

REGULAR BOARD MEETING -TOWN OF BRIGHTON
FRANKLIN COUNTY, NEW YORK
January 13, 2011
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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, January 13, 2011 after the Organizational Meeting at 6:30 p.m. at the Brighton Town Garage, Paul Smiths, NY, with the following:

CALL TO ORDER:

Meeting was Called to Order by Supervisor John Quenell at 7:24 p.m.

ROLL CALL OF OFFICERS

PRESENT: Supervisor John Quenell

Council Members: Jeffrey Leavitt, Peter Shrope, Steve Tucker and Lydia Wright

ABSENT: None

OTHERS PRESENT: Andy Crary - Superintendent of Highways, Amber McKernan - Tax Collector, Nik Santagate - Town Justice, Elaine Sater - Town Clerk

RESIDENTS: There were several residents present

GUESTS: Howard Lowe, Adirondack North Country Alliance, Wireless Clearinghouse Project

NOTICE OF MEETING: Notice of this meeting was published in the Adirondack Daily Enterprise on Thursday, January 6, 2011. Notice was also posted on the Town Clerk's Sign Board, at the three post offices and at businesses in the Town.

APPROVAL OF MINUTES

- Hearing for Local Law #1 for the Year 1981 Violation, December 9, 2010

Motion made by Supervisor John Quenell, **second** by Jeffery Leavitt, **to approve the minutes of a Hearing for Local Law #1 for the Year 1981 violation held on December 9, 2010, as written, Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0**

- Public Hearing for Fire Protection District Contract 2011, December 9, 2010

Motion made by Supervisor John Quenell, **second** by Jeffery Leavitt, **to approve the minutes of a Public Hearing for Fire Protection District Contract for 2011 held on December 9, 2010, as written, Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0**

- Regular Board December 9, 2010

Motion made by Supervisor John Quenell, **second** by Jeffery Leavitt, **to approve the minutes of the Regular Town Board meeting held on December 9, 2010, as written, Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0**

- Special Board December 29 2010

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to approve the minutes of the Special Town Board meeting held on December 29, 2010, as written, Aye 4 (Leavitt, Quenell, Tucker, Wright), Nay 0, Abstain 1 (Shrope)**

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of December 31, 2010 was \$ 38.32

Note: Dog License funds sent to Franklin County in the amount of \$8.22 were returned to the Town and are included in the check to the Supervisor.

1 Marriage License

5 Dog Licenses Renewed

1 FOIL Request

1 Notary Signature

1. December 23 faxed notice to the Adirondack Daily Enterprise of a Special Meeting of the Town Board scheduled for December 29 at 7 p.m. Posted notice on the Town Clerk's Sign Board. Advised the Town Board that the Town Clerk would not be available at that time due to a prior work commitment.

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2. December 24 posted notices at the Town's Post Offices and businesses of the Special meeting on December 29.
3. December 28 received Dog Control Officer and Municipal Shelter Inspection Reports, distributed to Town Board. Inspections were completed on December 17, 2010 and were rated "Satisfactory".
4. January 4 received information from the Association of Town of the State of New York, distributed to Town Board. Information concerned the 2011 Training School and Annual Meeting of the Association February 20 to 23 in New York City. Resolution is needed for Designation of Delegate and alternate for voting purposes at the Annual meeting.
5. TOWN HALL REQUEST: None
6. TOWN PARK REQUEST: Sunday, August 14, Church of the Assumption, 11 am to 5 p.m.

DESIGNATION OF DELEGATE AND ALTERNATE TO AOTNYS ANNUAL MEETING

RESOLUTION #14

APPOINTMENT OF DELEGATE TO ANNUAL ASSOCIATION OF TOWNS MEETING

Motion made by Supervisor John Quenell, Second by Steve Tucker,

RESOLVED that the Town Board appoints Councilwoman 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 20 to 23, 2011 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 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0

Resolution #14 declared duly adopted.

SPECIAL PRESENTATION: TELECOMMUNICATIONS (Jeffrey Leavitt)

Howard Lowe, Director of Economic Development, Technical Assistance Center at SUNY Plattsburg, gave a presentation on a Smart Growth Initiative to inventory existing structures in the North Country that could possibly provide a place for telecommunication equipment to be placed. He represents the Adirondack North Country Alliance (ANCA), Wireless Clearinghouse Project. He asked if the Town of Brighton would be interested in participating in this study. There are three other towns involved in the project called "pilot communities": Saranac, Chester and Long Lake. The purpose of the project is to create a comprehensive plan that identifies potential cell phone and wireless telecommunications antenna and support facilities in or on an existing structures and informs community leaders of the opportunities provided by these technologies for every Adirondack Park community that wishes to participate. The inventory produced will be a significant planning asset that will be available through a secure website and will feature a GIS database with maps and images. The project result will be a valuable planning resource that facilitates regional collaborative solutions for private and public entities wishing to take advantage of co-location and existing sustainable economic development.

RESOLUTION #15

WIRELESS CLEARINGHOUSE PROJECT PILOT COMMUNITY

Motion made by Peter Shrope, Second by Supervisor John Quenell,

RESOLVED that the Town Board approves the participation of the Town of Brighton as a pilot community in the Wireless Clearinghouse Project with Howard Lowe, Director of Economic Development, Technical Assistance Center at SUNY Plattsburgh, to identify possible wireless communication sites in the Town. The point of contact will be the Telecommunications Committee of the Town Board.

ROLL CALL VOTE: Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0

Resolution #15 declared duly adopted.

SUPERVISOR'S FINANCIAL REPORT/CORRESPONDENCE

1. Financial Report:

- a. **Budget as of December 31, 2010** was distributed to Board members
- b. **Status of Property Tax Deposits:** Received two payments from the Tax Collector for \$65,000

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- and \$130,000. According to the Tax Collector money is coming in slower than previous years.
- c. **Budget Amendments for 2010 Budget:**

GENERAL FUND 2010 BUDGET AMENDMENT #6

Motion made by Supervisor John Quenell, second by Steve Tucker,

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

\$ 3,256.00 from Account No. A9060.8 (Health Ins CE)

as follows:

\$ 146.00 to Account No. A1010.4 (Town Board CE)

\$ 489.00 to Account No. A1110.4 (Town Justice CE)

\$ 100.00 to Account No. A1220.4 (Town Supervisor CE)

\$ 436.00 to Account No. A1410.4 (Town Clerk CE)

\$ 32.00 to Account No. A1460.4 (Records Management CE)

\$1,053.00 to Account No. A7140.4 (Special Recreation CE)

\$1,000.00 to Account No. A7310.4 (Youth Programs CE)

ROLL CALL VOTE: Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0

General Fund 2010 Budget Amendment #6 declared duly adopted

HIGHWAY FUND 2010 BUDGET AMENDMENT #1

Motion made by Supervisor John Quenell, second by Jeffrey Leavitt,

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

\$ 5,775.00 from Account No. DA5110.1 (General Repair P.S.)

\$ 2,865.00 from Account No. DA5130.4 (Machinery PS)

as follows:

\$ 5,775.00 to Account No. DA5142.1 (Snow Removal PS)

\$ 2,865.00 to Account No. DA5142.4 (Snow Removal CE)

ROLL CALL VOTE: Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0

Highway Fund 2010 Budget Amendment #1 declared duly adopted

2. **Contract and payments**

- a. **North Country Life Flight, Inc.** Supervisor John Quenell read the contract to the Town Board.

RESOLUTION #16

NORTH COUNTRY LIFE FLIGHT, INC. CONTRACT IN THE AMOUNT OF \$1,250 FOR 2011

Motion made by Supervisor John Quenell, second by Steve Tucker,

RESOLVED that the Town Board approves the contract with North Country Life Flight, Inc., to provide emergency airlift services for 2011 in the amount of \$1,500.00 as budgeted in the 2011 Town General Fund.

ROLL CALL VOTE: Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0

Resolution #16 declared duly adopted.

- b. **Franklin Snowmobilers, Inc.:** Supervisor John Quenell read parts of the contract to the Town Board. Jeffrey Leavitt would like to meet with the Franklin Snowmobilers, Inc. to discuss the grooming of trails in the Town.

RESOLUTION #17

FRANKLIN SNOWMOBILERS, INC. CONTRACT FOR 2011 IN THE AMOUNT OF \$300.00

Motion made by Supervisor John Quenell, second by Jeffrey Leavitt,

RESOLVED that the Town Board approves the contract with the Franklin Snowmobilers, Inc. for 2011 trail grooming in the amount of \$300.00 and

BE IT FURTHER RESOLVED that the members of the Franklin Snowmobilers, Inc. be invited to a Town Board meeting to discuss the trail grooming.

ROLL CALL VOTE: Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0

Resolution #17 declared duly adopted.

- c. **Tri-Lakes Humane Society, Inc. Animal Control Officer/Shelter Services:** Supervisor John Quenell read the contract to the Town Board.

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RESOLUTION #18

TRI-LAKES HUMANE SOCIETY, INC CONTRACT IN THE AMOUNT OF \$3,500 FOR

Motion made by Supervisor John Quenell, second by Steve Tucker,

RESOLVED that the Town Board approve a contract with the Tri-Lakes Humane Society, Inc., for animal shelter services and Animal Control Officer services during 2011 in the amount of \$3,713.15.

ROLL CALL VOTE: Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0

Resolution #18 declared duly adopted.

3. **Enforcement of LL#1 for the Year 1981 Violation:** Town has satisfied the notice requirement for the violation at 85 County Road 31. Notice to contact owners of has been completed. The second owner John Guest has not been found. A hearing was held for the property owners. Received a quote for conducting an asbestos survey of the manufactured home from Atlantic Testing in the amount of \$2,438.00.

DEPARTMENT REPORTS

1. **HIGHWAY – Andy Crary: Report submitted prior to meeting**
 - a. Plowing and sanding
 - b. Repaired Hydraulic hoses and stub shaft and shortened sanding chain on Paystar
 - c. Went to Canton to get LT9000 after repaired
 - d. Fixed electrical problem on LT9000
 - e. Put up salt and sand
 - f. Made dump run
 - g. Set up for food pantry
 - h. Brought sand up to cemetery for burials
 - i. Picked up dead deer in McColloms
 - j. Picked up signs at park that were knocked down
 - k. Art Leavitt retiring on January 28, 2011
 - l. Talked with Franklin County about White Pine Bridge, if the bridge is repaired in the Fall the road will have to be closed for a month.
2. **ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** Report submitted prior to meeting
 - a. November 2010: Handled a total of 15 calls, 2 in regards to dog adoption, 5 in regards to a seized dog that needed to be claimed by an owner, 3 in regards to a dog reported running at large near Split Rock Road, Rickerson Pond Road, and Rt. 86. Was unable to locate the loose dog, spoke on the phone to two dog owners in the area and they claimed it was not their dog. 4 calls were from Paul Smith's College students inquiring about volunteering and information about our Humane Society for a class project.
 - b. December 2010: Handled a total of 7 calls, 3 calls in regards to dogs chained up outdoors barking and with no apparent food or water available. Spoke with 2 people regarding the dogs, the owners were not home, left a warning notice regarding nuisance barking. No more complaints received. 4 calls were in regards to pet adoption.
 - c. In regards to the new Dog Control Law adopted by the Town Board, Section 2, Prohibited Acts are lacking violations that are important to include in the local law, instead of relying on Article 7 laws alone. These violations are enforceable and explainable. Recommend that Section 2 be changed as follows:
 1. (f) be unlicensed when four (4) months of age or older
 2. (g) fail to have a current and valid license identification tag on its collar or harness
 3. (h) bite, chase, jump upon, or otherwise harass any person in such a manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm or injury.
 4. (i) kill or damage any dog, companion animal, domestic animal or protected wildlife.
 - d. Supervisor John Quenell received a "Rabies Program – Human Exposure Report" from the Franklin County Public Health Nursing Service, a dog bite was reported on 12/25/2010 in the Town. The dog was confined to its home for 10 days.

The Town Clerk said the report needs to be filed in the Town Clerk's Office.

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3. **ASSESSOR – Doug Tichenor:** No report received
4. **CODE ENFORCEMENT OFFICER (CEO) (Paul Blaine):** Report submitted prior to meeting
 - a. **Building Permits:** One Building Permit (BP) was issued #10-33
 - b. **Avoidable Alarms Update:** Three avoidable alarms violations (#10-54 thru #10-56) were reported during December
5. **TAX COLLECTOR - Amber McKernan:**
 - a. On 28 December picked up the tax bills and tax rolls from the Office of Real Property (RPTO) in Malone
 - b. Stopped in to pick up the folding machine from the Code Enforcement Officer's desk. It took a bit of wrangling, but managed to get the door open on the desk. It was skewed because of the slope in the floor and the position of the wooden block it sits on. Planning on keeping the machine at the office because of all of the grit and dirt that was in it from being in the garage. It took several runs to get it working correctly again, and to stop eating the tax bills.
 - c. Sorted bills and prepared them for mailing once the warrant was signed. Sent out 873 tax bills from section 1 of the tax roll this year
 - d. On 30 December the Warrant was signed, requested the clerk of the Legislature fax a copy of it to the office. Was then able to provide the tax roll information to BAS so that they could convert the RPTO system data to their system. By 4:30 had the data loaded on the laptop and the tax bills available online. The bills were mailed mid-afternoon on 30 December after the copy of the signed warrant had been faxed.
 - e. The amount of the warrant for the 2011 tax collection year is \$1,551,261.32. Of that amount, \$564,777.00 is the Town of Brighton Budget. The remaining \$986,484.32 goes to the County Treasurer. Of that amount, \$17,676 is levied as a special assessment labeled ATT.
 - f. Prepared a Public Notice of Receipt of the Warrant and faxed it to the Adirondack Daily Enterprise on 30 December for publication for two consecutive weeks. Also posted copies of the Public Notice in the three Post Offices in Brighton and at the temporary office of the town clerk at the town garage.
 - g. To date collected \$269,004.47. For the month of December collected \$4045.64. On 5 January issued check 835 in the amount of \$1.00 as a refund of an overpayment. On 10 January issued check #836 in the amount of \$65,000.00 to supervisor John Quenell and on 13 January issued check #837 to supervisor Quenell in the amount of \$130,000.00 bringing the total to the town \$195,000.00 to date. (Check numbers have been amended from original report).
 - h. Received notice from the RPTO of a \$0.43 warrant adjustment.
 - i. Received many many phone calls requesting tax information, and many have utilized the online tax bill availability without having to make a phone call first.
6. **TOWN JUSTICE (Nik Santagate):** Report submitted prior to meeting.
 - a. 59 cases were disposed and \$5,283.00 was remitted to the supervisor
 - b. Court is still being held at Paul Smith's College, Buxton Gymnasium, some people are having a difficult time finding the court. The parking lot is off of Keese Mills Road.
7. **HISTORIAN - Mary Ellen Salls:** No report received

COMMITTEE REPORTS

1. **HIGHWAY – Steve Tucker, Jeffrey Leavitt, and Lydia Wright:**
 - a. Pick-up truck needs to be replaced
 - b. The snowplow needs to be replaced
2. **PARK & RECREATION - Steve Tucker and Peter Shrope**
 - a. Food Pantry: St. Paul's/Assumption Food Pantry moved to the Town Park. Will be open on January 20. The Food Pantry would like to move the bottle bins to the Park from across the street.
 - b. Bathroom was remodeled by Dan Spencer
 - c. Peter Shrope will get a report about the number of people using the park.

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- d. Jeffrey Leavitt would like to see a color scheme for the Town
 - e. Supervisor John Quenell received a letter in regards to ATV trails in the Town; he gave the letter to Steve Tucker.
 - f. Supervisor John Quenell received a letter from the Adirondack Tobacco Free Network, concerning smoking in the Town. He passed the letter to Steve Tucker.
- 3. INSURANCE/INVESTMENTS - Lydia Wright and John Quenell:**
- a. Supervisor John Quenell received the NYMIR contract for property and liability insurance. Payment is based on assessment of buildings for replacement cost. The amount is a tad low. He will discuss this with the NYMIR representative.
 - b. Employee Crime Bond from Utica Insurance Company is for a 6 month period only. Will look into getting a different carrier, possibly through NYMIR
 - c. Health Insurance has been changed from Excellus to NYSHIP for all employees. There was a billing inconsistency for 2010 from Excellus and there is an overcharge for \$1,803, a refund will be sent. Excellus cancelled the Health Insurance for the Highway employees during 2010 due to payments being processed incorrectly by the company. This has been corrected.
- 4. CEMETERY & TOWN BUILDINGS - Steve Tucker:**
- Provided a revision of the Cemetery Rules and Regulation to the Town Board. The last revision was in 1986. Proposes to charge for lots at \$200 for residents and \$400 for non-residents. Discussion was held on the rules and regulations. A definition of "family" in Rule 1 was requested by Supervisor John Quenell. Anyone who has reserved a lot prior to the Rules changing will not have to pay for a lot.
- 5. WEBSITE - John Quenell:** Nothing to Report
- 6. FIRE ADVISORY BOARD (FAB) - Steve Tucker:** Will be attending a meeting on Thursday, January 20, 2011
- 7. TELECOMMUNICATIONS - Jeffrey Leavitt & John Quenell:** See Special Presentation on Page two of these minutes.
- 8. TOWN HALL PROJECT- John Quenell, Peter Shrope, and Lydia Wright:**
- a. Supervisor John Quenell said he has been in contact with Mr. Alcocre to discuss the Town Hall project plans; it should go out to bid soon.
 - b. Work has been done on the floors by John Quenell. He removed all the sub flooring and exposed the floor boards.
- 9. TOWN REDEVELOPMENT CITIZEN'S COMMITTEE- Susan Mayer:** Report submitted prior to meeting.
- a. Camp Gabriels: Continue to maintain regular contact with OGS regarding next steps for the property. Their activity has been slowed because of the holidays and change in administration. OGS plans to hold a second auction either late winter or early spring, and make the sale contingent on certain conditions. APA has publicly stated it will reclassify the property as moderate intensity. For a hamlet designation, perceived as a more desirable classification it would be up to the buyer and town to seek that classification from APA after the sale. APA has stated that for such a classification, the water and sewer systems would have to be in operational condition, and the town would need a zoning or land use board. Contacted APA for a copy of the letter and memo stating what the property's new land classification would be, and their willingness to quickly review and approve almost any future use for the property prior to the next bidding deadline. OGS is going to provide copies of this document to all interested buyers. The Press Republican, Adirondack Daily Enterprise and NPR (National Public Radio?) have all published articles on the property mainly focusing on the APA letter and issues regarding the state's sale of the property. At this time two members of the Redevelopment Committee plan on attending the town brainstorming session on Camp Gabriels.
 - b. VIC: Contacted Paul Smith's College to find out status of VIC. There are a few exhibits left but the

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- state removed most everything else. PS is looking at it as a clean slate and is working on basic operations right now. Approached PS in early fall on including historical displays on the town of Brighton and they are still interested in doing this. Advised to contact them in mid-February to follow up.
- c. Supervisor John Quenell said a Public Hearing has been called on Wednesday, January 26, 2011 at 7 p.m. to discuss possible uses of the Camp Gabriels property if the Town took it over. Discussion was held on the cost and extensive maintenance needed for Camp Gabriels. Former employees of Camp Gabriels spoke about how the buildings are unusable at this time.

NEW BUSINESS

ICE RINKS: Jeffrey Leavitt said there are several ice rinks at residences in the Town that are better maintained than the Town Park's ice rink that has paid staff. People want to use the ice on days the park is not open, they were shoveling the ice earlier this afternoon. Steve Tucker said the Fire Department needs to set the base for the ice rink; it takes 20,000 gallons to do this. Peter Shrope said he will get a report from the Park Attendant on usage of the park.

CITIZEN'S COMMENTS:

Tom McKernan – Gabriels: There is a trailer in front of the Park Building, will it stay there? If the Board is concerned about the esthetics at the Park it should be moved, the bottle boxes placement should be monitored also. There is ice outside the door where the people walk; a sign should be posted warning people of the ice. The school bus turns around in the same area, is the Food Pantry aware of that? Also, the door to the building was left open when the Food Pantry moved in. Is the Town paying for the heat?

Supervisor John Quenell said the trailer can be stored behind the Town Garage.

Kevan Moss- McColloms: Is there electric heat in the Town Park? Why is the Town paying for the Food Pantry utilities when there are grants available to fund utilities?

Jeffrey Leavitt said that now there is a new building the incremental change can be tracked

Lydia Wright asked if there was insurance coverage by St. Paul's/Assumption Church, did they donate anything toward the utilities.

Peter Shrope will speak to the Food Pantry contact to get answers to the questions.

Keith Smith: Asked why the meeting on January 26 is being held at the Fire House. He understood that the building was not available for public use.

Kevan Moss said the auditorium at the VIC could be used for a public hearing

Supervisor John Quenell said the acoustics in the town Garage are too bad to hold the meeting in the Garage

EXECUTIVE SESSION

Motion made to GO INTO EXECUTIVE SESSION at 9:30 p.m. by Supervisor John Quenell, second by Jeffrey Leavitt, 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 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0

Motion to GO OUT OF EXECUTIVE SESSION at 10:00 p.m., second by Steve Tucker

ROLL CALL VOTE: Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0

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AUDIT OF VOUCHERS

RESOLUTION #19

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Lydia Wright, **second** by Steve Tucker,

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 2011 General Funds in the amount of \$757.88 and 2011 Street Light Funds in the amount of \$74.09

GENERAL FUND: Abstract #1 for Voucher #1 through and including #41 for 2011 funds in the amount of \$78,645.43

HIGHWAY FUND: Abstract #1 for Voucher #1 through and including #12 for 2011 funds in the amount of \$30,224.61

SPECIAL FUND - FIRE PROTECTION DISTRICT: Abstract #1 for Voucher #1 for 2011 funds in the amount of \$38,059.

CAPITAL PROJECT FUND - TOWN HALL PROJECT: Abstract #20 for Voucher #34 thru and including #37 for Capital Project funds in the amount of \$1,172.26

ROLL CALL VOTE: Aye 5 (Quenell, Leavitt, Shrope, Tucker, Wright), Nay 0

Resolution #19 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 10:30 p.m. made by Lydia Wright, **Second** by Supervisor John Quenell, **Aye 5, Nay 0**

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk