

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

**January 10, 2013**

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, January 10, 2013, following the Organizational meeting held at 7:00 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:

**CALL TO ORDER:**

Meeting was Called to Order by Supervisor Peter Shrope at 7:38 p.m.

**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, and Elaine Sater -Town Clerk

**RESIDENTS:** There were two residents present

**NOTICE OF MEETING:** Notice of this meeting was published in the Adirondack Daily Enterprise on Thursday, January 3, 2013. Notice was also posted on the Town Clerk's Sign Board, in the three local post offices and businesses in the Town.

**DEPARTMENT REPORTS**

1. **HIGHWAY – Andy Crary:** Report submitted prior to meeting
  - a) Plowing and sanding being done on a regular basis
  - b) Made dump run
  - c) Picked up bottled water in Tupper Lake
  - d) PayStar 2002 broke down, rear drive shaft and yoke was replaced with the help of Town of Harrietstown's mechanic
  - e) Borrowed truck from Town of Harrietstown for three days to plow
  - f) Drove to Plattsburgh to get truck parts
  - g) Fixed a hydraulic hose leak on the Ford LT9000
  - h) Opened up the McDermont and Mt Pond Roads after heavy snow fall
  - i) Worked on Paystar 2002, replaced a hydraulic cylinder
  - j) Loan for Truck needs to be approved and down payment of \$30,000.00 made

**RESOLUTION #12-2013**

**AUTHORIZATION OF INSTALLMENT PURCHASE CONTRACT FOR NEW PLOW TRUCK AND DOWN PAYMENT IN THE AMOUNT OF \$30,000.00**

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

**BE IT RESOLVED** by the Town Board of the Town of Brighton as follows:

1. **Determination of Need:** The Governing Body of Obligor has determined that a true and very real need exists for the acquisition of the Equipment described on Exhibit A (a 2013 International 7600 6X4 dump plow truck) of the Installation Purchase Contract dated as of January 10, 2013, between Town of Brighton, Franklin County, New York (Obligor) and Kansas State Bank of Manhattan, KS (Obligee).
2. **Approval and Authorization.** The Governing Body of Obligor has determined that the Contract, substantially in the form presented to this meeting, is in the best interests of the Obligor for the acquisition of such Equipment, and the Governing Body hereby approves the entering into of the Contract by the Obligor and hereby designates and authorizes the following person(s) to execute and deliver the Contract on Obligor's behalf with such changes thereto as such person(s) deem(s) appropriate, and any related documents, including any Escrow Agreement, necessary to the consummation of the transaction contemplated by the Contract.
3. Supervisor Peter Shrope is authorized to sign the Installation Purchase Contract.
4. **Terms of Agreement:** Amount financed: \$180,325.00, by seven payments due January 30 of each year, first payment is \$30,000.00, thereafter \$27,557.95 each year for six years, interest rate 2.75%.

**ROLL CALL VOTE:** Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

**Resolution #12 declared duly adopted**

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2. **TOWN CLERK – Elaine Sater:** Report submitted prior to the meeting
  - a) Total Revenue to Supervisor as of December 31, 2012 was \$ 209.00 from 17 Dog Licenses, 1 new (Tag#113) and 16 renewed; and 1 Building Permit (#12-026)
  - b) January 3 received package from the Association of Town of the State of New York (AOTNYS), concerning the Annual Meeting in NYC on Wednesday, February 20<sup>th</sup>. Copy was placed in the “Town Board” box for review by Board. A Delegate and alternate need to be appointed for the meeting.
  - c) TOWN HALL REQUEST: None
  - d) TOWN PARK REQUEST: None
  - e) RECORDS MANAGEMENT: All records that are not longer needed by Town Departments should be turned over to the Records Management Officer for storage in the Town’s archives. All records should be appropriately labeled and ready to go in the proper storage boxes.
  - f) Post Office at Paul Smith’s College will be going to shorter hours, 8 a.m. to 12 noon Monday through Saturday, within the next ninety days.

**RESOLUTION #13-2013**

**APPOINTMENT OF DELEGATE AND ALTERNATE TO AOTNYS ANNUAL MEETING**

Motion made by Brian McDonnell, second by Steve Tucker,

**RESOLVED that the Town Board appoints Supervisor Peter Shrope as the voting delegate and Council Member Lydia Wright as the alternate voting delegate to attend the Annual Business Session of the Association of Towns of the State of New York (AOTNYS), to be held in New York City, on February 20, 2013 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 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0**

**Resolution #13 declared duly adopted**

3. **TAX COLLECTOR – Holly Huber:** No report received
4. **TOWN JUSTICE – Nik Santagate:** Report submitted prior to meeting.  
Supervisor Peter Shrope received \$3,761 for fees and fines from the Justice with a list of 53 cases disposed for the month of December 2012.
5. **CODE ENFORCEMENT OFFICER – Paul Blaine:** Report submitted prior to the meeting.
  - a) **Building Permits:** One Building Permit (BP #12-26) was issued
  - b) **Certificate of Occupancy/Compliance Issued:** One COO was issued for BP#12-005 and one COC was issued for BP#12-019
  - c) **Avoidable Alarms Update:** None reported
  - d) Updated the US Census and NYS information which allows the Town to get free manuals
  - e) Paul Smith’s College VIC is starting a renovation project
6. **ASSESSOR – Douglas Tichenor:** No report received
7. **TOWN PARK – Dan Spencer:** Report submitted prior to meeting
  - a) Removed snow from court and paths and driveway to field house
  - b) Putting down water for skating rink
  - c) Using personal roof rake to remove snow from roof
  - d) Working on shelves in garage
  - e) The snow fence seems to be working great this year, many thanks to the people who put it up
  - f) Not able to attend the meetings due to Emergency Medical Training (EMT) for First Responder and Basic EMT certification. Classes go through June 2013. Five people in the Town have completed their First Responder course and will start the EMT class January 27.
8. **FOOD PANTRY – Barb Marshall:** Report received prior to meeting by fax machine, unable to read completely
  - a) Reported there were 215 families served, a total of 545 people.
  - b) Watt meter was installed by Ampersand Electric on January 10; there should be two readings on the electric

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bill. Applied for a grant to reimburse the Town for electric usage and also receiving donations from people.

**9. HISTORIAN - Mary Ellen Salls:** No report received

**10. ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** No report received.

**11. SUPERVISOR:**

- a) **Financial Report:** Final Budget as of December 31, 2012 was distributed to Board members. Received \$30,000 in CHIPS funding on December 28.
- b) **Personnel Changes:** Completed personnel forms to remove David Knapp and add Amber McKernan for Franklin County Civil Service and notified Office of the Comptroller of same change on-line.
- c) **Correspondence:** Sent letter to Food Pantry concerning electrical work and key for building and to ask for a Certificate of Insurance to replace expired one. Sent letter to Adirondack Leadership Expedition thanking students for help at park and sent letter to Town of Harrietstown thanking them for help with plow truck.
- d) **Park Lease Insurance:** Renewed Certificate of Insurance for Paul Smith's College to cover Park lease.
- e) **Post Office:** Rainbow Lake post office will have a meeting on January 28 at 2 p.m. to discuss new hours.
- f) **Town Hall Grant:** Sent reimbursement request #2 on December 18 for the amount of \$25,207.84, should receive about \$12,600 back. This should close out the grant requests; final report needs to be completed.

**APPROVAL OF MINUTES**

-Regular Board – December 13, 2012

**Motion made** by Brian McDonnell, second by Lydia Wright, to adopt the minutes of December 13, 2012 as written.

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

**CITIZENS COMMENTS:** None

**BUSINESS**

1. **TOWN HALL PROJECT 2012 BAN PAYOFF:** A reimbursement payment from the grant was received just after the Bond Anticipation Note was renewed on November 17, 2012. The account has a balance of \$115,083.41. With a loan from the General Fund of \$14,000, the whole amount can be paid off; the interest will be \$399.25. This will almost finish the Capital Project Fund; any money received from the State grant will go back into the General Fund to pay back the loan from the General Fund.

**RESOLUTION #14-2013**

**GENERAL FUND LOAN OF \$14,000 TO CAPITAL PROJECT FUND, TOWN HALL PROJECT, AND PAY OFF 2012 BAN OF \$126,000**

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

**RESOLVED** that Supervisor Peter Shrope be authorized to transfer the amount of \$14,000 from General Fund to the Capital Project Fund for the Town Hall Restoration Project for the purpose of paying off the 2012 Bond Anticipation Note, and

**BE IT FURTHER RESOLVED** that Supervisor Peter Shrope pay off the 2012 Bond Anticipation Note for the Town Hall Project in the amount of \$126,000 plus the interest of \$399.25 (as of January 18<sup>th</sup>) for a total amount of payoff to be \$126,399.25.

**ROLL CALL VOTE:** Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

**Resolution #14 declared duly adopted**

**2. ANNUAL CONTRACTS:**

- a. **Tri-Lakes Humane Society for Animal Control and Shelter Services 2013:**

**RESOLUTION #15-2013**

**ANIMAL CONTROL AND SHELTER SERVICES 2013 CONTRACT FOR \$3,713.15**

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

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RESOLVED that Supervisor Peter Shrope be authorized to sign a contract with the Tri-Lakes Humane Society, Inc. in Saranac Lake to provide Animal Control Officer and Shelter Services during 2013 in the amount of \$3713.15 and

BE IT FURTHER RESOLVED that Supervisor Peter Shrope be authorized to pay the amount of \$3713.15 to the Tri-Lakes Humane Society, Inc. for the 2013 services.

ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

Resolution #15 declared duly adopted

b. Franklin Snowmobilers, Inc. for Snowmobile Trail Maintenance 2013:

RESOLUTION #16-2013

SNOWMOBILE TRAIL MAINTENANCE 2013 FOR \$300.00

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

RESOLVED that Supervisor Peter Shrope be authorized to sign a contract with the Franklin Snowmobilers, Inc. in Lake Clear to provide snow mobile trail maintenance in the Town for 2013 in the amount of \$300, and BE IT FURTHER RESOLVED that Supervisor Peter Shrope be authorized to pay the amount of \$300.00 to the Franklin Snowmobilers, Inc., for the 2013 services.

ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

Resolution #16 declared duly adopted

3. PAYMENTS FOR SERVICES:

a. Fire Protection to PSGVFD:

RESOLUTION #17

PSGVFD FIRE PROTECTION CONTRACT PAYMENT FOR 2013

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

RESOLVED that the Town Board authorizes Supervisor Peter Shrope to make the first installment payment in the amount of \$39,569.00 from the Special Fund for Fire Protection (#SF3410.4) to the Paul Smiths Gabriels Volunteer Fire Department (PSGVFD) to provide Fire Protection Services for the year 2013.

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

Resolution #17 declared duly adopted

b. NYMIR Insurance:

RESOLUTION #18

NYMIR PAYMENT FOR 2013

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

RESOLVED that the Town Board authorizes Supervisor Peter Shrope to pay New York Municipal Insurance Reciprocal (NYMIR) the amount of \$10,384.01 from the General Fund (Account #1910.4) for liability insurance for 2013.

ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

Resolution #18 declared duly adopted.

c. AOTNYS Membership:

RESOLUTION #19

MEMBERSHIP FOR AOTNYS

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

RESOLVED that the Town Board authorizes Supervisor Peter Shrope to pay the amount of \$500.00 for membership in the Association of Towns for New York State (AOTNYS) from General Fund Account #A1920.4.

ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

Resolution #19 declared duly adopted.

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4. **Adirondack Association of Towns and Villages Membership – Brian McDonnell:** Spoke with people who are in the Association and they would like more Towns from the northern end of the Adirondack Park to join. They represent the interest of the people in the Park.

**RESOLUTION #20**

**MEMBERSHIP IN AATV**

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

**RESOLVED that the Town Board authorizes membership in the Adirondack Association of Towns and Villages (AATV), and**

**BE IT FURTHER RESOLVED that the Supervisor Peter Shrope be authorized to pay the amount of \$250.00 to the AATV from the General Fund (Account #1010.4) for membership dues.**

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0**

**Resolution #20 declared duly adopted.**

5. **Tax Collector Reporting of Retirement System Hours for 2012:**

**RESOLUTION #21**

**REPORTING OF TAX COLLECTOR RETIREMENT HOURS**

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

**RESOLVED that the Tax Collector is directed to report hours worked during 2012 to Supervisor Peter Shrope not later than January 31, 2013 for reporting to the NYS and Local Retirement System.**

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0**

**Resolution #21 declared duly adopted.**

6. **Avoidable Alarm Litigation with Paul Smith's College:**

**RESOLUTION #22**

**SUSPENSION OF LITIGATION OF AVOIDABLE ALARM VIOLATIONS WITH PAUL SMITH'S COLLEGE FOR 2013**

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

**WHEREAS the Town of Brighton has litigation ongoing with Paul Smith's College concerning violations of Local Law #1 for 2009, "Prevention of Avoidable Alarm", and**

**WHEREAS the Town has been in mediation with Paul Smith's College concerning the violations,**

**NOW THEREFORE BE IT RESOLVED that the Town Board approves suspending litigation with Paul Smith's College concerning the Avoidable Alarm violations for the calendar year 2013 as long as mediation is ongoing.**

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0**

**Resolution #22 declared duly adopted.**

**RESOLUTION #23**

**SUSPEND ALARM USER ACTION FOR LOCAL LAW #1 FOR 2009, PREVENTION OF AVOIDABLE ALARMS**

**Motion made by Supervisor Peter Shrope, second by Steve Tucker,**

**WHEREAS the Town Board has suspended litigation with Paul Smith's College concerning violations of Local Law #1 for 2009, "Prevention of Avoidable Alarms" (Resolution #22-2013),**

**NOW THEREFORE BE IT RESOLVED that the Supervisor direct the Code Enforcement Officer to continue collecting data from the fire department concerning avoidable alarms and notifying alarm users, but alarm users will not need to respond, in accordance with Local Law #1 for 2009, Prevention of Avoidable Alarms, Section 8, Para a, as long as litigation is suspended and mediation is ongoing.**

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0**

**Resolution #23 declared duly adopted.**

7. **Franklin County Self Insurance Payments:**

**RESOLUTION #24**

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**PAYMENT OF SELF-INSURANCE TO FRANKLIN COUNTY FOR 2013**

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

**RESOLVED that the Town Supervisor Peter Shrope be authorized to pay the amount of \$13,251 for Self Insurance for Worker's Compensation to Franklin County, half (\$6,625.50) from General Fund (Account #A9040.8) and half from Highway Fund (Account #DA9040.8).**

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0**

**Resolution #24 declared duly adopted.**

**8. NYS and Local Retirement System Payments**

**RESOLUTION #25**

**PAYMENT OF NYS AND LOCAL RETIREMENT FOR 2013**

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

**RESOLVED that Supervisor Peter Shrope be authorized to make payments in the amount of \$48,311 to the New York State and Local Retirement System as follows: Not to Exceed \$20,000 from General Fund (A9010.8; verified amount \$19,324) and not to Exceed \$29,000 from Highway Fund (DA9010.8; verified amount \$28,987) pending verification from the Bookkeeper who has access to the on-line invoice.**

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0**

**Resolution #25 declared duly adopted.**

***COMMITTEES***

- 1. HIGHWAY- Brian McDonnell and Steve Tucker:** Supervisor Peter Shrope rode with the plow during the first snow storm of 2013 on January 3 at 5 p.m. The men do a good job of plowing.
- 2. ADIRONDACK REGIONAL AIRPORT – Tom and Amber McKernan:** Nothing to report
- 3. PARKS AND RECREATION – Supervisor Peter Shrope and Steve Tucker:** The Fire Department has not been able to put down water yet; waiting for colder weather.
- 4. INVESTMENTS AND INSURANCE – Lydia Wright:** NYCLASS account had interest of \$.32 for General and \$.17 for Highway, total interest of .49 for December 2013, Total interest for 2012 was \$23.59 for both accounts.
- 5. CEMETERIES AND BUILDINGS – Amber McKernan and Steve Tucker:** Overhead door is not installed yet; contractor came before the storm to measure it.
- 6. TELECOMMUNICATIONS – Supervisor Peter Shrope:** Spoke with Joe Hockey of Tupper Lake who is working on the Nicholville Project to install broadband. This is a project to get internet coverage for a 9 mile radius from Paul Smith's College that would cover up to Rt 458, down the Keese Mills Road, and out to Onchiota. Frontier (telephone company) has said they are upgrading to DSL.
- 7. TOWN HALL PROJECT/OPEN HOUSE – Supervisor Peter Shrope and Lydia Wright:** Open House will be on Sunday, July 28, 2013. Committee needs to meet. The final report needs to be completed by March 2013.
- 8. ASSESSMENT –Brian McDonnell and Lydia Wright:** Nothing to Report
- 9. SALARIES/BENEFITS ADMINISTRATION – Supervisor Peter Shrope:** Would like to look at increasing salaries for elected officials positions that are losing health insurance benefits
- 10. REVIEW OF EMERGENCY PLAN:** David Knapp is being removed and Amber McKernan is being added. Steve Tucker reviewed the Fire Department and Franklin County Emergency Center information.

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***CITIZENS COMMENTS:***

**Frank Appleton** asked about the “doom and gloom” prediction of the previous supervisor. He asked if the Town is in as bad shape as was predicted, is the Town in the “hole”?

**Supervisor Peter Shrope** said this year the Town had to pay a large amount to the retirement system for an employee but it is a one time expense. Health insurance premiums increased so the Board reduced some of the money given to organizations outside the Town. The Town is not in a “hole”. Health insurance for future elected officials has been eliminated and the prediction was based on all elected officials getting health insurance every year.

***EXECUTIVE SESSION:***

**Motion to GO INTO EXECUTIVE SESSION at 9:15 p.m. made by Supervisor Peter Shrope, second by Lydia Wright, for the purpose of discussing current litigation “Town of Brighton vs Paul Smith’s College” concerning Avoidable Alarm mediation in accordance with Public Officers Law, Article 7, Section 105(d). Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0**

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

***AUDIT OF VOUCHERS***

**RESOLUTION #26**

**PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS**

**Motion made by Lydia Wright, second by Amber McKernan,**

**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 2013 General Funds in the amount of \$654.76 and 2013 Street Light Funds in the amount of \$73.94**

**GENERAL FUND: Abstract #1 for Voucher #1 through and including #20 for 2013 funds in the amount of \$48,365.30.**

**HIGHWAY FUND: Abstract #1 for Voucher #1 through and including #10 for 2013 funds in the amount of \$72,237.05**

**SPECIAL FUND – FIRE DISTRICT: Abstract #1 for Voucher #1 for Special Funds – Fire District for 2013 in the amount of \$39,596.50.**

**CAPITAL PROJECT FUND – TOWN HALL PROJECT: Abstract #42 for Voucher #99 through and including #101 in the amount of \$126,564.00.**

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0**

**RESOLUTION#26 declared duly adopted**

***ADJOURNMENT***

**Motion to Adjourn at 9:45 p.m. made by Supervisor Peter Shrope, Second by Lydia Wright, Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0**

Respectfully Submitted,

Elaine Sater, RMC  
Brighton Town Clerk