

Public Hearing/Regular Town Board Meeting  
March 11, 2008

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

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

Members Absent: Councilman Bob Miller, excused.

Others Present: Attorney Ronald Briggs, Jim Morganson, Larry Straight, Rebecca Steffan, Kim Dedam, Jacob Resneck, Jon Fremante, Connie Issleb, Michael Pall, Frank Sapone, Kerry Gates, Sean Ayres and other members of the Mckenzie Pond Homeowners Association.

Supervisor Politi opened the Public Hearing by reading the notice which was properly published and posted. He stated this hearing is being held to discuss the contract between the Town of North Elba and the Village of Saranac Lake Fire Department for Emergency Rescue and First Aid Squad Relief for the North Elba Fire Protection District No. 2 for the year 2008.

Supervisor Politi stated the Public Hearing is open on that subject and anyone that is here and wishes to address this Board with regard to that particular item you may do so now.

Jacob Resneck stated do you know what the amount of the contract is?

Supervisor Politi stated the amounts for the contract for the year 2008 is \$38,631.21 made payable in two payments on January 1st the amount of \$19,315.61 and on July 1st \$19,315.60.

Jacob Resneck stated you don't have the 2007 number do you?

Councilman Damp stated it was around \$35,000.

Supervisor Politi stated I don't have it Jake I am sorry.

Jacob Resneck stated who is represented here for the Fire Advisory Board?

Supervisor Politi stated Councilman Damp and Councilman Favro.

Supervisor Politi stated if there are no further questions I will now declare the Public Hearing closed at 7:05 p.m.

Supervisor Politi opened the Regular Town Board Meeting at 7:05 p.m. by asking everyone to stand for the pledge of allegiance.

Supervisor Politi asked for a motion on the minutes of February 12, 2008 Regular Town Board Meeting.

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

Supervisor Politi asked if there are additional items for the agenda.

Supervisor Politi stated I have a couple under new business k. discussion since Larry is here about the depositing of snow in the highway and L. the Municipal Consulting agreement which you have for review with Ivan Zdrahal.

Councilman Damp moved and Councilman Favro seconded the motion to accept the proposed agenda with the two additions as noted. There being no further discussion, the motion was unanimously carried.

Supervisor Politi stated the first item on the agenda is persons have opportunity to speak and I think we have some folks here again for an update on the Mckenzie Development so we will talk about because some things have happened even since I have talked to you last Frank. He stated Ron I think you spoke to Susan Millington and if you could give everyone just a review of that conversation.

Attorney Briggs stated we spoke today and she went over some of the background going back to 2007 and I think you are all familiar with some of the background and I think we came to an understanding today that she realizes that this Town Board and the Superintendent of Highway Department wants to do everything possible to finalize the road dedication. He stated we understand that you have been waiting for

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a very long time and I think everyone is very sympathize to what you have been through and to how long you have waited so the only question that Sue and talked about was whether or not the actual dollars would change. He stated that was a major concern because the owners in the subdivision have agreed sometime ago based upon a certain projected cost. He stated I said to her that we will do everything possible to keep that cost in line but until we get final numbers we really don't know that so we are very hopeful that the cost will stay in line because Sue did point out that if they don't that is going to cause some difficulties for you and we are aware of that and we are going to do everything possible to keep them in line based upon the numbers that were discussed sometime ago but we can't sit here and guarantee that tonight.

Supervisor Politi stated what I should tell you is that as I noted during our last meeting that the likely hood of getting prices within 60 days and give the snow conditions that exist right now it is impossible to get a number from any outside contractors I know that Larry Straight has spoken with Luck Brothers and Gorman Contracting and they may even of gone and gone through and looked at it but they are unwilling to give an estimate given the fact they can't see the shoulder and so forth. He stated I am going to take that a step further and tell you if in fact the numbers exceed expectations I and Larry have spoken to Norm Harlow who was the form Town Highway Superintendent and Norm is willing to work with Larry in terms of doing some of the work that may alleviate our having to bring in outside contractors. He stated let me also tell you one thing the difference between the McKenzie Road and other subdivision that we have been working on in the past such as Theianoguen Road in Placid Meadows the primary difference was that those roads were to Town specifications prior to any work being done.

