

Regular Town Board Meeting
September 10, 2008

Minutes of a Regular Town Board meeting, held on the above date beginning at 7:00 p.m. in the Lake Placid Village Beach House, 49 Parkside Drive, Lake Placid, NY

Members present: Supervisor Robert T. Politi, Councilmen Jay Rand, Jack Favro, Chuck Damp,
Bob Miller and Denice Fredericks, Town Clerk.

Others Present: Attorney Ron Briggs, Highway Superintendent Larry Straight, Jacob Resneck,
George Earle, Peggy Willegar, Joanne Johnson, Noah Johnson, Gail Meyer and Sean Ayers.

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 of the minutes of the Regular Town Board meeting of August 12, 2008.

Councilman Miller moved and Councilman Favro 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 additional items for the agenda.

Supervisor Politi asked for a motion on the agenda.

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

Supervisor Politi stated just for purposes of the public we were suppose to be in Saranac Lake tonight but unfortunately because of the Primary falling on this Tuesday we had to move the meeting to the Beach House here so I believe next month we will be back in Saranac Lake to make up for the meeting that we missed this month. He stated I apologize for the inconvenience for you all having to come over here to see us. He stated Peggy you had contacted me about wanting to talk to the Board and come right up.

Peggy Willegar stated I think I will speak from here I am joined by Joanne Johnson and her son Noah and Gail Meyer. She stated we are with the Skate Park Committee in Saranac Lake and the long sought after skate Board Park and finally the plans are coming together, the only obstacle we have is funds and we have requested funds from Harrietstown and we have put in requisitions to Frankin and Essex County. She stated you know in Saranac Lake there are a lot of people from the Town that use the area and there are kids that are going to the Saranac Lake School as well. She stated I did submit a budget request to Cathy to request \$10,000. for the skate board park in Saranac Lake.

Supervisor Politi stated can you tell us a little bit about it only for my sake maybe everyone else knows but I am not as aware as to where it is located and what the plans are.

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Peggy Willegar stated it is located behind the Village Offices it is a corner of a parking lot and the kids have been skating there for a number of years. She stated it is kind of narrow they are now using a box and ramp in the interim. She stated we have at this for 4 years and the kids have raised \$14,000.00. She stated what we are aiming for is kind of a trapezoid shape and is about 10,000 square feet. She stated there is a steep hill on one side and the river is on the other so there is quite a bit of excavation to do in the area. She stated over the years we looked at about 15 or 16 sites in the area and this was accessible and openly visible. She stated it is going to be a Village Park is on Village property were are responsible for building it, it will be a team effort with all the communities at large. She stated we are applying for some private grant money and will continue our fund raising too.

Supervisor Politi stated there are three structures shown on the plans are those concrete or are they metal?

Peggy Willegar stated we haven't made a final decision as to what structures we would go for or what company I think the two companies we would use are the American Ramp Co and Tru Ride.

Councilman Miller stated have you had a chance to talk to Jon Frement about his experiences with the skate park?

Peggy Willegar stated I think I did right around when it was getting done.

Councilman Miller stated that it sounds like you are addressing so many concerns that he had because they used metal and it was very loud.

Supervisor Politi stated we have had endless complaints.

Peggy Willegar stated if we did the metal we would absolutely have to you can get it enclosed the Plattsburgh Park has metal ramps and they had tremendous amount of complaints then enclosed it and put sound proofing in.

Councilman Miller stated is there room for expansion there for other things for the kids?

Peggy Willegar stated it is a pretty good size skate park.

Councilman Miller stated outside of the skate park?

Peggy Willegar stated no we are butted against the hill and the river and adjacent to the river is a 15 foot area that is already designated parking where the river walk is going to be extended underneath LaPan highway to the little park on the other side.

Supervisor Politi stated does anyone have any questions?

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Councilman Rand stated I don't know how good the attendance was here in Town I heard it wasn't really well attended.

Councilman Miller stated the attendance wasn't what we would of like to of seen considering the investment. He stated I think there is a couple of things holding it back one is it is not visible correct me if I am wrong boys like to show off in front of girls and I think if it was in a more visible area and I think it is nice if there is other things for kids to do.

Peggy Willegar stated there aren't a lot of things to do but it is right in Town and very accessible. She stated we took a survey at the school when we started out and out of 860 kids 400 said they would use a skate board park.

Supervisor Politi stated is the skate board park going to be monitored?

Peggy Willegar stated our plans are not for it to be monitored it is in a very open visible place it is right next to the Police Department and you can see it from the road. She stated I don't think there is the funding in Saranac Lake to have a monitored park and there are pros and cons against it it's nice for kind of behavior, liability it doesn't add anything to be monitored.

Councilman Rand stated is there going to be somebody to open and close it?

Peggy Willegar stated the little details we haven't settled out, the village is going to assume it whether they will want to lock and unlock it the Police Station is there and is open 24 hours and if they can close the gate at dusk or whatever we haven't ironed out those details and there are tons of parks all over the country that have no fences around them.

Supervisor Politi asked will it have hours of operation?

Peggy Willegar stated probably 9 to dusk or something like that or 8 or 7 whatever comes first the kids skate till it snows in November and then back in April.

Supervisor Politi stated have you spoke with Senator Little?

Peggy Willegar stated we have been in touch with her office and we did put in a budget request and we are following up periodically She stated we did submit a proposal to Franklin County.

Supervisor Politi stated I don't know if Larry Miller Supervisor Miller mentioned this to you that one of the issues the Town's have is that Town's cannot just give money to organizations the money that we give is in the form of public service agreements. He stated that any entity that the Town of North Elba gives money to has a service agreement with the Town to perform formal services of some type and that is the way it is with the Sinfonietta that is here in our Community we give them money but they have a service contract with us that they have to provide x number of outdoor concerts every Summer and the same thing with the LPCA they must provide x number of performances and so forth. He stated that presents somewhat of a difficult situation for us when you don't have a monitored program like Shipman Youth center we give money to them but there is a full time staff member that runs the place and operates it certain hours and

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performs certain activities and is reasonable for providing those certain activities to the Community before we will even consider doing that. He stated I am telling you that because that potentially is going to be a concern of these Board Members and the Town Attorney when we get any of these kinds of requests.

Supervisor Politi stated does anybody else have questions?

Gail Meyer stated is there any in-kind services that the Town can help with, I understand that the site is not in the Town of North Elba but there are North Elba residents that are served by it and I understand the Park District and lack of one from you guys over there but are there in kind services that legally the Town should we get to that point. She stated helping with grading or gravel or is that not possible.

Supervisor Politi stated I think we can do that we give money to the Senior Citizen Center over there that is outside of North Elba but the agreement is that will provide x number of meals to the seniors. He stated it is more of a formal agreement with them.

Gail Meyer stated beyond the monitoring issue could the service that the skate park provides be recreation for Town of North Elba residents?

Supervisor Politi stated the only problem is we have is that we have a program that we operate here in conjunction with Saranac Lake and as you know Joe Provencha provides through Essex County the meals for those kids attending all of these programs. He stated I think it would be easier but I will have to talk to Larry which he happens to be here tonight about in kind services but certainly I would want you to know that if we are not doing something that has to be done at any given time we are happy to help you out.

Gail Meyer stated maybe in the future too could we come back and ask for a memorandum of support or a resolution from you in support of other funding that we might be seeking.

Supervisor Politi stated absolutely.

Gail Meyer stated if there were an appropriate in kind service that we could ask for in what format should that be presented to you.

Supervisor Politi stated a phone call. He stated we are always working with our neighboring municipalities if Saranac Lake has an issue the Town of North Elba would be there to help them out immediately. He stated them Town of Jay recently had a problem with tires in the river but in any event I know we went down and helped out in that situation and when we are paving the Town of Jay helps us.

Supervisor Politi stated another person that would be of great help to you is Butch Martin who runs the Youth Commission Program and so on and has a Park District crew who also can help out and at any time you need to do something or have a meeting room or have any time of an event or gathering you certainly are welcome to use our Town House facility in Saranac Lake because that is what it is there for.

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Peggy Willegar stated if it came at some point where having a monitor was something that the Village thought was important would it be possible that the Town is going to be able to contribute toward that?

Supervisor Politi stated I don't know how the Town and Village are going to do this quite frankly I don't know how they are going to get away with it without have a contract a contractual agreement with your organization such as Jon Fremente who is on the premises all the time monitoring what goes on directing activities and so forth.

Attorney Briggs stated I think the point about monitoring is that is the manifestation of the agreement in other words if you agree you get the terms in the agreement that someone monitoring is a service you get where if it is wide open then it is hard to draft a agreement for services when the service isn't there.

Peggy Willegar stated if they decide to go that way the service is an expense that might be shared by surrounding Town's.

Supervisor Politi stated Town's are not suppose to use public money to fund as a gift to organizations such as the one you are talking about. It is technically against the law however the way around it is to have these agreements in place formal agreements because then you are providing a public service and the public service agreement would have certain aspects and conditions that you would have to live up to.

Supervisor Politi stated net under Northwood Road speed limit reduction update I want you all to know that Denice received a letter and probably Larry received one too from DOT stating that they were acknowledging our request and they have initiated a study into the matter and will advise the results upon completion.

Attorney Briggs stated do we know what is the nature of the study?

Supervisor Politi stated I don't know I would have to ask Larry that question.

Larry Straight stated probably traffic control the number of cars traveling the road.

Supervisor Politi stated Ronnie you prepared this agreement for fuel services for the Town and Village for the update and the Village has requested that we meet with them and that is under new business they want to meet on the Ausable River Association but the mayor would like also to include this on the agenda because he would like to have a face to face meeting with his board members and all of us for them to talk about their thoughts and concerns. He stated he thinks it is in the best interest of all of us to do that.

Councilman Miller stated doe she have a problem with this?

Supervisor Politi stated no I don't think he does but I think there are other members of his board that would like to open this for discussion and they would like to hear from us.

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Councilman Damp stated I have a question I went to some meetings where we interviewed for a transportation co-coordinator and there was an agreement prior for that person then I read in the paper today that that is not the direction they are going in.

Supervisor Politi stated I heard it was Joe Boeve.

Councilman Damp stated that is who they offered it to then today that they are offering a split position to Angel to be trolley coordinator and grant writer.

Supervisor Politi stated I have no comment.

Councilman Damp stated I would be curious to see, maybe that could be a topic of discussion too I spent the better part of the day at meetings and we had an agreement.

Councilman Favro stated you were at the meeting pretty much as a stake holder right?

Councilman Damp stated I would like to see that on the agenda.

Supervisor Politi stated I am under the impression that on the fuel service agreement that there were no problems other then the issue that they want to discuss the reserve and why it should be such and such.

Supervisor Politi stated I want to move to the appointment of Bill Kissel as the Attorney for the Zoning Board of Appeals it has now been 14 days and he can be reappointed now pursuant to the issues in regard to retirement so there is no change in the terms and conditions and he is still acting as our Attorney but formally we need to make that appointment.

Councilman Rand moved and Councilman Favro seconded the motion to appoint Bill Kissel as Attorney for the Zoning Board of Appeals. There being no discussion the motion was unanimously carried.

Supervisor Politi stated under revised budget approval DEC/ORDA funding reduction that is a State aid reduction call that I got this week saying that the State of New York is reducing our State Aid to fund the payment to ORDA the off setting payment for us to ORDA it is for the member item grant was for special event promotions for Lake Placid. He stated the original State Aid that was budgeted was \$155, 250.00 the State is now telling us that they are going to reduce that State Aid by 6% to \$146,250.00 and they want us to revise the budget and they need a resolution stating that we are willing to accept that reduction from \$155,250.00 to \$146,250.00. he stated I really don't know if there is a lot we can do about it, it is a scenario where we probably don't want to complain to loud.

Councilman Miller stated so we're getting State Aid toward our contribution toward ORDA and we need to do a resolution to

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Supervisor Politi stated the State requires us to agree to modify the budget that was originally submitted in the amount of \$155,250.00 that was approved by probably the Board last year to the new amount which is what we are going to get which is \$146,250.00.

Councilman Rand stated what the Town's appropriation is, is all done under a formula.

Supervisor Politi stated we pay each year close to \$800,000.00 to ORDA and a number of years ago I believe Senator Stafford was able to secure a member item amount to off set the cost and it was specifically for special events promotion for Lake Placid and comes through DEC and that amount was a hundred and fifty some thousand and that amount was to off set the \$800,000. so it only cost the Town \$650,000.00.

Councilman Miller stated are we voting to accept the money or not?

Supervisor Politi stated to accept a reduction in the money.

Councilman Miller stated what choice do we have?

Supervisor Politi stated there are some things I could do if I wanted to we could reduce it by 6% and our next payment is due in a month and I could reduce their payment by 6% and say hey if you are reducing us by 6 we are going to reduce you by 6 but I don't know if you want to go in that direction.

Councilman Damp stated so we are going to absorb from the fund balance the difference the \$10,000.

Supervisor Politi stated it is about \$9,000.00.

Councilman Miller stated it will have to come out of this year's budget?

Supervisor Politi stated yes that is the unfortunate part you budget for it then you take it away and theirs not much you can do about it. He stated they are cutting State Aid everywhere. He stated these State Aid cuts are coming to everyone. He stated if this is something you want to discuss in executive session we will. He stated every year our contract of what we pay ORDA goes up about 3% that contractual agreement ends this year. He stated there is no contract in place after January 1st which needs to be addressed. He stated my personal opinion is if in fact the State is cutting aid

I don't know why we our payment should be increased every year by 3%.

Councilman Damp stated doesn't the contract or something I have read over the years identifies the amount.

Supervisor Politi stated it is identified in the contract but it is a separate contract from the ORDA contract.

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Councilman Damp stated so why would we then be obligated to go into our coffers for the \$10,000.

Supervisor Politi stated the aid is being cut by \$9,000.00 and the long term contractual agreement ending this year says we will pay x number of dollars.

Councilman Miller stated I just have a problem and I am sure you do to with the State trying to close their deficit by passing this on to the Localities and then we can't make the ends meet.

Supervisor Politi stated I don't disagree we have the same thing in the County level when the State says they are going to pull money out of the nursing home program who do you think pays for it.

Councilman Miller stated that is what I am saying this is one example and I wonder if it is worth a phone call to Betty Little and say I know the State has financial difficulties right now but passing the problem to the Localities isn't helpful to the taxpayer at all.

Supervisor Politi stated I don't disagree with you at all I talked to her over the weekend and I got the impression that look it is happening everywhere be happy it is only 6%.He stated I don't think we have a lot of choice next year they could say we get nothing. He stated I am always of that happening one thing I don't think we want as a community is to address attention that we are taking issue with the State on how much money we are receiving.

Attorney Briggs stated don't you have a contractual obligation to pay ORDA so this is a windfall and part of the windfall has been taken away but you are still committed as a Town to do what you said you are going to do.

Supervisor Politi stated absolutely.

Supervisor Politi stated the worse thing that could ever happen to this community was if ORDA wasn't here and the Town of North Elba had to take over the facilities.

Supervisor Politi stated I would much rather get Betty Little's ear at some point and say look it you took 6% away from us here but can you find it somewhere else if that is the case.

Supervisor Politi stated I would like to move forward and amend this budget to the lesser amount.

Councilman Miller moved and Councilman Damp seconded the motion to accept the motion as presented.

Supervisor Politi asked for a roll call vote: Councilman Miller; AYE, Councilman Favro; AYE, Councilman Damp; AYE, Councilman Rand; abstained as he is an ORDA employee and Supervisor Politi; AYE. The motion was unanimously carried with one abstention.

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Supervisor Politi stated the budget modifications total \$70,785.79 which is modifications from the general fund balance and the highway fund balance. He stated there was a \$45,000.

Amendment under the general fund for gas for the fuel distribution system we have just constructed the fuel distribution system to be shared by the Town, the Village and the School. He stated the work has been done but the tank needs to be filled with gasoline so everyone can have gasoline so the Town has up fronted the money for the gasoline because that was part of the agreement and that cost of filling the tanks was \$45,000. and we get paid back from the Village and the School as they draw it down.

Supervisor Politi stated \$45,000. was for gas for the fuel distribution system which comes out of the modification of the general fund, \$3,500. was for electric, the electric cost is a overage above and beyond the budget for last year that was established for that item and the next thing is \$14,944.94 was the additional cost of work to finalize the fuel distribution project including paving is that correct Larry? He stated in addition to that there was another \$7,340.85 which is a modification in the Town wide highway fund for gas and diesel. He stated the other budget changes are passed through are from the Park District there was \$3,022.13 for payroll adjustment which came from parks to off set that which has no effect there was a change form account to another of \$49.44 at Craig Wood \$36.22 for consumable supplies for the Park District and in any event the primary budget adjustments was the \$70,785.79 which will come out of the general fund balance and the highway fund balance.

Supervisor Politi stated are there any questions on that?

Attorney Briggs stated for this load of gasoline want was the price per gallon?

Supervisor Politi stated I don't know that.

Larry Straight stated I can't tell you that.

Councilman rand stated how big are the tanks?

Attorney Briggs stated you need to know that because that is how you charge the School and the Village.

Supervisor Politi stated we have it I just don't know it off the top of my head ,there is no question we have the number for it.

Larry Straight stated to answer your question Jay 6,000 diesel fuel 6,000 gas. He stated we need 3,000 gallons in the tanks just to get them on line.

Councilman Favro stated it is just balancing the books.

Supervisor Politi stated the other thing is we had originally allocated \$183,000. for fuel distribution system and it came in at \$203,000. because by the time we agreed to do it and by the time the project got started it was two years.

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Councilman Miller stated the \$45,000. was for how many gallons?

Larry Straight stated 3,000 gas and 3,000 diesel.

Councilman Miller stated so \$45,000 was for how many gallons? He stated so how much was that a gallon?

Supervisor Politi stated \$7.00 a gallon?

Larry Straight stated there may be gas in the temporaries in there too. He stated we had to continue filling the temporaries until the 6,000 gallon tanks came on line.

Supervisor Politi stated it could have been actually instead of six it could have been 12,000 gallons the tanks twice.

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 Damp moved and Councilman Favro seconded the motion to approve of the budget transfers as recommended. The motion was unanimously carried.

Supervisor Politi stated next is the union/non-union benefits this is something we have discussed in the past. He stated there was a resolution presented which was coordinated by Bob Miller with regard to treating union and nonunion employees the same in regard to employee benefits.

Councilman Miller stated I guess the language on the buy out was ambiguous and so I talked to Pam and it is now a little straight forward.

Councilman Miller moved and Councilman Favro seconded the motion to approve of the resolution approving the union nonunion benefits. There being no further discussion, the Supervisor called for a roll call vote: Councilman Miller; AYE, Councilman Favro; AYE; Councilman Damp; AYE Councilman Rand: AYE, Supervisor Politi; AYE, the motion was unanimously carried. The resolution is on file in the Town Clerk's office.

Supervisor Politi stated we need to set a date for this joint Town /Village meeting. He stated the Village has given us two dates which they want us to consider one is October 23rd the other is October the 29th and I may not be here on the 23rd. Supervisor Politi stated we will try the 29th.

Supervisor Politi stated this is really just housekeeping it is a resolution authorizing the execution of the Consultation Agreement for the Construction Observation & Administration of the Runway 14-32 Crack Repair & Drainage Improvement Project which is just started for the Airport the amount is \$4,476.00. the maximum amount payable under this agreement including the Consultant's fix fees shall be \$36,175.00.

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Councilman Favro moved and Councilman Damp seconded the motion to approve the resolution as stated for authorization for this. There being no further discussion, the motion was unanimously carried.

Supervisor Politi stated I received a call last week from Chip Bissell wanting to find out if the Town would agree to accept a gift of property that was owned originally by Nettie Marie Jones and I think that Chip owns it now and it is property located along the river corridor from the bridge at the Ski Jumps down almost to the red barn is the property it is somewhere between 14 and 15 acres and it is where the old bridle trail was, which connects it to the bridle trail system that goes to the Horseshow Grounds. He stated it was something that likely might go to tax sale. He stated that he wanted to find out if the Town would like to have it. He stated it does tie into the bridle trail system and I wouldn't know why we wouldn't want it. He stated it is not on the roadside it is on the sandpit side of the river.

Councilman Damp stated we own the land that butts up to it? He stated how do you access it?

Supervisor Politi stated you can access it right at the bridge right below the sandpit.

Councilman Damp stated I don't know why we wouldn't take it.

Supervisor Politi stated it protects the river corridor it also provides access for the horses there with the riding that goes on there at the Horseshow Grounds and it adds on to the property below the Airport where the runway is. He stated he wanted to know if the Town would have an interest in the gift.

Councilman Miller stated are there any draw backs to taking it?

Supervisor Politi stated the only thing is that I know is that the fishing rights were transferred to the State of New York some time ago so the public has access to walk in the river and on the bank there but they have that anyway. He stated no I don't know of any.

Supervisor Politi stated Ron do we have to have a resolution to accept it?

Attorney Briggs stated yes.

Councilman Rand stated do we need quadrants or anything?

Attorney Briggs stated he will give us a deed.

Supervisor Politi stated Ronnie will review it for us. He stated we can have a resolution subject to review of the Town Attorney on any title issues or legal issues.

Councilman Favro moved and Councilman Rand seconded the motion. There being no further discussion the motion was unanimously carried.

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Supervisor Politi stated our friend Eddie Yanchitis has requested through Jim Morganson's office that he would like to extend the current music performance permit he holds to include the next eight weekends which goes to approximately the 3rd of November.

Councilman Rand stated refresh my memory is that on a time basis or dusk basis?

Supervisor Politi stated I think it is 9 to 5.

Councilman Rand stated is this just weekends?

Councilman Damp stated the idea was to curb is it working?

Supervisor Politi stated obviously I haven't had a compliant all summer.

Councilman Damp stated he obviously is compiling with the rules.

Supervisor Politi stated this says weekends it does not say during the week.

Councilman Damp moved and Councilman Favro seconded the motion to extend weekends for the current music performance permit for weekends till November 3rd for Ed Yanchitis. There being no further discussion, the motion was unanimously carried.

Supervisor Politi stated in 2007 the board resolved that the general fund budget be amended to provide for funding of the capital project for the fuel dispensing system of \$185,864.00 we now know the cost is \$203,829.67 do we need to amend this resolution to the new figure of \$203,829.67?

Attorney Briggs stated I don't think you have to legally but for reference for the project.

Supervisor Politi stated I was thing about the Comptroller's Office.

Attorney Briggs stated it makes the record clear.

Supervisor Politi stated I would like to have a resolution amending this original Capital Project cost for the construction of the fuel dispensing system from \$185,864.00 to the now know cost of \$203,829.67 now that is has been constructed with the same terms and conditions as applied under the prior agreement between the Village and the School.

Councilman Damp moved and Councilman Favro seconded the resolution amending the original 2007 resolution for the fuel dispensing system from \$185,864.00 to \$203,829.67. Supervisor Politi called for a roll call vote; Councilman Miller; AYE, Councilman Favro; AYE Councilman Damp; AYE, Councilman Rand; AYE and Supervisor Politi; AYE. There being no further discussion, the motion was unanimously carried.

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Supervisor Politi stated the other thing I want to ask you all about I was going to ask Chuck this is the Firetech Sprinkler Corp. contract for \$475.00 for inspections and so forth and you know more about this then I do.

Councilman Damp stated you have to the sprinklers regularly inspected to make sure it is properly functioning.

Supervisor Politi stated Cathy wanted me to ask and I knew that you would know because I certainly don't.

Councilman Damp stated it is necessary plus it is a good thing to do. He stated you have a sprinkler system and your relying on it I would do it.

Supervisor Politi stated I wasn't familiar with the company. He stated I will sign it.

Supervisor Politi stated does anybody have anything else.

Councilman Miller stated are we at some point going to discuss the criteria for retiree eligibility for insurance?

Councilman Damp stated I would think we would do that as part of the budget.

Supervisor Politi stated Pam is working on the numbers.

Councilman Miller stated I am talking about where it says ten years for employees and does not differentiate between full time and part time employees.

Councilman Damp stated I thought we cleaned that up.

Supervisor Politi stated I think we did that. He stated what was the rule it was something it was a percentage like 80 %. He stated I know Pam was working on that.

Councilman Damp stated I was under the impression that when we did the thing with the professional appointees that we cleaned up the language there.

Supervisor Politi stated in any event I will talk to her tomorrow and will bring it to the next workshop there is nothing wrong with that discussion.

Supervisor Politi stated Jacob you asked me about why the Town hadn't paid on some of these article 7's and Ronnie will tell you.

Attorney Briggs stated it happened some time ago that the County will reimburse the Town's portion so the County has the check.

Supervisor Politi stated you wanted some other numbers. He stated you wanted to know what was budgeted in 2008 for tax certiorari's in the event the Town had to pay money for an over

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assessment settlement for 2008 the Town budgeted \$25,000. and to date has paid out \$4,500. in 2007 we budgeted \$50,000. and for reason I didn't write down the amount but we didn't spend anywhere near it it was only again like \$5,000 was used in 2006 the Town budgeted \$80,000. and they used \$11,500. he stated these numbers are somewhat misleading and the reason there misleading is because you may have a tax certiorari that goes 5 years so you may only pay out \$5,000. which shows on the budget but in the 5th year it goes to court and you end up paying out \$20,000. of which you would then have to go back and allocate between years. He stated the budget in 2006 was \$80,000. nothing was used they dropped it to \$50,000. nothing was used they dropped it this year to \$25,000. and really nothing has been used and usually is an indication that there aren't a lot of tax certiorari's because if there were a lot of tax certiorari's you would have to have a lot of money set aside so at least the trend has been that it has dropped in recent years.

Councilman Damp stated we also reduced the legal allocation for defense along with that sort of trending if I am not mistaken.

Supervisor Politi we also did that that is one of the reasons we hired Bill Kissel and Tim Smith so we could reduce the outside costs on zoning issues.

Supervisor Politi stated with tax certiorari's and I do this all the time because it is my business you are not going to get everyone right and not every assessment is right that is for sure and sometimes you have these situations and ultimately we try and resolve these tax certiorari article 7's in such a manner that the Town, Village and School do not have any monetary costs that have to be paid out we try to settle them so that the prior cases are dropped and we settle the case in the given year. He stated I think that has been pretty much the case Ronnie this year the majority of our cases we have settled prior years.

Attorney Briggs stated the trend in negotiating these settlements is to accept the settlement at a prospective reduction which alleviates the need for writing a check for those previous years so that's how counsel has been directed to negotiate settlements so in going forward I think that is the goal but there are occasions where that can't happen.

Supervisor Politi stated the other thing you have to understand is in these tax certiorari cases is that you have to prepare for those cases not only by having legal counsel prepare but you also have to do appraisal work. He stated the appraisals that are necessary in most of these commercial cases can cost anywhere from \$15,000. to \$25,000. and when you consider that cost and you weigh that cost along with what the potential legal costs are for that case you can quickly come to the consideration as to what is best to try and settle that case or to spend the taxpayers money. He stated if it is going to cost you more then it is worth settling then you settle it fast.

Supervisor Politi stated does that answer your questions?

Jacob Resneck stated have the McKenzie Pond people sued you guys yet?

Supervisor Politi stated we have had a number of meetings with them and the last meeting they had hired an engineer and the engineer had to prepare documents for the bid process.

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Jacob Resneck stated are they planning on doing any work this year?

Supervisor Politi stated I doubt their doing any work this year they said they were going to be here I thought this meeting but I never heard from them.

Councilman Rand stated could we put the energy conservation study by NYPA on old business from time to time. He stated what are we going to do about the thermostats?

Supervisor Politi stated we will put it in the budget and do it after January.

Supervisor Politi stated if we are going to do an energy conservation study we are going to have to do a RFP and somebody is going to have to write it maybe Ivan can do it.

Supervisor Politi asked for a motion to approve the audits as per the audit numbers as follows: 81400; 81422-81533; 81554-81566; 81568-81577; 81580-81651; 81672-81673; 81675-81729.

A FUND	156,056.46	31,674.60
DA FUND	5,763.97	5,534.70
DB FUND	1,427.12	-
H43 2008 AIRPORT CAPITAL PROJECT	39,774.13	-
H44 SOCCER FIELDS	24,080.92	4,174.04
H45 FUEL DISPENSING SYSTEM	2,191.21	-
SF2 FIRE PROTECTION	-	38,631.21
SP PARK DISTRICT	461,866.85	22,647.76
SW2 MCKENZIE WATER DISTRICT	-	67.10
SW3 RAY BROOK WATER DISTRICT	6,114.16	688.19
T TRUST&AGENCY	-	140.00
Totals	697,274.82	103,557.60

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

Supervisor Politi stated does anyone have any county issues. He stated the thing that is going on and you know that I have talked about is the sales tax issue it has to be approved by the Legislature whether it goes through or not I don't know.

There being no further business to be brought before the Town Board at this time, Councilman Damp moved and Councilman Favro seconded the motion to adjourn at 8:20 p.m.

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Respectfully submitted,

Denice Fredericks, Town Clerk