of my children and he was kind enough to continue to call and inquire on behalf of the Board and himself of course. He stated I would like to reiterate that when the Village Boards meet it would be great if you had some more input it is just a suggestion but if you could be there it would be wonderful. He stated that the issue of training for Zoning and Planning Boards there is new requirement to get about four hours of training so you are going to see more training and this Village has a long history that there is at least two meetings per year at the Hilton there at the Crown Plaza and I don't know if anybody besides myself and anybody that has worked for me have take total advantage of those but they are here they are in Town and there is an annual one at the Hotel Saranac.

Jim Morganson stated my seminar is the first week in March.

Councilman Damp stated will every Board member need four hours of training?

Jim Morganson stated it was in the last publication from the Association of Towns and the answer is yes but somebody with 20 years of experience you could opt not to send that person based on their wealth of knowledge. He stated I think you will the Association of Towns comeback, there is also the Conference of Mayors here and the Planning Association comes here quite often and in Ray Brook we do have some night meetings at the Park Agency headquarters.

Jim Morganson stated I will touch real quick on that letter you received from Jerry Spoor because it states in there that I am to take some action and my opinion is there is no action for me to take there was an engineer which did an evaluation process and if he has a problem the engineer is suppose to report that problem back. he stated I don't intend on taking a lot of action on that I may respond with a letter saying.... if you hear from Jerry Spoor saying i am not doing anything I don't believe there is anything for me to do.

Jim Morganson stated I would like to finish up with a personnel issue I have a letter which you haven't seen before. he stated it has come up recently that the sick time seems to be being charged out differently then it was in the past and this letter is a request for you to look into that and see what the bottom line is.

Supervisor Seney stated have you discussed this with the Human Resource office?

Jim Morganson stated I did and I told her I disagreed with her and would follow and this is my letter to your Board she interprets it one way and I myself as an employee interpret it a different way and there are several other employees have signed this.

Supervisor Seney stated that is the bonus sick time?

Jim Morganson stated that is correct and I would like to send this letter around and at some point in the workshop get your thoughts.

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Supervisor Seney stated Bill do you have any reports?

Mr. Kissel stated just to follow up on the discussion you had at the work session about the assessment work that is proposed by Mr. Galarneau on the commercial properties for completion of the property record cards. He stated that the total cost is \$950.00 plus there is two other properties that aren't in that and they would be done at the same per property cost as the ones that are included in the \$950.00.

Councilman Damp moved and Councilman Doty seconded the motion to approve of the proposal of Mr. Galarneau to complete the assessment work on the commercial properties at the cost of \$1,200.00. Discussion?

Supervisor Seney stated why do we need this if we have never done something like this before?

Councilman Damp stated at the work session it was determined that it was done before. He stated it is commercial properties that have had additions or changes and they need diagrams and probably on site with some photos and this contractor is the one that is going to do it. He stated it is coming out of Kim's budget. He stated the data is in Jim's office but that is the plans and they say this is what we are going to build but it may not be actual.

Jim Morganson stated it has to be transferred on to a actual card that they use.

There being no discussion, the motion was unanimously carried.

Supervisor Seney stated next are the Essex County reports and the jail is coming along quite well it look now like it's going to be February 1st when it's open which will be great. She stated we have our new officers for the year which were the same as last year and they will continue on with whatever is needed through out the year and it looks like we are going to have a good Board.

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

Abstract # 12 for the month of December, 2006.

Town General: The total is \$182,836.37 with the following voucher numbers; 2556-2570; 2580-2582; 2600; 2606-2613; 2661-2668; 2673-2681; 2687; 2699-2700; 2702; 2705-2706; 2709; 2711-2714; 2716-2718; 2723; 2735-2738; 2743-2744; 2746-2747; 2749; 2756-2758.

Part Town: The total is \$43,624.26 with the following voucher numbers; 2571; 2600; 2614-2615; 2669; 2719; 2739; 2755.

Townwide Highway: The total is \$156,343.71 with the following voucher numbers; 2587-2598; 2616; 2670-2672; 2682-2683; 2686; 2688-2692; 2699; 2720; 2740-2741; 2754.

Park District: The total is \$103,186.75 with the following voucher numbers; 2572-2579; 2583-2585; 2600; 2684-2685; 2701; 2703; 2715; 2723-2734; 2748-2753.

Ray Brook Water: The total is \$476.05 with the following voucher number; 2710.

Capital Project: The total is \$8,283.28 with the following voucher numbers; 2722; 2742; 2745.

Total Claims is \$494,750.42

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

Supervisor Seney stated do you want me to hold out the check for the elevator till e see what happens with the insurance.

Councilman Damp and Councilman Rand seconded the motion to go into Executive Session at 9:30 p.m. for personnel matters. There being no discussion, the motion was unanimously carried.

Councilman Favro moved and Councilman Damp seconded the motion to come out of Executive Session, go back into Regular Session with no motions to be made and adjourned at 9:45 p.m.

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Respectfully submitted,

Denice P. Fredericks, Deputy Town Clerk

