

TOWN OF BRIGHTON - FRANKLIN COUNTY, NY
REGULAR BOARD MEETING

February 12, 2015

Page 1 of 6

The Regular Board Meetings of the Town Board of the Town of Brighton was held Thursday, February 12, 2015, at 7:00 p.m. at the Brighton Town Hall, 12 County Road 31, Paul Smiths, NY, with the following:

CALL TO ORDER:

Meeting was Called to Order by Supervisor Peter Shrope at 7:01 p.m.
The "Pledge of Allegiance" to the flag was recited

ROLL CALL OF OFFICERS

PRESENT: Supervisor Peter Shrope

Council Members: Brian McDonnell, Amber McKernan, and Steve Tucker

ABSENT: Council Member Lydia Wright

OTHERS PRESENT: Paul Blaine - Code Enforcement Officer and Elaine Sater-Town Clerk

RESIDENTS: There was one resident present

NOTICE OF MEETING:

Notice of this meeting was posted on the Town Clerk's Sign Board, on Thursday, February 5, and published in the Adirondack Daily Enterprise. Notice was also posted in the three local post offices and businesses in the Town.

REPORTS

1. Highway Department - Andy Crary
 - a. Plowed and sanded roads
 - b. Mixed up more salt and sand
 - c. Made a dump run
 - d. Stripped the old F350 Ford of plow, frame, and wiring harness before turning it over for trade in.
 - e. Picked up new F350 Ford and installed plow, frame and wiring harness
 - f. Changed steel on 2013 International plow truck
 - g. Cuts back banks around Town
 - h. Dismantled the old 2002 Paystar before turning it over for trade in
 - i. Received the new 2015 International plow truck and worked on getting it ready for plowing

Supervisor Peter Shrope said he received a letter from Clark's Truck Center requesting the return of \$5,000 paid in error to the Town in October 2014 for the 1997 truck that was turned-in to them as part of the trade-in value for a new 2015 International truck.

RESOLUTION #27-2015

RETURN OF TRADE IN FUNDS OF \$5,000 FOR NEW 2015 INTERNATIONAL PLOW TRUCK

Motion made by Brian McDonnell, Second by Steve Tucker,

WHEREAS the Town received a check in error in the amount of \$5,000 from Clark's Truck Center in October 2014 when the 1997 truck was turned over to them for trade-in value toward a new 2015 International truck,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes Supervisor Peter Shrope to pay back to Clark's Truck Center the amount of \$5,000, from Highway Funds DA5130.2, which was received in error from them in October 2014 for the trade-in value of the 1997 truck for a new 2015 International truck.

ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1 (Wright)

Resolution #27 declared duly adopted

2. Town Clerk- Elaine Sater:
 - a. Total Revenue to the Supervisor as of January 31, 2015 was \$215.50 from 9 dog licenses renewed; 1 Building Permit (#15-01) and 2 copies on the copier
 - b. January 9, received notice that the Tri-Lakes Humane Society seized two dogs during 2014. One

TOWN OF BRIGHTON - FRANKLIN COUNTY, NY
REGULAR BOARD MEETING

February 12, 2015

Page 2 of 6

- was returned to its owner and the other was never claimed.
- c. January 15, received notice that the Student Center at Paul Smith's College, through Sodexo Management, Inc, has applied for a renewal of a license for "On-Premises Alcoholic Beverage" for wine and beer only; the current one expires February 28, 2015.
 - d. January 22, faxed notice of a Special Board meeting held on January 27 at 6 p.m. to the Adirondack Daily Enterprise. January 23, posted notices of the Special Board Meeting on the Town Clerk's Sign Board, at local post offices and businesses in the Town.
 - e. February 3, received notice from the Supervisor that the 2014 Annual Update Document, filed in the Town Clerk's Office on January 29, was filed with the NYS Office of the Comptroller. A public notice concerning this document was published in the Adirondack Daily Enterprise on Thursday, February 5.
 - f. February 5, a Public Notice of the Regular Board meetings for the year for the Town was published in the Adirondack Daily Enterprise.
 - g. Town Clerk's Office will be closed on Tuesday, February 17, and reopen on Thursday, February 19 at 12 noon. A notice has been published for this closure.
 - h. Deputy Town Clerk: Appointed Kathy Snyder as Deputy Town Clerk and Deputy Registrar, would like the Board to set a wage for the position
 - i. TOWN HALL REQUEST: None
 - j. TOWN PARK REQUEST: None
 - k. RECORDS MANAGEMENT: Review of records retention schedule and shredding of records due for destruction has begin. Working on the old assessor files.

RESOLUTION #28-2015

SALARY FOR DEPUTY TOWN CLERK

Motion made by Brian McDonnell, Second by Supervisor Peter Shrope,

RESOLVED that the Town Board authorizes the Deputy Town Clerk's position be paid the same wage as the Court Clerk, \$13.99 per hour, not to exceed \$300.00 for the calendar year, unless authorized by the Town Board.

ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1 (Wright)

Resolution #28 declared duly adopted

- 3. Tax Collector - Holly Huber:
 - a. Collected \$1,082,399.04 in tax payments, Thirteen tax payers chose to pay in person during scheduled office hours, the rest were received via mail
 - b. Issued checks to Supervisor Peter Shrope on 1/8/15, 1/15/15, 1/22/15 and 1/27/15 in the amounts of \$84,000.00, \$190,000.00, \$240,000.00 and \$104,920.00 respectively. This fulfills the Town's portion of the warrant at \$618,920.00.
 - c. Issued check to County Treasurer on 1/29/14 in the amount of \$140,000
 - d. Filled requests for tax bills and receipts
 - e. Located and attempted to locate property owners whose bills or receipts were returned as undeliverable.

Supervisor Peter Shrope said he has received the full amount due to the Town, including the \$4,000 for the trailer removal. He also received a voucher from the Tax Collector that was incomplete and is being returned for further information and receipts.

Council Member Amber McKernan asked about a verified monthly statement of funds collected for the Town as required by law. Supervisor Peter Shrope said it was made available to him through a link to the Tax Collector's files on the computer.

- 4. Town Justice - Nik Santagate: Supervisor Peter Shrope said he received a check in the amount of \$2,611.00 and disposed of 34 cases for the month of January

TOWN OF BRIGHTON - FRANKLIN COUNTY, NY
REGULAR BOARD MEETING

February 12, 2015

Page 3 of 6

5. Code Enforcement Officer - Paul Blaine: Issued one building permit (BP) #15-001, one Certificate of Compliance for BP#13-022 and one Certificate of Occupancy for BP#14-007.
6. Assessor - Roseanne Gallagher: Supervisor Peter Shrope thanked Deputy Supervisor Steve Tucker for chairing the Special Meeting on January 27 when the new Assessor Roseanne Gallagher was appointed. He filed paperwork with the County and the Office of Real Property to let them know the change. The phone has been switched over to Roseanne Gallagher's home.
7. Town Park - Nothing to report
8. Food Pantry - Barb Marshall
 - a. 327 individuals served
 - b. Provided a letter from Kerry Leary concerning the water at the park. The letter dated January 16, 2015, addressed to Barb, suggested the food pantry set up a hand washing station if they need to wash their hands. They should also have hand sanitizer available.
 - c. Called Supervisor Peter Shrope because there was no heat in the building on Thursday, February 12. Supervisor Peter Shrope said he called Griffith Energy to see why they did not automatically deliver propane. The office in Saranac Lake no longer handles the Town's account and there is no automatic delivery, even though the last delivery on November 28 was automatic. A truck had to come from Potsdam to deliver the propane. The tank is owned by Griffith Energy so no other company will deliver. In the summer the tank can be removed and a more local company could provide automatic delivery. It costs about \$80 a week to heat the building.
9. Historian - Elaine Sater: Nothing to report
10. Animal Control - Tri Lakes Humane Society: No report
11. Supervisor - Peter Shrope:
 - a. Sent a letter to the Adirondack Park Agency requesting they look at designating Gabriels a "hamlet"
 - b. Sent a letter to Governor Andrew Cuomo and Senator Betty Little dated January 15, 2015, concerning redevelopment funds for Camp Gabriels. He heard from Senator Betty Little who said there are no funds available unless the Town requests them through the Economic Development Council. The potential buyers of the Camp Gabriel's property received a letter threatening them with a lawsuit if they bought the property from the State. The Town is not interested in redeveloping the property but another entity could put together a marketing plan and request funds.
 - c. Received a letter dated February 5, 2015, from the Saranac Lake Adult Center, as follows:

"The Saranac Lake Adult Center would like to thank the Town for the generous donation of \$850. It is with thoughtfulness from people like you that we are able to have programs and services to help seniors in our communities. Thank you again for your thoughtfulness."
 - d. The Annual Update Document (AUD) for 2014 of the Town's fiscal status was filed with the Office of State Comptroller on February 2, 2015.
 - e. In October 2014 Council Member Lydia Wright asked if anyone in the Town can get CSEA Dental Insurance. Anyone can purchase CSEA Dental insurance, as long as there is 100% participation by the union members. The payment has to go through the Town.
 - f. Distributed Budget as of January 31, 2015, to the Board, Revenues: \$190,000, \$240,000, and \$104,920 from Tax Collector, \$2,611 from Town Justice, and \$215.50 from Town Clerk
 - g. NYCLASS interest received for the General Fund was \$2.52, total in account \$85,293.79 and Highway Fund is \$1.23, total in account \$40,122.75.

APPROVAL/AMENDMENT OF MINUTES

- Organizational/Regular Board /Public Hearing – January 8, 2015

Motion made by Supervisor Peter Shrope, second by Steve Tucker, to accept the minutes of the

TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

REGULAR BOARD MEETING

February 12, 2015

Page 4 of 6

Organizational/Regular Board Meeting and Public Hearing for Emergency Services of January 8, 2015 with the following changes: Page 7, Reports, Para 8c Food Pantry: Change "people" to "registered voters" and change last sentence from "buildings should not be used by non government entities without compensation." to read "cannot donate its assets to charitable organizations".

Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1 (Wright)

- Special Board - January 27, 2015

Motion made by Supervisor Peter Shrope, second by Steve Tucker, to accept the minutes of the Special Board Meeting of January 27, 2015, as written,

Aye 3 (McDonnell, McKernan, Tucker), Nay 0, Abstain 1 (Shrope), Absent 1 (Wright)

CITIZENS COMMENTS: None

BUSINESS

1. **Paul Smiths Gabriels Fire Department (PSGVFD) Grant/Loan from USDA - Steve Tucker:** The PSGVFD would like to purchase a pick-up truck to move heavy equipment when responding to fires. They can get a grant and loan from the United States Department of Agriculture (USDA). They need a resolution of support from the Town confirming they have a contract with the Town.

RESOLUTION #29-2015

SUPPORT OF PSGVFD REQUEST FOR GRANT/LOAN FROM USDA FOR A PICKUP TRUCK

Motion made by Supervisor Peter Shrope, Second by Brian McDonnell,

WHEREAS the Town of Brighton, Franklin County, New York, has a contract with the Paul Smith's Gabriels Volunteer Fire Department (PSGVFD) to provide fire protection services to our citizens,
BE IT RESOLVED that the Town of Brighton Board supports the Paul Smiths Gabriels Volunteer Fire Department (PSGVFD) in applying for a grant from the United States Department of Agriculture (USDA) to purchase a pick-up truck to move heavy equipment where needed in the case of a fire.

ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1 (Wright)

Resolution #29 declared duly adopted

2. **Abolish Tax Collector Elected Position? - Supervisor Peter Shrope:** Discussion was held on abolishing the Tax Collector elected position. This could be done through a Board resolution that is not subject to permissive referendum according to Town Law Section 36; it must be done at least 150 days prior to any biennial town election (which happens this year). Duties of the tax collection would go to the Town Clerk's position. 64% of the Towns in the State have a combined position. The pros and cons of consolidating the offices were discussed. There would be a large learning curve for a new person elected to the position. There are many things that need to be tracked by the Tax Collector. Deposits have to be made within 24 hours of collection. The Franklin County Treasurer provides training and statewide training is available each year in June. The Town Clerk's office would have to be open more hours, especially during January when the Tax Collector has to be available to the public for three days each week during usual business hours. A Tax Collector is bonded by the Town and the content of their home has to be covered by liability insurance when they do not collect at a town facility. The current position is budgeted at \$9204 for salary and expenses for 2015; during 2014 \$8350 was spent. The cost of a separate phone line and post office box would be eliminated. The salary for the Town Clerk's position would have to increase to cover the extra duties. There would be no benefits for the position. More people may run for the combined position if the salary is higher. This issue was tabled for more input.
3. **Food Pantry - Legal Issue- Supervisor Peter Shrope:** During a Franklin County Supervisor's meeting it was brought up by the Supervisor of the Town of Constable about a food pantry using Town property.

TOWN OF BRIGHTON - FRANKLIN COUNTY, NY
REGULAR BOARD MEETING

February 12, 2015

Page 5 of 6

He was told by the NYS Association of Town's legal counsel Lori Mithen-DeMasi, that "Article VIII, Section 1, of the NYS Constitution, prohibits towns from giving or loaning town taxpayer money or property to or in aid of any individual, private corporation or association or private undertakings". This same issue came up in Malone concerning the food distribution program using a government building at no cost. The Press Republican printed an article about the food pantry on January 19 so this is now public information. The question is: Is it legal for the Town to let the St. Paul's/Assumption Church Food Pantry use the Town park building for a food pantry. The Town would have to pass a local law to have a food pantry and could contract out the services. Currently there is no local law, so there is no contract and the insurance certificate is expired. The building for the food pantry in the Town of Franklin is owned by the food pantry and does not use any Town utilities. The Town is obligated to notify the food pantry of this situation. Supervisor Peter Shrope will send a copy of the information to the food pantry coordinator Barbara Marshall informing her of this restriction and invite her to the next meeting to discuss a solution to this issue.

4. **Audit of Town Financial Records for Supervisor, Town Clerk and Town Justice-Supervisor Peter Shrope:** Two Town Council Members met on January 20 and audited the financial records for 2014.

RESOLUTION #30-2015

AUDIT OF 2014 FINANCIAL RECORDS OF SUPERVISOR, TOWN CLERK AND JUSTICE

Motion made by Supervisor Peter Shrope, second by Amber McKernan,

WHEREAS on January 20, 2015, two Town Board members, Amber McKernan and Brian McDonnell, reviewed the Financial Records of the Town Supervisor, Town Clerk and Town Justice,

BE IT RESOLVED that the Town Board accepts the findings of the audit of the 2014 Financial Records of the Supervisor, Town Clerk and Town Justice as being in acceptable order.

ROLL CALL VOTE: Aye 3 (McDonnell, McKernan, Shrope), Nay 0, Abstain 1 (Tucker) Absent 1 (Wright)

Resolution #30 declared duly adopted

COMMITTEES:

1. **Saranac Lake Area Youth Program (SLAYP) - Steve Tucker:** The SLAYP Board received a letter, dated February 10, 2015, from the Village of Saranac Lake Manager, John M. Sweeney, he said the Village Board will no longer administer the SLAY Program. The SLAY Board plans to have more meetings to discuss the future of the program. They will contact the Town of Harrietstown to see if they would be willing to administer the program.
2. **Adirondack Association of Towns and Villages (AATV) - Brian McDonnell:** Attended the AATV conference in Lake George, they are creating a portal on their website for recreation events in the Adirondacks. The eradication of invasive species was a big topic; they would like to get signs up in other locations such as out on the highways about cleaning off boats.
3. **Assessment - Brian McDonnell, Lydia Wright:** Need to discuss the appointment of a Board of Assessment member in Executive Session, there is one position open at this time
4. **Adirondack Regional Airport - Amber McKernan, Tom McKernan:** Amber McKernan attended the ribbon cutting ceremony for the new terminal building at the airport and was recognized as a Town Council member

CITIZENS COMMENTS: None

TOWN OF BRIGHTON - FRANKLIN COUNTY, NY
REGULAR BOARD MEETING

February 12, 2015

Page 6 of 6

EXECUTIVE SESSION

Motion made to GO INTO EXECUTIVE SESSION at 9:30 p.m. by Supervisor Peter Shrope to discuss current litigation "Humes vs Town of Brighton" and matters leading to the appointment of a Board of Assessment Review member in accordance with Public Officers Law, Article 7, Section 105d and f, second by Amber McKernan, Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1 (Wright)

Motion made to GO OUT OF EXECUTIVE SESSION at 9:50 p.m. by Supervisor Peter Shrope, Second by Brian McDonnell, Aye 4, (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1 (Wright)

AUDIT OF VOUCHERS

RESOLUTION #31-2015

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Amber McKernan, second by Brian McDonnell,

RESOLVED that the Supervisor be authorized to pay the audited vouchers as listed on the abstracts as follows:

PREPAID FUNDS: Abstract #2 for Voucher #2A and 2B for 2015 General Funds in the amount of \$659.01
GENERAL FUND and STREET LIGHTING FUNDS: Abstract #2 for Voucher #2 and #31 through and including #52 for 2015 General funds in the amount of \$23,884.61 and Voucher #44 for Street Lighting Funds in the amount of \$76.11

HIGHWAY FUND: Abstract #2 for Voucher #12 through and including #24 for 2015 Highway funds in the amount of \$16,335.35

**ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1 (Wright)
Resolution #31 declared duly adopted**

ADJOURNMENT

Motion to Adjourn the meeting at 9:55 p.m. made by Amber McKernan, Second by Brian McDonnell, Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1 (Wright)

Respectfully Submitted,

Elaine Sater, RMC
Brighton Town Clerk