Supervisor Politi stated the two issues at the McKenzie subdivision as I understand it from speaking with Norm and Larry is that one the road isn't to specifications and two the road wasn't even located within the right away so there are some issues that are a little different from the ones that we have worked on in the past. He stated the reason I addressed that is because Susan Millington had said well you have this for others in the past, yes we have but the condition of the road was different. He stated so given that especially the grades there and if we have a problem with the grades and the prices don't work Norm Harlow will work with Larry in terms of shooting the grades and working to cut the costs as much as possible. He stated Larry has spoken with some of the outlining Towns which are adjoining in adjacent Townships and I know that they have already agreed to contribute their time and effort to work in terms of trucking and bringing in materials to help with this project. He stated I am cautiously optimistic that we will proceed as noted and will be able to get this job completed however I have to tell you that it is not going happen tomorrow as much as you would like it to because of certain conditions and it is also going to be subject to other jobs that we have going on and we are going to do our best to get it done in as timely as possible however we can't drop everything just to run over there. He stated as I mentioned in our last meeting we are going to do our best to try and get this accomplished and complete the paving and everything of that road by the Fall. He stated that is all I can tell you. He stated do you want to add anything Larry?

Supervisor Politi stated I know you are anxious to get it done it has been going on to long I understand that Ron understands it but we are committed and I know Ron is committed to work with Susan to get it done as quickly as possible from a legal stand point so we won't be going on two more years and so forth. He stated the first step is to try and get the estimate from the contractors but I don't anticipate getting those numbers until at least by April 15th when the snow is gone and so forth I can't control that and you can't control that and that is just the way it is but I don't want you to leave here thinking that it is not on our mind we have been working on it and we will do our very best to fulfill the obligations and the representations that may have been made.

Michael Pall stated the main factor is the cost when Andy Abdullah and Norm originally figured this all up and we dealt with Norm Harlow the initial figure Andy came up with was \$283,000 and a 10% contingency which brought it up to \$312,000. He stated when I initially presented that to Norm whenever it was a year and a half ago he did a back flip he didn't think it was going to come anywhere near that. He stated Andy had even figured in \$40,000. to \$50,000. for contractors fees and when I spoke to Andy a few days ago he said even at todays where we are now he said it should come in real close to that figure. He stated I was expecting it to come in probably \$50,000. under that figure. He stated speaking to Kissel before you guys came in last year Mr. Kissel was under the impression that the Town was probably going to help pay for this based on how this whole project came together twenty years ago especially based on who signed off on it and I guess there was a performance bond taken out on the project the roads weren't standard whatever it was back then, nobody here was involved but now we are dealing with it the Town

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offered us there help to absorb some of the costs and we came to the meeting in January actually in December when most of you were sitting in the audience we heard Norm Harlow said the Town was going to plow this Winter. He stated I didn't have a problem with taken caring of the plowing if you didn't want to do it that's fine that cost us more then we were expecting to lay out. He stated our biggest concern is whatever you can do to get into that budget that our engineer...

Supervisor Politi stated we all feel that way we don't what it to be \$500,000. either we want it to work out and we are going to do our best to make it work out.

Michael Pall stated it sounds like you are pulling all your resources together to do that.

Supervisor Politi stated a couple of things we can't control, we can't control the weather we can't control the cost of oil of the blacktop material and we can do our best to try and help with making sure the grades are acceptable and so forth other then that we can't pay for it we haven't paid for anybody ever but we can help and we can help and we can tribute our time and so forth but it has to be built into that cost for that special district and we are very hopeful that it is going to workout and I don't know what else I can tell you other then when we get out there we see what those shoulders are like and how much work needs to be done. He stated all I can tell you is that Norm also mentioned to me that these roads were far from being to specifications which everything else we take over is so we have that disadvantage and we have to work with it but we will do our best.

Michael Pall stated a lot of that cost I think is to improve the roads to get it to specifications.

Supervisor Politi stated yes it is absolutely.

Michael Pall stated to what is should of been at twenty years ago. He stated I brought that case to the homeowners we all agreed on it, it was a fight we started off initially with 50% of the homeowners now we are up to 85%/90% agreeing to lay out this money to get the roads up to par and then we are paying to get all these deeds redone because we have the road that is built on right through peoples yards and we are absorbing that cost.

Supervisor Politi stated our intentions are to get it done.

Supervisor Politi asked is there anyone else here to address the Board?

Supervisor Politi stated we need to approve under old business this Saranac Lake/North Elba Fire Contract which we just had the Public Hearing on.

Councilman Damp moved and Councilman Favro seconded the motion to approve the Saranac Lake/ North Elba Fire Protection Contract. There being no discussion, the Supervisor asked for a roll call vote: Councilman Damp; AYE, Councilman Favro; AYE, Councilman Rand; AYE, and Supervisor Politi; AYE with Bob Miller absent.

Supervisor Politi stated Ronnie can you give us an update on the Museum Litigation?

Attorney Briggs stated as you know when a petition is filed you can either file an answer to it or file a motion to dismiss so we filed a motion to dismiss there petition as did Jim Brooks on behalf of the museum on the grounds that the petitioner didn't have standing because they are not within the zone of protected interest by the code they could not articulate a loss by the determination. He stated that is our position and it is before the Judge subjudice the Judge will rule on the motion to dismiss in due course if it is granted the case is over if is not granted then we file an answer to the petition and proceed with discovery and disclosure and all those things that come after that.

Supervisor Politi stated does anyone have any questions?

Jacob Resneck asked who is the Judge?

Attorney Briggs stated James P. Dawson.

Supervisor Politi stated next is the update on the Adirondack Loj Road just so you all know I did have a discussion at length with Senator Little and I have spoken by phone with Betsy Lowe at DEC and a meeting is being scheduled between DEC, senator Little, myself and the Department of Transportation with regard to the Adirondack Loj Road and the bridge on the Adirondack Loj Road. He stated that meeting will be held within the next couple of weeks.

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Kim Dedam stated will the County be there?

Supervisor Politi stated the County probably will not be at the meeting and the reason the County won't be at the meeting is that it's not a County road first of all it's a Town road and second of all it's not a County bridge it's a Town bridge. He stated the County does have some what of a stake in the road in that the County owns the second bridge on the Adirondack Loj Road and the letter that they sent to the Town advised the Town that they have intentions of removing the temporary bridge and moving it to replace the second bridge. He stated but right now I think we are in the position of preliminary discussions about who the stake holders are and so forth but given my association with the County I will be there anyway representing both the County and the Town. he stated right now it is Senator Little's meeting it's not mine so I am going to let her communicate with the others.

Kim Dedam asked what is DEC going to bring?

Supervisor Politi stated DEC is a stake holder here because the majority of traffic along this road probably in the neighborhood of 95% of the traffic on the Adirondack Loj Road are users of the High Peaks Region so the State has a interest in the road because people are using their facilities and they have an interest because this road in this area is a part of their State master plan for wilderness areas.

Supervisor Politi asked if there was any other old business to come before this Board?

Supervisor Politi stated we are glad to welcome Jon Fremante tonight to our Board Meeting. He stated a number of months ago Jon and I discussed the idea of the Town having a Board Meeting at Shipman Youth Center for the idea of getting our young citizens involved and interested in local government. He stated the next Town Board meeting will be changed given vacation schedule to April 22nd at the Shipman Youth center. He stated Jon will notice the school and the kids at the Shipman Youth Center and hopefully we will get a decent turnout and it will be fun to take questions from the students and the younger members of our Community. He stated it's a great idea Jon and we are very happy to do it and we look forward to being there on the 22nd.

Supervisor Politi stated one of the items that came up during our workshop session was the consideration of the approval of an appropriation for the expenditure of funds in the amount of \$2,775.00 for radio monitoring system for the water tank in Ray Brook. He stated Brad Hathaway made a presentation to this Board about a couple of items dealing with the Ray Brook Water District one being the potential for a new wells being drilled to increase our water capacity and also the need to have kind of a monitoring system on the well so if it drops to a certain capacity like the lift stations like we have in Town a radio message will go out to him so that he knows there is a problem in Ray Brook so that they don't have to be over there.

Councilman Favro moved and Councilman Rand seconded the motion to approve the appropriation for the expenditure of \$2,775.00 for a radio monitoring system for the water tank for the Ray Brook Water District. There being no discussion, the motion was unanimously carried by those present.

Supervisor Politi stated that he would like to authorize Town Attorneys Hacker & Murphy to enter into property tax settlement agreements which evidently been concluded on a number of assessment properties primarily residences in the Town of North Elba. He stated I as Supervisor have to sign off so I need the Boards approval. He stated they are here if anyone wants to look at them and there are cases here involving our present Town Attorney. He stated these were done by separate counsel and they need to be taken care of.

Attorney Briggs stated they were resolved in December by the way and all concluded before I took office as Town Attorney. He stated I want the record clear on that.

Councilman Damp moved and Councilman Favro seconded the motion to authorize Town Attorneys Hacker & Murphy to enter into property tax settlement agreements and authorize the Supervisor to sign off on them. There being no discussion, the motion was unanimously carried by those present.

Supervisor Politi stated one of the things which came up in the course of last month was that Mark Clark talked to me about the rates at the cemetery and the fact that our charges at the cemetery have fallen to the point they weren't competitive with other cemeteries in the region. He stated his advice for the grave sites is reasonable and to leave them alone but he did mention that the cost for summer burials is \$150.00 which is considerably less then any where and the winter burial

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fee is \$500.00 and he felt that that charge is outdated given the quality of the equipment we have and the ease of digging in the winter time is not as bad as it used to be so he recommended that all of our summer burials the digging for grave sites be adjusted upward from \$150.00 to \$300.00 which is what Saint Agnes is and most of the cemeteries in the area and that winter burials be adjusted downward to \$400.00 and the fact that there are very few winter burials. He stated what was happening was that people were putting the person in the vault then wait till summer because it was a lot less money so he recommended that we put a date that all winter burials take place prior to May 1st and that all bodies must be removed from the vault by June 15th. He stated that we should also consider raising the digging fee for cremation burials to \$100.00 because there is more and more of those and the fact is space is getting to be an issue in the Town cemetery what this will do it won't raise a lot of money I think Denise figured out for me over last year this would raise some where between \$2,500. and \$3,000. but what it does is it gives Courtney an opportunity to hire another part time person or to buy another mower but it will help him maintain the cemetery. He stated we are not looking to make money we are looking to do a better job and have better equipment and more help in maintaining the North Elba cemetery and the numbers weren't really in line so this is a recommendation. He stated we don't have to vote on this I raised it for purposes of discussion so that you will know if you would like to take time to talk to Mark or Reg Clark about it you certainly may. He stated that Mark recommended that maybe Larry gets together and talks to Courtney about the possibility of establishing cremations sections in the cemetery because there are a lot of people that are now not buying family plots.

Councilman Rand moved and Councilman Damp seconded the motion to approve of the cemetery changes as stated. There being no discussion, the motion was unanimously carried by those present.

Councilman Rand stated when does that begin?

Supervisor Politi stated it will be effective immediately. He stated the winter time period will be December 1st to May 1st and summer from May 1st to November 30th.

Supervisor Politi stated there is a resolution in your packet this is something that has been approved by a number of other Towns, Cities and Villages across New York State it's a Tobacco Point of Purchase Resolution dealing with trying to curtail the advertising of cigarettes in local retail stores so that they don't have advertising in their windows.

Supervisor Politi then read the Tobacco Point of Purchase Resolution which will be filed in the Town Clerk's office.

Supervisor Politi stated I can tell you personally I think it is a great resolution especially given the fact we have a number of retail stores so close to our schools.

Councilman Damp moved and Councilman Favro seconded the motion to approve the Tobacco Point of Purchase Resolution. There being no further discussion, the motion was unanimously carried by those present.

Jim Morganson stated I would be glad to deliver it to all establishments for you.

Supervisor Politi stated we need authorization of the Post Closure Environmental Monitoring Program at the Landfill. He stated my understanding is that this is a 50 year commitment to do post Landfill monitoring and the cost proposal is \$4,978.00 it is the same as it was in the past. He stated that the Town of North Elba has in the past has executed an agreement with Adirondack Landfill Services LLC. owned by a gentleman named Jeffrey May who works for Serkel involved with the County operations. He stated it was decided to use this firm because the cost savings was so substantial. He stated they will provide us with a report each year which Larry has seen and I believe it's something that is necessary unless Larry you know a reason not to execute this will proceed I will ask for a motion to do so. He stated this is a budgeted item.

Councilman Favro moved and Councilman Rand seconded the motion to authorize the expenditure of the Post Closure Environmental Program at the Landfill and execute the agreement with Adirondack Landfill Services LLC. There being no discussion, the motion was unanimously carried by those present.

Supervisor Politi stated we need to authorize the hiring of a new employee at the Landfill as recommended by the Highway Superintendent his name is David P. Luck effective March 24th at the rate of \$9.33.

Councilman Favro moved and Councilman Rand seconded the motion to approve the hiring

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of David P. Luck at the Landfill to begin March 24th at the rate of pay of \$9.33 per hour as recommended by the Highway Superintendent. There being no further discussion, the motion was unanimously carried by those present.

Supervisor Politi asked for a motion on the Budget transfers as recommended by Cathy Gregory our Budget officer and filed in the Town Clerk's office.

Councilman Rand moved and Councilman Favro seconded the motion to approve of the budget transfer as recommended. There being no further discussion, the motion was unanimously carried by those present.

Supervisor Politi stated that we put out a request for interested parties to operate the concession stand at the Craig Wood golf course and we had only one interested party which was Nick Planty. He stated the name of the restaurant and bar would be called the Caddy Shack he has some great ideas in terms of what he would like to do and we need to given the timing and the necessity for him to secure a liquor license I would like to have authorization for approval of the contract subject to Attorney Briggs approval.

Councilman Favro moved and Councilman Damp seconded the motion to approve of the Craig Wood concession contract with Nick Planty subject to approval from Attorney Briggs. There being no discussion, the motion was unanimously carried by those present.

Supervisor Politi stated we need authorization of payment for two temporary fuel tanks at the highway garage for the fuel distribution project and Larry the amount of this is \$5,148.00 with 5% of the cost being retained till project completion making the invoice \$4,890.60.

Larry Straight stated Mike Russell from Petroleum Valley will meet with us this Friday at 11:00 a.m.

Supervisor Politi stated Jack and Chuck if you can meet with us at the highway garage.

Supervisor Politi stated Larry you left me a note and I left it with Ronnie so it is something we haven't called about yet but your concern is people plowing, blowing and depositing snow on the highway. He stated Larry can you give us a little information on this.

Larry Straight stated the banks are high and people are plowing across the road and build up piles across from their driveways and it is spilling out into the road is becoming a dangerous situation because the road is becoming so narrow. He stated we can push them back but we don't have the room for it so the habitual offenders that we have a list of we can send them a notice saying they are in violation and they are responsible.

Attorney Briggs stated we have to make sure it gets into the right hands.

Larry Straight stated we will notify the owners and if they hire someone they are still responsible.

Supervisor Politi stated how do want to notice them Larry?

Larry Straight stated by letter.

Jacob Resneck stated how many letters will be going out?

Larry Straight stated i know of 5 or 6 right now.

Supervisor Politi stated the other thing I put in you packet was this proposal Ivan Zdrahal sent us in regards to some of the engineering work for finalizing the water into the six soccer fields off the Airport. He stated he sent us a municipal consulting agreement we are not here to approve it I just want you have it.

Supervisor Politi stated the next workshop will be on April 15th and I know Chuck you won't be here and Bob wanted me to move it back and it has been done in the past but we may not even have a workshop.

Supervisor Politi stated under Town Attorney reports Ronnie do you have any other new business.

Attorney Briggs stated today in March 11th and I still do not have any files from the prior Town Attorney. he stated to re-do work that has already been done is a

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monumental waste of time.

Supervisor Politi stated I have written a letter and have made a number of phone calls.

Supervisor Politi stated do we have any other committee reports?

Supervisor Politi stated Jim how about telling us how many people showed up for the workshop here in Town for Building Inspectors?

Jim Morganson stated we trained 227 people and we had about 260 in attendance and were able to certify 227 officers.

Jim Morganson stated I did send a quick notice to the Board and for some reason Roby you did not get one and I apologize to invite the Town Board to our reception and I guess it didn't go out till the day of the reception and I apologize for that and you didn't get one. He stated we will be doing it again March 2nd next year and it will be our 14th annual event.

Supervisor Politi stated next we have the Essex County update and the main thing on the County agenda is on Thursday there is a meeting to discuss the proposed radio system with Kimball Associates who did the consultation work on the radio system and review their findings.

Attorney Briggs stated now that we are talking about County business can Senator Little assist with the Department of Corrections Services in expediting the...

Supervisor Politi stated I did have a conversation with Senator Little in regard to Correctional Services and I will tell you that now the population at the jail is up to 35 from 17 a month ago we do not have approval for certification to allow more inmates occupancy however Sheriff Hommes is confident that that certification is coming shortly and he anticipates that the population may rise to as many as 85 in the next 60 days. He stated even if the jail is full it doesn't mean it off sets the cost to the taxpayer it helps but it doesn't mean it is operating at a profit.

Jacob Resneck stated is that so you can take out of County inmates?

Supervisor Politi stated yes.

Supervisor Politi stated one of the questions I asked the other day was our ability to take Federal inmates and what I mean by Federal inmates is inmates from the State of Vermont across State lines and we can't even do that yet.

Supervisor Politi asked for a motion to approve of the audits as per the audit numbers as follows: 80185-80189, 80192, 80194, 80196-80198, 80201-80202, 80204-80205, 80207, 80295-80326, 80347-80355, 80357-80423, 80444-80478.

	REGULAR	PREPAID
Town General (A)	118,678.77	33,316.12
Townwide Highway Fund (DA)	21,595.32	13,681.95
Rec Path (H41)		1,792.50
Soccer Fields (H44)	1,656.70	
Fuel Dispensing System (H45)	5,148.00	
Park District (SP)	34,410.71	33,036.25
Mckenzie Pond Water (SW2)	67.10	
Ray Brook Water (SW3)	757.82	815.31
Trust & Agency (T)		419.91
Totals	182,314.42	83,062.04

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

Supervisor Politi asked if anyone has anything for Executive Session?

Connie Issleb stated Roby do you know what is going on in Elizabethtown we haven't gotten our checks yet for working as Election Inspectors.

Supervisor Politi stated that came up the other day and should be resolved the discussion the other day was whether election people were going to be considered County employees or not and should they paid time and one half for over time or are we going to establish an amount. He stated I will be there in the morning on other

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business and I will raise that issue as to why that has not been done.

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

Respectfully Submitted,



Denice P. Fredericks  
Deputy Town Clerk