

TOWN OF BRIGHTON - FRANKLIN COUNTY, NY
REGULAR BOARD MEETING
April 9, 2015
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The Regular Meeting of the Town Board of the Town of Brighton was held Thursday, April 9, 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 7:02 p.m.
The "Pledge of Allegiance" to the flag was recited
A moment of silence was held in memory of Nelson, husband of Council Member Lydia Wright

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, Andy Crary - Superintendent of Highways, Elaine Sater - Town Clerk and seven other people
GUESTS: None

NOTICE OF MEETING:

Notice of this meeting was posted on the Town Clerk's Sign Board

REPORTS

1. Highway Department - Superintendent Andy Crary
 - a. Plowing and sanding
 - b. Pushed back snow banks at ends of McDermott Rd with bucket loader
 - c. Helped Town of Santa Clara with back hoe, cleared ice build up on road
 - d. Santa Clara helped thaw out culvert on Keese Mills Road with steam jenny
 - e. Washed the F350 Ford pickup
 - f. Checked the roads
 - g. Repaired the hydraulic hose on the plow of the F350 Ford Pick up
 - h. Cleaned the shop floor, swept up the sand
 - i. Thinking of spring and black flies
2. Town Clerk- Elaine Sater:
 - a. Total Revenue to the Supervisor as of March 31, 2015 was \$10.00 from 1 new dog license (Tag#153)
 - b. Received notice of resignation dated March 30, 2015, from the Historian Mary Ellen Salls. She is resigning as of April 1 from the position of Town Historian. Board needs to appoint someone to fill the vacancy.
 - c. As of April 1, have not received any reports of persons owning, possessing or harboring wild animals in the Town of Brighton as required under General Municipal Law Section 209-cc.
 - d. Town Clerk's Office will be closed April 28 due to training in Rochester
 - e. TOWN HALL REQUEST: None
 - f. TOWN PARK REQUEST: None
 - g. RECORDS MANAGEMENT: Shredding 2008 records according to the MU-1 schedule.
3. Tax Collector - Holly Huber:
 - a. Collected \$51,737.36 in property taxes, a \$6.40 overpayment, \$1,015.84 in penalties, \$42.00 in second notice fees, and \$.90 in bank account interest
 - b. Issued check #923 on 3/4/15 for \$6.40 to Catherine Woodward for her overpayment, check #924 on 3/12/15 for \$700.00 to (Supervisor) Peter Shrope for penalties and fees and check #925 on 3/12/15 for \$74,000.00 to the Franklin County Treasurer.
 - c. The Tax Collector's Cashbook, detailing all deposits made and checks written, is available at: (Removed per TOBB 5/14/15 Resolution #46-2015). Included on this spreadsheet is a link to a report listing individual payments received through the most recent deposit.

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- d. Printouts of the final 2015 cashbook and list of individual payments will be filed in the Town Hall after the books are reconciled with the county treasurer
 - e. Filled requests for tax bills and receipts, prepared and mailed Second Notices, located and attempted to locate property owners whose bills or receipts were returned as undeliverable.
4. Town Justice - Nik Santagate: Supervisor Peter Shrope said he received a check in the amount of \$2,979.00 and that the Judge disposed of 35 cases for the month
 5. Code Enforcement Officer - Paul Blaine: Issued one Certificate of Occupancy for BP#14-010 located on McColloms Road. It was a slow month.
 6. Assessor - Roseanne Gallagher: Nothing to report
Supervisor Peter Shrope said there is a problem with the 327-3086 phone. The phone was never set up properly in the Town Hall after renovation. A service man had to come out and reconnect the line so it could be forwarded. The Town was billed \$120 including state and federal taxes to reconnect the phone to have it forwarded to the new Assessor's home. Discussion was held on keeping the line or disconnecting it. The Assessor is using her home phone number as the Assessor's number and has a term of 4 years; about \$1,000 can be saved over four years.

RESOLUTION #35-2015
DISCONNECTING PHONE NUMBER 327-3086

Motion made by Brian McDonnell, second by Steve Tucker,

RESOLVED that the Supervisor Peter Shrope be authorized to stop service on the phone number used by the Assessor's office 327-3086 since the current assessor is using her home phone number for business.

ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1 (Wright)
Resolution #35 declared duly adopted.

7. Town Park - Supervisor Peter Shrope: Distributed a report on the utility/fuel usage of the park building for the past 7 years (2009 to 2015). The propane tank ran out in February and was filled on Feb 11, it was filled again on March 23; over the past six weeks the cost of fuel is about \$100 per week. The cost for the period November to Feb was closer to \$80 per week.
8. Food Pantry - Barb Marshall
 - a. Report: 383 individuals served; nothing new to report. Actively looking into another location to serve families
 - b. People from the Food Pantry asked if the Board had decided anything. Barb Marshall asked what the Board expects from the Food Pantry. She said if the Supervisor knew about the law in July why did he wait so long to tell her about it. She asked if the Board had heard of a "Constitutional Gift", an attorney told her about it.

Supervisor Peter Shrope said the Board only makes decisions at Board meetings and he had not spoken to any of the Board members concerning a decision about the Food Pantry outside the meeting. The Board just wanted to bring this information to everyone's attention. The Board does not want to break the law. The information about the legal opinion was in an email from the Franklin County Supervisors and was buried in his emails. He was rereading them before his meeting with the Supervisors and realized that the Town Board had to address the issue. The Board is willing to wait until May to hear what George Earle has to offer. Supervisor Peter Shrope said he would look into a "Constitutional Gift" as he had not heard of it.

Brian McDonnell said the Board received a notice that the Food Pantry was looking of another space and that is their prerogative.

Steve Tucker mentioned that the Town's minutes are on the website and a Press Republican reporter read the Town's minutes on-line and published information on January 19, 2015, mentioning that the Food Pantry was using a government building which brought this issue to light in public. The Food

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Pantry is donating toward the electric usage.

9. Historian - Mary Ellen Salls: Resigned officially in writing as of April 1, 2015. The Board needs to amend the appointment made at the January 8, 2015 Organizational Meeting.

RESOLUTION #1-2015 (Amended)

APPOINTMENT TO TOWN HISTORIAN OFFICE BY THE TOWN BOARD

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

WHEREAS the former Town Historian Mary Ellen Salls has resigned from the position as of April 1, 2015, BE IT RESOLVED that Elaine Sater be appointed as Town Historian effective April 1 through December 31, 2015.

ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1 (Wright)
RESOLUTION #1-2015 declared duly amended

10. Animal Control - Tri Lakes Humane Society: No report
11. Supervisor - Peter Shrope:
 - a. Received a notice from the Adirondack Park Agency (APA) dated March 19, APA Project No. 2015-42, concerning a boundary adjustment of 1.2 acres on Keese Mills Road.
 - b. Distributed Budget as of March 31, 2015, to the Board, Revenues: \$2,979 from Town Justice, and \$10 from Town Clerk, \$2,523.56 stumpage fees from Franklin County, \$67,451.55 in CHIPS funds
 - c. NYCLASS interest received for the General Fund was \$2.52, total in account \$85,298.58 and Highway Fund is \$1.24, total in account \$40,125.10.

APPROVAL/AMENDMENT OF MINUTES

- Regular Board – March 12, 2015

Motion made by Brian McDonnell, second by Amber McKernan, to accept the minutes of the Regular Board Meeting of March 12, 2015, as written.

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

CITIZENS COMMENTS: None

BUSINESS

1. **Appointment of Board of Assessment Review Member - Supervisor Peter Shrope:** The Town's BAR has five members, one passed away this year and the vacancy needs to be filled.

RESOLUTION #36-2015

APPOINTMENT OF BAR MEMBER TO FILL VACANCY

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

RESOLVED that the Town Board appoints Mike DeVitis of Rainbow Lake as a member of the Board of Assessment Review to fill the vacancy left by Jerome Samburgh who passed away. The term runs from 9 April 2015 to September 30, 2019.

ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1 (Wright)
Resolution #36 declared duly adopted.

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2. **Polling Site for 2015 Election - Supervisor Peter Shrope:** The Board of Elections is requesting an Agreement for a polling site for the Elections in 2015.

RESOLUTION #37-2015

POLLING SITE FOR ELECTIONS IN 2015

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

RESOLVED that the Town Board authorizes the Supervisor Peter Shrope to sign a 2015 Polling Site Agreement with Franklin County Board of Elections for the use of the Town Hall for the State and Local Primary Election on Tuesday, September 15, 2015, from 11:15 am to 10 pm, General Election on Tuesday, November 03, 2015, from 5:15 am to 10 pm, and any other special elections as necessary.

ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1(Wright)
Resolution #37 declared duly adopted

3. **NYMIR Proxy - Supervisor Peter Shrope:** Meeting on May 1 to vote for candidates, need a proxy vote approval

RESOLUTION #38-2015

NYMIR PROXY VOTE

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

RESOLVED that the Town Board authorizes the Supervisor Peter Shrope to sign a proxy vote for the candidates recommended by NY Municipal Insurance Reciprocal (NYMIR) to be approved at the NYMIR meeting on May 1, 2015.

ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1(Wright)
Resolution #38 declared duly adopted

4. **Discharge of Mortgage - Supervisor Peter Shrope:** Received a request from Attorney Janet Bliss of Lake Placid to discharge a mortgage from a property that was foreclosed on in 1997 after receiving a HUD grant for repairs in 1995. Town was second lien holder and the 1st lien holder received the property back.

RESOLUTION #39-2015

DISCHARGE OF MORTGAGE HUD PROJECT 92-13

Motion made by Supervisor Peter Shrope, Second by Steve Tucker,

WHEREAS the Town of Brighton has a mortgage with Michael and Denise Myers Johns in the amount of \$10,000 dated April 7, 1995, through a HUD Program, and

WHEREAS the property was foreclosed on August 11, 1997, and the Town did not receive any reimbursement as 2nd lien holder, and

WHEREAS the lien on the property was never removed from the Book of Mortgages,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes the Supervisor Peter Shrope to sign a Discharge of Mortgage for \$10,000 secured on April 7, 1995, and filed in Franklin County Clerk's Office in Book 468 of Mortgages, Page 130, for HUD Project #92-13.

ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1(Wright)
Resolution #39 declared duly adopted

5. **CSEA Benefits - Supervisor Peter Shrope:** Received an agreement from the CSEA Employee Benefit Fund for increases in the amounts for dental and vision coverage for Town employees on July 1, 2015.

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RESOLUTION #40-2015

CSEA EMPLOYEE BENEFITS FUND AGREEMENT

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

RESOLVED that the Town Board authorizes the Supervisor Peter Shrope to sign an agreement with CSEA Employee Benefit Fund for dental and vision coverage for Town employees for price increases from January 1, 2013 to December 31, 2015, current coverage to increase on July 1, 2015 to \$123.38 for dental and \$19.39 for vision.

**ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1(Wright)
Resolution #40 declared duly adopted**

6. **NYS Homeland Security IMAP- Supervisor Peter Shrope:** Received information concerning a point of contact for an Intrastate Mutual Aid Program (IMAP) for emergency services. Towns are in the program by default and have to opt out if not interested. Steve Tucker agreed to be the point of contact. He has provided mutual aid to other Towns during emergency situations through the Fire Department.
7. **PSGVFD Banquet - Supervisor Peter Shrope:** Received an invitation to the fire department banquet on Saturday, April 25 at 6 p.m., the Board is invited
8. **Appraisal for Lawsuit - Supervisor Peter Shrope:** Received an invoice from the Attorney for the Town for the balance of the amount owed to the company who performed the appraisal for the Town's lawsuit with Humes. Town can pay Attorney or the company directly.

RESOLUTION #41-2015

FINAL PAYMENT FOR APPRAISAL

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

RESOLVED that the Town Board authorizes the Supervisor Peter Shrope to pay the final amount of \$4,500 to Emminger, Newton, Pigeon, Magyar, Inc. for an appraisal on property owned by Humes due to a lawsuit filed against the Town.

**ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1(Wright)
Resolution #41 declared duly adopted**

9. **Insurance for Town Elected Officials - Supervisor Peter Shrope:** The buyouts for medical insurance will be finished at the end of 2015. No elected officials, except the Highway Superintendent, will be receiving health benefits after this year.
10. **Inter-municipal Agreement for Assessor Computer - Supervisor Peter Shrope:** Three towns share an Assessor and need to provide her a computer for her duties.

RESOLUTION #42-2015

INTER-MUNICIPAL AGREEMENT FOR ASSESSOR COMPUTER

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

WHEREAS the Towns of Belmont, Westville and Brighton share a Sole Assessor and
WHEREAS the Assessor had to purchase a computer to complete her duties,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes the Supervisor Peter Shrope to sign an inter-municipal agreement with the Towns of Belmont and Westville and pay the amount of \$217.27 to the Assessor Roseanne Gallagher, one third the cost (\$651.87) of a computer that is owned equally by the three Towns.

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**ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1(Wright)
Resolution #42 declared duly adopted**

COMMITTEES:

1. **Adirondack Association of Towns and Villages (AATV) - Brian McDonnell:** Local Government Days are being held in Lake Placid on April 15 and Monday April 27 is Adirondack Legislature Day in Albany, will be promoting the Adirondacks to the elected officials
2. **Parks & Recreation - Peter Shrope, Steve Tucker:** Supervisor Peter Shrope said he is updating the Park Rules and Regulations. Steve Tucker said the water is being pumped out of the building, needs to be checked regularly as the snow is melting. Ben Tucker is available to start working at the Park. Brian McDonnell asked how it went without the snow fence up. Amber McKernan said it is not an issue when there is no ice rink.
3. **Cemetery- Steve Tucker:** Amber McKernan asked when the cemetery is open for spring burials. Steve Tucker said once the vehicles can drive on the grounds burials can take place.

CITIZENS COMMENTS: None

EXECUTIVE SESSION

Motion made to GO INTO EXECUTIVE SESSION at 8:15 p.m. by Supervisor Peter Shrope to discuss the financial history of a particular employee in accordance with Public Officers Law, Article 7, Section 105f, second by Brian McDonnell, Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1 (Wright)

Motion made to GO OUT OF EXECUTIVE SESSION at 8:30 p.m. by Supervisor Peter Shrope, Second by Amber McKernan, Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1 (Wright)

AUDIT OF VOUCHERS

RESOLUTION #43-2015

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 #4 for Voucher #4A through and including #4C for 2015 General Funds in the amount of \$873.29 and STREET LIGHTING FUND in the amount of \$69.52

GENERAL FUND: Abstract #4 for Voucher #75 through and including #92 for 2015 General funds in the amount of \$8,525.70

HIGHWAY FUND: Abstract #4 for Voucher #33 through and including #42 for 2015 Highway funds in the amount of \$3,190.82

**ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1 (Wright)
Resolution #43 declared duly adopted.**

ADJOURNMENT

Motion to Adjourn the meeting at 8:35 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