

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

February 9, 2012

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, February 9, 2012 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 7:01p.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 two residents present

GUESTS: None

NOTICE OF MEETING: Notice of this meeting was published in the Adirondack Daily Enterprise on Thursday, February 3, 2012. 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) Scraped ice on roads with bucket loader
 - c) Replaced starter on bucket loader
 - d) Moved town hall items
 - e) Mixed up salt and sand
 - f) Made dump run
 - g) Need to purchase 50 tons of salt at \$66.00 per ton
 - h) Need the sand bank behind the garage cleared of trees

RESOLUTION #33

PURCHASE OF ROAD SALT TO MIX WITH SAND

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

WHEREAS the Highway Department has been putting down more sand for ice than plowing snow on the roads during this plowing season,

BE IT RESOLVED that the Superintendent of Highways Andy Crary be authorized to purchase as needed up to 50 tons of road salt to mix with the sand. The cost of salt on the County Contract is \$66.00 per ton, a total cost of \$3,300.

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

RESOLUTION #33 declared duly adopted.

RESOLUTION #34

CLEARING OF TREES FROM SAND PIT

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

WHEREAS, the Town owns the land behind the Highway Garage where the sand pit is located,

BE IT RESOLVED that the Superintendent of Highways Andy Crary be authorized to contact a logging company to remove the trees from behind the Highway Garage to clear the land where the sand pit is located.

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

RESOLUTION #34 declared duly adopted.

Many thanks to the Highway Department for moving the Town Hall furniture and equipment back into the Town Hall.

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- 2) **TOWN CLERK – Elaine Sater:** Report submitted prior to the meeting
 - a) Total Revenue to Supervisor as of January 31, 2012, was \$ 393.95 from 1 Donation for Park Use, 1 Dog License renewed and 1 replaced tag, 2 building permits #11-33 & 34
 - b) January 16 sent notices to Franklin County Board of Elections (BOE) and Franklin County Clerk concerning the resignation of Peter Shrope and the appointment of David Knapp as a Council Member. Notified Franklin County BOE of an unexpired term of 1 year for the General Election in November 2012. Also sent information to the Franklin County Clerk on Town's elected and appointed officials, as well as oaths of offices.
 - c) January 19 Town Clerk's financial records were audited by the Town Board. Total revenue received by this office for 2011 was \$19,526.66, total disbursements to Town were \$18,424.49 and total to others was \$1,102.17 for a total of \$19,526.66 disbursed.
 - d) January 24 received notice from the Franklin County Public Health Nursing Service, concerning a dog bite by a Brighton dog on 1/18/12. Dog was confined from 1/18 to 1/27/2012, dog was licensed and had a current rabies vaccination.
 - e) Received letter of resignation from E. Phillip Delarm, Jr. Mr. Delarm has moved out of the Town and can no longer serve on the Board of Assessment Review. His term ends in September 2013.
 - f) January 31 faxed notice of Town Meetings to the Adirondack Daily Enterprise; was published on Feb 3
 - g) Packed up office and moved back into the Town Hall. Many, many thanks to the Highway Department for letting me use their space.
 - h) February 7 the Annual Financial Report Update Document (AUD) for 2011 was filed with the Town Clerk
 - i) TOWN HALL REQUEST: None
 - j) TOWN PARK REQUEST: Saturday July 7, 2012, Bryer Family, 12 Noon to 8 p.m.

- 3) **TAX COLLECTOR – Holly Huber:** Report submitted prior to meeting
 - a) Between 1/11/12 and 2/6/12 collected \$1,010,248.23 making a total collected so far for the 2012 tax season \$1,186,826.46. This represents 72% of the total warrant of \$1,638,333.59
 - b) On 1/26/12 Supervisor Shrope accepted a 3rd weekly installment fulfilling the Town's portion of the warrant of \$579,849.
 - c) 82% of all parcels have been paid. There are presently 159 parcels divided between 107 individuals for which the taxes remain unpaid. So far penalties for lat payments have totaled \$10.03. Expecting the County to notify her of utilities' payments.
 - d) Accepted a total of \$24,260.06 from in-person visits to home office from 14 property owners; one paid \$1,535.25 in cash.
 - e) On 2/6/12 sent the County Treasurer \$600,000 towards its portion of the warrant.

- 4) **TOWN JUSTICE – Nik Santagate:** Report submitted prior to meeting.

Supervisor Peter Shrope received \$2,906.00 for fees and fines from the Justice with a list of 34 cases disposed for the month of January 2012.

- 5) **CODE ENFORCEMENT OFFICER – Paul Blaine:** Report submitted prior to the meeting.
 - a) **Building Permits (BPs):** No bps were issued
 - b) **Certificate of Occupancy (CO)/Compliance (CC) Issued:** One CO was issued for BP#11-029.
 - c) **Avoidable Alarms Update:** Two avoidable alarm violations (#12-001 and 002) were reported during January; both were completed.

- 6) **ASSESSOR – Douglas Tichenor:** No Report received

- 7) **HISTORIAN - Mary Ellen Salls:** No report received

- 8) **TOWN PARK – Dan Spencer:** Report received prior to meeting
 - a) Snow removal
 - b) Putting water down to maintain ice rink
 - c) Putting out trash for Food Pantry
 - d) Equipment maintenance
 - e) Getting sand from pile (at Highway Garage) to sand walkways around field house

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- f) Park Usage: Supplied a calendar to show usage during the last month. Eighty people have used the park in the last 30 days; this does not include the Food Pantry participants.
- g) **David Knapp** visited the Park building to check the electrical service. There are 2 refrigerators, a full size freezer, a compact freezer and two new freezers from a donation in the garage. He was unable to get to the equipment to see the amps of each item due to so much piled in the way. The park building should be a community meeting place; chairs from the Town Hall can be used there.
- h) **Signage** needs to be combined. Supervisor Peter Shrope would like to see more positive wording on the signs.
- i) **Snowmobilers** need to keep off the park area. They can go around the edges but should stay away from the monuments, playground and buildings.
- j) **Garage:** There is a citizen needing community hours that can build a shelf and table for the Park Garage
- k) **Bathroom:** Needs heat to keep the pipes from freezing

9) FOOD PANTRY – Barb Marshall: Report received prior to meeting

Peter Shrope and Brian McDonnell met with Barbara Marshall on February 8 to discuss food pantry issues. They had a good discussion. Barbara Marshall provided them with guidelines she has to follow for food distribution. The food pantry is provided by the St. Paul's/Assumption Church and is hosted by the Town of Brighton. The Town's residents do not have priority over others using the food pantry. The pantry should cover a specific geographic service area and only serve people in that area, Barbara Marshall needs to determine the pantry's service area. Currently people who use the pantry are provided with a time to get their food. The shopping carts and tables will be put in the food pantry area when it is not open. Supervisor Peter Shrope said it costs over \$200 a month for utilities for the food pantry to use the Town building. He distributed a comparison between the park's utility usage before the food pantry building was added and after it was added. Discussion was held on ownership of the building. Barbara Marshall thought the food pantry owned the building. The Town paid for the labor and supplies to build the building and it is attached to a Town building and is on Town owned land. Barbara Marshall said donations were made to the food pantry from citizens in the Town to pay for the building. The Town has no record of any donations being received. Only two people have keys to the food pantry. Discussion was held on the Food Pantry Contract, it needs to be updated to include the positions of contact people not just the names of people who do the work now.

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

11) SUPERVISOR'S REPORT

a) Financial Report:

- i) Annual Financial Report for 2011: Reviewed report and will have the bookkeeper file it with the State Comptroller's Office. There was \$136,469 left in the bank, including the NYCLASS investment accounts, at the end of the year. There is another \$50,000 in loans owed to the General Fund.
 - ii) Budget showing revenues and expenses as of January 31, 2012, was distributed to Board members.
 - iii) Revenues received to date: January 20, \$210,000 from Tax Collector of which \$105,000 went to General Fund and \$105,000 went to Highway Fund. NYMIR returned \$733.75 to the Town from premiums paid for liability insurance. January 30, \$209,849 from Tax Collector of which \$131,140 went to General Fund and \$78,709 went to Highway Fund. This completes the Town's portion of the 2012 tax warrant. February 1 received a second check for \$125.36 from Deluxe Check; this was a refund from 2008, 1st check was never deposited by Town Supervisor.
 - iv) Transfers: January 30, \$1,906.04 was transferred into HRA of which \$302.85 came from the General Fund and \$1603.19 from the Highway fund for Health benefits. \$19,980.01 transferred into T&A for payroll, \$11,155.26 from General and \$8824.64 from Highway.
- b) **Personnel:** Updated personnel records with the Franklin County Civil Service Department
 - c) **Audit of 2011 Financial Records:** The Board audited the financial records of the Town Clerk, Justice, and Supervisor on January 19, 2012, with no significant findings

RESOLUTION #35

AUDIT OF TOWN FINANCIAL RECORDS FOR 2011

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

WHEREAS, the Town Board audited the 2011 financial records of the Town Clerk, Justice, and Supervisor on

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Thursday, January 19, 2012,

BE IT RESOLVED that the Town Boards finds the 2011 Financial Records of the Town Clerk, Town Justice, and Town Supervisor to be in order and accepts the audit conducted by the Town Board on January 19, 2012.

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

RESOLUTION #35 declared duly adopted.

APPROVAL OF MINUTES

- Regular Board Meeting – January 12, 2012

Motion made by Supervisor Peter Shrope, **second** by David Knapp, **to approve the minutes of the Regular Town Board meeting held on January 12, 2012, with the following changes: Page 8, Committee Reports, Para 1a, Insurance/Investments, 2nd sentence, change "individuals" to "NYSHIP". Aye 5 (Knapp, McDonnell, Shrope, Tucker, Wright), Nay 0**

CITIZENS COMMENTS:

Amber McKernan: Asked about the cost of the Town Hall Project

Supervisor Peter Shrope said the cost of the project was over \$200,000. He would get the exact total for the next meeting. The former supervisor had a spread sheet with the numbers on it.

Tom McKernan: Said it would be interesting to see the cost of the project, the Town Hall looks lovely but we have ended up with less space than what we had before. The amount paid to the architect to change the plans so many times was a lot of the cost. He said it was nice to be back in the Town Hall and it was nice to see children using the Park.

Discussion was held on changes made to the project and removing the addition from the plans because of the grant limitations.

There were no further citizens' comments

NEW BUSINESS:

- 1. Animal Shelter Services and Animal Control Officer: Supervisor Peter Shrope** said he received a contract from the Tri-Lakes Humane Society for Animal Control and Shelter Services for 2012.

RESOLUTION #36

ANIMAL CONTROL AND SHELTER SERVICES CONTRACT FOR 2012

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

WHEREAS the Town is required by Article 7, Sections 113 and 114 of the NYS Agriculture and Markets Law to maintain Animal Shelter Services and appoint an Animal Control Officer and

WHEREAS the Tri-Lakes Humane Society, Inc. offers Animal Shelter Services and Animal Control Officer Services,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes Supervisor Peter Shrope to sign an agreement with the Tri-Lakes Humane Society, Inc. in Saranac Lake for the provision of Animal Shelter Services and Animal Control Officer Services to Town residents for 2012 in the amount of \$3,713.15, and **BE IT FURTHER RESOLVED** that the Supervisor is authorized to pay the Tri-Lakes Humane Society the amount of \$3,713.15 for 2012 services.

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

Resolution #36 declared duly adopted.

- 2. Paul Smiths-Gabriels Volunteer Fire Department (PSGVFD) – Supervisor Peter Shrope** received a notice of elected officers from the PSGVFD dated January 12, 2012, as follows: Chief Roger Smith, First

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Assistant Chief Murray Oliver, Second Asst Chief Ted Palmer, Captain Dan Whitson, First Lieutenant Dustin Fuller, Second Lt Dan Spencer, Fire Police Captain Clayton Abare, Secretary Mike Quenell, Treasurer John Quenell, and appointed to Safety & Training Officer was Steve Tucker.

3. **Time Warner Cable Television Franchise Contract: Supervisor Peter Shrope** received a new contract and distributed it to the Board for their review and discussion at the next meeting. He noted that on page 13 a franchise fee of 5% of gross revenue has been added. This contract only covers cable television not internet. The current contract from 1995 has just been extended over the years. In the current contract there is a franchise fee of 3% that takes effect when the house density becomes 25 houses per mile. The contract needs attorney review and a public hearing before it can be accepted. Discussion was held on using the franchise fee to obtain services for parts of the Town that cannot get cable television service.
4. **Brighton Town Hall Restoration Fund:** The Town has received a donation from the Brighton Town Hall Restoration Fund from Town residents Tom and Pat Willis. They collected funds in the amount of \$34,100 to help the Town cover the cost of restoring the Town Hall.

RESOLUTION #37

DONATION OF FUNDS FOR TOWN HALL RESTORATION PROJECT

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

WHEREAS two private citizens from the Town of Brighton formed the Brighton Town Hall Restoration Fund and received donations from people interested in restoring the Brighton Town Hall, and

WHEREAS during December 2011, Pat and Tom Willis presented the Brighton Town Supervisor with a check in the amount of \$34,000 to be used to help pay for the restoration of the historic Brighton Town Hall,

NOW THEREFORE BE IT RESOLVED that the Town of Brighton Board accepts the generous donation in the amount of \$34,000 from the Brighton Town Hall Restoration Fund to be used to help pay expenses for the Town Hall Restoration Project.

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

Resolution #37 declared duly adopted.

5. **NYS Retirement:** All elected officials and people not on time sheets need to complete a three month record of time spent on Town Business to determine the time to count for retirement.

RESOLUTION #38

RECORDING OF TIME FOR RETIREMENT PURPOSES BY TOWN OFFICIALS FOR THREE MONTHS

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

WHEREAS town officials who have started a new term and employees who are interested in joining the NYS Retirement System are required to maintain a log of hours for three months to determine how much they earn toward NYS retirement credit,

BE IT RESOLVED that the Town's newly elected and appointed officials and employees who do not use a time sheet will keep a work calendar during the 3 months of January, February, and March 2012 to record hours spent on Town business. This time will be used for calculating days worked toward retirement credit.

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

Resolution #38 declared duly adopted.

6. **ADK Association of Town and Villages:** The Town Board does not believe it will benefit from paying for membership in this Association.
7. **Board of Assessment Review (BAR) Member Resignation - David Knapp:** Would like the Board to accept the letter of resignation from BAR Member Phil Delarm with regrets. Another person will need to be appointed to the BAR to fill this position before the training dates are set. Supervisor Peter Shrope will write a letter of appreciation for the Board members to sign.

Motion made by David Knapp, **second** by Steven Tucker, **to accept E. Philip Delarm's letter of resignation from the Board of Assessment Review (BAR) with regrets and to thank him for his many years of service.**

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

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Supervisor Peter Shrope called a three minute recess

COMMITTEE REPORTS

1. **HIGHWAY – David Knapp and Steve Tucker:** Highway employees will need to carry a medical certificate with them in the future when they are driving for the Town.
2. **PARKS & RECREATION – Supervisor Peter Shrope and Steve Tucker:** **Steve Tucker** said the Saranac Lake Area Youth Program meetings were being held on the third Wednesday of the month and he will no longer be able to attend due to his new position at the PSGVFD as training officer. Discussion was held on who might be able to attend; David Knapp will check his calendar to see if he can get to the next one.
3. **INSURANCE/INVESTMENTS – David Knapp and Lydia Wright:**
 - a. **NYS CLASS Investments:** There was no interest received for January
 - b. **Health Insurance:** Lydia Wright said she would like the source information for rescinding the Health Insurance benefit resolutions added to the minutes to show why the resolution had to be rescinded.
 1. Town Law Section 27 (1) and Municipal Home Rule Law Section 23(2)(e): "A town board may reduce the salary of an elected town officer, other than a town justice, during a term of office by local law subject to mandatory referendum."
 2. It is the opinion of the Office of the State Comptroller that according to case law: *Sacco v Maruca*, 175 AD2d 578, 573 NYS2d 787 app den 78 NY2d 862, 578 NYS2d 877 (1991), "Reduction of the salary of an elected Town official during his term of office cannot be accomplished by mere resolution, but requires the enactment of a local law subject to mandatory referendum. Town Law Section 27(1), relied upon by respondents, merely establishes the authority of the Town Board to raise or lower salaries at any time. Municipal Home Rule Law Section 23(2)(3) is controlling on the issue in this case, which involves the manner in which a municipality reduces the salary of an elected official during his term of office. (citations omitted)"
4. **CEMETERY& TOWN BUILDINGS – David Knapp and Steve Tucker:**
 - a. **Cemetery:** Steve Tucker sent a letter to the individual who asked for a refund and included the old policy that shows a person could only reserve a plot if they were a senior citizen. He received a request from a Tupper Lake resident to use their family plot in Section 2 to bury family members. Since the plot is already reserved for the family he will not charge the people to bury cremains.
 - b. **Town Buildings:** Nothing further to discuss
5. **WEBSITE – Supervisor Peter Shrope:** Emails were set up for the Town officials, Supervisor @townofbrighton.net and Council1, Council2, Council3 and Council4@townofbrighton.net for Council members. Minutes from the regular monthly meeting were put on the website as January 2 instead of January 12.
6. **FIRE ADVISORY BOARD (FAB) - Steve Tucker:** Nothing to report
7. **TELECOMMUNICATIONS – Supervisor Peter Shrope:** Nothing to report
8. **TOWN HALL PROJECT/Open House - Supervisor Peter Shrope and Lydia Wright:**
 - a. **Town Hall:** Larry Maxwell is working on the frozen water pipes issue by fixing up the mechanical room crawl space. He will also complete some of the small projects needed to get the Town Hall back into working order. David Knapp moved an electrical wire that was not placed very well for the furnace. The Justice's bench is being constructed. The Court will move next week.
 - b. **Open House:** Committee needs to meet and discuss the plans.

Discussion was held on letting the public use the building during non-business hours. Currently the building is not ready for public use. There is less security of equipment now that there is less storage space. The Park building was recommended as the Community Center for people to use.

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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 9:20 p.m. by Supervisor Peter Shrope, **second** by David Knapp, **in accordance with Public Officers Law, Article 7, Section 105(f) to discuss the medical, financial, credit and/or employment history of a particular person.** Aye 5 (Knapp, McDonnell, Shrope, Tucker, Wright), Nay 0

Motion to GO OUT OF EXECUTIVE SESSION at 9:38 p.m. by Supervisor Peter Shrope, **second** by David Knapp. Aye 5 (Knapp, McDonnell, Shrope, Tucker, Wright), Nay 0

AUDIT OF VOUCHERS

RESOLUTION #39

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Lydia Wright, second by David Knapp,

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

PREPAID FUNDS: Abstract #2 for Voucher #2A through and including 2C for 2012 General Funds in the amount of \$900.72 and 2012 Street Light Funds in the amount of \$73.43

GENERAL FUND: Abstract #2 for Voucher #36 through and including #57 for 2012 funds in the amount of \$50,592.27

HIGHWAY FUND: Abstract #2 for Voucher #17 through and including #26 for 2012 funds in the amount of \$8,714.17

CAPITAL PROJECT FUND - TOWN HALL PROJECT: Abstract #33 for Voucher #87 for Capital Project funds in the amount of \$146.40

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

Resolution #39 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 9:45 p.m. made by David Knapp, **Second** by Lydia Wright **Aye 5, Nay 0**

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk