

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

January 12, 2012

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, January 12, 2012 at 7:00 p.m. at the Brighton Town Garage, Paul Smiths, NY, with the following:

CALL TO ORDER:

Meeting was Called to Order by Supervisor Peter Shrope at 7:08 p.m.

ROLL CALL OF OFFICERS

PRESENT: Supervisor Peter Shrope

Council Members: David Knapp, Brian McDonnell, 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 several residents present

GUESTS: Chris Alcocer – North County Construction Services, Inc.

NOTICE OF MEETING: Notice of this meeting was published in the Adirondack Daily Enterprise on Thursday, December 27, 2011. Notice was also posted on the Town Clerk's Sign Board, at the three post offices and at businesses in the Town.

DEPARTMENT REPORTS

- 1) **HIGHWAY – Andy Crary:** Report submitted prior to meeting
 - a) Plowing and sanding being done
 - b) Changed plow steel on LT9000
 - c) Changed cutting edge on loader
 - d) Putting up salt and sand mixture
 - e) Had Paystar towed back to garage by 86 Towing after steering was damaged
 - f) Repaired steering on Paystar
 - g) Had Bob's Auto and Truck Repair fix air valve on LT9000
 - h) Checked roads
 - i) General shop work

- 2) **TOWN HALL PROJECT – Chris Alcocer:** Report given at meeting
 - a) Boiler: Hyde-Stone of Potsdam has ordered boiler, should be installed next week
 - b) Heating of building: Electrical heaters are keeping building at 50 degrees.
 - c) Front Door: This door was not part of plan, does not keep heat in well
 - d) The architect did a walk through on December 3 and said the project was substantially completed. There are some items that still need to be addressed in the spring such as painting windows.
 - e) Payments: Applications are all in from contractors. Town needs to keep retainage fees from Hyde-Stone \$300 and Conroy & Conroy \$1,600 for work not completed. Bill Jabaut, Electrician, can be paid in full.
 - f) Warranties: All three contractors have signed warranties

Discussion was held on having a service contract on the boiler. There is a one year warranty on the new one.

- 3) **TOWN CLERK – Elaine Sater:** Report submitted prior to the meeting
 - a) Total Revenue to Supervisor as of December 31, 2011 was \$ 64.50 from 1 Marriage License (#2), 1 Certified Copy, 4 Dog Licenses renewed and 1 Notary Signature
 - b) December 15 received notice from the APA conditionally approving APA Project No. P2008-128 after-the-fact permit for commercial use automobile repair and sales business.
 - c) Notified Franklin County Legislature of updates to addresses and phone for elected officials and employees.
 - d) December 20 received notice that Sodexo Management, Inc., at Paul Smith's College is applying for a renewal of its "On-Premises Alcoholic Beverage License" for Wine and Beer Only, to expire on 02/28/2013.
 - e) December 22 faxed notice to the Adirondack Daily Enterprise of a Special Meeting of the Town Board

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scheduled for December 30 at 6:30 p.m. December 23 posted notice on the Town Clerk's Sign Board, at the three post offices and at local businesses. Advised the Town Board that the Town Clerk would not be available at that time due to a prior commitment.

- f) January 3 received information from the Department of Agriculture and Markets concerning the Dog Control Officer Inspection and Municipal Shelter Inspection. Inspections were completed on 12/21/11 and both were rated "Satisfactory".
- g) January 5 notified the Association of Towns of the updated elected officials, addresses and phone numbers.
- h) January 8 received information from the Association of Town of the State of New York, distributed to Town Board. Information concerned the 2012 Training School and Annual Meeting of the Association February 19 to 22 in New York City. Resolution is needed for Designation of Delegate and alternate for voting purposes at the Annual meeting.
- i) Would like to apply for a \$500.00 scholarship to attend the NYS Town Clerk's Association meeting in Saratoga Springs in April. Need a motion to agree to pay balance of the cost for the Town Clerk to attend if the scholarship is awarded to the Town. Funds are in Town Clerk's budget to pay for the meeting.
- j) TOWN HALL REQUEST: None
- k) TOWN PARK REQUEST: Saturday, January 21, DeDivitis Family, 12:30 to 3:30 p.m.
- l) RECORDS MANAGEMENT: Received 3 FOIL requests from Town Officials

RESOLUTION #15

PAYMENT OF BALANCE OF COST FOR NYS TOWN CLERK'S ASSOCIATION MEETING

Motion made by David Knapp, **second** by Supervisor Peter Shrope,

WHEREAS the Town Clerk is applying for a \$500.00 scholarship to defray the cost to attend the New York State Town Clerk's Association meeting in Saratoga Springs, April 22 to 25, 2012, and

WHEREAS the expense to attend the meeting was included in the Town Clerk's 2012 budget,

NOW THEREFORE BE IT RESOLVED that the Town Board agrees to pay the balance of the expense for the Town Clerk Elaine Sater to attend the meeting of the NYS Town Clerk's Association in Saratoga Springs, April 22 to 25, 2012.

Roll Call Vote: Aye 5 (Knapp, McDonnell, Shrope, Tucker, Wright), Nay 0

RESOLUTION #15 declare duly adopted

- 4) **TAX COLLECTOR – Holly Huber:** Report submitted prior to meeting
 - a) During December met with outgoing Tax Collector Amber McKernan several times for training.
 - b) On Thursday, 12/29/11 traveled to Malone to meet with Amanda Day-Swanston, Principle Account Clerk with the County Treasurer's office, for a mandatory in-person overview of how she would like the tax records kept while they are in Brighton and how they must be prepared for transfer to Malone in April.
 - c) The evening of 12/30/11 the files and equipment were transferred from the McKernan house to the Huber house.
 - d) On January 1st stopped by the Town Hall with a phone and used the *72 command to forward calls from the former published Tax Collector phone number 327-3644 to my home phone 327-3275.
 - e) Office hours began 1/3/12 at 7am. Two taxpayers chose to pay their bills, by check, in person during last Thursday evening's office hours. The rest have arrived by mail.
 - f) On Monday, 1/9/12 started using the NBT-provided Remote Capture Deposit ("RCD") check scanner to make deposits. Please note that this device may be utilized by any other Town of Brighton official to deposit checks into their town account with NBT. Once an account has been added to the system, feel free to come deposit your checks at 592 CR 60, Rainbow Lake when it's more convenient than making a trip to Saranac Lake. You may perform the transaction yourself and take the cancelled check with you. To add your account send an email to NBT's Sandy Hippenstiel, Remote Deposit/Star Services Associate at tracy.hippenstiel@nbtbank.com. He may also be reached at 1-800-628-2265.
 - g) Attached are a bank register and a summary transaction report for activity through 1/10/12. If the applied-for online access to the bank account is in place before the 1/12/12 board meeting will provide corroborative reports from NBT. (Bank Balance \$17,288.14 as of 1/10/12 and six batches of 170 transactions for a total of \$177,388.14 were recorded)
 - h) As of 1/10/12 collected \$177,388 from 85 taxpayers. This amounts to 30% of the \$579,849 due the Town. Supervisor Shrope accepted a check (#857) this date for \$160,000.

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- 5) **TOWN JUSTICE – Nik Santagate:** Report submitted prior to meeting.
Supervisor Peter Shrope received \$3,740 for fees and fines from the Justice with a list of cases disposed for the month of December 2011.
 - 6) **CODE ENFORCEMENT OFFICER – Paul Blaine:** Report submitted prior to the meeting.
 - a) **Building Permits:** Two Building Permits (BPs #11-33 and 34)) were issued
 - b) **Certificate of Occupancy/Compliance Issued:** One COO was issued to the Town of Brighton for BP#11-001.
 - c) **Avoidable Alarms Update:** Five avoidable alarm violations (#11-31 thru #11-35) were reported during December. Four are still open and one was completed (#11-32).
 - 7) **ASSESSOR – Douglas Tichenor:** Report submitted prior to meeting
 - a) STAR renewal letters were sent in December to senior STAR recipients. The due date for the renewals is March 1, 2012. Recipients of the Basic STAR exemption do not have to annually renew.
 - b) The NYS Office of Real Property Tax Services (ORPTS) sent a preliminary ratio of 78.27% for residential property in the town of Brighton. He disagrees that this ratio accurately reflects the current level of assessment for residential property in the town based on the few sales that have occurred. However ORPTS bases the ratio on statistical analysis and it is nearly impossible to gain any increase in the ratio because the sales fail to meet "acceptable statistical analysis." Correspondence with ORPTS was made available as well as the recent residential sales in the Town.
 - 8) **HISTORIAN - Mary Ellen Salls:** No report received
 - 9) **TOWN PARK – Dan Spencer:** Report given at meeting
 - a) Removed snow from around building
 - b) Put out trash for Food Pantry
 - c) Performed maintenance on tractor, however there is no room in the garage to work due to the Food Pantry storing items there.
 - d) Usage: There were a couple of people using the park a week ago; three were using the ice rink tonight. Town Board said they would like Dan Spencer to keep a more formal record daily of who is using the park, so the Town can determine which nights the Park is being used. Brian McDonnell would like to see the Town promote the Park more.
 - 10) **FOOD PANTRY – Barb Marshall:** Report received prior to meeting.
 - a) Reported there were 114 families served, a total of 406 people.
 - b) Steve Tucker said the Knights of Columbus (St. Paul's) is giving the Food Pantry a freezer. Discussion was held on issues concerning the Food Pantry. David Knapp will check the electrical load to see if another freezer can be added. Items stored in the Park building need to be moved into the Food Pantry area when it is not open. Items stored in the garage, except for the freezers, also need to be moved into the Food Pantry area. Supervisor Peter Shrope received a phone call from George Earl who told him he has obtained over \$5,000 for the Food Pantry and it could be used to help defray the cost of utilities used by the Food Pantry. The question of who has keys to the Food Pantry was asked, the only person on record having a key is Barb Marshall; one key to each lock was given to her. It appears that more people have keys as people other than Barb Marshall have access to the Park building when the Food Pantry is not open.
- Motion made by David Knapp, second by Lydia Wright, authorizing Supervisor Peter Shrope and Council member Brian McDonnell to contact Barb Marshall to discuss the terms of the Food Pantry contract, specifically consolidating the Food Pantry items into the area designated for the Food Pantry and adding more freezers. A walk through of the Park building will be performed first before the meeting. Revising the contract will be discussed at the next meeting in February. Public comments will be heard concerning the Food Pantry. Aye 5 (Knapp, McDonnell, Shrope, Tucker, Wright), Nay 0.**
- 11) **ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** No Report submitted.

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SUPERVISOR PETER SHROPE'S REPORT

a) Financial Report:

- i) Budget Amendment for 2011 Budget, Highway Fund:

HIGHWAY FUND 2011 BUDGET AMENDMENT #3

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

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

\$ 183.00 from Account No. DA5142.4 (Snow Removal CE)

as follows:

\$ 183.00 to Account No. DA5110.4 (General Repairs CE)

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

Highway Fund 2011 Budget Amendment #3 declared duly adopted.

- ii) Final Budget as of December 31, 2011 was distributed to Board members
- iii) Revenues received to date: January 9, deposited \$5,123.48 and on January 11, deposited \$47,362.85 from Homeland & Emergency (FEMA) funds for fixing roads from storm damage. (\$5,123.48 was deposited in the General Fund and will need to be transferred to the Highway Fund.) January 11 deposited \$10,000 from Department of State, Governor, into the Town Hall Capital Project Fund. Deposited \$3,740 from Town Justice and \$64.50 from Town Clerk revenues into General Fund. Deposited \$160,000 from Tax Collector as follows: Special District, Fire - \$77,640, Lighting District - \$900.00 and General Fund - \$81,460.
- b) **Deferred Compensation:** Received information concerning the Deferred Compensation fund, this is available to Town Officials and employees. This is a tax free savings plan.
- c) Met with former supervisor three times, the former tax collector, and the bookkeeper. Using the file cabinets in the Town Garage, and having office hours on Tuesdays and Thursdays approximately 9am to 1pm.

APPROVAL OF MINUTES

- Regular Board Meeting - December 8, 2011

Motion made by Supervisor Peter Shrope, **second** by Steve Tucker, **to approve the minutes of the Regular Town Board meeting held on December 8, 2011, as written. Discussion was held on information recorded on page 5, Committee Reports, Para 3a, Insurance; correction to the information to be discussed at a later date.**

Aye 2 (Shrope, Tucker), Nay 0, Abstain 3 (Knapp, McDonnell, Wright)

- Special Board Meeting - December 30, 2011

Motion made by Supervisor Peter Shrope, **second** by Steve Tucker, **to approve the minutes of the Special Town Board meeting held on Friday, December 30, 2011, as written. Discussion was held on three contracts (CSEA, Fire, and Rescue) that were approved but no details of what was agreed upon were included in the minutes. Payments were made to two organizations (Civic Center, Airport) but no contracts were approved. No vote was recorded for the audit of vouchers that were presented to the Board. Council Members who attended the meeting could not recall the vote.**

Aye 1 (Tucker), Nay 2 (Shrope, Wright), Abstain 2 (Knapp, McDonnell)

- Organizational Meeting - January 2, 2012

Motion made by Supervisor Peter Shrope, **second** by David Knapp, **to approve the minutes of the Organizational Meeting held on January 2, 2012, as written.**

Aye 5 (Knapp, McDonnell, Shrope, Tucker, Wright), Nay 0

RESOLUTION #16

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS FROM THE DECEMBER 30, 2011 SPECIAL MEETING

Motion made by Supervisor Peter Shrope, **second** by David Knapp,

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RESOLVED that the Supervisor be authorized to pay the audited vouchers as listed on the abstracts from the December 30, 2011, Special Board meeting, as follows:

GENERAL FUND: Abstract #13 for Voucher #270 through and including #274 for 2011 funds in the amount of \$4,580.78

CAPITAL PROJECT FUND - TOWN HALL PROJECT: Abstract #31 for Voucher #78 thru and including #80 for Capital Project funds in the amount of \$64,236.75

ROLL CALL VOTE: Aye 5 (Knapp, McDonnell, Shrope, Tucker, Wright), Nay 0
Resolution #16 declared duly adopted.

CITIZENS COMMENTS:

Amber McKernan: Said it was a pleasure watching the Board work together.

There were no further citizens' comments

Supervisor Peter Shrope declared a recess for 3 minutes.

NEW BUSINESS:

- 1. Camp Gabriels – Veteran's Cemetery:** Supervisor Peter Shrope said he distributed information concerning a Veteran's Cemetery at the Camp Gabriels property dated November 18, 2011 from former supervisor John Quenell. Supervisor Peter Shrope received communication from retired USAF, Chief Master Sergeant Robert St. Maur of Plattsburgh, concerning the Town supporting the use of the Camp Gabriels property for a veterans' cemetery.

RESOLUTION #17

SUPPORT OF VETERANS CEMETERY AS AN OPTION FOR THE CAMP GABRIELS PROPERTY

Motion made by Supervisor Peter Shrope, **second** by David Knapp,

WHEREAS the Camp Gabriels property in the Town of Brighton has not been sold by the Office of Government Services, and

WHEREAS an individual Mr. Robert St. Maur, Chief Master Sergeant, USAF, Retired, is advocating to New York State for the property to be used for a Northern New York Veterans Memorial Cemetery and has asked the Town to support this idea, and

WHEREAS only 35 acres would be needed for a veterans' cemetery allowing for the rest of the property to be used by a tax payer,

NOW THEREFORE BE IT RESOLVED that the Town Board agrees that the construction of a veterans' cemetery on the site of Camp Gabriels could be a beneficial use, but not the only use, of the property and will cooperate in further study of this proposal.

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

Resolution #17 declared duly adopted.

- 2. Contracts from December 30, 2011 meeting**

- a. CSEA – Contract for 2012 with 2% pay increase**

RESOLUTION #18

CSEA AGREEMENT FOR 2012 WITH UNIT 6870, FC LOCAL 817, HIGHWAY EMPLOYEES

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

WHEREAS the CSEA Unit 6870, Franklin County Local 817, has negotiated with the Town Board and agrees to certain terms for the year January 1 to December 31, 2012 for the Highway employees,

NOW THEREFORE BE IT RESOLVED that the Town Board approves a contract with the CSEA Unit 6870, Franklin County Local #817, and agrees to \$15.27 base rate per hour for 2012, which is equal to a 2% pay increase over the 2011 rate, with all others terms of the agreement remaining the same as the 2011 agreement, and

BE IT FURTHER RESOLVED that RESOLUTION #12-2012 from January 2, 2012, be amended to correct

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the rate per hour from \$15.26 to \$15.27 per hour.

ROLL CALL VOTE: Aye 4 (McDonnell, Shrope, Tucker, Wright), Nay 1 (Knapp)

Resolution #18 declared duly adopted.

