

TOWN OF BRIGHTON - FRANKLIN COUNTY, NY
REGULAR BOARD MEETING
May 14, 2015
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The Regular Meeting of the Town Board of the Town of Brighton was held Thursday, May 14, 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 7:00 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 Lydia Wright

ABSENT: Council Member Steve Tucker (on a Fire Call)

OTHERS PRESENT: Paul Blaine - Code Enforcement Officer, Andy Crary - Superintendent of Highways, Elaine Sater - Town Clerk, Kathy Snyder - Deputy Town Clerk, Roseanne Gallagher - Assessor, and two other people

GUESTS: Glenn MacNeill, Acting District Attorney for Franklin County

NOTICE OF MEETING:

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

Glenn MacNeill is interested in running for the office of District Attorney (DA) for Franklin County (a 4 year term) left vacant by Derek Champagne. He is interested in visiting the Towns so people know him. He was the Chief Assistant DA and was appointed to the DA position on January 1, 2015. He is looking at "community prosecution" where the community is asked what problems people see in their community. The DA office represents the people of New York in the court room. Communities that have local police forces, such as villages, already have knowledge of what is going on in those areas. Mr. MacNeill is opening his door to the communities without local police to let him know if there is any situation he should investigate. He is aware of the cocaine being sold in the area. People can make more money by selling cocaine here compared to the cities. Drug use leads to other crimes such as burglary. He would like to hear from the people of Brighton if they have any concerns.

REPORTS

1. Highway Department - Superintendent Andy Crary
 - a. Need to order rake teeth, 60 ea @\$15.95= \$957.00
 - b. Took plows/wings/sanders off trucks
 - c. Washed winter off trucks
 - d. Put broom on tractor, started sweeping roads
 - e. Changed bristles on broom, finished sweeping roads
 - f. Performed ditch work on Keese Mill Road from water runoff
 - g. Patched pot holes on roads
 - h. Chipped winter brush
 - i. Made side-boards for new truck
 - j. Had boilers inspected, repairs were needed on the Garage boiler
 - k. Two people attended mining safety class in Lake Titus
 - l. Made dump run
 - m. Picked up cemeteries
 - n. Cleaned up town Garage/Hall lawns
 - o. Serviced lawn mowers
 - p. Road-raked Hoffman Road
 - q. Placed new sign on Hoffman Road, someone took the old one
 - r. Put crusher run at end of Wardner Road
 - s. Rabies Clinic is at Garage on June 4, from 5 to 6 p.m.
 - t. Salt contract was signed with St. Lawrence County at \$74.41 a ton, up from \$67.00

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- u. Will be on vacation next week
- v. Need two resolutions from Board for contracts with Franklin County, one for mowing roads and one for paving

RESOLUTION #44

MOWING CONTRACT WITH FRANKLIN COUNTY HIGHWAY DEPARTMENT

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

WHEREAS the Town Highway Department has the manpower and equipment to mow roadsides, and WHEREAS Franklin County Highway Department contracts with Towns who are willing to provide mowing services,

NOW THEREFORE BE IT RESOLVED that the Supervisor be authorized to sign a contract with Franklin County Highway Department to provide mowing services for the County Roads (#s 31, 55, and 60) in the Town of Brighton for a total of 7.96 miles. Franklin County will pay \$100.00 per mile, a total of \$1,592.00; first mowing to be completed by July 1 and a second mowing by September 12, if needed.

**ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Wright), Nay 0, Absent 1 (Tucker)
Resolution #44 declared duly adopted.**

RESOLUTION #45

SPENDING HIGHWAY FUNDS AND PAVING CONTRACT WITH FC HIGHWAY DEPT

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

RESOLVED that pursuant to Section 284 of the Highway Law, the Town Board agrees with the Town Highway Superintendent Andy Crary that monies levied and collected for the repair and improvement of highways and received from the State for State Aid for the repair and improvement of highways will be expended as follows:

\$30,000 shall be set aside for general repairs and permanent improvements on the road commencing at State Route 30 and leading to Keese Mills, as distance .5 miles, consisting of dense binder for a width of traveled surface 18 feet with a 2 inch thickness.

And,

BE IT FURTHER RESOLVED that the Town requests the Franklin County Highway Department to assist the Town Highway Department with the following specific equipment: roller, paver, and men, or any other requested county equipment, and

BE IT FURTHER RESOLVED that the Town will undertake the work, and the job is totally under the direction and supervision of the Town Highway Department. The Town is required to get necessary Agency permits, property owners' agreements, and provide utility notification. As an inducement for such assistance the Town will hold Franklin County harmless from property damages and any claims brought by any third party as a result of this work, and if the County is held responsible for damages the town will indemnify the County.

**ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Wright), Nay 0, Absent 1 (Tucker)
Resolution #45 declared duly adopted.**

- 2. Town Clerk- Elaine Sater:
 - a. Total Revenue to the Supervisor as of April 30, 2015 was \$115.00 from 6 certified copies, 1 park donation, and 4 dog licenses renewed
 - b. April 21 received letter from the NYS Department of Motor Vehicles, dated April 17, 2015, concerning the word "handicapped". Chapter 190 of the Laws of 2014 amends the Executive Law to add a new section 101 that addresses removing the word from certain new signs and when signs are replaced, and a new universal symbol of access will be created by the Department of State.
 - c. Received a Contract for Shared Highway Services from the Town of Tupper Lake, their resolution #11 of 2015.
 - d. Attended the Town Clerk's Convention and Training in Rochester from April 26 to 29. There are 5

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policies that are required for Towns to have, and they should be reviewed every year and must be posted for employees. There is going to be another new NYS DECALS program for selling sports licenses in July. The Department of Health is working on an Electronic Death Record filing system that is supposed to be available in the fall. Received an acknowledgement as "Town Clerk of the Year" for District 9, Clinton, Essex, Franklin and St. Lawrence Counties.

- e. Town Clerk's Office will be closed Tuesday, May 19.
 - f. Received two certificates of Attendance for BAR training for Peter McConville and Mike DeDivitis, they attended training on May 6, 2015, in Malone.
 - g. TOWN HALL REQUEST: Franklin County Conservative Party, Saturday, June 13, 9:30 am-1 pm
 - h. TOWN PARK REQUEST: St. Paul's Assumption Food Pantry, Sunday, July 12, all day for a fund raiser with motorcycles, requested a new Certificate of Insurance since the one on file only covers the food pantry business and it expires on July 1, 2015.
 - i. RECORDS MANAGEMENT: Nothing to report
 - j. HISTORIAN: April 30 received a note dated April 26, 2015, from Joyce Houck, she is promoting the book "Adirondack 102 Club" about the Towns in the Adirondacks. The Town of Brighton is mentioned on pages 174 and 175. She requested the Town Seal on a gold foil for the book. Request denied as the Town Seal is for official Town business only.
 - k. Introduced Kathy Snyder, new Deputy Town Clerk, to the Board
3. Tax Collector - Holly Huber:
- a. Collected \$17,549.84 in property taxes (postmarked 3/31 or before), \$351.00 in penalties, \$28.00 in second notice fees, and \$.47 in bank account interest
 - b. Returned completed tax roll to County Treasurer's office and issued them check #928 for \$65,307.49. Issued check #929 for \$1,385.09 to (Supervisor) Peter Shrope for penalties and fees. Issued check #930, #931, and #932 for \$.62, \$.04, and \$1.00 respectively to refund overpayments. Voided checks #928 and 929 because of error in writing and #918 because it was replaced by #932.
 - c. The Tax Collector's Cashbook, detailing all deposits made and checks written, is available at: (URL, not to be included in minutes per TOBB, Resolution #46-2015). Included on this spreadsheet is a link to a report listing individual payments with a postmark of 3/31/15 or before.
 - d. 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.

Supervisor Peter Shrope said the Tax Collector changed the address for the NBT Bank statements to PO Box 22, Rainbow Lake, so she could receive a bank statement. She has been reviewing them on line since she took over as Tax Collector. All the bank statements were changed to that address and Peter Shrope had to go to the bank to change it back to the official Town address, PO Box 260, Paul Smiths.

RESOLUTION #46-2015

AMENDMENT TO ALL MINUTES - URL LINKS

Motion made by Supervisor Peter Shrope, second by Lydia Wright,

RESOLVED that URL links listed in reports to the Town Board that lead to sensitive information (such as the Tax Collector's Cashbook) will be struck from the minutes as determined by the Town Board.

**ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Wright), Nay 0, Absent 1 (Tucker)
Resolution #46 declared duly adopted.**

4. Town Justice - Nik Santagate: Supervisor Peter Shrope said he received a check in the amount of \$5,654.00 and that the Judge disposed of 55 cases during April.
5. Code Enforcement Officer - Paul Blaine: Issued four (4) Building Permits (#15-003 thru 006)
6. Assessor - Roseanne Gallagher:
 - a. Said it is difficult taking over a Town at this time of year, March 1 was the deadline for assessment information.

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- b. Filed the Tentative Roll with the Town Clerk on May 1
 - c. Sitting with the Assessment Roll at the Town Hall during May, posted a notice with the dates.
 - d. Working on exemptions, new construction, splits and mergers
 - e. The data collection is ongoing; Briggs Appraisal has a deadline of June 30, 2015, to complete the collection.
7. Town Park - Supervisor Peter Shrope:
- a. Ben Tucker will work at the park again, he is ready to start
 - b. Flood lights will be replaced by National Grid; they have 100 watt bulbs that will lower the cost. The Town rents the lights from National Grid so they have to do the work to change the bulbs.
8. Food Pantry - Barb Marshall: Report received at meeting from Mari Brooks, Food Pantry Representative
- a. Report: 343 individuals served
 - i. Have spoken to people regarding land for a food pantry, will continue to use the pantry side for sorting bottles and block the park side. There would be no need to access the park side that would end any issues regarding the Town breaking any laws.
 - ii. A new insurance certificate shall be issued July 1st, including a liability clause addition for the rally. (The current one expires July 1, 2015)
 - iii. Included a check for electric usage
 - b. Mari Brooks asked if the Board was going to pass a resolution to restrict the usage of the Food Pantry to Town residents.
- Supervisor Peter Shrope said the Board only talks about Town business at Board meetings, so nothing has been discussed since the last meeting concerning this issue. The Town would have to pass a Local Law that would be subject to a permissive referendum. The Town has no jurisdiction over how the St. Paul/Assumption Food Pantry runs because it is its own business.
- Discussion was held on what government agencies provide funding for the food pantry; the Adirondack Daily Enterprise has published some letters and articles that mention government programs. It was not clear what government agencies actually provide funding or food for the Food Pantry.
- Supervisor Peter Shrope asked if the food pantry had looked into using the empty Catholic Church (St. Gabriel's) at the corner of State Route 86 and 30. The building is owned by the Catholic Church but the land underneath it is owned by Paul Smith's College. There was no clear answer as to why the Food Pantry cannot use the building.
- Mari Brooks said Barb Marshall is interested in obtaining some land and building a "community center" for the Food Pantry.
- Supervisor Peter Shrope said he has a little bit of a concern about a banner that is hung on the Town Park building; he feels the words, something like "Help Save the Food Pantry" is a little bit antagonistic toward the Town. It makes it seem like the Town is doing something bad to the Food Pantry. He said the Food Pantry took this issue to the press; the Town did not. The Town is not doing anything "bad"; the Town does not want to break the law.
- Mari Brooks said the wording on the banner was not intended to be antagonistic and she volunteered to take it down. She said they had t-shirt made up with the same saying that they wore.
- Lydia Wright said wearing t-shirts is one thing, but putting up a banner on a public building without permission is another.
- Brian McDonnell said the Town does not want to go through another heating season paying to keep the building open. The Town does not want to be perceived as "throwing them out". The food pantry has stated it needs a larger space for their operation. The Town is encouraging them to find a better space.
- Supervisor Peter Shrope said Barbara Marshall has stated to the press that she needs a larger space; the Town is not "throwing them out".
- Mari Brooks said she is having a fundraiser at her home in Lake Clear to support the food pantry.
9. Historian - Elaine Sater: See Town Clerk Report
10. Animal Control - Tri Lakes Humane Society: No report

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11. Supervisor - Peter Shrope:
- a. Boiler inspections are required every two years; it cost \$75 for each boiler.
 - b. Disconnected phone number used by previous Assessor
 - c. Received a call from Gordy Crossman, Franklin County Legislature, asking for a letter of support for the Franklin County Rural Business Development grant application for a broadband co-op feasibility study. Sent a letter, dated May 1, 2015, and addressed to Renee L Hotte-Area Specialist, USDA Rural Development, to Barbara Rice, Franklin County Legislature. Brian McDonnell said the push is for broadband service in rural New York by Jan 1, 2016.
 - d. Received a letter dated April 29, 2015, from Time Warner Cable (TWC), Re: Merger with Comcast, request to merge has been terminated by Comcast, TWC will continue to provide service in the community
 - e. **Efficiency-Shared Services Plan:** The Supervisors of Franklin County met on April 29 to discuss the cost saving plans that the Governor has required be in place for taxpayers to receive a rebate starting in 2017. The plan has to benefit each Town. The previous County Manager was working on the plan but has resigned and the new County Manager has taken it over. Last August Supervisor Peter Shrope created a list of shared services the Town was using, such as the bookkeeper who services three towns, the Assessor who works in five towns, etc. The services have to be documented by cooperative agreements and be a benefit to the Town. Cooperative agreements, shared services and/or efficiencies can be used. Looked at the expenses saved at the Park in 2014 and came up with a cost savings of \$6,531.00 from the reduction in hours paid for staff at the Park (\$3,104.00) and reduction in expenses (\$3,427.00) from the drop in usage at the Park. This will count toward a tax rebate in 2017 to the Town taxpayers. Each benefit can be used only once. A resolution is needed to certify the implementation of the cost efficiency plan, savings, and target savings of at least 1% of tax levies for fiscal year beginning in 2014, beginning in 2017, 2018, and 2019. Shared services will be looked at for the next plan. The County has provided a cost list for using Town equipment for Highway shared services. Paving different sections of roads can be considered for cost savings each year.

RESOLUTION #47-2015

CERTIFICATIONS OF GOVERNMENT EFFICIENCY PLAN FOR 2017, 2018, and 2019

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

RESOLVED that the Town Board has determined that it will use a cost saving efficiency plan of \$6,032.00 in Culture and Recreation from reduction in staff hours and expenses at the Town Park from 2014 (“the plan”), and

BE IT FURTHER RESOLVED that Supervisor Peter Shrope be authorized to sign “Agree to Implement Certificate” to under take best efforts to fully implement, by the end of the local fiscal year beginning in 2017, the efficiencies specified in “the plan”, and,

BE IT FURTHER RESOLVED that Supervisor Peter Shrope be authorized to sign “Direct Savings Certificate”, that by implementing the efficiencies specified in “the plan” it will result in the savings specified in “the plan”, and

BE IT FURTHER RESOLVED that Supervisor Peter Shrope be authorized to sign “Savings Target Certificate” that full implementation of the efficiencies specified for all local government units that are signatories to “the plan” will result in savings of a least 1% of the tax levies for fiscal years beginning in 2014 for all local government units that are signatories to “the plan”, in each of the fiscal years beginning in 2017, beginning in 2018 and beginning in 2019.

**ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Wright), Nay 0, Absent 1 (Tucker)
Resolution #47 declared duly adopted.**

- f. **Distribution of Documents to Board:** The Town has a copier/scanner that can be used to scan documents to the Board using their email accounts. This process will be used for documents the Board needs to review before the meeting.
- g. Received an invitation and attended an event in Saranac Lake honoring Paul Smith’s College

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- h. Distributed Budget as of April 30, 2015, to the Board, Revenues: \$5,654 from Town Justice, and \$115 from Town Clerk, \$1385.09 in penalties from Tax Collector, \$4,432.42 from CHIPS funds Severe Weather reimbursement
- i. NYCLASS interest received for the General Fund was \$2.44, total in account \$85,301.02 and Highway Fund is \$1.20, total in account \$40,126.30.

APPROVAL/AMENDMENT OF MINUTES

- Regular Board – April 9, 2015

Motion made by Amber McKernan, second by Brian McDonnell, to accept the minutes of the Regular Board Meeting of April 9, 2015, as follows: Page 1, Reports, Para 3c, Tax Collector: Remove the reference to the URL for the Tax Collector's Cashbook.

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

CITIZENS COMMENTS: None

BUSINESS

- 1. **Propane at Town Park - Supervisor Peter Shrope:** Received a letter from MX Fuels of Malone offering the Town a fixed rate for propane. They will provide their own tank and set it up. The Park only uses about 1000 gallons a year. It cost \$3,900 for propane during 2014. This company currently provides fuel for the Highway Garage.

RESOLUTION #48-2015

CONTRACT FOR PROPANE FROM MX FUELS

Motion made by Supervisor Peter Shrope, Second by Lydia Wright,

WHEREAS the Town Park ran out of Propane during the winter due to a change in the company awarded the State Contract, and

WHEREAS the Town desires to contract with a company that will continue to provide automatic delivery service of propane to the Town Park,

NOW THEREFORE BE IT RESOLVED that the Supervisor Peter Shrope be authorized to sign a contract with MX Fuels of Malone to provide propane at the cost of \$1.59 per gallon for 2015, with the option to renew the contract in May 2016, and extend it again in May 2017 at this same price.

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

Resolution #48 declared duly adopted.

- 2. **CSEA Collective Bargaining Agreement Amendment - Supervisor Peter Shrope:** The Highway employees asked the Town to add a benefit to the CSEA Union contract so retirees could continue to receive Dental and Vision Benefits at their own expense. There is a "Local Government Package" available for CSEA Union members after retirement.

RESOLUTION #49-2015

AMENDMENT TO CSEA CONTRACT - LOCAL GOVERNMENT PACKAGE

Motion made by Supervisor Peter Shrope, Second by Lydia Wright,

RESOLVED that the Town Board authorizes the Supervisor Peter Shrope to sign a "Memorandum of Agreement" with the Civil Service Employees Association, Local 1000, AFL-CIO (CSEA) and the CSEA Local 817, Unit 6870- Town of Brighton Employees (hereinafter referred to as "The Member") to amend the collective bargaining agreement to add the CSEA Employee Benefit Fund Local Government Package Agreement as follows:

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Retirement Benefit(s) Coverage:

1. The Member retires from employment with Town of Brighton
2. The Member has coverage under the plan at the time of his or her retirement and arranges for coverage under this Agreement to be effective as of the effective date of retirement.
3. The Member agrees in writing to comply with all the requirements of the CSEA Employee Benefit Fund (herein after referred to as "the Fund") which are applicable to the Member's continuation of coverage under the Plan on or after the date of retirement
4. The Member agrees in writing to pay to the Fund for the benefits provided under the Plan by preauthorized monthly deduction from the Member's designated bank account or credit card acceptable to the Fund.
5. The Town of Brighton has no obligation to pay for coverage under the Plan by virtue of a Member's election to continue coverage upon retirement.

**ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Wright), Nay 0, Absent 1(Tucker)
Resolution #49 declared duly adopted**

3. **Francophone Support - Supervisor Peter Shrope:** Received a letter dated Mary 7, 2015, from the Village of Saranac Lake Mayor Clyde Rabideau., requesting support in attracting the 4 million Francophone tourists living within a two-hour drive of our communities by changing municipal signs to bi-lingual and using international symbols on the signs as they need replacing. Discussion was held concerning the cost of adding additional wording to signs and adding additional languages versus the benefit to the Town. There is not enough information to make a decision.
4. **Franklin County Supervisors' Meeting - Supervisor Peter Shrope:** Would like to contribute \$128.00 toward the use of the room at Paul Smith's College. Other Supervisor's have contributed and Brighton has never provided any support for the room use and refreshments. They meet at the College to be in a neutral space. The Town Board said he should use the Supervisor's Account A1220.4 to cover the cost.
5. **PSGVFD Banquet - Brian McDonnell:** Attended the banquet, Council Member Steve Tucker had the highest rate of attendance at fire calls (98%), followed by his brother Tom Tucker, Dan Whitson was third and Ben Tucker was fourth. There was a lot more involvement by the Paul Smith's College students to the envy of the other fire departments. Andy Cray also attended the banquet. The Town Board said that the attendance rate at fire calls was very commendable of the Tucker family.

COMMITTEES:

1. **Adirondack Regional Airport - Amber and Tom McKernan:** The airport is running a shuttle to the Pack Basket Diner in Gabriels for people to get food. There are some projects that are shovel-ready and the diner at the airport will open soon.
2. **Assessment and BAR - Brian McDonnell, Lydia Wright:** Board of Assessment Review (BAR) meets on Thursday, June 4, from 5 to 9 p.m. for Grievance Day.

CITIZENS COMMENTS: None

EXECUTIVE SESSION

Motion made to GO INTO EXECUTIVE SESSION at 9:20 p.m. by Supervisor Peter Shrope to discuss the litigation of "Humes vs Town of Brighton" pursuant to Public Officers Law, Article 7, Section 105d, second by Lydia Wright, Aye 4 (McDonnell, McKernan, Shrope, Wright), Nay 0, Absent 1 (Tucker)

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Motion made to GO OUT OF EXECUTIVE SESSION at 9:28 p.m. by Lydia Wright, Second by Amber McKernan, Aye 4 (McDonnell, McKernan, Shrope, Wright), Nay 0, Absent 1 (Tucker)
AUDIT OF VOUCHERS

RESOLUTION #50-2015
PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS
Motion made by Amber McKernan, second by Lydia Wright,

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

PREPAID FUNDS: Abstract #5 for Voucher #5A through and including #5C for 2015 General Funds in the amount of \$857.39 and STREET LIGHTING FUND in the amount of \$61.40

GENERAL FUND: Abstract #5 for Voucher #93 through and including #113 for 2015 General funds in the amount of \$10,419.57

HIGHWAY FUND: Abstract #5 for Voucher #43 through and including #54 for 2015 Highway funds in the amount of \$8,961.26

ROLL CALL VOTE: Aye 4 (McDonnell, McKernan, Shrope, Wright), Nay 0, Absent 1 (Tucker)
Resolution #50 declared duly adopted.

ADJOURNMENT

Motion to Adjourn the meeting at 9:32 p.m. made by Lydia Wright, Second by Amber McKernan, Aye 4 (McDonnell, McKernan, Shrope, Wright), Nay 0, Absent 1 (Tucker)

Respectfully Submitted,

Elaine W. Sater, RMC
Brighton Town Clerk