

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

February 12, 2009

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, February 12, 2009 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 David Knapp at 7:02 p.m.

The "Pledge of Allegiance" to the flag was recited.

ROLL CALL OF OFFICERS

PRESENT: Supervisor David Knapp

Council Members: Sheila Delarm (entered meeting at 8:45p.m.), Jeffrey Leavitt, Steve Tucker and Lydia Wright

ABSENT: None

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

RESIDENTS: There were five residents present and a representative from the media

APPROVAL OF MINUTES

- Organizational Meeting, January 8, 2009

Motion made by Supervisor David Knapp, **second** by Lydia Wright, **to approve the minutes of the Organizational Meeting held on January 8, 2009, as written; Aye 4 (Knapp, Leavitt, Tucker, Wright), Absent 1 (Delarm)**

- Regular Board January 8, 2009

Motion made by Supervisor David Knapp, **second** by Steve Tucker, **to approve the minutes of the Regular Town Board meeting held on January 8, 2009 with the following change to Page 5, after Para 1,a,v, Highway, Report of Superintendent, Lydia Wright's remark: Delete "put back up and"; Aye 4 (Knapp, Leavitt, Tucker, Wright), Absent 1 (Delarm)**

- Special Board January 13, 2009

Motion made by Supervisor David Knapp, **second** by Steve Tucker, **to approve the minutes of the Special Town Board meeting held on January 13, 2009 as written, Aye 2 (Knapp, Tucker), Nay 0, Abstain 2 (Leavitt, Wright), Absent 1 (Delarm)**

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of January 31, 2009, was \$5,578.13

4 Certified Copies

1 Building Permit (#09-01)

5 Dog Licenses Renewed

6 FOIL requests

1. January 13, mailed updated Town Officials names to Adirondack Park Agency
2. January 13, Town Clerk's Financial Records were audited by the Town Board, total Revenues received and disbursed during 2008 was \$9,093.76.
3. January 20, mailed updated Town Officials names to Comptroller's Office
4. January 27, faxed notice to the Adirondack Daily Enterprise, Re: Town Clerk's Office to be closed February 17 for training. Posted notice on February 3, 2009, at three post offices and at businesses in the Town. Notice was also posted on the Town Clerk's Sign Board.
5. February 3, mailed notice to Franklin County Board of Elections, Re: Ballot Certification; there will be four positions on the ballot in the General Election on November 3, 2009 as follows: Supervisor 2-Year Term, Two Council Members, 4-Year Terms, and Superintendent of Highways 2-Year Term.
6. February 3, received notice of Adirondack Park Local Government Day Conference March 24 and 25, 2009 at the Crowne Plaza Conference Center in Lake Placid. Information was distributed to the Board.
7. February 10, Annual Financial Report for the Supervisor for 2008 was filed with the Town Clerk

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8. February 12, received the Certificate of Liability Insurance from the Paul Smiths Gabriels Volunteer Fire Department (PSGVFD) for 2009.
9. TOWN HALL USE REQUESTS: None
10. TOWN PARK USE REQUESTS: None
11. RECORDS MANAGEMENT: Records from 2001 are being disposed in accordance with the MU-1 schedule.

CITIZENS/GROUPS COMMENTS

Susan Sweeney - Paul Smith's College: Submitted a letter, dated February 12, 2009, for the record, RE: Proposed Local Law #2-2008 Avoidable Alarms as follows:

‘ To the Board of the Town of Brighton:

This letter is in regard to Proposed Local Law #2-2008, titled “Prevention of Avoidable Alarms in the Town of Brighton, Franklin County , New York”

The College has conducted the following internal initiatives to decrease the number of avoidable alarms and to facilitate alarm responses by the Paul Smiths-Gabriels Volunteer Fire Department:

- The renovation of residence hall bathrooms to reduce calls related to shower steam (Lambert Hall).
- Twice-yearly (instead of annual, as required by code) cleaning of all alarm activation heads on the campus.
- The institution of a student judicial code regarding avoidable alarms consisting of training/education, monetary fine, relocation.
- The implementation of a training program for all students in the Upper and Lower St. Regis Residence Halls on safe cooking techniques.
- The provision of cleaning supplies for all residence hall kitchens and routine cleanliness inspections.
- The reduction of the maximum power of microwaves in student kitchens in the Upper and Lower St. Regis Residence Halls.

In addition, the College persists in its efforts to determine from the NYS Office of Fire Prevention and Control whether a building code designation could enable the College to respond to single alarm activations. Throughout this discussion, Christopher Taylor, Prevention Officer, has provided expert advice on code compliance to all the parties. Based on his experience with a municipal board and two colleges, he has reinforced the College's position that education is the key. Because the student population is transitory, this process must be continuous.

The College wishes to correct, for the record, statements cited in the Adirondack Daily Enterprise in an article entitled “Brighton Refines Avoidable Alarm Law.” According to the ADE, council member Sheila Delarm stated that the “two parties involved aren't communicating,” referring to the College and the PSGVFD. In fact, the parties not only participated at meetings attended by Ms. Delarm, but also communicated enough to institute a new key access protocol to facilitate access to campus buildings. Additionally, the College purchased a required piece of equipment, a carbon-monoxide detector, made it available to the PSGVFD, and trained fire department members on use of the detector.

The College also wishes to address some of the more egregious of the many irresponsible and illogical public statements cited in the Adirondack Daily Enterprise by a member of the Paul Smiths-Gabriels Volunteer Fire Department, Mr. John Quenell. It is understood that Mr. Quenell has not represented himself as speaking for the Board of the Town of Brighton. Mr. Quenell wrote in a Guest Commentary dated January 28, 2009: “It is not responsible to cite compliance with certain state rules and regulations, which may not have been well thought out, as a justification for avoidable alarms.” We can assume that Mr. Quenell is deciding which state rules and regulation are well though out. They apparently do not include building codes, regulations by the Office of Fire Prevention and Control. Not to mention federal legislation regarding the importance of residence hall fire safety, such as recently enacted in the Higher Education Authorization Act.

Mr. Quenell rhetorically asks if the Fire Department was consulted about the design of the Upper and Lower St. Regis Residence Halls. “No.” But the Town of Brighton Code Enforcement Officer was consulted on the design and approved the plans as the jurisdictional officer designated for that purpose by the Town.

Mr. Quenell suggests that the College's refusal to desensitize alarms in its residence hall is “high-sounding,” a “knee-jerk reaction,” “a convenient excuse to do nothing.” He also cites that “Desensitization has been done at other colleges, with success.” We ask for information on colleges that have taken such an action. If in fact the Proposed Local Law #2, which Mr. Quenell strongly supports, is intended to “promote the health, safety and general welfare

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of the residents of the Town of Brighton,” we are astounded that he would suggest desensitizing the life safety equipment protecting some 700 of the residents of the Town of Brighton, the students living at Paul Smith’s College. The College reiterates its objection to this proposed legislation on the following grounds:

- The Proposed Law is unnecessary
- Nothing in the Proposed Law is preventive; the Proposed Law is punitive.
- The Proposed Law is not directed to a perpetrator and is therefore unjust
- The Proposed Law is subject to challenge on the basis of its subjectivity.
- The Proposed Law is selective in that it targets only entities with alarm systems which report directly to emergency agencies.

We thank the Board of the Town of Brighton for its courtesy in allowing the College to present this statement of its position on this matter.

Yours very truly, {signed} John W. Mills, Ph.D., President’

SUPERVISOR’S FINANCIAL REPORT/CORRESPONDENCE

1. Financial Report:

- Financial Report as of January 31, 2009** was distributed to Board members; CLASS General Fund balance is \$139,313.35, CLASS Highway Fund balance is \$119,465.70, total interest is \$100.81.
- Annual Financial Report for 2008** was filed with the Comptroller’s Office.
- Audit of Financial Records:** Council members audited the Financial Records for 2008 for the Clerk and Justice and the Supervisor’s Financial Records for 2007 and 2008 on Tuesday, January 13.

RESOLUTION #32

AUDIT OF FINANCIAL RECORDS OF TOWN OFFICIALS FOR 2007 AND 2008

Motion made by Supervisor David Knapp, **second** by Steve Tucker, **To Wit:**

WHEREAS Council Members met on January 13, 2009 to audit the financial records of the Supervisor, the Town Clerk and the Town Justice,

THEREFORE BE IT RESOLVED that the audit performed by Council Members be accepted as they found the financial records of 2008 in good order for the Town Clerk and Town Justice, and

BE IT FURTHER RESOLVED that the audit performed by Council Members be accepted as they found the financial records for 2007 and 2008 in good order for the Supervisor.

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

RESOLUTION #32 declared duly adopted.

2. Correspondence:

- Adirondack Farmer’s Market Cooperative:** Received a letter dated January 20, 2009 from Ellen Beberman, Market Manager, RE: Thanked Town for offering to host the Adirondack Farmer’s Market, they voted to stay at Paul Smith’s College, so will not be using the Town Park.
- Franklin County Bicentennial:** Received a letter dated February 10, 2009, from Wanda Murtagh, County Clerk, RMO, RE: Franklin County Commemorative Exchange, there will be a final event for the Franklin County Bicentennial on March 19 to establish a Time Capsule to be opened on the Tri-Centennial. A Proclamation and Commemorative Plaque will be presented to the Town. Supervisor David Knapp will contact Wanda Murtagh to discuss a time to meet with the Board. He will contact Mary Ellen Salls to see what she would suggest to place in the Time Capsule.
- APA Project Permit for Gabriels Post Office:** Received APA permit approval, Steve Smith said the Post Office should be open in April. Jeffrey Leavitt spoke with Steve Smith about the project. The parking lot has to be paved, this may hold up the opening of the Post Office.
- Paul Smiths Gabriels Volunteer Fire Department Budget:** Received letter dated February 12, 2009 from the PSGVFD thanking the Town for the first payment for the 2009 contract, as well as, an Income Statement for 2007 and 2008, and a forecast for 2009.

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DEPARTMENT REPORTS

1. HIGHWAY- Superintendent Andy Crary:

a. Report of Superintendent:

- i. Put up the deer crossing signs
- ii. Plowing and sanding being done
- iii. Moving snow around Town with loader
- iv. Used back-hoe at cemetery to remove a large rock
- v. Replaced sump pump in garage
- vi. Cuts banks back around Town
- vii. Repaired truck (mirror, hinge lift and cutting edges)
- viii. Set up for food pantry
- ix. General shop maintenance and clean up
- x. Electric system at garage needs to be looked at, breakers keep popping out
- xi. Getting low on salt, still have to purchase more off contract
- xii. Need more plow parts to replace worn parts
- xiii. Brakes on LT9000 need to be redone, also need a temperature sensor

RESOLUTION #33

PURCHASE OF SALT

Motion made by Supervisor David Knapp, **second** by Steve Tucker, **To Wit:**

WHEREAS, the Town of Brighton agreed to purchase at least 70% of the salt ordered under contract, and

WHEREAS, the amount of salt being used to mix with the sand is more than last year,

NOW THEREFORE BE IT RESOLVED that the Superintendent of Highways Andy Crary be authorized to purchase 30 tons of salt from the State Contract to maintain adequate levels for sanding the Town and County Roads and to comply with the State Contract requirement of purchasing at least 70% of the ordered amount.

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

Resolution #33 declared duly adopted

RESOLUTION #34

PURCHASE OF 2002 PAYSTAR PLOW TRUCK PARTS

Motion made by Supervisor David Knapp, **second** by Lydia Wright, **To Wit:**

WHEREAS, plow parts on the 2002 PAYSTAR Plow Truck are being worn because of usage during routine plowing,

NOW THEREFORE BE IT RESOLVED that the Superintendent of Highways Andy Crary be authorized to purchase plow parts to replace worn parts on the 2002 PAYSTAR Plow Truck

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

Resolution #34 declared duly adopted

RESOLUTION #35

PURCHASE OF LT9000 TRUCK BRAKES

Motion made by Supervisor David Knapp, **second** by Lydia Wright, **To Wit:**

WHEREAS, the brakes on the LT9000 Truck are getting worn because of routine usage,

NOW THEREFORE BE IT RESOLVED that the Superintendent of Highways Andy Crary be authorized to take the LT 9000 truck to MA Jerry in Plattsburgh to get the brakes replaced at a cost Not to Exceed \$4,800.

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

Resolution #35 declared duly adopted

- b. **State Route 30 Speed Limit:** Supervisor David Knapp received an email dated February 10, 2009, from Sheila Delarm, she forwarded (by email) a letter sent to her dated December 15, 2008 from Martin Percy of the New York State Department of Transportation (NYS DOT). This letter was not received by the Town. They will not be reducing the speed limit on State Route 30. The stop sign violation is an enforcement issue as people are slowing down but not coming to a complete stop. Tree trimming has been completed. They will install an additional intersection warning sign on the left side of Route 30 facing south bound motorists; it will be located opposite the existing intersection warning sign. They will also install an advance destination sign north of

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Keese Mills Road to alert motorists heading to Saranac Lake that they are approaching the turn they must take if they intend to follow Route 86 to their destination.

- c. **White Pine Road Bridge:** Supervisor David Knapp received an email from Legislature Gordy Crossman saying he had a letter dated December 8, 2008, from HUD addressing the 1995 White Pine Road Bridge grant application. He will get this letter to the Board as soon as he has a copy of it. The Highway Department removed the front plow from the truck and used the wing plow to plow the road beyond the bridge to the satisfaction of the people living beyond the bridge.
- d. **Sand:** Andy Crary said he is running low on sand, will need more sand screened next year. The cost to set up and break down the screener does not change if it is used an additional day.

2. ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society): Two reports received prior to meeting

- a. December 2008 - handled a total of 7 calls, 2 for pet adoptions, 1 for supplying the Town's (St Paul's/Assumption Church) Food Panty with dog/cat food for residents, 2 calls were for pet placement, and 2 calls were to the Town Clerk in reference to dog licenses that have not been renewed. There has been no response from 2 letters sent to three different residents. Appearance tickets will be issued in January for those residents who violate Section 2(d) of the Town of Brighton Dog Control Ordinance.
- b. January 2009 - handled a total of 5 calls, 3 were in reference to a lost dog and 2 were from the Town's (St Paul's/Assumption Church) Food Panty requesting pet food for residents. Working on three cases of unlicensed dogs. One owner has not been located and there is no response to letters sent to the address on the dog license. According to investigation this person may only live in the Town seasonally and the dog may have gone missing two years ago. The second case was resolved when the mother of the dog owner renewed the license. The third case resulted in an appearance ticker being served when the parent of a person under the age of 18 failed to license a dog harbored in their residence. This case has gone unresolved since 2006; waiting for the outcome of the court appearance.

3. ASSESSOR (Doug Tichenor): Report received prior to meeting

- a. Commenced work for the preparation of the 2009 tentative assessment roll
- b. New York State is proposing a cap on state land tax payments. This, if passed, will significantly increase the tax burden on residents in the Town of Brighton.

RESOLUTION #36

OPPOSITION TO CAP ON STATE LAND TAX PAYMENTS

Motion made by Supervisor David Knapp, **second** by Lydia Wright, **To Wit:**

WHEREAS, the NYS Legislature created the Adirondack Forest Preserve in 1886 to conserve ecologically and recreationally significant tracts of land for watershed protection and ultimately the benefit of all New Yorkers, and in creating said preserve, legally obligated the State of New York to pay full local property taxes, "*as though privately held*" on all Forest Preserve lands; and

WHEREAS, the legitimacy of the State's tax payments on the Forest Preserve was upheld by the New York State Supreme Court Appellate Division in 2008, in Dillenberg v. NYS, in which the outcome of that case gave all Adirondack and Catskill communities assurance that NYS land taxes on Forest Preserve were neither arbitrary nor capricious and that the taxes are based on the State's legitimate powers granted to the NYS Legislature to waive its sovereign immunity from taxation in specified places, such as the New York State Forest Preserve; and

WHEREAS, even in light of the current economic difficulties the State is facing, the Town of Brighton in Franklin County is appalled by the idea that the division of Budget would confuse its obligation to pay *ad valorem* property taxes with state aid to local communities by proposing a cap on NYS property tax payments on Forest Preserve lands to Adirondack towns, counties and school districts, when it would be far more constructive for State government to work with local governments and school districts to reduce State mandates and help reduce property taxes for everyone; and

WHEREAS, the proposed tax cap would set a dangerous precedent by creating two separate *ad valorem* tax rates, one for the State and another for private property owners, and by doing so would shift the State's financial responsibility unequally to local taxpayers, impacting hardest those towns and districts with the fewest residents and the greatest amount of State-owned land, which often amount to 60 to 70 percent of their property tax base;

NOW THEREFORE BE IT RESOLVED that the Town of Brighton, Franklin County, together with other Towns and Villages, that view the payment of taxes on Forest Preserve lands as a permanent, essential and inviolate

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commitment from the people of the State of New York, who benefit so greatly from the Forest Preserve, is hereby adamantly opposed to any plan that shifts State spending by amending Section 544 of the Real Property Tax Law by adding a new subdivision 3, which in effect, would cap the State of New York's legal obligation to pay full local property taxes "*as though privately held*", on all Forest Preserve lands, and

BE IT FURTHER RESOLVED that the Town of Brighton, together with other Towns and Villages, respectfully requests that the Governor eliminate this deleterious proposal to cap property taxes on the Forest Preserve and rescind the amendment to Section 544 of the Real Property Tax law, paragraph 3, within the thirty-day amendment period of his proposed executive budget and thus provide for the economic survival of small communities in which Forest Preserve Lands are located which depend on the Governor's leadership to dispense "shared sacrifice" equitably, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Honorable Governor David Paterson, as well as legislators representing the Adirondacks area: Honorable Elizabeth Little, Honorable Hugh Farley, Honorable Joseph Griffo, Honorable James Seward, Honorable Teresa Sayward, Honorable Marc Butler, Honorable Tony Jordan, Honorable Janet Duprey, Honorable Scozzafava and Honorable David Townsend.

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

Resolution #36 declared duly adopted

- c. **Board of Assessment Review (BAR) members:** Doug Tichenor gave the Supervisor a list of people who may be interested in serving on the BAR; the Board divided up the names and will contact people before the next meeting. Three more people were added to the list. Supervisor David Knapp spoke with Legislature Gordy Crossman concerning the training for BAR members. He also spoke Mary Bausch of the Franklin County Real Property Office and received a letter, not dated, from her, Re: Appointment of BAR members and training; the County does not want to be the BAR for the Town again. The Town Board needs to appoint people who can attend the training.
 - d. **Earle Appraisal:** Sheila Delarm asked, by email, if the Assessor Dough Tichenor met with Hostetter, the appraiser, on the Earle property. Supervisor David Knapp will talk to Doug Tichenor about a meeting.
- 4. CODE ENFORCEMENT OFFICER (CEO) (Paul Blaine):** Report received prior to meeting
- a. **Report:** New software program for building permits has been installed. The Monthly Report generated from this program was provided to the Board for building permits. One permit for \$5,530.00 was issued during January 2009. The Building Monthly Report will document all permits issued with permit number, issue date, owner, permit type, property location, valuation and fee amount. The Cash Receipts Report will allow for the proper checks and balances to ensure proper recording of all fees received. Additional information can be submitted. Steve Tucker said Paul Blaine was adding old building permits to the computer program.
 - b. **Litter Law:** Supervisor David Knapp asked Paul Blaine about the amendments to the current law; he is still reviewing it.
 - c. **Avoidable Alarms Proposed Local Law #2-2008:** Supervisor David Knapp proposed a three part form to be used when an Avoidable Alarm is activated if the local law is adopted. The Fire Department would use it, give a copy to the property owner or representative, and a copy to the Code Enforcement Officer. The latest version of the proposed Local Law #2-2008 was distributed to Board Members, the wording was changed to remove the reference to "group living quarters" and changed the number of avoidable alarms to 1 to 3 alarms penalty of a warning letter only, four to twenty-five alarms a penalty of \$250, and twenty-six or more alarms a penalty of \$500; provisions to modify the law by resolution was removed. Steve Tucker said he would rather see the number of alarms based on group living quarters versus private residences. He attended the fire training provided by Paul Smith's College: Campus Safety personnel did a good job presenting the information to the students. Susan Sweeney discussed the College's position against the proposed Local Law, they have implemented a new training plan for the spring semester, the population is transitory so this is a big commitment to keep the training going, and the microwave heat output has been reduced. She said that she knows many members of the Board have already made up their minds about this law and want to punish the College with this law. Supervisor David Knapp said he is aware that something has changed at the College because the number of alarms are down during the first month of the semester. Sheila Delarm said the Board members have struggled with the proposed Local Law and do not necessarily have their minds made up about this law. The point is not to punish the College but to protect the resources of the Town. She has not heard from anyone who

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is against this law except the College. Jeffrey Leavitt said people across the region are concerned with the possibility of the Fire Department not being available for mutual aid calls if they are responding to avoidable alarms at the College. A copy of John Mills's letter will be forwarded to Scott Goldie, Attorney for the Town.

Motion made by Supervisor David Knapp, second by Lydia Wright, to accept the revised proposed Local Law #2-2008, Preventing Avoidable Alarms, so it can go to Public Hearing. Aye 4 (Delarm, Knapp, Leavitt, Wright), Nay 1 (Tucker)

Motion made by Supervisor David Knapp, second by Jeffrey Leavitt, to hold a Public Hearing on the revised Proposed Local Law #2-2008 Preventing Avoidable Alarms, on Monday, February 23, 2009 at 6:00 p.m. to be followed by a Special Meeting of the Town Board. Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0.

5. TAX COLLECTOR (Amber McKernan): Report read at meeting

- a. January has been a busy month. To date the total dollar amount collected is \$910,070.40. Returned \$207.00 in refunds for overpays. The percentage collected to date is 83%.
- b. During January collected \$787,168.17 of which \$203.85 was returned as refunds of overpays. The following checks were issued to the Supervisor David Knapp:
 - i. 15 January, Ck# 799 in the amount of \$100,000
 - ii. 21 January, Ck#801 in the amount of \$125,000
 - iii. 29 January, Ck#803 in the amount of \$175,000
 - iv. 3 February, Ck#806 in the amount of \$97,832 as the final payment for the 2009 Warrant for the Town of Brighton.
 - v. 12 February, Ck#808 in the amount of \$53.53, the penalties collected to date.
- c. 9 February, issued Ck#807 to Bryan A. Varin, Franklin County Treasurer, in the amount of \$324,000 as the first payment from the Town of Brighton
- d. The following checks were issued as refunds for overpays since the last Regular Board meeting
 - i. 20 January, Ck#800 in the amount of \$58.31
 - ii. 26 January, Ck#802 in the amount of \$0.08
 - iii. 2 February, Ck#804 in the amount of \$1.00
 - iv. 3 February, Ck#805 in the amount of \$2.15
- e. Access to the tax bills is now available to the public through the Town's website (townofbrighton.net). There are more services available to tax payers through Tier II and Tier III services offered by BAS, the current software provider. Through Tier II, receipts would be available online and through Tier III, credit card payment would be available. The cost for these additional services are being offered at this time at a 20% discount rate. Information was provided to the Board on these offers. Tier II is \$980 with an annual fee of \$200 for hosting and support. Tier III is \$865 with \$200 annual hosting and support fee, plus an annual Systems East fee of \$50. There would be an eCheck/ACH fee of \$15 per month deducted from the account, as well as a site fee for the taxpayer of 2.7% of the transaction plus \$.60 for credit or debit cards and a flat fee of \$1.75 for eChecks. Would like the Board to consider the options for the next tax year.

6. TOWN JUSTICE (Nik Santagate): Report received prior to meeting

Closed 43 cases and issued a check in the amount of \$2,755.00 to the Supervisor for January revenues

7. HISTORIAN - Mary Ellen Salls: No Report

COMMITTEE REPORTS

1. SMART GROWTH INITIATIVE - Rebecca Buerkett:

- a. Survey was mailed out with a February 9 response date, the on-line survey was available for one month which ended February 9. Received 132 responses out of 660 letters, 53% were full-time residents, 42% were part-time and 3.8% were business owners. In regards to the Town's website, 54% don't use the website and 45.5% do use the website, some people did use the website to take the survey. Preliminary results show the biggest

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concern was property taxes; full-time residents largest concerns were about local jobs, business opportunities, and energy efficiencies and part-time residents were mostly concerned about environmental protection and land development practices. Respondents think the Town should focus on using empty buildings and recreation. Internet access wasn't answered by very many respondents, people who did answer said they had trouble getting access. The primary identity for the Town should be a place to live and work. Energy efficiency had a lot of attention. There is a workshop for energy efficiencies on Saturday, March 21 at 9:30 a.m. at the Visitor's Interpretive Center (VIC) in Paul Smiths.

- b. The brochure has been designed and letters of request to fund it were sent out. There has not been much of a response to funding the brochure. The deadline is February 27 and anyone can donate to the brochure. 3000 brochures of 16 pages will be printed if enough funds are received. It will be left at locations in the Town for visitors and residents. Pictures of the Town are needed to be added to the brochure.
- c. Rainbow Graphics added the committee minutes and the survey to the website
- d. The Smart Growth Initiative should be completed by May 31, 2009. There will be a final public meeting by the third Thursday in April.
- e. The wireless grant may not be available due to the economy, but there is a wireless cell phone with a USB connection people can use to access the internet
- f. The GIS is being worked on by the Wildlife Conservation Society (WCS). A date of February 28 has been set as their deadline. They are mapping land use, wetlands, forest resources and scenic vistas. They have found the Town of Brighton is all on an aquifer.
- g. The next meeting of the Smart Growth Initiative Committee is Monday, February 23 at 3:30 p.m.

2. PARK & RECREATION - Steve Tucker and Jeffrey Leavitt

- a. **Signs for Snowmobiles:** Supervisor David Knapp created a sign to be put up to let snowmobilers know that the park is off limits to them. He will speak to the snowmobile rental people at Gus's Adirondack Diner that the signs are up to keep people off the park area.
- b. **Locks** were changed, a new key will be left with the Town Clerk and Highway Superintendent
- c. **Emergency light** in the park building was repaired by Rick Stevenson
- d. **Saranac Lake Area Youth Program (SLAYP)** did not have a meeting, the person who applied to be the new director did not want the job.
- e. **Usage of Park:** Supervisor David Knapp will create a form for Dan Spencer to use to record usage at the park.

RESOLUTION #37

LAMINATION OF SIGNS FOR PARK

Motion made by Supervisor David Knapp, **Second** by Sheila Delarm, **To Wit:**

WHEREAS, people have been riding through the park on snowmobiles and are creating a hazard to park users and themselves,

NOW THEREFORE BE IT RESOLVED that Supervisor David Knapp be authorized to get laminated signs for snowmobilers to stay off the park area for a cost Not to Exceed \$50.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0.

RESOLUTION #37 declared duly adopted.

3. INSURANCE/INVESTMENTS - Sheila Delarm and Lydia Wright:

- a. **NYMIR**
 - i. Removed the 1989 truck from the automobile insurance
 - ii. During the January 29 fire at Sampson's Bar and Grill, the St. Regis Fire Department had damage to a truck. Lydia Wright filed a claim with NYMIR, who paid \$847.96 for the repair. There is a \$50 deductible on the insurance.
- b. **Self-Insurance Plan:** Sheila Delarm received a copy of the Certificate of Participation in Workers' Compensation Group for Self Insurance
- c. **Medical Insurance:** Lydia Wright received information on the Excelsior Plan from the Empire Plan
- d. **Other Insurance:** Art Leavitt is paying for the Optical Plan from CSEA, he will self-pay each month.
- e. **Investments:** Lydia Wright will be removed from access to the CLASS accounts.

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4. CEMETERY - Steve Tucker and Jeffrey Leavitt:

Had one burial, the grave was hand dug . The highway department had to remove a large rock from the site. The site needs to be cleaned up in the spring.

5. TOWN BUILDINGS - Steve Tucker and Jeffrey Leavitt

a. Town Hall Project: Lydia Wright has not heard from NYS Office of Parks, Recreation and Historic Preservation about the grant. She received another bill from Crawford and Stearns concerning a fire alarm system. She will contact Kevan Moss to have a conference call with Carl Stearns to discuss the bill.

b. Maintenance:

i. **Furnace** at Town Hall shut off and needed to be restarted on Tuesday, February 3. Hyde Fuel responded to the call. They cleaned and checked the furnace on February 10 and will return Friday, February 13 to repair the furnace. The current fuel provider is Arnold Oil and they do not provide service. A quote for fuel for the Town Hall was requested and received from Hyde Fuel. They will not do a service contract but will provide service if fuel is purchased from them. Supervisor David Knapp will contact Griffith Energy to see what they will offer.

ii. **Water** - the well needs to be addressed so the water can be cleaned up; quotes will need to be obtained

6. WEBSITE- Sheila Delarm: Rainbow Graphics has updated the website to make it easier for them to add items to the site. They are very fast and thorough when adding items. Supervisor David Knapp will send a letter with the check to Hilary Appell to thank her for her work on the website.

OLD BUSINESS

1. FIRE ADVISORY BOARD (FAB) UPDATE - Sheila Delarm: No meeting held

2. RESCUE CONTRACT: No contract received back from the Village of Saranac Lake; the Village Clerk called and asked for a copy of the contract. The letter sent to Martin Murphy, Village Manager, dated November 13, 2008, with changes was faxed to her.

3. TIME WARNER CABLE: No further information

4. VOICE MAIL AT TOWN HALL: No further information.

5. LANDFILL ACCESS: No further information, letter is still being drafted

NEW BUSINESS

1. CELL TOWERS: Jeffrey Leavitt spoke with Dan at Senator Betty Little's office concerning cell towers. There is hope that a cell tower will be erected at Paul Smith's College in the summer. Verizon doesn't like to use the cell towers on wheels. The APA is currently reviewing the application.

2. HOT DRINK MAKER: Sheila Delarm received a quote from Valley Vending in Plattsburgh to purchase a hot drink machine with supplies for the Town Hall.

RESOLUTION #38

PURCHASE OF HOT DRINK MACHINE

Motion made by Sheila Delarm, **second** by Jeffrey Leavitt, **To Wit:**

WHEREAS, there is no hot drink machine at the Town Hall for providing hot drinks for Town Board members and visitors during Board meetings,

NOW THEREFORE BE IT RESOLVED that Sheila Delarm be authorized to purchase a hot drink machine in the amount of \$99.95 and the supplies in the amount of \$82.32. through Valley Vending in Plattsburgh for the

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Town Hall.

ROLL CALL VOTE: Aye 4 (Delarm, Leavitt, Tucker, Wright), Nay 0, Abstain 1 (Knapp).

RESOLUTION #38 declared duly adopted.

3. **New York State Town Clerk's Association (NYSTCA):** Received letter dated February 3, 2009 from the Town Clerk, Re: Request to be authorized to spend town funds on postage and supplies for NYSTCA duties. The Clerk has been appointed as the NYSTCA District 9 Director and County Associations Liaison.

RESOLUTION #39

EXPENDITURE OF TOWN FUNDS OF \$75.00 FOR POSTAGE AND SUPPLIES FOR NYSTCA DUTIES

Motion made by Supervisor David Knapp, second by Lydia Wright, To Wit:

WHEREAS, the Town Clerk has been appointed as District 9 Director and County Association Liaison for the New York State Town's Clerks Association (NYSTCA),

NOW THEREFORE BE IT RESOLVED that the Town Clerk Elaine Sater be authorized to expend Town funds for postage and supplies for duties as NYSTCA District 9 Director and County Association Liaison Not to Exceed \$75.00 for the year.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

RESOLUTION #39 declared duly adopted

AUDIT OF VOUCHERS

Motion made by Supervisor David Knapp, second by Steve Tucker, to audit the Vouchers, Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

RESOLUTION #40

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Lydia Wright, second by Supervisor David Knapp, To Wit:

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 2009 General Funds in the amount of \$877.84 and 2009 Street Light Funds in the amount of \$76.18

GENERAL FUND: Abstract #2 for Voucher #41 through and including #76 for 2009 General Funds in the amount of \$62,924.58

HIGHWAY FUND: Abstract #2 for Voucher #14 through and including #29 for 2009 Highway Funds in the amount of \$13,616.36

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

RESOLUTION #40 declared duly adopted.

Motion to Adjourn at 11:30 p.m. made by Supervisor David Knapp, Second by Jeffrey Leavitt, Aye 5, Nay 0

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk