

TOWN OF BRIGHTON - FRANKLIN COUNTY, NY
REGULAR BOARD MEETING
December 10, 2015
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The Regular Meeting of the Town Board of the Town of Brighton was held Thursday, December 10, 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.
“Pledge of Allegiance to the Flag” was recited.

ROLL CALL OF OFFICERS

PRESENT: Supervisor Peter Shrope
Council Members: Brian McDonnell, Amber McKernan, Steve Tucker, and Lydia Wright
ABSENT: None
OTHERS PRESENT: Paul Blaine-Code Enforcement Officer, Andy Crary-Superintendent of Highways,
Holly Huber - Tax Collector, Elaine Sater - Town Clerk, and several residents and non-residents.
GUESTS: None

NOTICE OF MEETING:

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

Supervisor Peter Shrope made the statement that it is legal to record meetings.

REPORTS

1. Highway Department - Superintendent Andy Crary
 - a. Had to use Bob’s Auto/Truck Service last month to get the truck fixed to get it to Plattsburgh for repair, just received bill
 - b. Was out sanding a couple of times
 - c. Put new spinner pump on the 2013 truck
 - d. Dump run
 - e. Road checks
 - f. No beaver to report on the Tebbutt Road, they were caught
 - g. Washed trucks
 - h. Fix windshield washer in loader
 - i. Moved trailer and rake to storage
 - j. Adjusted chain on sander on 2015 truck
 - k. Have switched to winters hours, 5 a.m. to 1 p.m.
2. Town Clerk- Elaine Sater: Report received prior to meeting
 - a. Total Revenue to Supervisor as of November 30, 2015 was \$117.46 from 1 Sports License, 8 Certified Copies, 1 Dog License renewed and 5 Copies from a Freedom of Information Law (FOIL) request
 - b. Received official notification of results of Nov 3 General Election from Franklin County Board of Elections, Peter Shrope - Supervisor, Lydia Wright and Brian McDonnell - Councilperson, Holly Huber - Tax Collector, Elaine Sater - Town Clerk, Nik Santagate -Town Justice, and Andy Crary - Superintendent of Highways. Please note that “Oaths of Office” need to be taken before January 31, 2016.
 - c. Association of Towns Conference has moved to a new hotel. Registration must be done first before Hotel reservations can be made before January 22, 2016. The dates for the Conference are February 14 to 17, 2016.
 - d. TOWN HALL REQUEST: None
 - e. TOWN PARK REQUEST: None
 - f. RECORDS MANAGEMENT: Shredding Town files from 2008
 - g. HISTORIAN: Nothing to report
3. Tax Collector - Holly Huber: Report submitted prior to meeting

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- a. Responded to, or redirected, any requests for, or inquiries about:
 - Payoff amounts or payment plans
 - Receipts for the most recent or past years' payments
 - Information contained on property tax records
 - Mailing address changes
 - School taxes
 - STAR Exemptions
 - "self-help" accessing of tax information on taxpayers' own or other properties
- b. Began preparation for 2016 tax collection season
- c. Asked the Board to reconsider her proposal from 2014 to remove the \$2.00 second mailing fee from the tax bills that are mailed in March to property owners who have not paid their taxes by a certain date. The Town of Brighton is the only Town in Franklin County to assess the fee and the County of Franklin Treasurer is not fond of this fee and has to remember to collect it. Since Brighton is the only Town in the County that collects the fee, the Real Property Tax Services Office will not change the format of the tax bill so tax payers are aware of the \$2.00 fee. If the \$2.00 is not paid it causes the taxes to be in arrears for \$2.00 since the interest and fees are paid first.

Discussion was held by the Board on the value of keeping the \$2.00 fee or removing it to make it easier on the County Treasurer and the Tax Collector. The Tax Collector does have the option of enclosing a notice of the fee in the tax bills.

RESOLUTION # 78

RESCIND \$2.00 FEE FOR SECOND MAILING OF TAX BILLS

Motion made by Brian McDonnell, second by Steve Tucker,

WHEREAS the Town Board set a \$2.00 fee for the second mailing sent out by the Tax Collector to property owners who have not paid their property taxes by a certain date, and
WHEREAS the Tax Collector no longer collects taxes through April 30 so the second mailing fee has to be collected by the Franklin County Treasurer, and
WHEREAS the Town of Brighton is the only Town in Franklin County that has a second mailing fee, and
WHEREAS when the tax payer does not include the \$2.00 fee in the tax payment the taxes become delinquent,

NOW THEREFORE BE IT RESOLVED that the Town Board rescinds the \$2.00 fee for the 2016 and beyond second tax notice mailed by the Tax Collector to property owners who have not paid their property taxes by a certain date.

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0
Resolution #78 declared duly adopted.**

- d. Supervisor Peter Shrope said since the Tax Collector has been elected for 4 more years and she is using her home phone for tax collecting, he would like to discontinue the tax collector phone number 327-3644 in the Town Hall. He discovered that the Court cannot conduct business over the phone so they do not need a separate phone number.

RESOLUTION #79

DISCONTINUE TAX COLLECTOR PHONE NUMBER 327-3644

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

WHEREAS the Tax Collector phone number at the Town Hall had been forwarded to the Tax Collector's home number in the past and there is no activity on the phone bill, and
WHEREAS the Tax Collector has been reelected for 4 years and is using her home phone number as the Tax Collector's phone number and not the Town provided number

NOW THEREFORE BE IT RESOLVED that Supervisor Peter Shrope be authorized to discontinue the

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phone number 327-3644 as it is no longer used by the Tax Collector.

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0
Resolution #79 declared duly adopted.**

4. Town Justice - Nik Santagate: Supervisor Peter Shrope said he received a check in the amount of \$3,994.00 and that the Judge disposed of 38 cases during November
5. Code Enforcement Officer - Paul Blaine: Report submitted prior to meeting
 - a. Issued two (2) Building Permits (BPs) #15-32 and 33.
 - b. The weather station is being installed at the Tuckers' Farm; the foundation was poured.
6. Assessor - Roseanne Gallagher: Report submitted prior to meeting
 - a. Working from home, got out the enhanced STAR renewals, 49 for the Town. Receiving many phone calls from seniors with questions about what to send with the renewal application. Sorting and processing all the applications that come in the mail daily.
 - b. Working on the follow up paper work from the data collection did last month in Brighton
7. Town Park - Supervisor Peter Shrope: Nothing to Report
8. Historian - Elaine Sater: See Town Clerk's Report
9. Animal Control - Tri Lakes Humane Society: No report Received
Supervisor Peter Shrope received notice dated November 17, 2015, that the Dog Control Officer was inspected by the Department of Agriculture and Markets on 11/05/2015 with a "Satisfactory" rating.
10. Supervisor - Peter Shrope:
 - a. Received a NYS tax refund check for his property taxes, this is a direct result of work the Board has done, the Town stayed below the tax cap as well as participating with other Franklin County municipalities in creating and participating in an approved municipal efficiently plan. Not all of the Towns in Franklin County participated so their tax payers did not receive refund checks.
 - b. Will be attending the Association of Towns meeting in New York City in February.
 - c. Distributed 2015 Budget as of November 30 to the Board, everything is going according to plan
 - d. Revenues: \$1,200 for 3 cemetery plots, \$6,664.55 from Franklin Country for Mortgage tax, \$3,994 from Town Justice, and \$117.46 from Town Clerk.
 - e. NYCLASS interest received for the General Fund was \$4.60, total in account \$85,325.58 and Highway Fund is \$2.17, total in account \$40,137.86.

APPROVAL/AMENDMENT OF MINUTES

- **Regular Board – November 12, 2015**
Motion made by Brian McDonnell, second by Supervisor Peter Shrope, to accept the minutes of the Regular Board Meeting of November 12, 2015, as written.
ROLL CALL VOTE: Aye 4 (McDonnell, Shrope, Tucker, and Wright), Nay 0, Abstain 1 (McKernan); Minutes of Regular Meeting November 12, 2015 were adopted.

CITIZENS COMMENTS: None

BUSINESS

1. **Food Pantry - Supervisor Peter Shrope:**
 - a. Received a report during November 90 families, 231 individuals, were served.

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- b. **Supervisor Peter Shrope** proposed that all privately operated undertakings vacate Town owned real property by March 30, 2016. The debate was opened to the public and questions were asked why the Food Pantry could not continue using town property as they have been for over 20 years. Supervisor Peter Shrope explained that a lot of this information is in previous minutes and in media reports. He briefly explained how he came to be informed that according to the NYS Constitution, Article 8, it is not legal for a private undertaking to use town property to conduct its business. Discussion was held on why the Town cannot let organizations continue to use Town buildings to provide their services on a continual basis. Comments were made about the good the Food Pantry does for people. The good the Food Pantry does is not the issue; the legality of where it does its business is the issue. Comments were made about the possibility of a law suit; it's not the Food Pantry workers or the citizens of the Town, it's the Town Board who is at risk for not following the law. The Town Board is not "shutting down" the Food Pantry; they just cannot continue to let the Food Pantry do their business on Town property. The coordinators of the Food Pantry told the Town Board they were looking for another place and would be out by March 30. Peter Yaglou offered his garage and house for the pantry to move into if they could not find another place by March. Comments were made thanking the Town Board and the Town tax payers for providing space for the Food Pantry for so long.
- c. A petition was submitted from the Food Pantry with 21 signatures on it as follows:
"The Town of Brighton is considering passing a resolution to evict St. Paul's/Assumption Food Pantry from their property located at the park. If you support the work we do at the pantry and believe that such an eviction would be detrimental to the families and individuals we serve, we ask your support by signing this petition to be presented to the Brighton Town Board."
- d. A separate document dated December 2, 2015, was submitted signed by 2 people stating:
"We are in support of keeping the Food Pantry where it is or providing another location by the Town of Brighton"

RESOLUTION # 80

PRIVATELY OPERATED UNDERTAKINGS TO VACATE TOWN OWNED REAL PROPERTY

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

WHEREAS, elected Town of Brighton Council Members swore an solemn oath of office to support the Constitution of the State of New York, and

WHEREAS Article 8, Section 1, of the Constitution of the State of New York states, in part, "No county, city, town, village, or school district shall give or loan any money or property to or in aid of any individual or private corporation or associations, or private undertaking", and

WHEREAS the Town of Brighton is in violation of the Constitution by allowing a private undertaking to conduct its operations from Town owned real property, and

WHEREAS it is the Town of Brighton Council Members' duty to fulfill their sworn oath of office, and furthermore, it is in the best interests of the Town and to maintain public confidence in local government to be in full compliance with the Constitution of the State of New York.

THEREFORE BE IT RESOLVED that effective March 30, 2016, all privately operated undertakings vacate Town owned real property.

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0
Resolution #80 declared duly adopted.**

- 2. **Tansy Lane - Supervisor Peter Shrope:** Received a letter from Art Leavitt, dated November 20, 2015, concerning the transfer of Tansy Lane property to the Town, sent it to the Attorney for the Town Scott Goldie for review. He recommends Art Leavitt get with his attorney to write up the deed to convey fee title to the Town. Supervisor Peter Shrope sent a letter dated December 3, 2015, to Art Leavitt with this information.
- 3. **Board of Assessment Review Nomination - Brain McDonnell:** Nominated Cliff Wagner for the Board

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of Assessment Review to replace Robert Byno whose term expired on September 30, 2015.

RESOLUTION # 81

APPOINTMENT TO BOARD OF ASSESSMENT REVIEW (BAR)

Motion made by Brian McDonnell, second by Lydia Wright,

RESOLVED that the Town Board appoints Clifford Wagner to fill the vacancy on the Board of Assessment Review (BAR) for the term December 10, 2015 to September 30, 2020.

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0
Resolution #81 declared duly adopted.**

- 4. Preventative Maintenance on Boilers - Supervisor Peter Shrope:** Received an annual service contract from Hyde-Stone HVAC for 2016 to provide preventive maintenance on the boilers for the Town Hall and Town Garage.

RESOLUTION # 82

PREVENTATIVE MAINTENANCE ON BOILER AT TOWN HALL AND HIGHWAY GARAGE

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

RESOLVED that the Town Board authorizes Supervisor Peter Shrope to sign an agreement for preventative maintenance with Hyde-Stone Mechanical Contractors, Inc. for the boilers at the Town Hall and Town Garage in the amount of \$694.93 for 2016.

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0
Resolution #82 declared duly adopted.**

- 5. Organizational Meeting for January 2016 - Supervisor Peter Shrope:** The Organizational meeting is set for 6 p.m. on Thursday, January 14, 2016. The Regular Monthly meeting will start directly after the Organizational meeting.

COMMITTEES:

Parks and Recreation - Supervisor Peter Shrope and Steve Tucker: The lights were changed out at the Park to a lower wattage.

CITIZENS COMMENTS:

Tom McKernan - Gabriels: The Board did a good job.

EXECUTIVE SESSION:

Motion to GO INTO EXECUTIVE SESSION was made at 9:15 p.m. by Supervisor Peter Shrope, second by Brian McDonnell, in accordance with Public Officers Law, Article 7, Section (f) to discuss the performance of a particular person and Section (e) to discuss collective negotiations pursuant to Article 14 of Civil Service Law. Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

Motion made to GO OUT OF EXECUTIVE SESSION was made at 9:30 p.m. by Amber McKernan, second by Lydia Wright. Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

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AUDIT OF VOUCHERS

RESOLUTION #83-2015

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 #12 for Voucher #12A through and including #12B for 2015 General Funds in the amount of \$345.79 and STREET LIGHTING FUND in the amount of \$61.58

GENERAL FUND: Abstract #12 for Voucher #225 through and including #247 for 2015 General Funds in the amount of \$ 14,096.54

HIGHWAY FUND: Abstract #12 for Voucher #105 through and including #116 for 2015 Highway Funds in the amount of \$7,327.22

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0
Resolution #83 declared duly adopted.**

ADJOURNMENT

Motion to Adjourn the meeting at 9:32 p.m. made by Amber McKernan, Second by Steve Tucker, Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

Respectfully Submitted,

Elaine W. Sater, RMC
Brighton Town Clerk