

Minutes
Lake Placid Village Board Meeting
Monday, September 14, 2009
5:30 p.m. – Town Hall

Present: Mayor Randall, Trustees Curtis, Jones, Leon and Devlin, Village Attorney Janet Bliss, Richard Smith, Connie Issleb, Doug Allen, Heather Sackett, Chris Morris, Stuart Spotts, Eileen Valentine and Wayne Johnston.

Mayor Randall opened the meeting at 5:30 p.m. with the Pledge of Allegiance.

Bid Opening

1996 Pontiac Bonneville

The bids were opened by the Trustees and read aloud as follows:

(1)	Richard B. Boyer	\$375.00
(2)	Beecher Creek LLC	\$351.00
(3)	Mark Bowen	\$350.00

Motion by Trustee David Jones, seconded by Trustee Zay Curtis and carried to award the bid to the highest responsible bidder upon payment for the vehicle.

People On Agenda to Speak

Bob Chabbott – no show

Approval of the Minutes

Motion by Trustee David Jones, seconded by Trustee Art Devlin and carried to accept the minutes of the August 17, 2009 Village Board meeting as presented by the Village Clerk.

Old Business

NYS Parks Grant

Trustee Leon gave a brief overview of the meeting in Saratoga Springs, NY with the NYS Parks & Rec people with regard to the \$39,000 grant for the Village of Lake Placid. He explained one of the issues to be addressed to start the process was the fact the Village needs to purchase a sign.

Trustee Curtis said this is all part of the project.

Trustee Leon said yes, this is step #1, and it has to be a certain size and with certain information, etc.

Trustee Curtis asked what if we violate our own Code?

Trustee Leon also indicated the sign needs to be in place for 20 years, which is also part of the grant process.

Trustee Jones said I can't believe that! 20 years, you've got to be kidding me! The Village can also contribute through in-kind services to offset the donation. I'm sure the Village will be doing the work anyway.

Mayor Randall added there's a two year window in which to complete this project and a service club has offered a matching fund of \$25,000, so that will make about \$14,000 in funds available for the other parks designated for this grant.

Trustee Leon stressed the importance of the time line for this grant and with the winter season sometimes lasting longer than necessary, it may be a close time table.

Mayor Randall said I'm sure we'll rise to the occasion.

Motion by Trustee Jason Leon, seconded by Trustee David Jones and carried to authorize the expenditure of funds to pay for a sign for the NYS Parks & Recreation Grant in Hillcrest Park, not to exceed \$168.00.

Trustee Jones added, one thing I'll say, I'd be surprised if a \$168.00 sign would last 20 years!! We'll see!

Tri-Lakes Housing Assistance Community Grant

Trustee Leon also updated the Board and advised the recommendation he was making to the Village Board from this committee was the hire the LA Group as the consultants for this project. The Village Board authorized the expenditure of \$2,100.00 for their part of the match with the other communities involved.

Mayor Randall noted that the possibility of spending more funds may be necessary down the road, as the LA Group's fee was listed as \$39,000.00, I just want the Village Board to be aware of the possibility of the need for all the partners involved to contribute more money for this project, if necessary.

Motion by Trustee David Jones, seconded by Trustee Art Devlin and carried to support the recommendation of the committee to hire the LA Group as consultant to complete a Tri-Lakes Region affordable housing needs assessment, in connection with

the New York State Office of Community Renewal 2008 Community Renewal Planning Grant Program, and the Village Board commits \$2,100.00 as part of the required 40% match.

Trustee Curtis said good job, Jason!

New Business

Financing Walk-In Rescue Truck

Mayor Randall explained the need to have funding in place for the LPFD's new Walk-In Rescue Truck. The Village will take \$24,000.00 from the Fire Reserve Fund, and finance \$100,000.00 over 5 years in statutory installment bonds.

A regular meeting of the Board of Trustees of the Village of Lake Placid, Essex County, New York was convened in public session at the North Elba Town Hall in the Village of Lake Placid, New York on September 14, 2009 at 5:30 p.m., local time.

The meeting was called to order by Mayor Craig H. Randall, and, upon roll being called, the following members were:

PRESENT:

Craig H. Randall	Mayor
Zay B. Curtis III	Trustee
Art Devlin	Trustee
David W. Jones	Trustee
Jason Leon	Trustee

ABSENT:

The following persons were ALSO PRESENT:

Kathryn A. McKillip	Village Clerk
Janet H. Bliss	Village Attorney

The following resolution was offered by Trustee David W. Jones, seconded by Trustee Zay B. Curtis, III, to wit;

BOND RESOLUTION DATED SEPTEMBER 14, 2009

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE VILLAGE OF LAKE PLACID, ESSEX COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$127,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE PURCHASE OF A FIRE RESCUE TRUCK AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

BE IT RESOLVED, by the Board of Trustees of the Village of Lake Placid, Essex County, New York (the "Village") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the purchase of a fire rescue truck for the fire department. The estimated maximum cost of said purpose is \$127,000.

SECTION 2. The Board of Trustees plans to finance the total cost of said purpose by the issuance of serial bonds of the Village in an amount not to exceed \$127,000, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is twenty (20) years.

SECTION 4. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not be in excess of five (5) years.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds authorized by this resolution, and any notes issued in anticipation thereof, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the specific purpose set forth herein. This resolution shall constitute a statement of official intent for purposes of Treasury Regulation Section 1.150-2 of the United States Treasury Department.

SECTION 7. Each of the bonds authorized by this resolution, and any notes issued in anticipation thereof, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Village a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of

said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes, and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including, without limitation, dates, denominations, maturities, interest payment dates, consolidation with other issues, manner of execution and redemption rights), and the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of said bonds, are hereby delegated to the Village Treasurer, the Chief Fiscal Officer of the Village. The Village Treasurer is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Village Clerk is hereby authorized to affix the corporate seal of the Village to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

SECTION 10. It is hereby determined that action to purchase a fire rescue truck is a Type II action under the State Environmental Quality Review Act ("SEQR"), and, therefore, no other determination or procedure under SEQR is required.

SECTION 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 12. The Village Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the Lake Placid News, a newspaper having a general circulation in the Village and hereby designated as the official newspaper of the Village for such publication.

SECTION 13. This resolution shall take effect immediately upon its adoption.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Craig H. Randall	VOTING Aye
Zay B. Curtis III	VOTING Aye
Art Devlin	VOTING Aye
David W. Jones	VOTING Aye
Jason Leon	VOTING Aye

The foregoing resolution was thereupon declared duly adopted.

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Clerk of the Village of Lake Placid, Essex County, New York (hereinafter called the "Village") and the custodian of the records of the Village, including the minutes of the proceedings of the Board of Trustees, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Board of Trustees held on the 14th day of September, 2009 and entitled:

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE VILLAGE OF LAKE PLACID, ESSEX COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$127,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE PURCHASE OF A FIRE RESCUE TRUCK AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE VILLAGE TREASURER.

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Village. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Board of Trustees was present throughout said meeting, and a legally sufficient number

of members (two-thirds of the Board of Trustees) voted in the proper manner for the adoption of said resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of said resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Village and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this 14th day of September, 2009.

-SEAL-

—

Kathryn A. McKillip
Village Clerk

Mayor Randall and Trustee Curtis both explained the truck was being delivered to New York State and would be inspected when it arrives here by the Head Fire Driver and members of the Lake Placid Vol. Fire Dept. If the truck is rejected, the Village would need to pay the sum of \$3,500.00 for delivery to Lake Placid. If the Village accepts the truck, the \$3,500.00 will be deducted from the total sales price. Therefore, we need a motion to that effect.

Motion by Trustee David Jones, seconded by Trustee Jason Leon and carried to authorize the expenditure of \$3,500.00 from the Fire Reserve Account for the delivery of the Walk-In Rescue Truck, if necessary. The motion was put to a roll call vote, which resulted as follows:

Mayor Craig H. Randall	Aye
Trustee David W. Jones	Aye
Trustee Art Devlin	Aye
Trustee Zay B. Curtis, III	Aye
Trustee Jason C. Leon	Aye

The motion was duly adopted.

Motion by Trustee David Jones, seconded by Trustee Zay Curtis to authorize the expenditure of \$24,000.00 from the Fire Reserve Account for the Walk-In Rescue Truck. The motion was put to a roll call vote, which resulted as follows:

Mayor Craig H. Randall	Aye
Trustee David W. Jones	Aye
Trustee Art Devlin	Aye
Trustee Zay B. Curtis, III	Aye
Trustee Jason C. Leon	Aye

The motion was duly adopted.

Award the Bid for the Walk-In Rescue Truck

Motion by Trustee Zay Curtis, seconded by Trustee Jason Leon and unanimously carried to award the bid for the Walk-In Rescue Truck to Jon's Mid America Fire Apparatus in the total amount of \$124,000.00.

Adopt LPPFFA Union Contract Agreement

At a regular meeting of the Board of Trustees of the Village of Lake Placid, Essex County, New York was convened in public session at the Town Hall in the Village of Lake Placid, New York on September 14, 2009 at 5:30 p.m., local time.

The meeting was called to Order by Mayor Craig H. Randall, and, upon roll being called, the following members were:

PRESENT:

<i>Craig H. Randall</i>	<i>MAYOR</i>
<i>David W. Jones</i>	<i>TRUSTEE</i>
<i>Zay B. Curtis, III</i>	<i>TRUSTEE</i>
<i>Art Devlin</i>	<i>TRUSTEE</i>
<i>Jason Leon</i>	<i>TRUSTEE</i>

The following persons were also present:

<i>Kathryn A. McKillip</i>	<i>Village Clerk</i>
<i>Janet H. Bliss, Esq.</i>	<i>Village Attorney</i>

The following resolution was offered by Trustee Art Devlin, seconded by Trustee David W. Jones, to wit:

RESOLUTION

WHEREAS, duly authorized representatives for the Village of Lake Placid have reached agreement with its unionized employees represented by the Lake Placid Professional Fire Fighters Association, Local #4608, International Association of Fire Fighters, AFL-CIO; and

WHEREAS, said agreement has been reduced to writing in a collective bargaining agreement; and

WHEREAS, Section 204-a of ARTICLE 14 of the Civil Service Law requires that the legislative body of the government involved must approve providing the funds necessary to implement the terms of said agreements before said agreements can be implemented; and

WHEREAS, the Lake Placid Village Board of Trustees is the appropriate legislative body;

BE IT SO RESOLVED that the Lake Placid Village Board of Trustees hereby approves the providing of funds to implement the agreement reached between the Lake Placid Professional Fire Fighters Association, Local #4608, International Association of Fire Fighters, AFL-CIO and the Village of Lake Placid in accordance with the agreements reached effective August 1, 2009.

The questions of the adoption of the foregoing resolution was duly put to a vote on roll all, which resulted as follows:

<i>Mayor Craig H. Randall</i>	<i>Voting</i>	<i>Aye</i>
<i>Trustee David W. Jones</i>	<i>Voting</i>	<i>Aye</i>
<i>Trustee Zay B. Curtis, III</i>	<i>Voting</i>	<i>Aye</i>
<i>Trustee Art Devlin</i>	<i>Voting</i>	<i>Aye</i>
<i>Trustee Jason Leon</i>	<i>Voting</i>	<i>Aye</i>

The foregoing resolution was thereupon declared duly adopted.

I CERTIFY THAT THIS RESOLUTION WAS ADOPTED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF LAKE PLACID, NEW YORK ON September 14, 2009.

Seal

Kathryn A. McKillip
Village Clerk

NYRWA Workshops

Motion by Trustee David Jones, seconded by Trustee Art Devlin and carried to authorize Tim Manning, Mark Bickford and Rick Morford to attend NYRWA Workshops on October 20, and November 5, 2009, with all necessary expenses to be paid for by the Village of Lake Placid.

Fireworks Display

Motion by Trustee Art Devlin, seconded by Trustee Jason Leon and carried to authorize a fireworks display on September 19, 2009 at the Lake Placid Club property, at 8:30 p.m.

IEEP Annual Meeting

Motion by Trustee David Jones, seconded by Trustee Art Devlin and carried to authorize any board member, Peter Kroha, Electric Superintendent and Ginny Partridge to attend the IEEP Annual meeting in E. Syracuse on October 1, 2009, with all necessary expenses to be paid for by the Village of Lake Placid.

NYPA Partnership Meeting

Motion by Trustee David Jones, seconded by Trustee Art Devlin and carried to authorize any board member and Peter Kroha, Electric Superintendent to attend the NYPA Partnership meeting to be held in Syracuse, NY on October 22, 2009, with all necessary expenses to be paid for the Village of Lake Placid.

I.B.E.W. Appointment

I, Craig H. Randall, as Mayor of the Village of Lake Placid, do hereby appoint Edgar B. (Sparky) Baillargeon, III to the position of 2nd Class Lineman, 4th Step.

The appointment was moved by Trustee David W. Jones, seconded by Trustee Jason Leon and carried, at the hourly rate of \$29.29 in accordance with the I.B.E.W. contract, effective September 21, 2009.

Can/Am Banner Requests 2009-2010

Motion by Trustee Art Devlin, seconded by Trustee David Jones and carried to authorize Can/Am's banner requests for 2009-2010 as follows:

Oct. 5, 2009 – Dec. 7, 2009
Jan. 25, 2010 – Feb. 1, 2010
March 8, 2010 – May 2, 2010

Trustee Jones asked that before the banners go up, the Electric Dept. will need to make sure they are in acceptable condition.

ORDA October 10, 2009 – Use of Mid's Park

Mayor Randall explained ORDA is planning a “send off” for the Olympians in Lake Placid the weekend of October 10th. They hope to have a great number of athletes here and we want to send them to the Vancouver Olympics with a great evening in Lake Placid.

Motion by Trustee Art Devlin, seconded by Trustee David Jones and carried to authorize the use of Mid's Park to ORDA on October 10th, 2009, for the Olympic Athlete Celebration.

Trustee Jones noted that weekend is Canadian Thanksgiving, and hopefully there will be a lot of Canadians visiting Lake Placid that weekend. It should be a great event as the Olympics will be in Canada in 2010.

Taxi Cab Operator #23

Motion by Trustee Art Devlin, seconded by Trustee David Jones and carried to authorize taxi cab operator #23 (John Riley) to operate in the Village of Lake Placid for the 2009 year.

Appoint Sergeant LPPD

I, Craig H. Randall, as Mayor of the Village of Lake Placid, do hereby appoint Charles P. Dobson to the position of Sergeant to the Lake Placid Police Dept.

The appointment was moved by Trustee David W. Jones, seconded by Trustee Art Devlin and carried, at the hourly rate set in accordance with the Teamsters Police contract, effective September 15, 2009, for a period of 1 year probationary period from the date of appointment.

Old Military Road Project

Brief discussion between board members regarding the use of the property in question. It was decided the property has no useful purpose to the Village of Lake Placid and is surplus, therefore it may be sold. Following a brief discussion, the Board also agreed to accept the offer of settlement for acquisition of the properties in the total sum of \$53,700.00.

Motion by Trustee David W. Jones, seconded by Trustee Art Devlin, after finding the property in question is surplus, is wetland and of no useful purpose to the Village of Lake Placid, the Village agrees to sell the property to the County of Essex and agrees to accept the sum of \$53,700.00 for both parcels.

Motion by Trustee David W. Jones, seconded by Trustee Zay B. Curtis, III and unanimously carried to authorize Mayor Craig H. Randall, and Peter Kroha, as Electric Superintendent, to sign any and all agreements related to this project on behalf of the Village of Lake Placid.

Award the Bid 1 Ton Work Truck

A bid opening was held on August 19th, 2009. Two bids were received. One from Ellis Pontiac in the sum of \$27,941.00 and the other from Central Garage in the sum of \$27,495.00.

Motion by Trustee David Jones, seconded by Trustee Art Devlin and carried to award the bid to Central Garage in the sum of \$27,495.00 for the 1 ton work truck.

Olympic Cities Summit – Lausanne, Switzerland

Mayor Randall explained he has been invited by the IOC to Lausanne Switzerland for the Summit of the World Union of Olympic Cities Nov. 19-21, 2009. The City of Lausanne will cover all congress and accommodation expenses during the summit. The only expense will be travel (airfare/train) expenses.

Motion by Trustee David Jones, seconded by Trustee Jason Leon and unanimously carried to authorize the Mayor to attend the Olympic Cities Summit in Lausanne, Switzerland, Nov. 19-21, 2009, and agree that any travel expenses associated with this trip will be paid for by the Village of Lake Placid.

DPW Laborer/MEO Appointment

I, Craig H. Randall, as Mayor of the Village of Lake Placid, do hereby appoint Tom Herzog, Jr. to the position of Laborer/MEO for the DPW Dept. of the Village of Lake Placid.

The appointment was moved by Trustee David W. Jones, seconded by Trustee Jason Leon and carried, at the hourly rate set in accordance with the C.S.E.A. contract, effective September 28, 2009, for a six month probationary period from the date of appointment.

Petition – Paradox Bay

Mayor Randall advised that on Friday afternoon, September 11th, the Village Clerk was served with a petition with 273 signatures which reads as follows:

“To Lake Placid Village Board: We, being residents of the Village of Lake Placid or users of the Village launch Site hereby petition the Village Board to consider carefully the negative impact of suggested closure of the launch on users and residents. The launch site is a convenience to persons docking in Paradox Bay and is a reasonable alternative to

the more congested NYS launch site for village *residents and tourists alike*. It has been suggested by the Shore Owners Association that closure of the Launch site will help reduce milfoil in the lake. We do not believe that as no evidence has been shown.

PLEASE KEEP THE LAUNCH OPEN.”

Mayor Randall added this Petition has been signed by residents of Lake Placid, maybe a few outsiders. I have spent considerable time discussing this matter with Bill Billerman, of the Mirror Lake Watershed Association and I am hoping to get some assistance from MLWA in regard to this issue.

Mayor Randall said that both Bill Billerman and Mark Wilson will be attending the next Village Board meeting on Sept. 21st and I am hopeful that we can all come to solution to this issue together. The Village Board has made no decision on this matter either way, and we need to work with the Town of North Elba and their representatives to in the future. At this point, we are still in the discussions with all parties involved.

The original petition is annexed hereto and made a part hereof as Exhibit 1.

Audit Bills

The Village Board members, acting as a Board of Auditors to the Village of Lake Placid, do hereby certify that the attached is a complete and true abstract of all accounts audited by this Board at its regular meeting held on September 14, 2009, including the amount claimed and the amount allowed thereof, and including bills totaling the amount of:

\$	587,639.00	General Vouchers
\$	328,905.67	Electric Vouchers
\$	78,405.33	Water Vouchers
\$	127,831.07	Sewer Vouchers
\$	200.00	Trust & Agency Vouchers
\$	11,777.11	HUD & Sec 8 Vouchers
\$	1,400,000.00	Transfer to ADK Money Mkt.

The total of all vouchers on Abstract #3: \$2,534,758.18

Executive Session

Motion by Trustee David Jones, seconded by Trustee Jason Leon and carried to enter into a brief Executive Session to discuss contract negotiations and possible litigation at 6:45 p.m.

Motion by Trustee Zay Curtis, seconded by Trustee Art Devlin and carried to return to the regular meeting at 7:10 p.m.

There being no further business to come before this meeting, motion by Trustee Jason Leon, seconded by Trustee Art Devlin and carried to adjourn the meeting at 7:10 p.m.

Kathryn A. McKillip
Village Clerk