

TOWN BOARD MEETING

TUESDAY, FEBRUARY 14, 2017

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

Members Present: Supervisor Politi, Councilman Miller, Councilman Doty, Councilman Rand, and Laurie Dudley

Members Absent: Councilman Favro

Others Present: Attorney Ron Briggs, Larry Straight, Antonio Olivera

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

Supervisor Politi asked for a motion for the minutes of the Board meeting on January 10, 2017

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

JIM MCCULLEY

Councilman Miller spoke to Jim and sent him a copy of the letter and said we would send out a notice to people in the future. He thought that was a wonderful idea and there was no need for him to come here tonight.

APPROVE – SL FIRE CONTRACT

Supervisor Politi – The Fire Contract this year is in the amount of \$42,524.11 which is up approximately \$4,000 from 2016.

Councilman Doty moved and Councilman Miller seconded the motion to approve the Saranac Lake Fire Contract as presented.

Councilman Doty – There should be a comment for the record to recognize that we have gone into double digit inflation yearly and instead of a more modest increase. We are concerned about the rate at which it is climbing.

Supervisor Politi – Unfortunately Jack is out of town. He attended those meetings so I don't really know why the large increase.

Councilman Miller – It would be nice to know their budget increase vs. our share.

Supervisor Politi – Point well taken for the record.

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

TOWN BOARD MEETING

TUESDAY, FEBRUARY 14, 2017

CURTIS LUMBER FIRE – COUNCILMAN DOTY

Councilman Doty – On a side note, when Jack does come back, I want to remember to ask him how our Ray Brook system held up in the Curtis Lumber fire. We adequate water and new hydrants however they are all on a series. We don't have a loop in Ray Brook. When two pumpers hook on to two hydrants, it can deplete the line and the pumps can't keep up.

Supervisor Politi – Brad might know about bleeding the well

Councilman Doty – The guys running pumpers would know although they do go together. The guys at the fire would know right away.

Councilman Doty discussed a dry hydrants and Jack thought they were not effective. Superintendent Straight noted they tried dry hydrants a few years ago and the State would not allow it on the Old Ray Brook Road or Wolf Pond Road. There was a grant years ago and the Town could not find a place to put it.

Councilman Doty - With our prospective deal with the State Prison and improving our waterline, we can create a loop which will solve that major fire problem.

APPROVE – RESOLUTION – DESTRUCTION OF TOWN RECORDS

Supervisor Politi – Cathy Edman asked us to approve a Resolution for the destruction of Town records.

Councilman Doty moved and Councilman Miller seconded the motion to approve a Resolution accepting the destruction of Town records provided by Cathy Edmond. There being no further discussion, the motion was unanimously carried.

DECLARATION – MAY BUILDING SAFETY MONTH

Supervisor Politi – I received a request for a declaration denoting May as Building Safety Month.

Councilman Miller moved and Councilman Doty seconded the motion to approve May as Building Safety Month. There being no further discussion, the motion was unanimously carried.

SHARED SERVICE AGREEMENT – NYS DOT

Supervisor Politi – We talked about the Shared Service Agreement with NYS DOT for a two year term. They would like the Municipal governing body authorize the Highway Superintendent to recognize and work with the State for shared services in case of emergencies with regard to equipment, repairs and material.

TOWN BOARD MEETING

TUESDAY, FEBRUARY 14, 2017

Councilman Rand moved and Councilman Miller seconded the motion to approve the Shared Service Agreement with NYS DOT. There being no further discussion, the motion was unanimously carried.

POLICY RESOLUTION – FIREWORKS

Supervisor Politi – We discussed a Policy Resolution with regard to firework. The request for fireworks is getting out of hand. Everyone wanting to put on fireworks for every occasion; weddings, birthdays and fundraisers for service organization. We have enough fireworks with regard to sporting events. This Resolution is about controlling the fireworks and designating which are acceptable. The Policy Reads:

That all fireworks displays in the Town of North Elba require a permit approved by the Code Enforcement Office and either the North Elba Town Board.

That only the following fireworks displays shall qualify for a fireworks permit outside of the Village boundaries:

- A community or ORDA sponsored sporting event
- Any public celebration which benefits the community as a whole i.e.: Fourth of July, Centennial Celebration or special event endorsed by the Town Board
- Any corporate event sponsored by ORDA or ROOST which is approved by the Town Board

Fireworks permits shall **not** be issued for any private event such as weddings, parties, birthdays, anniversaries or fund raisers or for service organizations, neighborhood associations or corporate functions other than noted above.

All fireworks displays will require the necessary permits, licenses and insurance and may only be carried out by a professional fireworks entity.

Councilman Miler – What is the penalty if someone does put on fireworks?

Supervisor Politi – I didn't put that in here because it requires a Law. This is just a policy. Ron would have to take this and attach to it a civil penalty.

Attorney Briggs – They are working on some amendments to the Land Use Code. We can slip it in there and have a penalty provision as an unclassified misdemeanor

Supervisor Politi - I think it should be \$500 and \$1,000 and up. We had members of an organization that did it on Lake Placid.

Attorney Briggs – There has to be some teeth to it besides the fine. Some people might look at the fine as the cost of doing business. It has to be attached to the Unclassified Misdemeanor.

TOWN BOARD MEETING

TUESDAY, FEBRUARY 14, 2017

Supervisor Politi – We do have a segment of the population that has a wedding that costs \$100,000. For those people, \$1,000 fine is nothing. It does have to have a criminal attachment to it.

Attorney Briggs – Other than a misdemeanor, we could give it teeth and say the property owner in addition to the people who are doing it. People at the Lodge might be a little nervous about it.

The Board agreed that the policy was common sense and that it was important to follow up with the fines.

Supervisor Politi moved and Councilman Rand and Councilman Doty seconded the motion to approve the Fireworks Policy as presented. There being no further discussion, the motion was unanimously carried.

Attorney Briggs will follow through with adding the law and fines to the Land Use Code.

APPROVE ROAD NAME – SUGAR RUN WAY

Supervisor Politi – We have a request to approve the road name “Sugar Run Way” which is the unfinished road that attaches Old Military Road and the Town Road in Fawn Ridge.

Councilman Rand moved and Councilman Doty seconded the motion to approve the road name “Sugar Run Way”. There being no further discussion, the motion was unanimously carried.

Councilman Rand stated it is a perfectly sweet name for Valentine’s Day!

CREATION OF “BUILDING INSPECTOR III” TRAINEE POSITION

Supervisor Politi – We have to create a new position of Building Inspector III Trainee per Essex County Personnel office and Civil Service. This is creating a new position within the Town. It is a competitive position within the class. Trainees will receive on the job training while performing duties under the professional nature and under close and continuous supervision of the building inspector. The trainee appointment is for a period of 1 year following incumbents receiving satisfactory ratings will be advanced to the title of Building Inspector III. We cannot hire someone unless we do this.

Councilman Doty – It is competitive. Are there any other inspector III Trainee positions in our County where our choice for this position could be overlooked?

Supervisor Politi – We checked and there is no one on the list.

Councilman Doty moved and Councilman Rand seconded the motion to approve the creation of Building Inspector III Trainee position. There being no further discussion, the motion was unanimously carried.

TOWN BOARD MEETING

TUESDAY, FEBRUARY 14, 2017

APPOINTMENT OF MICHAEL ORTICELLE – BUILDING INSPECTOR III TRAINEE

Supervisor Politi – Now that we have made the position, we have a recommendation from the interview committee; Jay Rand, Jack Favro, Art Devlin, Mayor Randall, Paul Ellis and Jim Morganson to appoint Michael A. Orticelle to serve in the position of Building Inspector III Trainee at a salary of \$62,000 a year with no health benefits. Is that right Jay?

Councilman Rand – The Mayor and I were away when you made the decision. We got the message over there that Orticelle had been selected. We didn't have a problem with it

Councilman Miller – Will he belong to our retirement system?

Supervisor Politi – No he is not. He is a former Joint Review Board member and worked for a long time at North Country Community College, Chairman of the Ethics Board for Essex County and is presently serving in the NYS Division of Criminal Justice Services in Albany.

Councilman Miller – He is a retired Police Officer. Many of us here know Mike. He's outstanding.

Supervisor Politi asked for a motion.

Councilman Doty moved and Councilman Rand seconded the motion to approve Michael Orticelle as Building Inspector III Trainee. There being no further discussion, the motion was unanimously carried.

APPROVE CIVIL SERVICE WAIVER REQUEST FOR REHIRE

Supervisor Politi – Cathy Edmond gave me a Section 11 of CSC1 waiver request.

Attorney Briggs – She filled it out and sent it to me. I thought it was in proper form. It was good and done properly.

Supervisor Politi – This is to allow Jim Morganson to seek a waiver allowing him to work beyond his cap of \$30,000 in the event it is necessary in training Mr. Orticelle. It is my understanding is that from time-to- time they do grant those although it is not a sure thing.

Attorney Briggs – You are seeking a waiver from the rule that says you cannot receive more \$30,000 in a year if you are retired.

Councilman Miller – It is because we have a need.

Supervisor Politi – In order for Mike to become a Building Inspector III in training, he needs to be under the supervision of a Building Inspector III now. The paperwork is done and Cathy has asked to bring it forward.

TOWN BOARD MEETING
TUESDAY, FEBRUARY 14, 2017

Councilman Doty moved and Councilman Rand seconded the motion to approve the Shared Civil Service Waiver request for rehire of James Morganson for training purposes. There being no further discussion, the motion was unanimously carried.

The Board discussed the Villages financial commitment to the Building Office budget. Paul Ellis has called Supervisor Politi to discuss a formula to determine what Village will contribute.

Supervisor Politi – I suggested 50% for Building office and 50% of the fire department budget...he didn't laugh.

PERSONNEL HIRES – SEASONAL

Supervisor Politi asked for approval of the following seasonal employees for the toboggan run at the listed rate of pay. These are recommendations from Butch and Jessica.

TOWN OF NORTH ELBA
PERSONNEL ACTIONS FOR BOARD MEETING January 10, 2017

ACCEPT RECOMMENDATION OF NEW HIRE:

NAME	POSITION	Date of Hire	UNION CLASSIFICATION	RATE OF PAY	CIVIL SERVICE CLASSIFICATION
Brandon Miner	Laborer for Toboggan Slide	2/11/2017	n/a	\$10.00/hr	labor
Bryce Paries	Laborer for Toboggan Slide	2/11/2017	n/a	\$10.00/hr	labor
* Recommendation:	Butch Martin/ Jessica Scriver				
Michael Orticele	Building Inspector III Trainee	3/6/2017	n/a	\$62,000/annual	competitive* provisional appt.
*Recommendation:	Jack Favro/ Town Board				

ACCEPT RETURNING SEASONAL EMPLOYEE APPOINTMENTS

NAME	POSITION	DATE OF HIRE	UNION CLASSIFICATION	RATE OF PAY	CIVIL SERVICE CLASSIFICATION
Spencer Pratt	Laborer for Toboggan Slide	2/11/2017	n/a	\$10.25/hr	LABORER
Austin Pratt	Laborer for Toboggan Slide	2/11/2017	n/a	\$11.25/hr	LABORER

Councilman Doty moved and Councilman Miller seconded the motion to approve the Seasonal personnel as written and presented. There being no further discussion, the motion was unanimously carried.

REQUEST FOR DEAF SIGN – JERSEY DRIVE

Supervisor Politi – We received a request for deaf signs for an occupant of the Mountain Lake Services facility at 22 Jersey Drive in Averyville. I have spoken to Larry Straight about this.

Councilman Doty moved and Councilman Miller seconded the motion to approve the “Deaf Person” signs on Jersey Drive. There being no further discussion, the motion was unanimously carried.

TOWN BOARD MEETING

TUESDAY, FEBRUARY 14, 2017

BIO-DIGESTER (BACKUP MONITORING/CONSULTING AGREEMENT)

Supervisor Politi gave Attorney Briggs the Backup Monitoring Agreement for The Biodigester for 2018.

Attorney Briggs – We will get a provisional agreement of completion for 2018 which is not a problem. The question is in the agreement they talk about the Town paying \$20,000 per year for the service if there is no grant but if there is a grant it is \$30,000 per year.

Councilman Miller – It is because they want a portion of that grant money.

Attorney Briggs – Apparently. It then goes on to say the cost and expenses get passed on to us which is unclear and uncertain. My question to you is, the way we protected ourselves in the BIOfirm agreement we said that any obligation to pay them anything comes from grant money and grant money alone. Are we doing the same thing with this monitoring?

Councilman Doty – No, because that is a straight maintenance deal that is after the fact. They are going to monitor what is there. Before we get our occupancy certification, we may want to buy extra parts. This moving forward is the cost of doing business.

Councilman Miller – That is strictly our cost for them to monitor it for us. Then we are going to provide a half-time employee which I talked to Stephan about that today asking what the qualifications of the person. He is going to provide us with a wish list. Hopefully we have somebody down there already that can do that. If we don't, we may have to hire a part-time employee.

Supervisor Politi – It needs to be pointed out that it is only \$20,000 and \$30,000 that is based on 900 tons. If it goes over 900 tons then is \$10 per ton more.

Councilman Miller – It is our hope that we get into that because we have more income. They just want a portion of it.

Councilman Doty – We haven't got into the situation of whether an internship from Clarkson can work.

Councilman Miller – We are exploring if Clarkson University can provide us with the help which gives them credit. If we get this grant, it will help us pay for the person that person who is down there. Their thought is that they will provide for the grant if they can share in the benefit.

Supervisor Politi – This is just the monitoring agreement. We can talk about the grant later. What do you want to do with this? Have you made your decision? Is this something to be approved now or later?

TOWN BOARD MEETING

TUESDAY, FEBRUARY 14, 2017

Attorney Briggs – You can approve it now subject to Leigh Pollock’s advice of the insurance provision. Now that you clarified the payment, which I was unclear on, I think you should approve it.

Councilman Doty – We should probably not sign this agreement before the contract with BIOfirm for the Biodigester.

Attorney Briggs – We can approve this and not do anything with it until the other contract is processes. I am okay with the other contract. I signed off on it.

Councilman Miller – We also have to approve the contract with BIOfirm.

Attorney Briggs – I thought we did that quite awhile ago but we can do it again. It was never signed.

Supervisor Politi – The approval of this contract for the monitoring is subject to your modifications as so noted. The delivery of this contract will be made simultaneous with the delivery of the BIOferm contract.

Councilman Miller - BIOferm is waiting on us to approve the contract. I did not want to present that to the Board until we had the maintenance agreement.

Supervisor Politi Along with the approval of the monitoring agreement we will also approve the BIOferm agreement which is a construction and equipment agreement.

Councilman Doty – Bob and I held this up for about three extra months until we could get these Clarkson folks onboard. They are a saving grace for sure.

Councilman Miller moved and Councilman Doty seconds the motion to approve the BIOfirm agreement and the Monitoring agreement subject to the insurance review. There being no further discussion, the motion was unanimously carried.

RESOLUTION OF MUNICIPAL SUPPORT – BIODIGESTER GRANT

Supervisor asked for approval of the biodigester grant naming the Town of North Elba as the sponsor for the grant with USDA.

The working administrator is Clarkson and they will be working with Cathy Edman.

Councilman Miller moved and Councilman Doty seconds the motion to approve the Biodigester grant naming the Town of North Elba as the sponsor. There being no further discussion, the motion was unanimously carried.

BUDGET ADJUSTMENT CLOSE- OUTS

TOWN BOARD MEETING
TUESDAY, FEBRUARY 14, 2017

Supervisor Politi asked for approval of the closeout budget adjustments which are housekeeping items.

FEB 2017 BUDGET AMENDMENTS 2/14/2017 for 2016 YEAR END EXPENDITURES TO BE approved at 2/14/2017 board meeting

ACTION	ACCOUNT	DESCRIPTION	AMOUNT	REFERENCE	ADDITIONAL INFO
INCREASE EXPENDITURE	A.8010.0445.88	CODE ENFORCEMENT LEGAL NOTICES	558.08	VCHR 170337	PRESS REPUBLICAN ADVT FOR CODE ENFORCEMENT POSITION
DECREASE EXPENDITURE	A.9030.0800	SOCIAL SECURITY	(558.08)		
INCREASE EXPENDITURE	A.8160.0449	TRANSFER STATION NON PROFESSIONAL SERVICES	13,907.22	VCHR 170140	dec 2016 trash transported
DECREASE EXPENDITURE	A.8160.0200	TRANSFER STATION EQUIPMENT	(13,845.16)		
DECREASE EXPENDITURE	A.8160.0101	TRANSFER STATION PERSONNEL SERVICES	(62.06)		
			<u>(0.00)</u>		

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

COMMITTEE REPORTS – TOBOGGAN CHUTE

Supervisor Politi – The Toboggan was up and going. They made approximately \$4,800.

Councilman Doty – I have to hand it to the guys getting it ready. The runs were all set and they lost everything. They finally got the 18” of snow off the lake and then a thaw with a freeze.

Supervisor Politi – It went well. There were two ambulance calls. There are signs that say, do not slide if you have a bad back.

Councilman Doty – Two issues to finish at the toboggan chute this summer; the windows around the top and a lever system they redesigned.

Supervisor Politi – I wish there was an easy way to transfer from the end of the slide to the lake. It is a jolting transition.

Councilman Rand – Right now it is like a ski jump

The Board discussed different ways to adding a piece at the end to round off the transition to the lake and suggested Ivan Zhadrak take a look as well as the videos posted online which really shows what a good time they have on the slide. They will have to work the bugs out of it.

COMMITTEE REPORTS - HOCKEY BOX REPAIR

Councilman Doty – We are starting talks on the hockey box. It will be a week or two before we have realistic numbers. I have been in contact with Marc Bimonte. We will schedule meeting so Butch can be there.

TOWN BOARD MEETING
TUESDAY, FEBRUARY 14, 2017

COMMITTEE REPORTS - TRANSFER STATION- CASELLA CONTRACTS

Councilman Doty- When Jack gets back, we can schedule time to meet with you Larry regarding the Casella proposal on C&D. Then we will look at the proposal in recycling. We will have to get Cathy involved.

MEDICARE TRANSPORTATION COSTS

Supervisor Politi – When the Essex County was providing transportation for Medicare patients, the cost was \$200,000 per year. The State of New York stepped in and said they were taking it over. The first year was \$300,000. Today, four years later, the cost is \$3.2 Million. That is an 800% increase in 4 years. They can't provide the service so they are paying taxicabs around Essex County and charging too take people to the hospital. What they found out is that they are taking people and receiving money from the cabs to make sure they are called again for a ride. What is going on is a crime. They are also doing drug deals. That's \$3.2 Million dollars just for Essex County. I will address the Governor's office on Thursday.

Attorney Briggs – It is just shocking.

Councilman Doty – Are there any arrest warrants out?

Supervisor Politi - The State police are furious that they are allowing them to transport people. It is a big problem in Moriah and Ticonderoga. It is rampant. We are passing a new law to control taxicabs.

Councilman Doty – Why don't you use the Elizabethtown health center for transportation?

Supervisor Politi – We can't do it. The state won't let the County's do it anymore. They feel that they can do it more efficiently!

Councilman Doty – If this is only Essex County, can you only imagine what the entire state cost is.

APPROVE AUDITS AS PER AUDIT #'S

Supervisor Politi asked for approval of the Audits

TOWN OF NORTH ELBA
CLAIMS APPROVED FOR PAYMENT 02/14/2017

	<u>Regular</u>	<u>Prepaid</u>	<u>Totals</u>
A FUND GENERAL FUND	224,118.92	45,470.75	269,589.67
B FUND GENERAL OUTSIDE VILLAGE	4.99	45.33	50.32
DB FUND TOWN OUTSIDE VILLAGE HIGHWAY			

TOWN BOARD MEETING
TUESDAY, FEBRUARY 14, 2017

	32,392.01	63,993.99	96,386.00
H12-OBSTRUCTION	761.61	-	761.61
H17-TOBOGGAN SLIDE	58,607.33	-	58,607.33
SF1- FIRE PROTECTION DISTRICT1	241,452.45		241,452.45
SF3-FIRE PROTECTION DISTRICT 3	92,701.98		92,701.98
SP PARK DISTRICT	51,916.94	25,083.20	77,000.14
SW3 RAY BROOK	1,276.27	73.80	1,350.07
T TRUST & AGENCY	\$ -	29,209.36	29,209.36
	\$ 703,232.50	\$ 163,876.43	\$ 867,108.93
<hr/> <hr/>			
Batch 1702-1706			
162776; 170100-170152; 170179-170213; 170216-170224; 170226-170264; 170266-170291; 170318-170328; 170334-170335; 170337-170350			
	\$ -	\$ 53,399.34	\$ 53,399.34
Batch 999 (Payroll & Health Reimbursement Arrangement)			
170076-170099; 170153-170178; 170214; 170225; 170329			
Batch - HELD			
DELETED VOUCHERS:			
162386; 170215; 170336		\$ -	\$ -

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

EXECUTIVE SESSION

Councilman Miller moved and Councilman Doty seconded the motion to go into Executive session for the purpose of discussing a personnel action at 8:10 PM

Councilman Doty moved and Councilman Rand seconded the motion to come out of executive session at 8:27 pm.

ADJOURNMENT

TOWN BOARD MEETING

TUESDAY, FEBRUARY 14, 2017

There being no business transacted during Executive Session and no further business to come before the Town Boards, Councilman Doty moved and Councilman Rand seconded the motion to adjourn the meeting at 8:29 pm.

Respectfully Submitted,

Laurie Curtis Dudley
Town Clerk