

REGULAR BOARD MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

January 8, 2009

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, January 8, 2009 after the Organizational Meeting at 6:00 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:

CALL TO ORDER:

Meeting was Called to Order by Supervisor David Knapp at 6:26 p.m.

The "Pledge of Allegiance" to the flag was recited.

ROLL CALL OF OFFICERS

PRESENT: Supervisor David Knapp

Council Members: Sheila Delarm, Jeffrey Leavitt (entered meeting at 6:45 p.m., left the meeting at 8:55 p.m. and returned to the meeting at 10:07 p.m.), Steve Tucker and Lydia Wright

ABSENT: None

OTHERS PRESENT: Doug Tichenor - Assessor, Elaine Sater - Town Clerk, Nik Santagate - Town Justice, Andy Crary - Superintendent of Highways

RESIDENTS: There were four residents present

NOTICE OF MEETING: Notice of this meeting was published in the Adirondack Daily Enterprise on Friday, January 2, 2009 and posted on the Town Clerk's Sign Board. Notices were also posted at the three post offices and at businesses in the Town.

APPROVAL OF MINUTES

- Public Hearing Local Law #2-2008, December 9, 2008

Motion made by Supervisor David Knapp, **second** by Steve Tucker, **to approve the minutes of the Public Hearing for Proposed Local Law No. 2 for the year 2008 concerning Avoidable Alarms held on December 9, 2008, as written; Aye 4 (Delarm, Knapp, Tucker, Wright), Absent 1 (Leavitt)**

- Regular Board December 11, 2008

Motion made by Supervisor David Knapp, **second** by Lydia Wright, **to approve the minutes of the Regular Town Board meeting held on December 11, 2008, with the following change to Page 4, Para 1f, Speed Limit on State Route 30: Change "Supervisor David Knapp" to "Sheila Delarm"; Aye 4 (Delarm, Knapp, Tucker, Wright), Absent 1 (Leavitt)**

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of December 31, 2008 was \$1,487.53

10 Certified Copies

25 Dog Licenses Renewed

2 Building Permit #08-34 and 35

1. December 16, 2008, received notice from Franklin County Legislature, RE: Update of County Directory for 2009, sent updates to addresses for Town Officials
2. Received information for Training School and Annual Meeting to be held in New York City, February 15-18. A Certification of Designation of Voting Delegate needs to be approved by the Board if anyone is attending this meeting. Copies of the notice were distributed to Town Officials.
3. December 23, received notification dated 1 December, 2008, from William Bentz RE: Renewal Application Notice Form for On-Premises Alcoholic Beverage License for 9667 State Rt 30.
4. Oaths of Office for Supervisor was filed with the Town Clerk on January 6, 2009
5. REQUESTS FOR TOWN BUILDING USE:
 - a. TOWN HALL: None
 - b. TOWN PARK: None
6. RECORDS MANAGEMENT: Records are being disposed in accordance with the MU-1 schedule for Municipalities.

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CITIZENS/GROUPS COMMENTS

John Quenell - Hoffman Road: Submitted a letter, dated January 8, 2009, for the record, RE: Proposed Local Law #2-2008 Avoidable Alarms as follows:

“To the Brighton Town Board: I would like to make three observations on the wording of the proposed avoidable alarm law.

First, on the definition of “avoidable alarm.” At the public hearing {December 9, 2008} I suggested that the definition be simplified, along the lines of what was proposed by the fire department in their letter to you last August 8. To wit, an avoidable alarm is one which summons the fire department when in fact there is no emergency.

Second, in regard to the civil penalties in the law, I think there should be two tracks, one for residences and other small establishments, and one for larger entities with group living quarters. “Group living quarters” is in fact a distinction made by the US Census Bureau. The fire department suggested this in its August 8 submission. It makes sense, particularly in Brighton, where there is one dominant institution in town with 800 people in group living quarters. There should be a different “free”avoidable alarm allowance for a group quarters institution, one that is higher than the allowance for individual residences. The fire department proposed an allowance of 12 for group quarters institutions and 3 for residences. I don’t know where you are on this aspect of the law at the moment, but I would urge you to go with the two-track concept. What is the “right” allowance for group quarters institutions? The fire department proposed 12 and maybe that is a good number, or maybe it should be 15 or 18 or 20.

Third, the law you presented in the public hearing had a penalty scale that went up to \$1,000 maximum. I think that is excessive. I would urge you to reconsider what the fire department proposed in August, that the fee be set at \$500, period. There needs to be no “ramping” up to that, such as starting at \$100, then \$200, etc. Let’s keep it clean and simple.

So much for the nuts and bolts of the law. I should also like to comment on your responsibility as a town board. You know that you are legally required to make provision for fire protection in the town. Have you considered what will happen if you lose the present fire department? This is not a joke. Please remember that it is all-volunteer. We can choose to go on calls or not. We are not paid to go and we are not disciplined if we don’t. It’s pure volunteerism.

If present trends continue, it is quite possible that somewhere down the road PSGVFD {Paul Smiths Gabriels Volunteer Fire Department} will have to disband because of their inability or unwillingness to respond to all the avoidable alarms. What then? You, as a town board, won’t be able to get any other volunteer companies to come out to Brighton - why should they? I think your only recourse will be to establish a paid department. You should be able to get enough paid personnel to respond to these avoidable alarm calls. The trouble is, it’s going to cost a lot. The present budget for PSGVFD is about \$80,000 a year. A paid department would cost at least \$1 million a year. Why? For starters, think in terms of 25 people at \$40,000 a year, salary and benefits. That million-dollar budget would mean a tripling of the town property tax levy. I imagine you would have quite a tax payer revolt in town if that should come to pass.

And this brings me to my final point. I know that representatives of Paul Smith’s College have been making remarks to the effect that they will fight the proposed law. They will oppose its implementation, they will oppose its enforcement, and they will engage in litigation. Please do not be intimidated by their remarks. Other communities have avoidable alarm laws and they do not seem to have litigation problems. I know you will make sure, through legal consultation, that the proposed law is as bullet-proof as possible. Then enact it. If litigation comes, fight back and fight hard. Sure, it will cost money, and your will have to get that money from the taxpayers. But it’s worth it to keep the volunteer fire department in town. If we lose our volunteers, the financial impact on the community is going to be infinitely more painful than the cost of a few lawsuits.

Sincerely yours, {signed} John Quenell, 327-3259, quenell-john@northnet.org”

[NOTE: Items in {} added by Town Clerk for clarification]

Sheila Delarm asked if John Quenell, as a former Board member, would continue to pursue this law. He said yes he would, he feels that unless the College is forced to spend money they are not going to fix the problem.

Discussion was also held on using “Group Living Quarters” as a definition. **Jeffrey Leavitt** said that if the College does not want to be singled out and given a larger allowance of avoidable alarms then they should be treated as a residence and have the same allowance of alarms. This topic was tabled for further discussion later in the meeting.

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Ellen Beberman, Adirondack Farmers' Market Cooperative Manager: Asked if Town facilities would be available for the Farmer's Market, read a letter dated January 8, 2009, as follows:

"Dear Town Board, As manager of the farmers' market which has operated for the past two seasons at Paul Smith's College, I respectfully request permission for the market to relocate to Brighton town land, either at the town hall or at the recreation park in Gabriels. The market has been quite successful since its inception in 2007, and would be more inclusive of the local community in a new town location.

The farmers' market is sponsored by the Adirondack Farmers' Market Cooperative, an agricultural cooperative which provides liability insurance, promotional support and clear rules for vendors. The market's hours are tentatively scheduled to be Fridays, 2-5 p.m, from June 12 through September 25, 2009. The market uses two temporary tents which accommodate up to 14 vendors; town storage of the tents between markets would be greatly appreciated.

The Friday markets have provided access to fresh, regional produce, meat, baked goods and more for Brighton residents and visitors during the past two years. The market will continue and expand implementation of state coupon programs for low income individuals. A festive atmosphere and occasional special celebrations add to the attraction of this end-of-the-week market, and promise future interest and growth.

Sincerely, Ellen Beberman, Market Manager" {Signed}

Discussion was held on the possibility of the Farmers' Market event being held at the Town Park.

RESOLUTION #11

AUTHORIZATION TO ALLOW THE ADIRONDACK FARMERS MARKET TO USE TOWN PARK

Motion made by Jeffrey Leavitt, Second by Supervisor David Knapp, To Wit:

RESOLVED that the Adirondack Farmers' Market Cooperative be allowed to use the Town Park on Fridays from June 12 to September 29 from 2 to 5 p.m. to provide an end-of-the-week market to the residents and visitors to the Town of Brighton, provided they fill out the reservation form and provide liability insurance, and BE IT FURTHER RESOLVED that the Town will store the tents used for the market during the same time period.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

Resolution #11 declared duly adopted.

SUPERVISOR'S FINANCIAL REPORT/CORRESPONDENCE

1. Financial Report:

- a. **Budget for 2008 as of December 31, 2008** was distributed to Board members
- b. **Budget Amendments for 2008 Budget:**

HIGHWAY FUND 2008 BUDGET AMENDMENT #5

Motion made by Supervisor David Knapp, second by Steve Tucker, To Wit:

RESOLVED that the following amounts be and the same hereby are transferred:

\$ 169.00 from Account No. DA5130.4 (Machinery CE)

as follows:

\$ 169.00 to Account No. DA5110.4 (General Repairs CE)

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

Highway Fund 2008 Budget Amendment #5 declared duly adopted

GENERAL FUND 2008 BUDGET AMENDMENT #10

Motion made by Supervisor David Knapp, second by Lydia Wright, To Wit:

RESOLVED that the following amounts be and the same hereby are transferred:

\$ 5,112.00 from Account No. A1990.4 (Contingency)

\$ 3,229.00 from Account No. A1910.4 (Unallocated Ins)

\$ 3,181.00 from Account No. A3620.4 (Public Safety CE)

as follows:

\$ 166.00 to Account No. A1330.4 (Tax Collection CE)

\$ 66.00 to Account No. A1355.4 (Assessor CE)

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- \$ 14.00 to Account No. A1410.4 (Town Clerk CE)
- \$ 49.00 to Account No. A1460.4 (Records Management CE)
- \$ 312.00 to Account No. A1620.4 (Buildings CE)
- \$ 10,222.00 to Account No. A6461.4 (Grants)
- \$ 107.00 to Account No. A7140.4 (Recreation CE)
- \$ 433.00 to Account No. A9030.8 (Social Security)
- \$ 153.00 to Account No. A9060.8 (Hospital & Medical Insurance)

**ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0
General Fund 2008 Budget Amendment #10 declared duly adopted**

- c. **Audit of Financial Records:** The Town Clerk, Justice, and Supervisor's Financial Records for 2008 will be audited on Tuesday, January 13 at 7:00 p.m., as well as the Supervisor's Financial Records for 2007; the month of July will be audited.

2. Correspondence:

- a. **Association of Towns:** Training School and Annual Meeting in New York City, Feb 15-18

RESOLUTION #12

APPOINTMENT OF DELEGATE TO ANNUAL ASSOCIATION OF TOWNS MEETING

Motion made by Supervisor David Knapp, Second by Sheila Delarm, To Wit:

RESOLVED, that the Town Board appoint Council Member Lydia Wright as the voting delegate and Town Clerk Elaine Sater as the alternate voting delegate to attend the Annual Business Session of the Association of Towns of the State of New York, to be held in New York City, on February 18, 2008 and to cast the vote for the Town of Brighton pursuant to Section 6 of Article III of the Constitution and By-laws of said Association.

ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Leavitt, Tucker), Nay 0, Abstain 1 (Wright)

Resolution #12 declared duly adopted

- b. **BAR Training:** Sent letter dated 4 January 2009, to Gordy Crossman, County Legislature, Re: Training for BAR Members, asking for support to have Franklin County Real Property Office provide evening training for Board of Assessment Review (BAR) members so people that work during the day can attend training
- c. **Camp Gabriels:** Drafted letter for Board signatures, dated 4 January 2009, to Kenneth Perlman, Deputy Commission for Program Services for the Department of Correctional Services. Steve Tucker said that Tucker Farms, Inc. already sent a letter in support of this program and received a Thank you note from Mr. Kenneth Perlman.

Motion made by Supervisor David Knapp, second by Jeffrey Leavitt, to support the concept of the Literacy Volunteers of Essex and Franklin Counties to provide an academic boot camp to include drug counseling and vocational training at Camp Gabriels to benefit the community and the people of our state and to sign a letter addressed to Mr. Kenneth Perlman, Deputy Commission of Program Services for the Department of Correctional Services of New York State.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

- d. **Time Warner Cable TOA:** Received a letter from the NYS Department of Public Service, dated December 18, 2008, RE: Temporary Operating Authority (TOA) extension, current TOA expired on December 28, 2008, Time Warner Cable has been granted a TOA extension until June 28, 2009.

DEPARTMENT REPORTS

1. HIGHWAY- Superintendent Andy Crary:

a. Report of Superintendent:

- i. Plowing and sanding almost everyday
- ii. Sander broke and needed repair, had to go get the parts so purchased extra parts to save time

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- iii. Replaced the thermostats in the plow truck and adjusted the clutches
- iv. Put down plywood for the food pantry, set up for food pantry
- v. Purchased deer warning signs, still need to be put up on Keese Mills Road

Lydia Wright asked if horse warning signs could also be put back up and secured so people can't take them.

- vi. Lights were installed for fuel shed
- vii. Performed general maintenance on garage and vehicles
- viii. Art Leavitt, part-time employee, would like to obtain Dental/Optical Insurance

RESOLUTION #13

PURCHASE OF DENTAL/OPTICAL INSURANCE BY PART-TIME EMPLOYEE

Motion made by Supervisor David Knapp, **second** by Sheila Delarm, **To Wit:**

WHEREAS, the Town of Brighton purchases dental and optical insurance for full-time employees, and

WHEREAS, the Town of Brighton allows Elected Town Officials to self-pay for dental and optical insurance,

NOW THEREFORE BE IT RESOLVED that part-time employee Art Leavitt, if eligible, be authorized to self-pay for dental/optical insurance at the prevailing rate (\$88.31/\$17.38 for January 2009) through the Town of Brighton's insurance policy with CSEA.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

Resolution #13 declared duly adopted

b. **Agreements:**

- i. **Shared Services Agreement:** Needs to be updated with municipalities added

RESOLUTION #14

SHARED SERVICES AGREEMENT WITH OTHER MUNICIPALITIES

Motion made by Supervisor David Knapp, **second** by Lydia Wright, **To Wit:**

WHEREAS, all municipalities, including the Town of Brighton, have the power and authority to contract for the purpose of renting, leasing, exchanging, borrowing or maintaining of machinery and equipment, with or without operators, with other municipalities, and;

WHEREAS, all municipalities, including the Town of Brighton, have the power and authority to borrow or lend materials and supplies to other municipalities, and;

WHEREAS, it is hereby determined that the Town of Brighton and other municipalities have machinery and equipment which is not used during certain periods, and;

WHEREAS, it is determined that the Town of Brighton and other municipalities often have materials and supplies on hand which are not immediately needed, and;

WHEREAS, it is hereby determined that by renting, borrowing, exchanging, leasing or maintaining highway machinery and equipment and the borrowing or lending of materials and supplies, the Town of Brighton and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or storing a large inventory of certain extra materials and supplies, thereby saving the taxpayers money, and;

WHEREAS, it is incumbent upon each municipality to design a simple method whereby materials and supplies, equipment and machinery, including the operators thereof, may be obtained or maintained with a minimum of paperwork and inconvenience and with a swift approval process, and;

WHEREAS, it is the intent of the Town of Brighton to give the head of the highway department the authority to enter into renting, exchanging, borrowing, lending or maintaining arrangements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the Town Board prior to the making of each individual arrangement, and;

WHEREAS, a standard contract has been prepared which is expected to be adopted and placed into effect in other municipalities, and will grant the person holding the position comparable to that of the head of the highway department authority to make similar arrangements, and;

WHEREAS, it is hereby determined that it will be in the best interest of the Town of Brighton to be a party to such shared services arrangements;

NOW THEREFORE BE IT RESOLVED that the Supervisor of the Town of Brighton is hereby authorized to sign on behalf of the Town the following contract:

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CONTRACT FOR SHARED HIGHWAY SERVICES

1. For purposes of this contract, the following terms shall be defined as follows:
 - a. "Municipality" shall mean any city, county, town or village which has agreed to be bound by a contract for shared services or equipment similar in terms and effect with the contract set forth herein, and has filed a copy of said contract with the clerk of the undersigned town.
 - b. "Contract" shall mean the text of this agreement which is similar in terms and effect with comparable agreements, notwithstanding that each such contract is signed only by the chief executive officer of each participating municipality filing the same, and upon such filing each filing municipality accepts the terms of the contract to the same degree and effect as if each chief executive officer had signed each individual contract.
 - c. "Shared Service" shall mean any service provided by one municipality for another municipality that is consistent with the purposes and intent of this contract and shall include but not be limited to:
 - i. The renting, exchanging, or lending of highway machinery, tools and equipment, with or without operators;
 - ii. The providing of a specific service;
 - iii. The maintenance of machinery or equipment.
 - d. "Superintendent" shall mean, in the case of a city, the head of the department of public works; in the case of a county, the county superintendent of highways, or the person having the power and authority to perform the duties generally performed by county superintendents of highways; in the case of a town, the town superintendent of highways and /or superintendent of public works; in the case of a village, the superintendent of public works.
2. The undersigned municipality has caused this agreement to be executed and to bind itself to the terms of this contract and it will consider this contract to be applicable to any municipality which has approved a similar contract and filed such contract with the clerk of the undersigned municipality.
3. The undersigned municipality by this agreement grants unto the superintendent the authority to enter into any shared service arrangements with any other municipality or other municipalities subject to the following terms and conditions:
 - a. The Town of Brighton agrees to rent or exchange or borrow from any municipality any and all materials, machinery and equipment, with or without operators, which it may need for the purposes of the Town of Brighton. The determination as to whether such machinery, with or without operators, is needed by the Town of Brighton, shall be made by the superintendent. The value of the materials or supplies borrowed from another municipality under this agreement may be returned in the form of similar types and amounts of materials or supplies, or by the supply of equipment or the giving of services of equal value, to be determined by mutual agreement of the respective superintendents.
 - b. The Town of Brighton agrees to rent, exchange or lend to any municipality any and all materials, machinery and equipment, with or without operators, which such municipality may need for its purposes. The determination as to whether such machinery or material is available for renting, exchanging or lending shall be made by the superintendent. In the event the superintendent determines that it will be in the best interests of the Town of Brighton to lend to another municipality, the superintendent is hereby authorized to lend to another municipality. The value of supplies or materials loaned to another municipality may be returned to the Town of Brighton, by the borrowing municipality in the form of similar types and amounts of materials or supplies, or by the use of equipment or receipt of services of equal value, to be determined by the respective superintendents.
 - c. The Town of Brighton agrees to repair or maintain machinery or equipment for any city/county/town/village under terms that may be agreed upon by the superintendent, upon such terms as may be determined by the superintendent.
 - d. An operator of equipment rented or loaned to another municipality, when operating such equipment for the borrowing municipality, shall be subject to the direction and control of the superintendent of the borrowing municipality in relation to the manner in which the work is to be completed. However, the method by which the machine is to be operated shall be determined by the operator.
 - e. When receiving the services of an operator with a machine or equipment, the receiving superintendent shall make no request of any operator which would be inconsistent with any labor agreement. All machinery and the operator, for purposes of workers compensation, liability and any other relationship with third parties, shall be considered the machinery of, and the employee of, the municipality owning the machinery and equipment.
 - f. The lending municipality shall be liable for any negligent acts resulting from the operation of its machinery or

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- equipment of its own operator.
- g. Each municipality shall remain fully responsible for its own employees, including by not limited to, salary, benefits and workers compensation.
4. The renting, borrowing or leasing, repairing or maintaining of any particular piece of machinery or equipment, or the exchanging or borrowing of materials or supplies, or the providing of a specific service shall be evidenced by the signing of a memorandum by the superintendent. Such memorandum may be delivered to the other party via mail, personal delivery, facsimile machine, or any other method of transmission agreed upon.
 5. In the event any shared services arrangement is made without a memorandum at the time of receipt of the shared service, the superintendent receiving the shared service shall within five days thereof, send to the provider a memorandum identifying the type, time and date of the acceptance of the repair or maintenance shared service. In the event such shared service related to or included any materials or supplies, such memorandum shall identify such materials or supplies and time and place of delivery.
 6. In the event a municipality wishes to rent machinery or equipment from another municipality or in the event a municipality wishes to determine the value of such renting for the purposes of exchanging shared services or a comparable value, it is agreed that the value of the shared service shall be set forth in the memorandum.
 7. In the event machinery or equipment being operated by an employee or the owning municipality is damaged or otherwise in need of repair while working for another municipality, the municipality owning the machinery or equipment shall be responsible to make or pay for such repairs. In the event machinery or equipment is operated by an employee of the borrowing, receiving or renting municipality, such municipality shall be responsible for such repairs.
 8. Records shall be maintained by each municipality setting forth all machinery rentals, exchanges, borrowing, repair or maintenance and other shared services. Such records will be available for inspection by any municipality which has shared services with such municipality.
 9. In the event a dispute arises relating to any repair, maintenance or shared service, and such dispute cannot be resolved between the parties, such dispute may be resolved through mediation or arbitration.
 10. Any municipality which is a party to this contract may revoke such contract by filing a notice of such revocation. Upon the revocation of such contract, any outstanding obligations shall be submitted within thirty days of such revocation.
 11. Any action taken by the superintendent pursuant to the provision to this contract shall be consistent with the duties of such official and expenditures incurred shall not exceed the amount set forth in the Town of Brighton budget for highway purposes.
 12. The record of all transactions that have taken place as a result of the Town of Brighton participating in the services afforded by this contract shall be kept by the superintendent and a statement thereof, in a manner satisfactory to the Town of Brighton Town Board, shall be submitted to the Town of Brighton Town Board semiannually on or before the first day of June and on or before the first day of December of each year following the filing of the contract, unless the Town of Brighton Town Board requests the submission of records at different times and dates.
 13. If any provision of this contract is deemed to be invalid or inoperative for any reason, that part may be modified by the municipalities which are a party to this contract to the extent necessary to make it valid and operative, or if it cannot be so modified, then severed, and the remainder of the contract shall continue in full force and effect as if the contract had been signed with the invalid portion so modified or eliminated.
 14. This contract shall be reviewed each year by the Town of Brighton and shall expire five years from the date of its signing by the supervisor. The Town of Brighton Town Board may extend or renew this contract at the termination thereof for another five-year period.
 15. Copies of this contract shall be sent to the clerk and the superintendent of each municipality with which the superintendent anticipates engaging in shared services. No shared services shall be conducted by the superintendent except with the superintendent of a municipality that has completed a shared services contract and has sent a copy thereof to the clerk of his or her municipality and the superintendent.
 16. The Town of Brighton Clerk is authorized and directed to file a copy of the contract set forth in this resolution with the chief executive officer of the following municipalities:
 - a. Town of Tupper Lake
 - b. Town of Harrietstown
 - c. Town of St. Armand
 - d. Town of Santa Clara

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- e. Town of Franklin
- f. County of Franklin

ROLL CALL VOTE: Aye 5 (Delarm, Leavitt, Knapp, Tucker, Wright), Nay 0

RESOLUTION #14 declared duly adopted.

ii. Agreement to Spend Highway Funds

RESOLUTION #15

EXPEND HIGHWAY FUNDS IN THE AMOUNT OF \$50,000 FOR IMPROVEMENTS OF HIGHWAYS

Motion made by Supervisor David Knapp, Second by Jeffrey Leavitt, To Wit:

RESOLVED, that the Town Board agrees to provide the Superintendent of Highways the sum of \$50,000 to be expended for Permanent Improvements for town highways.

ROLL CALL VOTE: Aye 0, Nay 5 (Delarm, Knapp, Leavitt, Tucker, Wright)

RESOLUTION #15 declared not adopted.

- c. **State Route 30 Speed Limit:** No response from NYS DOT, Paul Smith's College also sent a letter and has not received a response.
- d. **CSEA Contract:** Supervisor David Knapp spoke with Brian Paige, CSEA representative, and Forrest Pennington, Shop Steward, to set up a meeting to discuss the CSEA contract. This meeting will take place on February 12, 2009 at 6 p.m. before the Regular Board Meeting.
- e. **White Pine Bridge:** Supervisor David Knapp sent an email to Scott Goldie, Attorney for the Town, asking for an opinion on the information he sent concerning ownership of the bridge. Scott Goldie's response did not change from his August 20, 2008 letter to the Board. Discussion was held on what to do next. Jeffrey Leavitt and David Knapp will meet next week to discuss this issue with Scott Goldie. County Legislature Paul Maroun will also be re-contacted to determine where the County of Franklin stands.

2. ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society): No Report Received

3. ASSESSOR (Doug Tichenor):

- a. **Property Assessments:** Provided a listing of all the sales in the Town for the past 18 months. It is illegal to change an assessment just because a person purchases property in the Town, this is known as "Welcome Stranger". Changes are made during a reevaluation for the whole town. New construction is updated annually when the building permit is completed. There were two sales of vacant land for over 4 times the assessed value.
- b. **BAR members** are needed, they need to attend training in the spring
- c. **Earle Appraisal:** Looked at the appraisal for the Earle property, appraiser had the same trouble finding comparable sales.

4. CODE ENFORCEMENT OFFICER (CEO) (Paul Blaine): Report submitted prior to meeting

- a. **Building Permits Open:** 28 are open from 2008, 17 are open from 2007, 13 are open from 2006, 2 are open from 2005, and 1 is open from 2004
- b. **Avoidable Alarms Proposed Local Law #2-2008:** Discussion was held on the changes made to the current proposed law; definition of Avoidable Alarm, division of civil penalties, number of days to file notices. Documentation will have to be clarified. Susan Sweeney of PSC said they were opposed to the law in general not to the separation of the number of residence alarms to institutional alarms. There will have to be another Public Hearing due to the amount of changes.

Supervisor David Knapp set a special meeting to further discuss the wording of the Avoidable Alarm Law on Tuesday, January 13, 2009, at 7:00 p.m.

- c. **Meeting with Paul Smiths Gabriels Volunteer Fire Department (PSGVFD) and Paul Smith's College:** There was a meeting on Monday, January 5, 2009, with Paul Smith's College (PSC), PSGVFD, Fire Safety, CEO Paul Blaine, and Supervisor David Knapp to discuss ways to resolve the alarm situation at PSC. Availability of keys for getting into locked room during an alarm activation and notification of the State Troopers for incidents were discussed. Supervisor David Knapp said it was a very productive meeting. Susan Sweeney thanked the parties that attended the meeting for their cooperation.

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- 5. TAX COLLECTOR (Amber McKernan):** Report submitted prior to meeting
- On December 29, 2008 picked up the 2009 Tax Roll and Tax Bills in Malone. Prepared them for mailing and verified the request lists for bills from banking and mortgaging institutions.
 - Prepared the Public Notice of the Receipt of the Warrant for posting and published in the Adirondack Daily Enterprise.
 - Delivered tax bills on 30 December, after 3 p.m., to the three local post offices and posted Public Notices at each post office and in two places in the Town Hall.
 - Franklin County Legislature signed the warrant on 30 December and mailed the warrant to this office. The amount of the warrant is \$1,319,109.26 with the amount of \$541,832 to the Supervisor and \$777,277.26 to the Treasurer.
 - To date, collected \$122,142.73 with 105 postings. On 3 January, issued check #796 in the amount of \$145.45 and check #797 in the amount of \$.01 as refunds for overpayments. Receipts for those tax bills will not be mailed until the checks have cleared. On 8 January 2009 issued check #798 in the amount of \$44,000.00 to Supervisor David Knapp as the first payment to the Town of Brighton.
 - The software provider BAS has posted Town of Brighton tax bills on the internet at <http://egov.basny.com/brighton/>. Would like a link to this website posted on the Town's website. Bills can be searched by bill#, tax map #, owner name, and address. The current warrant amount also needs to be updated on the website.

Sheila Delarm will contact Rainbow Graphics and Amber McKernan to update the website.

- 6. TOWN JUSTICE (Nik Santagate):** Report submitted prior to meeting
Closed 60 cases and issued a check in the amount of \$4,945.00 to the Supervisor for December revenues
- 7. HISTORIAN - Mary Ellen Salls:** No Report

COMMITTEE REPORTS

- 1. SMART GROWTH INITIATIVE - Rebecca Buerkett:**
- Contacted Dylan Walrath from DEC concerning the M/WBP-EEO letter, RE: Diane Leifheit is not certified in the Minority/Women Business Program - Equal Employment Opportunity. She agreed to apply to get certified. Supervisor David Knapp said he received her final invoice but the project is not complete.
 - Next meeting will be on Monday January 12 at 4 p.m. The survey will be reviewed; printing and mailing of the survey costs are not included in the grant but the work can be done by FX Browne, Inc. The GIS mapping is being worked on..
 - Meeting minutes need to be added to the website. Sheila Delarm will get in touch with Rainbow Graphics to get this set up.
 - Information in final plan will address ideas that other people can pursue further, such as Camp Gabriels or historic buildings.

RESOLUTION #16

PURCHASE OF POSTAGE AND PRINTING FOR SMART GROWTH INITIATIVE SURVEY

Motion made by Supervisor David Knapp, second by Steve Tucker, to Wit:

RESOLVED that the Town Board approves the purchase of postage and printing for the Smart Growth Initiative survey to be mailed to all Town of Brighton residents by FX Browne, Inc.

ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Tucker, Wright), Nay 0, Absent 1 (Leavitt)

RESOLUTION #16 declared duly adopted.

- 2. PARK & RECREATION - Steve Tucker and Jeffrey Leavitt**
- Light fixtures at the park were changed by National Grid, now the lights shine in the neighbor's window and need to be adjusted
 - Locks have not been changed
 - The ice was put down by Dan Spencer, not the PSGVFD. They have not had the time.

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- d. Tractor needs to be examined to determine what repairs are needed to brush off the ice.
- e. Signs need to be put up to keep snowmobiles off the park area, they can go around the outside.
- f. Saranac Lake Area Youth Program (SLAYP) had a meeting on Monday, January 5, they will be meeting with a new director on Thursday; a new program director is also being selected.

3. INSURANCE/INVESTMENTS - Sheila Delarm and Lydia Wright:

- a. Met with Christy at Burnham to go over new rate changes for medical insurance; rates are less than projected. Did a comparison with other medical insurances; Excellus will continue to be used for 2009. The Empire Plan will be compared to Excellus at a later date. The Empire Plan has a 2-tier single and family plan like the current Highway Plan, not a 3-tier plan like Excellus.
- b. Dental and Optical Insurance benefits need to be addressed in a policy at a later date
- c. NYMIR renewed the liability Insurance
- d. Received faxed letter dated December 15, 2008 from NYMIR, to Healthcare Recoveries, RE: Cody Wright, Claim # TBRIT-2008-001-001; declined to make any payments in connection with this claim
- e. Investments - MBIA Class total balance as of 31 December 2008 is \$258,678.24, interest for December was \$182.46, and total interest for year is \$8,348.65. Interest rate is below 1%.

4. CEMETERY - Steve Tucker and Jeffrey Leavitt: Nothing to report

5. TOWN BUILDINGS - Steve Tucker and Jeffrey Leavitt

- a. **Town Hall Project:** Lydia Wright has not heard from NYS Office of Parks, Recreation and Historic Preservation about the grant.
- b. **Maintenance:** Need to get repairs done at the Town Hall during the next year

OLD BUSINESS

1. FIRE ADVISORY BOARD (FAB) UPDATE- Sheila Delarm: No meeting held

2. RESCUE CONTRACT: No contract received back from the Village of Saranac Lake; the Village did send an invoice for the funds.

3. TIME WARNER CABLE: TOA was extended as previously reported under Supervisor's Correspondence, no further information on McColloms cable survey

4. VOICE MAIL AT TOWN HALL: No further information.

5. LANDFILL ACCESS: Supervisor David Knapp is drafting a letter to Helmes Sand and Gravel concerning the markers found on the land fill site by FX Browne, Inc. Steve Tucker spoke with Darren Helms, he has not been on the landfill site in over a year and knows better than to put anything on the landfill cover.

6. PSGVFD AUDIT AND BUDGET: Sheila Delarm spoke with the NYS Comptroller Auditor who did the PSGVFD's audit and it is still in the review stage. The Budget request is over a year old. Supervisor David Knapp will review the letter he sent in November to see how it was worded about making payments if the Town does not get a budget. He will send another letter with the first payment of 2009. A budget will be required as part of the contract for 2010 and beyond.

NEW BUSINESS

1. PSC DEMOLITION PERMIT: Sheila Delarm said people are asking if Paul Smith's College (PSC) got a building permit to demolish a building on the College. She checked with the CEO and PSC did not get a permit from him. She said this has not been enforced in the past. People are concerned with the contents of the building and where

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it was disposed. The CEO said it is a Building Code requirement to get a permit to demolish a building.

2. **MEETING ATTENDANCE:** Sheila Delarm will not be able to attend the February and March Town Board meetings due to a class. Jeffrey Leavitt will not be at the April meeting due to being out-of-town.
3. **GABRIELS POST OFFICE:** Sheila Delarm asked Steve Smith at the Brighton Mini Mart about the new post office, it is still in the permit process with the APA.
4. **ORGANIZATION ORGANIZATION:** Sheila Delarm said she nominated the St. Paul/Assumption Food Pantry in the Town as a Not-for-Profit (NFP) that needs help getting organized. Gloria Volz is the point of contact for this organization that helps NFPs get organized.
5. **SAMSON'S BAR & GRILL:** There was a fire on December 31 that destroyed the Sampson's Bar and Grill in McColloms (formally Meacham Lake Inn). A fund raiser by residents is being held on January 31 from 1 to 7 p.m. at the Red Tavern Inn in Duane to help the Bentz family with finances.
6. **ANNUAL CONTRACTS/PAYMENTS**
 - a. **NYMIR Liability Insurance**

RESOLUTION # 17

PAYMENT FOR NYMIR LIABILITY INSURANCE

Motion made by Supervisor David Knapp, second by Lydia Wright, To Wit:

RESOLVED that the Supervisor be authorized to pay to New York Municipal Insurance Reciprocal (NYMIR) the amount of \$11,221.41 for liability insurance.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

RESOLUTION #17 declared duly adopted.

- b. **St Paul/Assumption Food Pantry**

RESOLUTION # 18

CONTRACT FOR ST PAUL/ASSUMPTION CHURCH FOOD PANTRY

Motion made by Supervisor David Knapp, second by Sheila Delarm, To Wit:

RESOLVED that the Supervisor be authorized to sign an agreement with St. Paul/Assumption Church in Bloomingdale for Food Pantry Services in the Town of Brighton for the year 2009.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

RESOLUTION #18 declared duly adopted.

- c. **FX Browne, Inc. Landfill Post-Closure Monitoring:**

RESOLUTION #19

CONTRACT WITH FX BROWNE, INC. FOR LANDFILL POST-CLOSURE MONITORING SERVICES

Motion made by Supervisor David Knapp, second by Sheila Delarm, To Wit:

RESOLVED that the Supervisor be authorized to sign an agreement with FX Browne, Inc. for 2009 Landfill Post-Closure Monitoring in the amount of \$3,420 which includes \$2,400.00 for services and \$1,020 for annual laboratory subcontract fees.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

Resolution #19 declared duly adopted.

- d. **Franklin County Snowmobilers, Inc.**

RESOLUTION #20

CONTRACT WITH FRANKLIN SNOWMOBILERS, INC. AND PAY \$300 FOR 2009 TRAIL GROOMING

Motion made by Supervisor David Knapp, second by Sheila Delarm, To Wit:

RESOLVED that the Supervisor be authorized to sign a contract with the Franklin Snowmobilers, Inc. for 2009

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trail grooming, and

BE IT FURTHER RESOLVED that the Supervisor be authorized to pay the Franklin Snowmobilers, Inc. the amount of \$300.00 for 2009 services.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

Resolution #20 declared duly adopted.

e. North Country Life Flight, Inc.

RESOLUTION #21

CONTRACT WITH NORTH COUNTRY LIFE FLIGHT, INC. AND PAY \$1,250 FOR 2009 SERVICES

Motion made by Supervisor David Knapp, second by Sheila Delarm, To Wit:

RESOLVED that the Supervisor be authorized to sign a contract with North Country Life Flight, Inc., to provide emergency airlift services, and

BE IT FURTHER RESOLVED, that the Supervisor be authorized to pay the amount of \$1,250.00 for 2009 services.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

Resolution #21 declared duly adopted.

f. Saranac Lake Adult Center

RESOLUTION #22

CONTRACT WITH SL ADULT CENTER, INC. AND PAY \$750 FOR 2009 SENIOR SERVICES

Motion made by Supervisor David Knapp, second by Sheila Delarm, To Wit:

RESOLVED that the Supervisor be authorized to sign a contract with Saranac Lake Adult Center, Inc. to provide services for the seniors of the Town, and

BE IT FURTHER RESOLVED, that the Supervisor be authorized to pay the Saranac Lake Adult Center, Inc., the amount of \$750.00 for 2009 services.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

Resolution #22 declared duly adopted.

g. Saranac Lake Civic Center

RESOLUTION #23

CONTRACT WITH SL CIVIC CENTER, INC. AND PAY \$1,500 FOR 2009 YOUTH ACTIVITIES

Motion made by Supervisor David Knapp, second by Sheila Delarm, To Wit:

RESOLVED that the Supervisor be authorized to sign a contract with the Saranac Lake Civic Center for 2009 youth activities and skating services, and

BE IT FURTHER RESOLVED that the Supervisor be authorized to pay the Saranac Lake Civic Center the amount of \$1,500.00 for 2009 services.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

Resolution #23 declared duly adopted.

h. Town of Harrietstown Airport

RESOLUTION #24

CONTRACT WITH THE TOWN OF HARRIETSTOWN FOR 2009 AND PAY \$1,000 FOR ADIRONDACK AIRPORT SERVICES

Motion made by Supervisor David Knapp, second by Sheila Delarm, To Wit:

RESOLVED that the Supervisor be authorized to sign the contract with the Town of Harrietstown for services at the Adirondack Regional Airport during 2009, and

BE IT FURTHER RESOLVED that the Supervisor be authorized to pay the Town of Harrietstown the amount of \$1,000.00 for 2009 services.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

Resolution #24 declared duly adopted.

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i. Tri-Lakes Humane Society, Inc. Animal Control Officer/Shelter Services

RESOLUTION #25

CONTRACT WITH TRI-LAKES HUMANE SOCIETY, INC FOR SHELTER SERVICES AND ANIMAL CONTROL OFFICER SERVICES AND PAY \$3,500 FOR 2009 SERVICES

Motion made by Supervisor David Knapp, second by Sheila Delarm, To Wit:

RESOLVED that the Supervisor be authorized to sign a contract with the Tri-Lakes Humane Society, Inc., for animal shelter services and Animal Control Officer services during 2009 , and

BE IT FURTHER RESOLVED that the Supervisor be authorized to pay Tri-Lakes Humane Society, Inc. the amount of \$1,500.00 for shelter services and \$2,000.00 for Animal Control Officer services for 2009, a total of \$3,500.00.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

Resolution #25 declared duly adopted.

7. ANNUAL PAYMENTS FOR MULTI-YEAR CONTRACTS

a. Association of Towns

RESOLUTION #26

PAYMENT TO THE ASSOCIATION OF TOWNS FOR ANNUAL DUES OF \$500

Motion made by Supervisor David Knapp, second by Jeffrey Leavitt, To Wit:

RESOLVED that the Supervisor be authorized to pay annual membership dues of \$500.00 to the Association of Towns.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

Resolution #26 declared duly adopted

- b. FREMSA:** Discussion was held on asking for a budget for the next contract. Supervisor David Knapp to send a letter with the payment to remind them it's the last year of their contract and to provide some statistics and a budget for the next contract.

RESOLUTION #27

PAYMENT TO FREMSA OF \$1,500 FOR 2009 EMERGENCY MEDICAL SERVICES

Motion made by Supervisor David Knapp, second by Jeffrey Leavitt, To Wit:

WHEREAS, the Town Board approved a multi-year contract with FREMSA for First Responder Emergency Medical services (Resolution #13-2007) on January 11, 2007,

NOW THEREFORE BE IT RESOLVED that the Supervisor be authorized to pay FREMSA the amount of \$1,500 for 2009 First Responder Emergency Medical services for the last year of a multi-year contract.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

Resolution #27 declared duly adopted.

- c. Paul Smiths-Gabriels Volunteer Fire Department, Inc (PSGVFD):** Discussion was held on asking again for an adopted itemized budget, as well as a copy of the most current audit of the Fire Department's financial records. Since this is the end of a multi-year contract, payment will not be held waiting for a budget. Supervisor David Knapp will send another letter requesting a budget as well as a Certificate of Insurance.

RESOLUTION #28

PAYMENT TO THE PSGVFD OF \$34,838 FOR FIRE PROTECTION SERVICES FOR 2009

Motion made by Supervisor David Knapp, second by Jeffrey Leavitt, To Wit:

WHEREAS, the Town Board approved a multi-year "Fire Protection Contract" (Resolution #47-2005) on April 14, 2005,

NOW THEREFORE BE IT RESOLVED that the Supervisor be authorized to pay the Paul Smiths Gabriels Volunteer Fire Department, Inc. the amount of \$34,838.00 for the first payment due February 1 for 2009 fire protection services.

ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Tucker, Wright), Nay 1 (Leavitt)

Resolution #28 declared duly adopted.

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d. Franklin County Self-Insurance Payment:

RESOLUTION #29

PAYMENT TO FRANKLIN COUNTY SELF-INSURANCE OF \$13,765.00 FOR 2009

Motion made by Supervisor David Knapp, second by Lydia Wright, To Wit:

RESOLVED that the Supervisor be authorized to pay the Franklin County Self-Insurance Program the amount of \$13,765.00 as follows: \$6,882.50 from the General Fund and \$6,882.50 from the Highway Fund.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

Resolution #29 declared duly adopted.

e. NYS Comptroller State and Local Retirement System:

RESOLUTION #30

PAYMENT TO NY STATE AND LOCAL RETIREMENT SYSTEM OF \$11,518.00 FOR 2009

Motion made by Supervisor David Knapp, second by Lydia Wright, To Wit:

RESOLVED that the Supervisor be authorized to pay the NY State and Local Retirement System the amount of \$11,518.00 as follows: \$5,068.00 from the General Fund and \$6,450.00 from the Highway Fund.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

Resolution #30 declared duly adopted.

AUDIT OF VOUCHERS

RESOLUTION #31

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Lydia Wright, second by Supervisor David Knapp, To Wit:

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

PREPAID FUNDS: Abstract #1 for Voucher #1A through and including 1C for 2009 General Funds in the amount of \$779.91 and 2009 Street Light Funds in the amount of \$68.41

GENERAL FUND: Abstract #1 for Voucher #1 through and including #40 for 2009 funds in the amount of \$44,938.00

HIGHWAY FUND: Abstract #1 for Voucher #1 through and including #13 for 2009 funds in the amount of \$21,329.70

SPECIAL FUND - FIRE PROTECTION DISTRICT: Abstract #1 for Voucher #1 for 2009 funds in the amount of \$34,838.00

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

Resolution #31 declared duly adopted.

Motion to Adjourn at 11:00 p.m. made by Lydia Wright, Second by Supervisor David Knapp, Aye 5, Nay 0

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk