

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

February 10, 2011

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, February 10, 2011 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 John Quenell at 7:05 p.m.

ROLL CALL OF OFFICERS

PRESENT: Supervisor John Quenell

Council Members: Peter Shrope, Steve Tucker and Lydia Wright

ABSENT: Council Man Jeffrey Leavitt

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

RESIDENTS: There were four residents present

GUESTS: None

APPROVAL OF MINUTES

- Regular Board January 13, 2011

Motion made by Steve Tucker, **second** by Supervisor John Quenell, **to approve the minutes of the Regular Town Board meeting held on January 13, 2011, as written, Aye 4 (Quenell, Shrope, Tucker, Wright), Nay 0, Absent 1 (Leavitt)**

- Public Hearing for Camp Gabriels Reuse, January 26, 2011

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to approve the minutes of a Public Hearing for Camp Gabriels Reuse held on January 26, 2011 with the following changes: Add email with comments from Bob Eckert dated January 28, 2011, at 1:30 p.m. Aye 2 (Quenell, Shrope), Nay 0, Abstain 1 (Tucker, Wright), Absent 1 (Leavitt)**

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of January 31, 2011 was \$106.25

8 Dog Licenses: 5 Renewed, 3 New

1 Building Permit (#10-33)

1. January 10 received notice from the Franklin County Highway Department, RE: Agreement to Spend Highway Funds, distributed to Town Board, need resolution to allow Superintendent of Highways to spend funds on general repairs and capital improvements
2. January 18 received notice from Sodexo Management, Inc., RE: Renewal of Liquor License for Wine and Beer only for the Student Center at Paul Smith's College.
3. February 1 Annual Financial Report was filed by the Supervisor, notice was posted in the February 8, 2011 edition of the Adirondack Daily Enterprise and posted on the Town Clerk's Sign Board February 3, 2011. Notice also posted at the three Post Offices and business in the Town.
4. February 3 sent notice of updates of Town Officials to Office of the State Comptroller.
5. TOWN HALL REQUEST: None
6. TOWN PARK REQUEST: Food Pantry needs to sign a new contract for using the Park building. Need a schedule of Food Panty days to record on park calendar.

SUPERVISOR'S FINANCIAL REPORT/CORRESPONDENCE

1. Financial Report:

- a. Budget as of January 31, 2010 was distributed to Board members
- b. Status of Property Tax Deposits: Received two payments from the Tax Collector for \$140,000 and \$229,777 which completes the warrant payments to the Town for 2011. A total of \$564,777 was received from the Tax Collector as shown on the "Property Tax Deposit Summary-2011" distributed to the Board.
- c. Received \$9,890 of the \$10,000 grant funds for the Town Hall Project from Assemblywoman Janet Duprey, the State held back 1.1%.

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- d. Received a check in the amount of \$1,803.16 from Excellus for overcharge of health insurance premiums in 2010
 - e. The Annual Update Document (AUD) has been filed with the State Comptroller's Office and is on file with the Town Clerk. The AUD is available for review by the public.
 - f. Received a request from the Village Manager of Saranac Lake for dispatch fees of \$575.00 for dispatching the Paul Smiths-Gabriels Volunteer Fire Department (PSGVFD). The fees are usually asked for from the Fire Department. The Town is not the governing body of the PSGVFD. Had AOT attorney Lori Mithen review the request, she advised that if the dispatch fees are not in the contract the Town is not required to pay them unless there is a statute that covers this. Will send a letter to the Village Manager John Sweeney asking him to quote what statute covers this request.
2. **Correspondence:**
- a. Automatic Mutual Aid Agreement: PSGVFD needs the Board approval to sign a Mutual Aid Agreement with the Bloomingdale Volunteer Fire Department.

RESOLUTION #20

MUTUAL AID AGREEMENT BETWEEN PSGVFD AND BVFD

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

RESOLVED that the Town Board authorizes the Supervisor to sign a Mutual Aid Agreement between the Paul Smiths-Gabriels Volunteer Fire Department and the Bloomingdale Volunteer Fire Department for the year 2011.

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

RESOLUTION #20 declared duly adopted.

- b. Presentation to APA: Attended the APA meeting on February 10 and presented information on the Town of Brighton to the APA. The information presented is available on the APA website.
- c. Franklin County Self Insurance: Received a Report of Expenditures for 2010 and filed it with the Town Clerk.
- d. Received promotional information from the LeBerge Group, DEC has released funding for planning, economic development, within the Adirondack Park. They will help do something with the funds if the Town is interested.
- e. Received letter dated January 20, 2011, from Terry Martino, Executive Director, APA, distributed to the Board, Re: Sale of Former Camp Gabriels Correctional Facility Property (Town of Brighton, Franklin County)-Adirondack Park Agency Land Use and Development Review; the APA can classify the land as "moderate intensity" as soon as it returns to private ownership.
- f. Received information from the Adirondack Association of Towns and Villages, membership dues are \$250 a year to join. This is a lobby organization. Peter Shrope said he would like to look into the information further.
- g. Agreement to Spend Highway Monies: Annual requirement from the County, they want to know how much the Town is going to spend on highway repairs (\$7,854) and Capital Improvements (\$34,466). Town board needs to sign form said a resolution is not necessary.
- h. Received voucher to sign for first half of county plow contract, \$19,764.50. Signed voucher and returned to county; waiting for money to come in.
- i. Local Government Day at the APA is March 22 and 23 at the Crowne Plaza in Lake Placid. Applications are available for anyone interested.

DEPARTMENT REPORTS

1. **HIGHWAY – Andy Crary: Report submitted prior to meeting**
 - a. Plowing and sanding on a regular basis
 - b. Cutting back banks and using loader to push them back
 - c. Replaced airbrakes and air modulator on Ford LT9000, work done by Bob's Auto
 - d. Fixed lights and sanding grate on the Paystar
 - e. Made dump run
 - f. Cleared the Ski-Doo crossings

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- g. Put up salt and sand
- h. Andrew Knapp replaced Art Leavitt, he is working out well
- i. Would like to go out to bid for the new pickup truck; can get a better price than the State contract price.

Lydia Wright said she has heard lots of comments on how wonderful the Highway has been doing keeping up with the snow.

Supervisor John Quenell said to prepare a bid notice for the pickup truck.

2. ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society): Report submitted prior to meeting

January 2011: Handled a total of 16 calls

- a. 5 calls were in regards to an ongoing issue with 3 dogs that were left outdoors 24/7 on County Rt 60, Rainbow Lake. The NYSP responded to a complaint on 1/23/11, the owner surrendered the 3 dogs to the Humane Society. Went to the residence on 1/24/11 and transferred the dogs into the shelter's care. The dogs are currently up for adoption at the facility.
- b. 3 calls were in regards to a nuisance dog situation on Rickerson Pond Rd. According to the caller, there are numerous dogs allowed to run loose on the private road and onto private property, and causing damage to property and getting into garbage. Responded to the complaint by driving to the residence of one of the dog owners and speaking to them. Informed them of the Town of Brighton Dog Control Law and explained that there may be a formal complaint filed which would result in appearance tickets issued. Have not received any further complaints since the visit.
- c. 3 calls were in regards to a cat adoption
- d. 1 call was in regards to a lost dog that was reported by the owner
- e. 2 calls were in regards to the new Brighton Dog Control Law and Dog licensing
- f. 2 calls were in regards to a dog being adopted to the Town of Brighton

3. ASSESSOR – Doug Tichenor: No report received

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

- a. **Building Permits:**
 - i. Two Building Permits (BP) (#11-001 and 002) were issued
 - ii. One Certificate of Compliance was issued for BP (#10-029)
- b. **Avoidable Alarms Update:** One avoidable alarm violation (#11-001) was reported open during January

5. TAX COLLECTOR - Amber McKernan:

- a. January as expected was a hectic month. To date collected \$1,133,178.26. Of that amount, refunded \$1,179.82 in overpayments. To date collected \$1,131,785.37 in taxes and \$213.07 in penalties and returned check charges.
- b. Issued checks to Supervisor Quenell on January 13, ck #837 in the amount of \$130,000, on January 20 ck #839 in the amount of \$140,000, on January 27 ck #841 in the amount of \$229,777 which made the town whole and paid in full, and on 10 February issued check #846 in the amount of \$213.07 for those penalties and returned check charges.
- c. Issued refund ck#838 in the amount of \$100 on January 14, refund check #840 in the amount of \$373.97 on January 24, refund check #843 on February 2 in the amount of \$704.62 and refund check #845 in the amount of \$0.23 on February 9.
- d. Was notified by the Assessor Doug Tichenor that one property was approved by his office for 2 separate Veteran's exemptions, which after approval by both the Office of Real Property and the Franklin County Legislature, would necessitate issuing a new tax bill to reflect those exemptions. Received notification of the final authorization to make a correction to the tax roll and to issue a new bill from Gloria Valone, Franklin County Clerk, on 25 January.
- e. To date have sent \$490,000 to Franklin County Treasurer Bryan Varin, check #842 in the amount of \$290,000 on 2 February and check #844 in the amount of \$200,000 on 7 February.
- f. Made 766 posting, which represent 86% collected. Received notification from the Franklin County Treasurer's Office that they have received payment of taxes on state lands and utilities.
- g. Both December and January bank statement have been received and balanced

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6. **TOWN JUSTICE (Nik Santagate):** Report submitted prior to meeting.
Disposed 65 cases and remitted \$5,870.00 to the Supervisor

7. **HISTORIAN - Mary Ellen Salls:** Received report prior to meeting
 - a. Have been house bound most of the winter, but have been busy with the town history.
 - b. In November, Zeb Robare's grandson came by with pictures of Zeb and family. Zeb owned the first hotel in Gabriels which Charles Riley bought after Zeb died and it became know as the Riley Hotel. We now have a picture of this hotel for our history. One of Zeb's sons was accidentally killed in a hunting accident; it was his son who brought the pictures and information.
 - c. Mose Sawyer's great granddaughter came by with pictures of her grandfather Hardy Sweet and family. Hardy owned a farm on the Harrietstown Rd. He was married to Mose Sawyer's daughter Corl.
 - d. Have been receiving pictures and information on several families including Halsey Brullia's family. They lived in the house where all the junk cars are. At that time the house was a beautiful home. Halsey's wife was a daughter of Charles Parks who owned a camp on Rainbow Lake.
 - e. Have a picture of one of the first baseball teams in Keeses Mills. Included in this picture are: Sawyers, Sweets, Russells and Tylers. Haven't found out who some are so still searching. The picture was taken in 1920
 - f. As you can see have been busy and have been answering e-mails from families inquiring about their families who at one time live in the area.

COMMITTEE REPORTS

1. **HIGHWAY – Steve Tucker, Jeffrey Leavitt, and Lydia Wright:** Nothing to Report

2. **PARK & RECREATION - Steve Tucker and Peter Shrope**
 - a. Snow blower needs repair, starter needs to be rebuilt; it is cheaper than replacing. It also has a broken cage, Andy Crary can weld it at the Town Garage
 - b. Dan Spencer will not be at the park this Friday thru Sunday (February 11 to 13)
 - c. Peter Shrope asked Dan Spencer to provide a report on park usage to address accountability at the park. He was invited to come to the meeting.
 - d. Dan Spencer would like the dump access code so he can take trash directly to the dump.
 - e. The Highway Department gave Dan Spencer snow machine signs to post
 - f. Received a letter from Adirondack Tobacco Free Network, they would like the Town to make a tobacco free policy for the Park.

RESOLUTION #21

TOBACCO FREE POLICY

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

WHEREAS, the Town of Brighton (hereafter know as "Town") believes that tobacco use in the proximity of children and adults engaging in or watching outdoor recreational activities at Town owned or operated recreational facilities (which includes all areas of the park grounds, such as playground areas, athletic fields, spectator areas, and all park buildings) is detrimental to their health and can be offensive to those using such facilities; and

WHEREAS, the Town has a unique opportunity to create and sustain an environment that supports a non-tobacco norm through a tobacco-free policy, compliance, and adult-peer role modeling on Town owned or operated outdoor and indoor recreational facilities: and

WHEREAS, the Town believes parents, coaches, volunteers, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make, and

WHEREAS, cigarettes, once consumed in public spaces are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of the Town's recreational facilities and pose a risk to toddlers due to ingestion; therefore be it

RESOLVED that the Town of Brighton has determined that the prohibition of tobacco use at the Town owned and operated recreational facilities serves to protect the health, safety and welfare of the citizens of our Town and be it

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FURTHER RESOLVED that the Town of Brighton officially adopts the following Tobacco-Free Policy in the Park.

"Town of Brighton Tobacco Free Policy"

In order to protect the health and welfare of our children, the Town of Brighton prohibits the use of tobacco products at the Town of Brighton Town Park.

This policy applies to all persons or groups that utilize the Town of Brighton Town Park and includes all grounds, restrooms and buildings.

Procedures:

Tobacco free signs will be posted in all areas covered by this policy.

In order to educate the community, the Town of Brighton Town Park will be designated as a tobacco free area in all informational brochures and advertisements.

All groups seeking permission to utilize the grounds for activities and events will be notified of this policy.

Groups will be responsible for enforcing the policy with their members.

Individuals who refuse to comply with the policy may be asked to leave the premises.

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

RESOLUTION #21 declared duly adopted.

- g. **NYMIR Inspection of Park:** Survey corrections need to be returned to NYMIR. Supervisor John Quenell will send response.
 - h. **Food Panty:** The trailer has moved to Assumption Church parking lot. Two trash bins are being stored in the garage. Dan Spencer will get them out for trash pick up. Peter Shrope discussed other work that still needs to be finished such as staining the building and putting up a fence. A contract is needed with St. Paul's/Assumption Church, insurance is needed. A monthly report has been requested. A letter of thanks from the church leaders would be nice.
3. **INSURANCE/INVESTMENTS - Lydia Wright, Jeffrey Leavitt, and John Quenell:** Nothing further to report
4. **CEMETERY& TOWN BUILDINGS - Steve Tucker and Jeffrey Leavitt:**
 - a. Lydia Wright said she has had several inquiries as to how people can reserve plots now before the new regulations go into effect. They need to send a request to Steve Tucker.
 - b. Received letter dated February 7, 2011, from Robert White, Attorney, a bequest of \$500 has been given to the Town by Isabellea M. Amell Revocable Trust for maintenance and upkeep of the Mt. View Cemetery. Funds were deposited in the General Fund by Supervisor John Quenell and will be tracked by the Cemetery Committee.
5. **WEBSITE - John Quenell:** Budget for 2011 was posted as well as an updated list of the PSGVFD officers.
6. **FIRE ADVISORY BOARD (FAB) - Steve Tucker:** No meeting was held.
7. **TELECOMMUNICATIONS - Jeffrey Leavitt & John Quenell:**

Supervisor John Quenell said he mentioned the challenge to the Town during his presentation to the APA concerning the lack of cable, broadband, and cell phone coverage. Peter Shrope said he was waiting to hear from Howard Lowe with more information concerning mapping of sites in the Town.
8. **TOWN HALL PROJECT- John Quenell, Peter Shrope, and Lydia Wright:**
 - a. Supervisor John Quenell said he received information (email dated February 7, 2011) from Gayle Underhill-Plumb concerning the grant from State Historic Preservation Office (SHPO). She writes that "...the conflict is that EPF funds cannot be used for construction of building appendages..." Senator Betty Little grant funds do not have the same restriction. Discussion was held on how to spend the funds from the grants. Phase 1 does not include the addition.
 - b. Supervisor John Quenell provided an expense and revenue sheet for the project so far. To date \$50,110.22 has been spent of which \$36,310.38 has been paid to the architect Crawford & Stearns.

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There is a balance of \$15,279.78.

- c. Need to revise the bid documents to submit to SHPO to get the grant approved to continue with Phase 1 to get the Town Hall functional again.

RESOLUTION #22

PHASE 1 FOR TOWN HALL RESTORATION PROJECT

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

RESOLVED that the Supervisor John Quenell be authorized to advise Construction Manager Chris Alcocer to proceed with Phase 1 as previously defined (Resolution #85-2010) for the Town Hall Restoration Project.

ROLL CALL VOTE: Aye 3 (Quenell, Shrope, Tucker), Nay 0, Abstain 1 (Wright), Absent 1 (Leavitt)

RESOLUTION #22 declared duly adopted.

9. **TOWN REDEVELOPMENT CITIZEN'S COMMITTEE- Susan Mayer:** Report submitted prior to meeting. Lydia Wright asked who was on the committee. Supervisor John Quenell said he thought that Brian McDonnell, John McHugh, Gus Miller, and Steve Erman were on the committee. Lydia Wright also asked why the Board was not getting copies of the correspondence between the committee and the different agencies/politicians mentioned in the reports from the Redevelopment Committee. She said the Board should be seeing what is sent to these agencies. She would like to be removed from the Town Hall Restoration Committee and put on this committee.
 - a. In a discussion with OGS last week, the agency said it still wants to hold another auction of Camp Gabriels either at the end of March or early April, and should have a date in a week or two. They continue working on new marketing materials that include the APA letter/memo on property classification and consultations with potential buyers, a contingency clause that will limit buyer risk, and a possible price reduction. They will be following up with past interested buyers to determine their current level of interest.
 - b. In a brief discussion last week with Senator Little about ESD (Empire State Development) involvement and a joint meeting of various state/elected officials, she did not think either idea would be productive but would get back to us to discuss it more. Last year the committee thought that ESD involvement and a joint meeting between various state, county and area community leaders might be beneficial to get all interested parties talking to each other and we spoke to some elected and state officials about his. While this did not occur, a meeting was arranged by Senator Little with the OGS commissioner and other elected officials or their representatives. Also, our involvement helped in bringing OGS and APA together which resulted in the APA letter/memo. In bringing up ESD involvement with OGS in last week's discussion, OGS said this was extremely doubtful, as ESD does not even have the money to work on the facilities recent legislation requires them to work on.
 - c. Senator Little said that she had been contacted again by the party that was interested in the facility for a Native American learning center.
 - d. A recent communication from an interested party suggested particular housing as a reuse for Camp Gabriels. Housing, and mixed housing, has always been on our list of possible reuse, as well as finding a developer for the property. Developers from Syracuse were interested in Gabriels for housing but in the \$200,000 price range, which seemed high for the area. Green housing is attractive but it is more expensive to build. The committees will look into contacting the Syracuse developers for their input, as well as OGS. The committee also will talk to a local real estate firm to see what new houses in the area could be sold for and what apartments could rent for.

BUSINESS

1. **Proposed Local Law #1 for the Year 2011 "Aquatic Invasive Species Prevention Law".** Supervisor John Quenell read a letter to the Board dated February 7, 2011, as follows:
"I hereby introduce a proposed local law entitled "The Town of Brighton Aquatic Invasive Species Prevention Law" attached.
You will recall that this law was initially proposed to the town board by a shoreline property owners' group in September, 2010. Subsequently, we referred the law to the Office of Franklin County District Attorney,

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the NYS DEC, the Adirondack Park Invasive Plant Program, the Association of Towns of the State of New York and the New York State Police for review and comment.

The District Attorney's office pointed out the problems inherent in defining a violation of the law as a criminal offense and recommended a change to civil offense. As a result, Mr. Duncan Cameron, a practicing lawyer and one of those proposing the law to the town board, recommended new wording that defines a violation as a civil rather than a criminal offense (See Article C).

The District Attorney also suggested a higher maximum penalty that \$250. Mr. Cameron agreed. Therefore, Article C now specifies a fine of up to \$500.

The District Attorney also stated that the Franklin County Sheriff's Department would have no authority to assist in enforcing the law, and suggested that we check with other agencies. We consulted the DEC (Conservation Police) and the New York State Police. Both advised that they would not participate in enforcement. Therefore, the wording in Article D Section 2, Enforcement now says that the town will enforce the law through the Code Enforcement Officer or any other law enforcement officer having jurisdiction.

I suggest that we schedule a public hearing for the proposed law to take place at 6:30 p.m. on March 10, 2011 in advance of our March Regular Meeting."

RESOLUTION #23

PUBLIC HEARING FOR PROPOSED LOCAL LAW #1-2011 "Aquatic Invasive Species Prevention"

Motion made by Supervisor John Quenell, **second** by Peter Shrope,

RESOLVED that the Town Board hold a public hearing at the Town Garage on March 10, 2011 at 6:30 pm preceding the Regular Board meeting for proposed Local Law #1 for the Year 2011 entitled "Aquatic Invasive Species Prevention Law" for the Town of Brighton, Franklin County, New York, as follows:

ARTICLE A: INTRODUCTION

Section 1. Authority

This local law is adopted pursuant to the authority in Section 10 of the Municipal Home Rule Law and in Section 130(6) of the Town Law.

Section 2. Title

The local law shall be known as "Aquatic Invasive Species Prevention Law"

Section 3. Purpose

The Purpose of this local law is to prevent the introduction and spread of aquatic invasive species into and within the waters of the town of Brighton and to thereby protect aquatic native species populations, biodiversity and aquatic recreational activities for the public good.

Section 4. Applicability

The provisions of this law shall apply in addition to the provisions of any other local law or ordinance adopted by the municipality. Where there is a conflict, the more restrictive provisions shall apply.

Section 5. Definitions

For the purpose of this local law, the following terms shall have the following meanings:

1. "Aquatic animals" shall mean an animal that spends part of its life in water, including but not limited to, freshwater, estuarine and wetlands species.
2. "Aquatic plants" shall mean plants living in the water or at the shoreline, and includes roots, rhizomes, stems, leaves or seeds, including freshwater, estuarine and wetland species
3. "Boater" shall mean the operator of a boat or towing vehicle
4. "Invasive species" shall mean any species listed by the New York State Department of Environmental Conservation (NYSDEC) as being invasive to the waters of New York. Such species shall include, but not be limited to Eurasian water milfoil [*Myriophyllum spicatum*], variable leaf milfoil [*Myriophyllum heterophyllum*], water chestnut [*Trapa natans*], curly-leaved pondweed [*Potamogeton crispus*], Brazilian waterweed [*Egeria densa*], zebra mussels [*Dreissna polymorpha*], and round goby [*Negobis melanostomus*].
5. "Standing water" shall mean bilge water and other water inside boat compartments that could easily be removed by pump or hand.
6. "Water body" shall mean any freshwater or estuarine lake, river, pond, stream or wetland existing in the state, whether publicly or privately owned, including the banks and shores thereof.

ARTICLE B: PROHIBITED ACTS

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Section 1

[a] No watercraft or trailer shall enter or exit a water body of the Town unless the boater removes all Aquatic plants and/or animals from inside and outside his/her vehicle, watercraft, trailer or any other equipment that had previously come in contact with any Water body. The boater must also remove any Standing water that is visible to the unaided eye from the boat and trailer before they enter a Water body. Removed items must be discarded away from the shoreline.

Exceptions:

1. Those persons with a permit to do such activities
2. Those persons who have legally purchased bait or harvested fish
3. Those persons who have legally taken waterfowl

[b] No person shall plant, transplant or introduce Invasive species in, on or around the shorelines of any Water body in the town of Brighton.

ARTICLE C: PENALTY FOR NONCOMPLIANCE

Any person who violates this local law is subject to a fine of up to Five hundred dollars (\$500). The town of Brighton may enforce this provision through civil proceedings in any court of competent jurisdiction.

ARTICLE D: ADMINISTRATION AND ENFORCEMENT

Section 1. Complaints

Any person may file a complaint with any state, county or local law enforcement officer having jurisdiction.

Section 2. Enforcement

This law may be enforced by the town of Brighton through its Code Enforcement Officer or by any other law enforcement officer having jurisdiction.

ARTICLE E: ENACTMENT

This law shall become effective upon written notice of filing with the New York State Department of State.

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

RESOLUTION #23 declared duly adopted.

2. AUDIT OF TOWN BOOKS: Peter Shrope asked about a "Profit and Loss Statement" provided by the Town Supervisor during the audit of the Supervisor's financial records. He said it showed a loss of \$95,000 income for the Town in 2010. He asked where the money came from to cover the loss. Supervisor John Quenell said it came from reserve funds. On the 2011 Budget the expenses should equal the revenues; there is no reduction to the reserves if the contingency fund is not used.

3. PUBLIC HEARING FOR CAMP GABRIELS REUSE JANUARY 26: Lydia Wright and Peter Shrope were the only two council members to attend the public hearing on January 26. Lydia Wright said the public was confused as to how the public hearing was to be conducted. She said the initial request for the public hearing from the Supervisor was to ask for public input on uses for Camp Gabriels and that Mr. Eckert had volunteered to run the public hearing. Somehow this evolved into a creative problem solving session and that was Mr. Eckert's intentions at the public hearing. There are hard feelings and bad feelings between Mr. Eckert and the people who thought it was important to follow the law and procedures for public input at a public hearing as set down by the State law. She has read a letter (dated January 18, 2011 and attached to the public hearing minutes) sent out by the Supervisor to some people, she felt the letter misrepresented the Board to those people. She said she knows the Supervisor felt he was writing the letter as a town resident but in the letter he makes several references to the "Town Board" and uses "we" in reference to having Mr. Eckert conduct the public hearing. When in fact she does not remember the Board ever discussing how Mr. Eckert was going to conduct the public hearing. She was told by the Supervisor that Mr. Eckert "volunteered" to conduct the public hearing but in fact the Supervisor "asked" Mr. Eckert to conduct the public hearing. The letter caused a lot of confusion because people thought the letter had the agreement of the Board, but she had never seen the letter and neither had Peter Shrope. In the future in order to avoid these things, there needs to be better communication between the members of the Board. The Board looked silly at the public hearing. This has caused bad feelings between people and especially Mr. Eckert, as he outlined in his email (dated January 28, 2011) to the Board, which she would like to be part of the public record. (Attached to these minutes)

Peter Shrope said they were the Board of Directors and run the Town. He wished Bob Eckert had come before the Board to discuss how he wanted to conduct the hearing, things may have been a little different if

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he had. Peter Shrope has used creative problem solving for his private business. Lydia Wright said creative problem solving has its place in the private sector but not at a public hearing where people expect to give their opinion. She said the letter asked people to "attend if you are willing to think in that way" (positive possibility). Did this mean people should not attend if they didn't think that way? The Supervisor cannot tell people how to think at a public hearing. She is aware that not all residents received the letter as she did not get one.

CITIZEN'S COMMENTS:

Tracy Santagate – McColloms: Concerning the public hearing on January 26, 2011, said she supported what was just said

Frank Appleton – Rainbow Lake: Said more information was needed before the public hearing so people could make better judgments. He received a letter from John and had the impression that only people with positive thinking should attend. He hopes the Board understands that the people of the Town do not want anything to do with the Camp Gabriels property or for the Town to take it over. There is not enough expertise in the Town to run it. The Town would have to turn around and hire someone to run it.

AUDIT OF VOUCHERS

RESOLUTION #24

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Lydia Wright, **second** by Supervisor John Quenell,

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 2011 General Funds in the amount of \$813.19 and 2011 Street Light Funds in the amount of \$71.84

GENERAL FUND: Abstract #2 for Voucher #42 through and including #59 for 2011 funds in the amount of \$4,364.37

HIGHWAY FUND: Abstract #2 for Voucher #13 through and including #20 for 2011 funds in the amount of \$7,304.47

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

Resolution #24 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 9:12 pm made by Lydia Wright, **Second** by Peter Shrope, **Aye 4, Nay 0, Absent 1 (Leavitt)**

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk

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Text of email from Bob Eckert, <beckert@newandimproved.com>
Sent: Friday, January 28, 2011 1:30 p.m.
Subject: The plan fyi and next steps

"Dear Brighton Town Council Members

I'm curious to know if you want to take any next steps relative to the Camp Gabriels Property. From those who spoke last night, it seems that there is no desire to have Brighton Take ownership. So, we explored one idea, and I'd guess you've made a decision to not explore ownership any further. Personally, I think that's the decision I'd make as well. So If I understand correctly what I saw and heard, we've decided *one thing not to do*. But I *did not* hear a decision made to do nothing. In the universe of possibility, it might still be wise to think about what we might do, could do, will do, should do.

It's been a busy day on the phone as the people who came to think creatively and be heard called to voice their frustrations and the sense that they would have liked to share ideas and have the time to think about them with others in a constructive process They did not feel safe doing so. Again, we heard only from the passionate people who were upset about the meeting per-se and about one idea in particular (town take-over) The one exception was Pat Willis focusing on preserving the historic buildings. Some will be unwilling to participate in another attempt, but some would be if they were sure that the Town Council was unified in its intent.

It might be interesting to look at the plan as it would have flowed. Where we got to was some sense of agreement about the right problem/opportunity to explore going forward, which is "What might be all of the ways Brighton could gain value from the Camp Gabriels Property?" Which is pretty close to where I'd hoped we might get to by slide #18, which I'd targeted to be at by about 60 minutes. You could choose to get community input on this in the traditional fashion, or you could run a Creative Problem Solving Session. There is plenty precedence for the latter, even in Franklin County, but the former is certainly the habit. But it is not a process required by law. The advantage of doing it via the CPS process is twofold: (1) It's creative, meaning that you get better ideas and plans working together than you do by just having people express ideas in an unstructured way, and (2) instead of just hearing what people think "someone" (meaning the town board) should do, you get people who are invested in the idea and are willing to volunteer time against it.

That's the starting point now, it seems. Chris Woodward and Chris Leifheit seemed to both arrive at that point once we'd walked through the data. To Chris Woodward's additional desire to assure nothing happens that we *don't* want; that problem can usually be solved in the convergent stage, i.e. choosing what you like in the idea set, VS. what you don't like. (Sometimes we wargame the possible negatives as well (diverge) and then decide which seems most likely and risky (converge) and build a plan to make sure it doesn't happen. But communities are usually too unaligned to do this until it's too late to make a difference.) So it's really the first option that you should go for: have some type of meeting / process to get ideas and volunteer implementers to go after value for the Town of Brighton from that property. Or do nothing and let the chips fall as they may.

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The plan was for 2-3 hours, first hour about Data (that's about what it took us), second chunk of time (I was guessing 30 mins) in small groups to generate ideas, (Ideas about how to get value for Brighton from the property) Next chunk of time individuals choosing from the creative thinking and writing a well considered concept proposal or two. (As individuals or self selected pairs) The next step after the meeting would then be to look at these concepts as a Council and plan what to do in reaction to them. I'd planned to volunteer my time if needed to facilitate that process as well.

There is and always will be tensions on a town council and among your constituents. But at the same time, as community leaders, we should all always be striving to reduce that tension. We do it through honest, overt, curious, and respectful challenge, dialogue and an *intention* to find win/win solutions, rather than just "win". It is extremely uncomfortable to have volunteered a sizable chunk of time and get caught in the middle of tensions that could easily have been resolved with a couple of phone calls.. I'm personally embarrassed to have been so trusting and naive, and embarrassed for our town. If I had been given just 15 minutes to speak and prepare the attendees for the process, you would have seen everyone be heard from that wanted to be heard, plus we would have done lots more than decide what not to do. I got less than 5 minutes before the meeting was hijacked. If you want people to volunteer time in service to the town, you'll need to treat them much more respectfully than I was. Without question, this was the most disrespectful experience I've had in my professional life. Yes democracy is messy, but in last night's case, messy was code for an unwillingness to work together ahead of time. Let's get past that and start being more productive together. New Rule: If I ever do get asked to facilitate for you again, and you agree to our general process plan, and something comes up that changes your willingness to follow that process, you go out of your way to get hold of me prior to the meeting commencing. It is unfair to victimize a volunteer by putting them in the middle of your political fights. Does that sound like a fair expectation?

I had assumed that the Board understood what we were doing and that Peter's call to Sheila had overcome his concerns. It's unfortunate that I misread that. If I had a heads up, I could have made some changes and gotten us past the unproductive time (with your partnership) quite rapidly. I know from Sheila's experience on the Board how difficult it is to meet as much as might be needed and keep each other fully in the loop, so stuff is sent to subcommittees. Of course this only works if you have trust in the subcommittee and don't have to re-do everything they did in the larger group. I still think that you would all like and benefit from doing some of your work using CPS, and you can if you want. There is plenty precedence for this being used in governance. But there must be alignment on the part of the "client" meaning the town council. That didn't exist Wednesday night. If you want to consider doing this again in any way, I'd have to sit and plan with the entire board. And while the Association of Towns said that we should call it a "Public Hearing" when they understood what was to happen, perhaps there is something better to call it. In Oswego County, we once did something like this and they called it a "Community Splash" I don't remember why, but maybe now I know. ☺

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There were a couple of misperceptions that I'd like to clear up in the case we might do something in the future. (Kick me in the head, I'm still volunteering. I want to make things better, and believe I can)

- Word reached me after the meeting that someone thought you'd be getting "group" opinions rather than individual opinions. No such thing was in the plan. All of the final opinions you got would have been the well considered and complete thinking of individuals with formative input from others. Not groups or group-think. Not off the cuff incomplete thinking which is what we get from most people in the traditional public hearing process, as they lack a complete picture and key data. Having a well considered write-up also assures that you get a wider well considered set of opinions, rather than those from a small minority of activists who tend to be better spoken and more prepared ahead of time in these meetings, and so are able to move the general opinion in their direction with little effective debate. Ultimately, tonight the process was arguably a group opinion anyway, "we shouldn't ever own it" (Which I can say I agree with) but the nature of the process tonight would have made it very socially risky for anyone who wanted to explore alternate opinions. The form for the write-up which would have allowed for those minority opinions to be more safely shared is attached.
- It's incorrect to say that when you are brainstorming you only look at the positive. That was spoken from a misunderstanding of what brainstorming is, but I'd lost the group by that point so couldn't effectively counter that misrepresentation. First rule of brainstorming is: *Defer judgment*. Not "Don't judge", rather "Wait a bit. Suspend judgment until you have a little more time to learn and think." Brainstorming has two sides, the divergent and the convergent. When you converge you move away from the negative, the things you don't like, by choosing the things you do. But you must be aware of what is negative to move away from it. I think the message of "positivity" intended to be about how we treated each other and the process of the meeting was lost in translation. I'd hoped that we could explore possibility together last night, including (but not limited to) the possibility of doing nothing. When we got to the stage of writing up concepts, it was absolutely fair game to write up concepts that you believe strongly in and that you feel you can make a case for. Concepts as diverse as doing nothing (and how/why), to do something specific with a specific building (and how/why), to ways to get the state to pay more money to Brighton (and how/why), to getting the state to turn it into a nuclear disposal facility (and why, God forbid). You'd just have to make a strong case for your proposal, which the write-up would have guided people to do.
- In any case, it seems that there was strong pre-intent to not have the meeting happen as envisioned, as a few key players were completely unwilling to take any of the materials they would need to participate. They knew already that they wouldn't be needing them I guess.

Two apologies on my part:

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- To Elaine for not using the proper title, I apologize. I know the right title of course, but offer the excuse that I was more than a bit flustered at that moment. I appreciate the level of organization that you have and that you had the needed document at your fingertips.
- And a general apology for misreading some organizational dynamics and not insisting on a planning meeting to assure alignment with more than the chair of the redevelopment committee and Town Supervisor. As a facilitator, even a volunteer one with limited time, I should have picked up on that and done something to get alignment.

Please remember that I do not have any political agenda here. I like the bunch of you as individuals and don't expect to ever know flawless people. My only agenda is that you think well together and work efficiently and productively in service to the town. I'd hoped that my individual relationships with each of you might be leveraged to help the group achieve something better. I'm still willing to work at that if you all are.

Bob

Bob Eckert

CEO/Innovative Brain Surgeon, New & Improved, LLC

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Demo video: <http://www.newandimproved.com/demos/eckert.php>

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