

REGULAR BOARD MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY
March 11, 2010

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, March 11, 2010 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 John Quenell at 7:09 p.m.

ROLL CALL OF OFFICERS

PRESENT: Supervisor John Quenell

Council Members: Steve Tucker and Lydia Wright, Peter Shrope entered meeting at 7:54 p.m.

ABSENT: Council Member Jeffrey Leavitt

OTHERS PRESENT: Elaine Sater - Town Clerk, Superintendent of Highways - Andy Crary, Deputy Town Clerk - Michelle White, Code Enforcement Officer - Paul Blaine

RESIDENTS: There were two residents present

GUESTS: None

Pledge to the Flag was recited.

NOTICE OF MEETING: Notice of this meeting was faxed to the Adirondack Daily Enterprise and to a local radio station on Thursday, March 4, 2010.

APPROVAL OF MINUTES

- Public Hearing, February 11, 2010

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to approve the minutes of the Public Hearing on the Fire Services Contract for 2010 on February 11, 2010, as written, Aye 3 (Quenell, Tucker, Wright), Nay 0, Absent 2 (Leavitt, Shrope)**

- Regular Board February 11, 2010

Motion made by Supervisor John Quenell, **second** by Lydia Wright, **to approve the minutes of the Regular Town Board meeting held on February 11, 2010, as written, Aye 3 (Quenell, Tucker, Wright), Nay 0, Absent 2 (Leavitt, Shrope)**

- Special Board February 17, 2010

Motion made Supervisor John Quenell, **second** by Steve Tucker, **to approve the minutes of a Special Town Board meeting held on February 17, 2010, with the following addition: "Council Member Lydia Wright was absent". Aye 2 (Quenell, Tucker), Nay 0, Abstain 1 (Wright), Absent 2 (Leavitt, Shrope)**

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of February 28, 2010 was \$ 624.58.

1 Dog License Renewed

3 Building Permits (#10-02 thru 4)

1. February 14 to 17 attended the Association of Towns Annual meeting and training in New York City with Council Member Lydia Wright.
2. Feb 11 received notice from the Franklin County Board of Elections, Primary and General Elections have been set for Tuesday September 14 and November 2, 2010. Also received Polling Site Agreement for elections, needs Board approval.
3. February 25, received Town and County Directory from Franklin County and distributed to Board members

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4. Will be attending the NYS Town Clerks Association Conference in Saratoga Springs from April 25 to 28, need vouchers approved for registration (\$75), Monday night meal (\$50) and one night's deposit for three nights lodging and all other meals. (\$699.69/3=\$233.23). This training was included in the 2010 budget. The Town Clerk's Office will be closed for the week.
5. Deputy Town Clerk: Appointed Michelle White as Deputy Town Clerk and Deputy Registrar
6. Discovery Demand: Received a request from the Attorney for the Town for discovery demands for current litigation
7. REQUESTS FOR TOWN FACILITIES:
 - a. TOWN HALL: Brighton Conspiracy Co-op, Saturday, March 13, 9 a.m. to 12 noon.
 - b. TOWN PARK: None
8. RECORDS MANAGEMENT: Emails concerning Town business are considered Town records and are subject to the Freedom of Information Law (FOIL). A copy should be sent to the Town Clerk for filing.

SUPERVISOR'S REPORT

1. **Polling Site Agreement:** Due to proposed construction in the Town Hall a different polling site needs to be designated

RESOLUTION #37

POLLING SITE AGREEMENT FOR 2010

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

WHEREAS the Town is expecting to renovate its Town Hall from June to December 2010,

BE IT RESOLVED that the Town Board designates the Town Garage at 17 County Road 31 as the Polling Site for the Primary Election on September 14 and the General Election on November 2, 2010, and any Special Elections if necessary.

ROLL CALL VOTE: Aye 3 (Quenell, Tucker, Wright), Nay 0, Absent 2 (Leavitt, Shrope)

Resolution #37 is declared duly adopted.

2. **Emails between Board members:** Only emails that are addressed to all the Board members needs to be sent to the Town Clerk, emails between board members should be saved but not sent to the Town Clerk. Lydia Wright said it is recommended that the Town set up separate email accounts for board members instead of using personal emails.
3. **Supervisor's Financial Report, March 11, 2010:** Distributed report to Board, asked what the Board thought of the new format. Lydia Wright asked for a copy of the report in the old format as well.
4. **CSEA Contract:** Notified by the Public Employment Relations Board of NY State of the appointment of a mediator for the CSEA impasse. William Lochner called and discusses the situation, wanted to know who will attend the mediation. The Town can discuss the whole contract. Will be discussed more in Executive Session at the end of the meeting.
5. **Board of Assessment Review (BAR):** Training may be held at the south end of the County. Mary Bausch is retiring on March 31, 2010 as Director of the Real Property Tax Services Office.
6. **Franklin Snowmobilers:** Has not had a response from them concerning a Certificate of Insurance.
7. **State Pollution Elimination Discharge System (SPEDS) Permit:** Contacted Joe Garso to perform the inspection for storm water runoff at the Town Garage, will be done when the snow is gone. Submitted voucher for the permit with late charges for \$92.61.
8. **Paul Smiths Gabriels Volunteer Fire Department Inc. Financial Report 2009:** Received a copy dated February 11 from Chief Roger Smith, if there are any questions will forward them to the appropriate person.
9. **Landfill Monitoring:** Steve Tucker said the key is available from the owner, Tom Bell. He said the gate is unlocked at this time.
10. **AATV:** Received an invoice for membership in the Adirondack Association of Towns and Villages. Discussion was held on whether the Town should be a member. Lydia Wright passed out information she picked up in NYC at the AOT conference. She also spoke to Senator Schumer about the closing of the VIC and other North Country issues. He was not aware of the VICs being closed. He did not address the North Country in his speech at the AOT. The Board will review the booklet of the AATVs position on issues and discuss at the next meeting.

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- 11. St Regis Fire Tower:** Meetings are being held by DEC to allow public comment on the removal of the fire tower from St. Regis Mountain. Support of keeping the fire tower has been requested.

RESOLUTION#38

SUPPORT FOR ST REGIS MOUNTAIN FIRE TOWER

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

WHEREAS, the St. Regis Mountain fire tower has historical significance both as a valuable part of a 20th century fire protection system for the northern forests and as an example of the building style and materials used in a earlier time, and

WHEREAS, this fire tower is an important part of our cultural heritage and is listed on both the State and Federal Registers of Historical Places, and

WHEREAS, the presence of the fire tower as a hiking destination brings tourists to our Town and thus has an economic value to a community which has recently suffered the closure of one State facility and is facing yet another at year's end, and

WHEREAS we feel that the fire tower should be restored to its original state for the future benefit of local citizens and tourists and the economic well-being of our community.

THEREFORE BE IT RESOLVED that the Town Board of the Town of Brighton, Franklin County, New York, favors the continued presence of the fire tower on St. Regis Mountain.

ROLL CALL VOTE: Aye 3 (Quenell, Tucker, Wright), Nay 0, Absent 2 (Leavitt, Shrope)

Resolution #38 is declared duly adopted.

DEPARTMENT REPORTS

- 1. HIGHWAY - Andy Crary:** Report submitted prior to meeting

a. Report:

- i.** Plowing and sanding starting to slow down
- ii.** Took loader to Garondah Road and pushed back the banks
- iii.** Made dump run
- iv.** Set up for food pantry
- v.** Changed steel on the Paystar plow
- vi.** Received last of the salt order
- vii.** Cleaned up the floors of the shop
- viii.** Put muffler on LT9000 Ford
- ix.** Found broken leaf springs on LT9000
- x.** Washed salt and sand off trucks and loader
- xi.** Enjoying the break in the weather

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

Handled a total of 11 calls. One call was a follow up from a concerned citizen in regards to dogs without appropriate shelter on County Rte 60, Rainbow Lake. Six calls were in regards to a dog that required an 8-day rabies quarantine kenneling at the facility per the request of the Franklin County Public Health Department. The dog did not have a current rabies vaccination. It bit a child in a house on Hobart Road. Two calls were involving the owner of the dog that needed to be quarantined. Three mixed breed puppies were surrendered to the facility from the family on County Rte 60, Rainbow Lake. The shelter agreed to take the dogs if the owner could not find home for the entire litter of puppies.

- 3. ASSESSOR - Doug Tichenor:** No Report

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

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- a. **Building Permits:**
 - i. Three Building Permits (BP #10-002 thru 004) was issued and \$623.25 was collected.
 - ii. One Certificate of Occupancy was issued for BP #06-008
 - iii. Four Certificates of Compliance were issued for BPs #05-037, #06-038, #07-019 and 040.
 - b. **Avoidable Alarms Update:** Four avoidable alarm violations was reported for February, two were completed, two are open.
 - c. **Fuller Property:** A signed settlement agreement has been received from the Adirondack Park Agency (APA) for June 1, 2010, an extension can be requested by the property owner until November 1, 2010.
 - d. **Training:** Attended CEO training from March 1 to 4 and received certificate of completion for training as required by NYS Law, will be getting new Code Books.
 - e. **Unsafe Structure:** Sent a letter to the Town Board with findings and recommendations on the removal of the unsafe structure on State Route 86 in Paul Smiths. Needs to know how the Board wants him to proceed on this issue. Board will review request for next meeting.
- 5. TAX COLLECTOR - Amber McKernan:** Report submitted prior to meeting
- a. As of 9 March collected \$1,014,708.04 and posted \$1,039,435. For the month of February collected \$145,588.10 and posted \$170,315.85.
 - b. Issued the following checks:
 - i. On 11 Feb #827 in the amount of \$56.75 to the Town of Brighton Spvsr
 - ii. On 22 Feb #828 in the amount of \$35.00 as a refund of an overpay
 - iii. On 4 Mar #829 in the amount of \$1.04 as a refund of an overpay
 - iv. On 4 Mar #830 in the amount of \$60,000.00 to the Franklin Co Treas.
 - c. 8 March printed and prepared for mailing 121 second notices of unpaid taxes. Each of the second notices included a \$2.00 second notice fee. If those unpaid taxes are turned over to the County at the end of the warrant, the Town will receive that second notice fee from the County.
 - d. Show 20 partial payments to date, and have encountered a variety of difficulties and issues because of the partial payments. Will bring those issues to the attention of the Treasurer's office as per their request at the end of the collection.
 - e. Received and reconciled the February bank statement
 - f. Have not yet received notification from the Treasurer's Office regarding turning tax bills in at the end of the warrant, nor reconciliation sheets from them.
- 6. TOWN JUSTICE - Nik Santagate:** Report submitted prior to meeting.
Check written to Supervisor in the amount of \$8445.00 for 90 disposed cases in February
- 7. HISTORIAN - Mary Ellen Salls:** No report received

COMMITTEE REPORTS

- 1. PARK & RECREATION - Steve Tucker and Peter Shrope**
Saranac Lake Area Youth Soccer League (SLAYSL): Steve Tucker attended a meeting and the SLAYSL would like to use the Park for the summer on Monday and Wednesday. There are several children already signed up.
- 2. INSURANCE/INVESTMENTS - Lydia Wright and John Quenell:**
 - a. Insurance: Supervisor John Quenell will meet with Lydia Wright to discuss the Health Insurance for the Town.
 - b. Investments: Supervisor John Quenell will make a transfer of \$100,000 to the NYCLASS account
- 3. CEMETERY & TOWN BUILDINGS - Steve Tucker and Jeffrey Leavitt:**

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- a. Cemetery: Nothing to report
 - b. Town Buildings: The Court reported that the toilet in the Town Hall was draining very slowly.
- 4. HIGHWAY- Jeffrey Leavitt, Steve Tucker and Lydia Wright:**
Supervisor John Quenell said the Highway Department has a budget of \$75,000.00 for improvements. It is being held in abeyance in case it needs to be used for the bridge.
- 5. WEBSITE - Supervisor John Quenell:** Nothing to report
- 6. FIRE ADVISORY BOARD (FAB) - Steve Tucker:** No meeting was held.
- a. Saranac Lake Rescue Chief Verne met with the Saranac Lake Village Board on Monday March 8 to discuss the separation. The hold-up is ownership of the equipment.
 - b. Supervisor John Quenell received an email from Larry concerning an FAB meeting on March 25 at 4 p.m. and looking for support of the Rescue Services. He responded that the Town is in support of an independent rescue services and billing for services.
- 7. TELECOMMUNICATIONS - Jeffrey Leavitt and Supervisor John Quenell:**
- a. **Broadband:** No response received from CBN Connect or Adirondack Broadband.
 - b. **Time Warner Franchise Fee:** The contract was reviewed by the Attorney for the Town, Scott Goldie, per letter dated March 8, 2010. The Town can set a franchise fee from 0 up to 5%. He suggests the residents should provide comments on the service currently being received in the Town. A Public Hearing is needed before the contract can be approved. Supervisor John Quenell said the Public Hearing will be held at 6:30 p.m. on Thursday, April 8, 2010, before the next regular board meeting.
- 8. TOWN HALL PROJECT- John Quenell, Peter Shrope, and Lydia Wright:**
- a. **Owner's Rep:** Supervisor John Quenell spoke with Wes Haynes, Owner's Representative. He has spoken to Carl Stearns and Gail Underhill-Plum. Crawford and Stearns is waiting for the contract to be signed.
 - b. **Crawford and Stearns:** Received a Proposal for Services as architect for the Town Hall Project

RESOLUTION #39

ARCHITECT FOR TOWN HALL RESTORATION AND ADDITION PROJECT

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

To authorize the Town Supervisor to sign a Proposal for Services dated 11 February 2010 with Crawford & Stearns, Architects and Preservation Planners, from Syracuse NY not to exceed the amount of \$18,490.00 of Capital Project funds for architectural services in connection with the Town Hall Project as approved in the February 17 Special Board meeting.

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

Resolution #39 is declared duly adopted.

- c. **Floor Tile Removal:** Supervisor John Quenell said the tile floor will have to be removed by a licensed contractor because of the asbestos in it, it will have to be bid out.
- d. **Archeological Survey:** A survey will have to be completed if the earth around the town hall was never disturbed. Lydia Wright will contact Kevan Moss to see about getting this done.
- e. **East Door in Addition:** There is no reason to have this access to the addition, it will be removed from the bid package.
- f. **Logistics and Relocation for Town Hall Users:** Peter Shrope measured the space and found that the Town Hall operations could be fit into the wash bay with the food pantry, a trailer could be rented for excess equipment or office space. The Town Clerk could use the Superintendent of Highways office. Discussion was held on the different options available for relocating the Town Hall operations. Lydia Wright said a decision could not be made until all parties involved were contacted for input. Internet access, privacy issues, phones,

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and outside lighting need to be considered.

OLD BUSINESS:

- 1. TOWN REDEVELOPMENT CITIZENS COMMITTEE - Susan Mayer:** Report submitted prior to meeting.
 - a. On February 26, the first meeting of the Town Redevelopment Citizen's Committee was held at the Town Hall. Three members attended: Sue Mayer, Steve Erman and Gus Miller. Met separately with Sylvie Nelson. Two members of the Preservation Society attended and were invited to participate.
 - b. Discussed the Paul Smith VIC and Camp Gabriels. The VIC steering committee meeting was held earlier in the day and was recapped at this meeting. There were several contacts with the NYS Office of General Services (OGS), which is responsible for the decommissioning of Camp Gabriels. Use of the Quality of Worker's Life (QWL) building while the town hall is undergoing renovation is still being considered. Another company is meeting with OGS and Senator Betty Little to discuss a solar panel manufacturer using the area. Follow up on these issued will be done by Sue Mayer. Possible sale of the property was discussed. Gus Miller will look into what kitchen facilities are available. The Preservation Society members pointed out the historical significance of some of the buildings' architects. Discussed potential reuses that could capitalize on these particular buildings.
 - c. The committee reviewed the State's reuse plan for Camp Gabriels and the Brighton Smart Growth Plan. The Committee is going to explore the feasibility of the suggested reuses plus it own reuse suggestions:
 - i. Drug and alcohol rehabilitation center similar to or affiliated with St. Joseph's in Saranac Lake
 - ii. VA Clinic or other health care facility
 - iii. School or facility for youth at risk
 - iv. Forest Rangers training school
 - v. Teaching and/or research facility for green living
 - vi. Light manufacturing facility such as a solar panel or pellet plant
 - vii. Resort
 - viii. Housing
 - ix. Craft Village
 - d. Sue Mayer attended the steering committee meeting representing Brighton's Redevelopment Committee, held by the Adirondack Park Institute (API) to address the Paul Smiths and Newcomb Visitor Interpretive Centers (VIC). The API is going to appoint executive committee and ex-officio members, one of which would be the Town of Brighton. Discussion was held on the educational mission of the VICs. The Brighton Redevelopment Committee believes that the vision also should capitalize on the trail system as part of the Adirondack educational experience and as an important component of the region's economy in attracting tourists. The API is interested in seeing what the Town of Brighton could do as far as providing funds and/or offering in-kind services like snow plowing and grass cutting. Apparently Newcomb does this for its VIC.

NEW BUSINESS

- 1. St. Paul's/Assumption Church Food Pantry:** Peter Shrope has been watching the food pantry operation in connection with the Town Hall Restoration Project relocation and he would like to acknowledge the Food Pantry volunteers.

RESOLUTION #40

ACKNOWLEDGMENT OF ST PAUL'S/ASSUMPTION CHURCH FOOD PANTRY VOLUNTEERS

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

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WHEREAS the Town of Brighton has supported and hosted a community food bank since at least the late 1980's, and **WHEREAS** Barbara Marshall has been a dedicated volunteer in the Food Pantry operation since 1993. She has served as the Director of the Food Pantry since 1996, and

WHEREAS the St. Paul's/Assumption Church Food Pantry serves families in our community and on occasion, in other communities, and

WHEREAS the Town of Brighton has contributed Town resources to support our food pantry, and

WHEREAS the Town of Brighton is proud of its citizens's efforts in support of those in need, and

WHEREAS the Town of Brighton wishes to acknowledge Barbara Marshall's dedicated efforts and the countless hours of work of all the volunteers provide for our food pantry,

NOW THEREFORE BE IT RESOLVED that a small plaque shall be created, to be posted in the Town Hall, to acknowledge all our volunteers who have made the St. Paul's/Assumption Church Food Pantry a valuable resource for our community.

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

Resolution #40 is declared duly adopted.

2. **Park Visitor Usage:** Peter Shrope has been looking at the park usage and would like to know who comes to the park to use it besides the people who reserve the park through the Town Clerk.

RESOLUTION #41

DAILY RECORD OF VISITOR USAGE TO TOWN PARK

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

WHEREAS, the user statistics of Town resources are an important source of information for understanding how taxpayer's dollars are used, and

WHEREAS, the Town of Brighton Park usage is currently measured by request forms submitted to the Town Clerk. Statistics show that this usage is based on the estimated number of persons listed on the request form, not on actual usage, and

WHEREAS, it would be advantageous for the Town Board if the Park Attendant keeps records of actual visitor usage, while on duty, in a daily log. These records will help the Town Board ascertain usage of the park, so they may have a broader understanding of how taxpayers's dollars are allocated,

NOW THEREFORE LET IT BE RESOLVED that the Town of Brighton requires that while on duty the Town Park Attendant keep a daily record of visitor usage to the Town Park and submit that to the Town Clerk to be included in the Park Use Request forms on a monthly basis.

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

Resolution #41 is declared duly adopted.

CITIZENS COMMENTS: None

EXECUTIVE SESSION

Motion made to GO INTO EXECUTIVE SESSION at 9:15 p.m. by Supervisor John Quenell, second by Lydia Wright, in accordance with Public Officers Law, Article 7, Section 105(d) to discuss current litigation "Town of Brighton vs Paul Smith's College" Avoidable Alarm Violations and Section 105(e) collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law). Aye 4 (Quenell, Shrope, Tucker, Wright), Nay 0, Absent 1 (Leavitt)

Motion made to GO OUT OF EXECUTIVE SESSION by Supervisor John Quenell at 9:44 p.m., second by Lydia Wright. Aye 4 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0, Absent 1 (Leavitt)

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1. CSEA Labor Contract Mediation

RESOLUTION #42

MEDIATION SESSION FOR CSEA CONTRACT

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

To have the entire Town Board attend mediation sessions in connection with CSEA Labor Contract for 2010 negotiations.

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

Resolution #42 is declared duly adopted.

2. Labor Relations Specialist for Review of CSEA Labor Contract for 2010

RESOLUTION #43

LABOR RELATIONS SPECIALIST FOR REVIEW OF CSEA LABOR CONTRACT FOR 2010

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

To retain Michael Richardson, Labor Relations Specialist, to review the revised CSEA Labor contract for 2010 negotiations.

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

Resolution #43 is declared duly adopted.

AUDIT OF VOUCHERS

Motion made by Supervisor John Quenell, second by Lydia Wright, to audit the vouchers. Aye 4 (Quenell, Shrope, Tucker, Wright), Nay 0, Abstain 1 (Leavitt)

RESOLUTION #44

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Lydia Wright, second by Supervisor John Quenell, To Wit:

RESOLVED that the Supervisor be authorized to pay the audited vouchers as listed on the abstracts as follows:
PREPAID FUNDS: Abstract #3 for Voucher #3A through and including 3C for 2010 General Funds in the amount of \$876.84 and 2010 Street Light Funds in the amount of \$65.25

GENERAL FUND: Abstract #3 for Voucher #67 through and including #93 for 2010 funds in the amount of \$10,397.29

HIGHWAY FUND: Abstract #3 for Voucher #27 through and including #35 for 2010 funds in the amount of \$13,522.98

SPECIAL FUND - FIRE PROTECTION DISTRICT: Abstract #2 for Voucher #2 for 2010 funds in the amount of \$36,163.00

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

Resolution #44 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 10:04 p.m. made by Supervisor John Quenell, Second by Lydia Wright, Aye 4 (Quenell, Shrope, Tucker, Wright), Nay 0, Absent 1 (Leavitt)

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk