

**TOWN BOARD MEETING**  
TUESDAY, AUGUST 8, 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:** Councilman Rand, Councilman Favro, Councilman Miller, Councilman Doty, and Laurie Dudley

**Members Absent:** Supervisor Politi

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

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

**MIKE ORTICELLE – HOSPITAL SITE AT UHLEIN UPDATE**

Mike Orticelle informed the Town Board of the Lake Placid Hospital project progress. They will be cutting trees from 7am–7pm and using the chipper starting at 8am. They will start construction at 7am and work until 9pm.

Councilman Miller - I did not realize the Town Ordinance approves construction as early at 7am. I think we need to take a look at that.

Mike Orticelle – No one will work there on Sunday's and Saturday's are iffy. Most local contractors do not start until 8am as sensitivity to the neighbors.

The Board was grateful for the update which will be helpful should they receive calls from neighbors.

**PASS RESOLUTION AND ORDER RAY BROOK WATER**

Councilman Rand – We had the public Hearing regarding the water distribution system improvements in the Ray Brook Water District, including replacement of the existing 150,000 gallon water storage tank with a new 250,000 gallon reinforced concrete storage tank and replacement of all substandard distribution piping, and together with fire hydrants and reconnection of all existing water services, in order to elevate the entire District facilities into compliance with New York State Department of Health standards.

Councilman Miller moved and Councilman Doty seconded the motion to approve the Resolution and Order for the Ray Brook water district water Storage tank and hydrants. There being no further discussion, the motion was unanimously carried.

**Roll Call Vote:** Councilman Doty; Aye, Councilman Favro; Aye, Councilman Miller; Aye, Councilman Rand; Aye

**PASS BOND RESOLUTION RAY BROOK WATER**

Councilman Rand read an excerpt of the Bond Resolution.

Town Board of the Town will consider a bond resolution authorizing the issuance of its general obligations in an amount not to exceed \$2,212,600 pursuant to the Local Finance Law to finance the cost of the proposed improvements. Funding for the proposed improvements, however, is expected to be provided by a Water Infrastructure Improvement Act Grant to be received from the New York State Environmental Facilities Corporation.

Councilman Favro moved and Councilman Doty seconded the motion to approve the Bond Resolution for the Ray Brook water district water storage tank and hydrants. There being no further discussion, the motion was unanimously carried.

**Roll Call Vote:** Councilman Doty; Aye, Councilman Favro; Aye, Councilman Miller; Aye, Councilman Rand; Aye

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**APPROVE PUBLISHING OF THE NOTICE OF BOND RESOLUTION**

Councilman Rand – We need to publish a notice of the Bond Resolution.

Councilman Favro moved and Councilman Doty seconded the motion to approve the Publishing of the Bond Resolution for the Ray Brook water district water storage tank and hydrants. There being no further discussion, the motion was unanimously carried.

Councilman Doty – If our initial grant doesn't come through, how long does the bond stay in effect. Do you have a year?

Attorney Briggs – The resolution authorizes that and you have more than a year. It most likely says it in the bond.

**DECISION REGARDING DIRECTION OF BIO-DIGESTER**

Councilman Miller – Derek and I had a conference call with the CEO of BIOfirm which is the vendor for the biodigester. He informed us that that they are not going to deliver the biodigester at the contracted price. There was an expectation from the company that we have to do site work that we didn't count on earlier, and they proposed giving us a used system from Italy and not the one we had counted on. Most importantly, he advised us that any system under \$2 Million, this was \$1.3 Million; you were going to have issues and without significant cash reserves you will be underwater. For that reason, I would like us to pass a resolution saying we are not going to use the grant money for this project with this company at this time. .

Attorney Briggs – BIOfirm and the Town signed a contract and they were going to deliver a certain biodigester. They have a clause in the contract saying if they can't deliver on the agreed price, they can walk away. The resolution would add, the contract with BIO firm is terminated.

Councilman Miller moved and Councilman Doty seconded the motion to approve a resolution terminating the contract with BIOfirm and the grant money will not be used for this biodigester project. There being no further discussion, the motion was unanimously carried.

Councilman Favro – This is basically because we cannot afford to be \$100,000 - \$200,000 more. I called Cathy today about the expected 2018 Tax Cap and we will have about \$93,000 leeway in our budget. Health Insurance eats that up pretty fast.

Councilman Miller – We worked on this for five years. For five years we were crystal clear to the vendor that we needed grant moneys to carry us through. We had to hire an employee at 24 hrs a week. We needed to hire the gentleman out of Clarkson to help guide us and provide their intellectual knowledge. We made it clear that the project had to be covered by the grant. It wasn't until the 11<sup>th</sup> hour that we were told it would be a minimum of \$250,000.

Attorney Briggs – Not only did you make it clear, it is in the written contract. They signed a binding written contract. Your commitment was to provide the grant and no more than that. They agreed to deliver a biodigester and would accept that payment. They had the legal right, under their contract, to terminate the contract if they could not deliver. That is what they did.

Councilman Rand asked if there is any further discussion regarding the biodigester.

Councilman Miller – I would like to move on from BIOfirm. Derek and I spoke with ANKA and NYCERTA last week and spoke to Roby about it today. We still think this project is important and valuable to the Town. I would like permission from this Board to continue seeking a way to recycle foot waste while working with ANKA, NYSERTA and the gentleman from Clarkson. What are your thoughts?

Councilman Rand stated it is a good project and would like to see where it goes. Councilman Favro agreed.

Councilman Doty – We are hoping there is additional funding. We are also finding out alternative processes to handle organic waste. It is not just done by a Biodigester.

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Councilman Miller – It is important for people to understand, we are not walking away from the idea of problem solving organic waste in the landfill. We are walking away from is a corporation who told us they cannot deliver the goods that they promised.

**APPROVE MINUTES**

Councilman Rand asked for a motion for the minutes of the Board meeting July 11, 2017 and the Public Hearing on June 26, 2017.

Councilman Favro moved and Councilman Miller seconded the motion to approve the July 11, 2017 and the Public Hearing on June 26, 2017 minutes as written and presented. There being no further discussion, the motion was unanimously carried.

**APPROVE OUT OF DARKNESS WALK FOR 10/1/17 ON OVAL**

Councilman Rand asked for approval of the North Country Out of the Darkness Walk on Sunday, October 1, 2017 at the Olympic Oval. They have approval from the Lake Placid School District and ORDA.

Councilman Doty moved and Councilman Favro seconded the motion to approve Out of the Darkness Walk on Sunday, October 1, 2017. There being no further discussion, the motion was unanimously carried.

**APPROVE ROAD NAME CHANGE - PINNACLE WAY**

Councilman Rand asked for approval of a road name change in Grouse Creek Development. The current name is 72 Frazier Way and the requested change is 2 Pinnacle Way. The Fire Department and Emergency Services have approved the Road name change.

Councilman Favro moved and Councilman Miller seconded the motion to approve the road name Pinnacle way. There being no further discussion, the motion was unanimously carried.

**BUDGET AMENDMENTS**

Councilman Rand asked for approval of the Budget adjustments stating the \$25,000 is for the bid package for the FISU Games which is in collaboration with LP Village, Wilmington, Essex County and the Uihlein Foundation. The other adjustment is for Mike Orticelle training. It is all coming out of Fund Balance.

AUG 2017 BUDGET AMENDMENTS			08/08/2017		
ACTION	ACCOUNT	DESCRIPTION	AMOUNT	REFERENCE	ADDITIONAL INFO
INCREASE EXPENDITURE	A.1982.0444	TOURISM & COMMUNITY SUPPORT	25,000.00	VCHR 171850	BOARD APPROVED CONTRIBUTION TO BID PACKAGE FOR FISU GAMES IN COLLABORATION WITH VILLAGE OF LAKE PLACID, TOWN OF WILMINGTON, ESSEX COUNTY, AND UIHLEIN FOUNDATION
INCREASE EXPENDITURE	A.8010.0461	BUILDING INSPECTOR EMPLOYEE TRAVEL	1,712.41	PO 30221	TRAINING FOR MIKE ORTICELLE-ALBANY MARRIOTT
APPROPRIATE FUND BALANCE	A.0912	UNRESTRICTED FUND BALANCE	26,712.41		

Councilman Favro 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 – BIODIGESTER ARTICLE**

Councilman Miller – I want to express to Antonio, Peter Crowley did a great article about the Biodigester. The only unfortunate thing about the article was there was one sentence before I

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said that we were worried about filtering of information, he mentioned Tammy Morgan and Clarkson. I wish Clarkson weren't there because I don't know how to express how thankful and grateful we are to the two gentlemen from Clarkson for their willingness to help us with this project. They were there to help us facilitate a way to do a project that we don't understand. We are hoping they will continue to work with us.

**COMMITTEE REPORTS – NEWMAN PARK**

Councilman Miller – Zack Clark is working with a company that is working on the Elementary school playground. He thinks that he can help us do Newman Park for a lot cheaper. He is so busy that he can't think about it right now.

Councilman Favro – We have time. They also sold Lake Colby School. We may be able to get that playground equipment.

**COMMITTEE REPORTS – STREET LIGHTS**

Councilman Favro – I spent a few hours in the evening with Kim Daby to look at streetlights. As you know, we pay for streetlights. He is looking at changing our lights into LEDs. Currently the lights are 600 watt bulbs and we can go down to 30-50 watt LED bulbs. We can change the lights out for the same cost we are paying right now. The new lights look flat without an up light. Take a look around at the Village. It will change the whole feel of neighborhoods. They can turn them up or down. Hillcrest has them now. A company will come in to let us know how many we need and in what spots. It is very impressive.

Councilman Doty – I am sure there are areas that we have too many lights as well. Does the ballast have to be changed out to use LEDs?

Councilman Favro – They do remove the head and is a flat light. We will save money. It won't cost us anything for the lights to be evaluated. Kim was very good about spending time with me.

**COMMITTEE REPORTS – S.L. YOUTH COMMISSION**

Councilman Doty - The Saranac Lake youth program is getting ready to shut down for the summer.

**COMMITTEE REPORTS – COMMUNITY DEVELOPMENT BOARD**

Councilman Rand – Dean is having a meeting Thursday night. Art Devlin and I attend the meetings.

**APPROVE AUDITS AS PER AUDIT #'S**

Councilman Rand asked for approval of the audits.

TOWN OF NORTH ELBA			
CLAIMS APPROVED FOR PAYMENT 07/11/17			
	Regular	Prepaid	Totals
A FUND GENERAL FUND	143,300.15	3,298.95	146,599.10
B FUND GENERAL OUTSIDE VILLAGE	41,377.26	309.73	41,686.99
DB FUND TOWN OUTSIDE VILLAGE HIGHWAY	90,887.40	-	90,887.40
H19-REPLACE ROTARY SNOW PLOW & CARRIER VEHICLE	9.96	-	9.96
H42-EQUIPMENT BONDING FUND	561.50	-	561.50
H46-AUSABLE WATERSHED MANAGEMENT GRANT WITH VIL. OF TUPPER LAKE	53,495.09	-	53,495.09
SP PARK DISTRICT	100,813.32	26,389.26	127,202.58
SW3 RAY BROOK	38,295.67	656.22	38,951.89
T TRUST & AGENCY		115.38	115.38
<b>Batch 1728-1731</b>	<b>\$468,740.35</b>	<b>\$30,769.54</b>	<b>\$499,509.89</b>
171128; 171483; 171557; 171593-171623; 171627-171635; 171637-171663;			

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171705-171709; 171713-171737; 171740-171746; 171801-171881; 171883-			
171885; 171887-171893; 171921			
<b>Batch 999 (Payroll &amp; Health Reimbursement Arrangement) (7/1/17-7/31/17)</b>	<b>\$0.00</b>	<b>\$107,300.23</b>	<b>\$107,300.23</b>
171551; 171562-171586; 171588-171592; 171624-171626; 171636; 171664-			
171704; 171710-171712; 171738-171739; 171747; 171782; 171789			
<b>Batch - HELD</b>		<b>\$0.00</b>	<b>\$0.00</b>
<b>DELETED VOUCHERS:</b>			
171748-171781; 171783-171800; 171882; 171886	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
NOTES:			
FIT WITHHOLDING FROM VCHRS 171609, 171610, & 171611	-\$173.07		
<b>AMOUNT TRANSFERRED TO CLAIMS CHECKING ACCOUNT FOR CHECK RUN:</b>	<b>\$468,567.28</b>		

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

**EXECUTIVE SESSION - DISCUSSION OF PROPOSED LITIGATIONS**

Councilman Favro moved and Councilman Doty seconded he motion go into executive session at 7:25 pm for the purpose of discussing proposed litigation.

There being no business conducted during executive session, Councilman Miller moved and Councilman Doty seconded the motion to come out of executive session at 7:30 pm.

**ADJOURNMENT**

There being no further business to come before the Town Board, Councilman Favro moved and Councilman Miller seconded the motion to adjourn the meeting at 7:30 pm.

Respectfully Submitted,

Laurie Curtis Dudley  
Town Clerk