- b. Paul Smiths Gabriels Volunteer Fire Department – Contract for 2012 with 2% increase in budget from 2011.**

RESOLUTION #19

PAUL SMITHS GABRIELS VOLUNTEER FIRE DEPARTMENT PROTECTION CONTRACT FOR 2012

Motion made by Supervisor Peter Shrope, second by David Knapp,

WHEREAS a Public Hearing was held on November 3, 2011, for public input concerning the Fire Protection Services,

NOW THEREFORE BE IT RESOLVED that the Town Board approves a contract with the Paul Smiths Gabriels Volunteer Fire Department (PSGVFD) to provide Fire Protection Services for the year 2012 at an annual fee of \$77,640, and

BE IT FURTHER RESOLVED that the first installment payment in the amount of \$38,820 is approved to be paid by the Supervisor to the PSGVFD.

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

Resolution #19 declared duly adopted.

- c. Saranac Lake Volunteer Rescue Squad – Contract for 2012; Steve Tucker reported the Rescue Squad has hired an EMT for 12 hours a day, 6 am to 6 pm.**

RESOLUTION #20

SARANAC LAKE VOLUNTEER RESCUE SQUAD CONTRACT FOR 2012

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

WHEREAS a Public Hearing was held on November 3, 2011, for public input concerning Rescue Services,

NOW THEREFORE BE IT RESOLVED that the Town Board approves a contract with the Saranac Lake Volunteer Rescue Squad (SLVRS) to provide Rescue Services for the year 2012 at an annual fee of \$21,600, and

BE IT FURTHER RESOLVED that a payment in the amount of \$21,600 is approved to be paid by the Supervisor to the SLVRS by April 1, 2012.

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

Resolution #20 declared duly adopted.

- d. Town of Harrietstown Airport - Contract for 2011 for a payment in the amount of \$1,500 paid on December 30, 2011.**

RESOLUTION #21

TOWN OF HARRIETSTOWN AIRPORT FOR 2011

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

WHEREAS on December 30, 2011, a payment in the amount of \$1,500 was made to the Town of Harrietstown by the Supervisor in support of the Adirondack Regional Airport,

NOW THEREFORE BE IT RESOLVED that the Town Board approves a contract with the Town of Harrietstown in support of the Adirondack Regional Airport for the year 2011 and

BE IT FURTHER RESOLVED that the payment made on December 30, 2011, in the amount of \$1,500 is approved as it was in the 2011 budget.

ROLL CALL VOTE: Aye 3 (McDonnell, Shrope, Tucker), Nay 0, Abstain 2 (Knapp, Wright)

Resolution #21 declared duly adopted.

- e. Saranac Lake Civic Center – Contract for 2011 for a payment in the amount of \$1,500 paid on December 30, 2011, not recorded in the minutes of the December 30, 2011 meeting.**

RESOLUTION #22

SARANAC LAKE CIVIC CENTER FOR 2011

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Motion made by Supervisor Peter Shrope, **second** by Lydia Wright,
WHEREAS on December 30, 2011, a payment in the amount of \$1,500 was made to the Saranac Lake Civic Center by the Supervisor,

NOW THEREFORE BE IT RESOLVED that the Town Board approves a contract with the Saranac Lake Civic Center to provide services to the residents of the Town during 2011 and

BE IT FURTHER RESOLVED that the payment made on December 30, 2011, in the amount of \$1,500 is approved as it was in the 2011 budget.

ROLL CALL VOTE: Aye 3 (Shrope, Tucker, Wright), Nay 0, Abstain 2 (Knapp, McDonnell)

Resolution #22 declared duly adopted.

3. Contracts and Payments for 2012

- a. **Saranac Lake Adult Center** – Contract for 2012 for a payment in the amount of \$750.00, Brain McDonnell asked if there was a usage report available from the Adult Center. Steve Tucker said some people in the Town get Meals on Wheels from the Adult Center.

RESOLUTION #23

SARANAC LAKE ADULT CENTER FOR 2012

Motion made by Supervisor Peter Shrope, **second** by David Knapp,

WHEREAS a request from the Saranac Lake Adult Center was received and included in the General Budget for 2012,

NOW THEREFORE BE IT RESOLVED that the Town Board approves a contract with the Saranac Lake Adult Center to provide services to the residents of the Town during 2012 and

BE IT FURTHER RESOLVED that the Supervisor is authorized to make a payment in the amount of \$750.00 to the Saranac Lake Adult Center for 2012 services.

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

Resolution #23 declared duly adopted.

- b. **Franklin Snowmobilers, Inc.-** Contract for 2012 and a payment of \$300.00

RESOLUTION #24

FRANKLIN SNOWMOBILERS, INC. FOR 2012

Motion made by Supervisor Peter Shrope, **second** by David Knapp,

WHEREAS a request from the Franklin Snowmobilers, Inc. was received and included in the General Budget for 2012,

NOW THEREFORE BE IT RESOLVED that the Town Board approves the contract with the Franklin Snowmobilers, Inc. for 2012 trail grooming in the amount of \$300.00 and

BE IT FURTHER RESOLVED that the Supervisor is authorized to make a payment in the amount of \$300.00 to the Franklin Snowmobilers, Inc.

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

Resolution #24 declared duly adopted.

- c. **North Country Life Flight, Inc.** – Contract for 2012 and a payment of \$1,500.

RESOLUTION #25

NORTH COUNTRY LIFE FLIGHT, INC. FOR 2012

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

WHEREAS a request from North Country Life Flight, Inc. was received and included in the General Budget for 2012

NOW THEREFORE BE IT RESOLVED that the Town Board approves the contract with North Country Life Flight, Inc., to provide emergency airlift services for 2012 in the amount of \$1,500.00

AND BE IT FURTHER RESOLVED that the Supervisor is authorized to make a payment in the amount of \$1,500 to North Country Life Flight, Inc.

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

Resolution #25 declared duly adopted.

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4. Designation Of Delegate And Alternate To AOTNYS Annual Meeting – February 22, 2012

RESOLUTION #26

APPOINTMENT OF DELEGATE TO ANNUAL ASSOCIATION OF TOWNS MEETING

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

RESOLVED that the Town Board appoints 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 22, 2012 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 (Knapp, McDonnell, Shrope, Tucker), Nay 1 (Wright)

Resolution #26 declared duly adopted.

COMMITTEE REPORTS

1. INSURANCE/INVESTMENTS - Lydia Wright:

- a. **Health Insurance:** Supervisor Peter Shrope said that the former supervisor John Quenell gave the Board a MEMO dated December 31 2011, concerning health insurance and he recommended that three elected officials who had payroll deductions for 2011 for health insurance be reimbursed because benefits were changed during terms which is unlawful according to the NYS Association of Towns. Lydia Wright said this change took place in the middle of their terms changing their benefits and a 90 day notice was not provided to the individuals in January 2011 when the change was approved by the Board. The amount of funds was not included in the budget so it will have to come from Contingency. Discussion was held on what action the Board should take to fix this situation. Resolution #53-2011 changes the benefits for elected officials using NYS Health Insurance Program (NYSHIP) which do not meet with Civil Service Law criteria. Resolution #12-2011 addresses payment of 10% of health insurance premiums through salary deduction for elected officials who were in the middle of terms.

RESOLUTION #27

RESCIND RESOLUTION #53-2011 – CHANGE TO HEALTH BENEFITS FOR ELECTED OFFICIALS

Motion made by Lydia Wright, **second** by Brain McDonnell,

WHEREAS Resolution #53-2011 from September 8, 2011, was approved without proper research to determine the effect of changing the health insurance benefits of elected officials using the New York State Health Insurance Program (NYSHIP), Excelsior Policy, for health benefits, and

WHEREAS Resolution #53-2011 calls for a fixed payment to elected officials which is not in keeping with the Civil Service Law covering towns using NYSHIP, and

WHEREAS the Town cannot offer NYSHIP to elected officials and not contribute to the annual premiums at a minimum of 50% for individual and 35% for dependents, and

WHEREAS the Town Board has approved an extension of 90 days to provide fully for benefits until this issue can be resolved (Resolution #70-2011 from December 8, 2011),

NOW THEREFORE BE IT RESOLVED that the Town Board rescinds Resolution #53-2011 from September 8, 2011, to allow the Town Board to research and come to a more equitable and financially responsible determination for health insurance benefits for town elected officials.

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

Resolution #27 declared duly adopted.

RESOLUTION #28

RESCIND RESOLUTION #12-2011 – SALARY DEDUCTION OF 10% OF ANNUAL PREMIUM FOR HEALTH INSURANCE

Motion made by Lydia Wright, **second** by David Knapp,

WHEREAS Resolution #12-2011 from January 13, 2011, changed health insurance benefits received by elected officials who were in the middle of terms by requiring a salary deduction to pay 10% of the annual premium for health insurance, and

WHEREAS former supervisor John Quenell sent a MEMO to the Board dated December 31, 2011, stating that "We

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have since learned from the Association of Towns that by case law (decisions rendered by courts in cases involving litigation), it is considered unacceptable to reduce a benefit during an elected official's term unless the town passes an appropriate local law, which would be subject to mandatory referendum.", and

WHEREAS the Town Board did not pass a Local Law to change health benefits for elected officials,

NOW THEREFORE BE IT RESOLVED that the Town Board rescind Resolution #12-2011 from January 13, 2011, which states: "RESOLVED that General Fund employees, who take the health insurance provided by the Town, are required to pay, through salary deduction, a 10% share of the annual premium for the health insurance, except for the Town Superintendent of Highways who is not required to pay any share."

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

Resolution #28 declared duly adopted.

RESOLUTION #29

REIMBURSEMENT OF SALARY DEDUCTION OF 10% OF ANNUAL PREMIUM FOR HEALTH INSURANCE FOR ELECTED OFFICIALS

Motion made by Supervisor Peter Shrope, **second** by David Knapp,

WHEREAS Resolution #12-2011 from January 13, 2011, that called for a contribution of 10% of the annual health insurance premium through salary deduction from certain General Fund employees, was rescinded,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes the Supervisor to reimburse the following elected officials who were required to pay in 2011, through salary deduction, 10% of the annual premium for health insurance: Amber McKernan, former Tax Collector, the amount of \$1,617.98, Nik Santagate, Town Justice, the amount of \$1,617.98, and Steve Tucker, Council member, the amount of \$737.10.

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

Resolution #29 declared duly adopted.

- b. CLASS Investments:** Interest for the month of December 2011 was zero. Total interest for the year 2011 was \$163.92, \$90.83 for General and \$73.09 for Highway

Supervisor Peter Shrope declared a recess for 3 minutes.

2. HIGHWAY – David Knapp and Steve Tucker:

- a. NY State Route 86 – Speed Reduction:** Steve Tucker said Paul Smith asked about extending the 40 mph speed limit to the top of the hill called "Easy Street". Lydia Wright said other people on the hill have also expressed concerns with the location of the speed limit signs. Discussion was held on the process of getting the speed limit changed. David Knapp said he will notify Paul Smith, who lives on the hill, to get a petition started to present to the board.
- b. Intersection of NY State Route 86 and 30:** David Knapp received an email dated January 12, 2012, from Susan Sweeny of Paul Smith's College regarding a conference call with Senator Charles Schumer's office on January 20, 2012, concerning the intersection of State Route 86 and 30, and Keese Mills Road. Lydia Wright will contact Susan Sweeny for more information.

Motion made by Steve Tucker, **second** by David Knapp, **to authorize the Supervisor to write a letter in support of the motion previously approved by the Town Board (Resolution #47-2011 from August 11, 2011) to support the study of the intersection at NY State Route 86 and 30, and Keese Mills Road.**

Aye 5 (Knapp, McDonnell, Shrope, Tucker, Wright)

3. PARK & RECREATION – Supervisor Peter Shrope and Steve Tucker

Supervisor Peter Shrope said there were some electrical issues in the park building that needed attention: food pantry adding another freezer and from when the walls were removed for renovations. David Knapp said he would look at the electrical in the Park building.

4. CEMETERY & TOWN BUILDINGS – David Knapp and Steve Tucker:

- a. Cemetery:** Steve Tucker received a letter from a resident who purchased a plot in 2011 for \$200.00; they are requesting their money back because they said they requested the lot in April 2011, prior to the passing of the resolution setting the new fees. Steve Tucker will send the old regulations to them

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showing the requestor had to be a senior to reserve a lot. If the person is not a senior they were not eligible to reserve a lot before the regulation was changed, so the fee would probably apply.

- b. Town Buildings:** Nothing further to discuss
- 5. WEBSITE – Supervisor Peter Shrope:**
 - a.** The website has been updated with new elected officials and other information
 - b.** Emails can be set up under "townofbrighton.net"; Town business will not be conducted on email, so reports needs to be provided in hard copy to the Supervisor.
 - c.** Brian McDonnell suggested putting events at the Park on the Website so people can see what is going on there.
- 6. FIRE ADVISORY BOARD (FAB) - Steve Tucker:**
 - a.** Steve Tucker said the FAB will still meet according to the Saranac Lake Volunteer Rescue Squad president, Julie Harjung.
 - b.** David Knapp asked how much longer the Fire Department will be able to maintain a volunteer service to the area. Steve Tucker said training classes are longer and it is harder to get volunteers. He thinks service may go countywide in a few years.
- 7. TELECOMMUNICATIONS – Supervisor Peter Shrope:** Cell towers in Duane and St. Regis Falls are up and working.
- 8. TOWN HALL PROJECT/Open House - Supervisor Peter Shrope and Lydia Wright:**
 - a. Open House:** Pat Willis and Kevan Moss will help with the event
 - b. Moving:** When the furnace is in and working the offices can move back into the Town Hall
 - c. Windows:** Screens that were made wrong will be corrected. Curtains are needed on the windows.
 - d. Furniture:** Felt pads are getting put on all furniture to protect the floor. The Town Clerk's desk needs to be sanded and a satin finish put on the top.
 - e. Runners:** The wooden floor needs to be protected so long runners are needed for people to walk on.
- 9. ASSESSMENT - Brian McDonnell and Lydia Wright:** Nothing to report
- 10. SALARIES/BENEFITS ADMIN – David Knapp and Supervisor Peter Shrope:** Nothing to report

CITIZENS COMMENTS: None

EXECUTIVE SESSION

Motion made to GO INTO EXECUTIVE SESSION at 11:10 p.m. by Supervisor Peter Shrope, **second** by Lydia Wright, **in accordance with Public Officers Law, Article 7, Section 105(d) to discuss “Town of Brighton vs Paul Smith’s College” Avoidable Alarm Violations**

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

Motion to GO OUT OF EXECUTIVE SESSION at 11:58 p.m. by Supervisor Peter Shrope, **second** by Lydia Wright

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

LITIGATION WITH PAUL SMITH'S COLLEGE:

- 1.** Brian McDonnell said he is not an employee of Paul Smith's College; he is under a contract to work at the Visitor's Interpretive Center. Lydia Wright said she is employed by Paul Smith's College at the Library and does not make policy. They did not feel they needed to recuse themselves from voting on this issue.
- 2.** Supervisor Peter Shrope will contact the Attorney for the Town, Scott Goldie, of the Board's decision to suspend litigation.

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RESOLUTION #30

SUSPEND LITIGATION OF AVOIDABLE ALARM VIOLATIONS WITH PAUL SMITH'S COLLEGE FOR 2012

Motion made by David Knapp, **Second** by Supervisor Peter Shrope,

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 2012 as long as mediation is ongoing.

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

Resolution #30 declared duly adopted.

RESOLUTION #31

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

Motion made by Lydia Wright, **second** by David Knapp,

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 #30-2012 from January 12, 2012),

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 (Knapp, McDonnell, Shrope, Tucker, Wright), Nay 0

Resolution #31 declared duly adopted.

AUDIT OF VOUCHERS

RESOLUTION #32

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by David Knapp, **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 #1 for Voucher #1A through and including 1C for 2012 General Funds in the amount of \$968.91 and 2012 Street Light Funds in the amount of \$65.34

GENERAL FUND: Abstract #1 for Voucher #1 through and including #35 for 2012 funds in the amount of \$42,476.70

HIGHWAY FUND: Abstract #1 for Voucher #1 through and including #16 for 2012 funds in the amount of \$26,480.31

SPECIAL FUND - FIRE PROTECTION DISTRICT: Abstract #1 for Voucher #1 for 2012 funds in the amount of \$38,820.00

CAPITAL PROJECT FUND - TOWN HALL PROJECT: Abstract #32 for Voucher #81 thru and including #86 for Capital Project funds in the amount of \$9,453.00

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

Resolution #32 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 12:10 a.m. on January 13, 2012, made by Lydia Wright, **Second** by Brain McDonnell, Aye 5, Nay 0

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk