

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

March 13, 2008

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, March 13, 2008 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 Deputy Supervisor Steve Tucker at 7:28 p.m.

The Board said the "Pledge of Allegiance" to the flag.

ROLL CALL OF OFFICERS

PRESENT: Deputy Supervisor Steve Tucker

Council Members: Sheila Delarm, Jeffrey Leavitt, and Lydia Wright

ABSENT: Supervisor Peter Martin, Sr.

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

RESIDENTS: There were three residents present

NOTICE OF MEETING: Notice of this meeting was published in the Adirondack Daily Enterprise on Thursday, February 28 and posted on the Town Clerk's Sign Board. Notices were also posted in the three local post offices and businesses in the Town.

APPROVAL OF MINUTES

- Public Hearing Rescue Contract, February 14, 2008

Motion made by Lydia Wright, **second** by Deputy Supervisor Steve Tucker, **to approve the minutes of the Public Hearing for the Rescue Contract held on February 14, 2008 as written.**

Aye 3 (Leavitt, Tucker, Wright), Nay 0, Abstain 1 (Delarm), Absent 1 (Martin)

- Regular Board February 14, 2008

Motion made by Lydia Wright, **second** by Deputy Supervisor Steve Tucker, **to approve the minutes of the Regular Town Board meeting held on February 14, 2008 as written with typographical errors corrected on Pages 6 and 7.**

Aye 3 (Leavitt, Tucker, Wright), Nay 0, Abstain 1 (Delarm), Absent 1 (Martin)

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of February 29, 2008 was \$ 16.48

1 Certified Copy

3 dog Licenses and 1 replacement tag

2 Copies and 1 Notary Signature

1. February 17 to 20 attended the Association of Towns Annual meeting and training in New York City with Council Member Lydia Wright.
2. Posted notices on February 21 for a Special Meeting on February 26 to discuss the Town Hall Project, meeting was not held due to lack of a quorum of Board members.
3. February 21 received the Annual Financial Report Update Document (AUD) for 2007. A legal notice was published on February 29 in the Adirondack Daily Enterprise to notify the public. Notices were also posted in the post offices and on the Town Clerk's sign board.
4. Received request from Franklin County Board of Elections, RE: Polling Site Agreement, need resolution to allow use of building for 2008 elections.

Tabled until April meeting waiting decision on Town Hall Project

5. Received request from NRLL, RE: Purchase of Property, would like to purchase property at the end of Clark Wardner Road.

The Town Board is not interested in selling the property.

6. REQUESTS FOR TOWN FACILITIES:

a. TOWN HALL: None

b. TOWN PARK: Moody Family, July 5, 2008 1 to 5 p.m.

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SUPERVISOR'S FINANCIAL REPORT/CORRESPONDENCE

1. Financial Report:

- a. **CLASS Investments:** Total interest for February 2008 was \$763.30; Total to date is \$1,730.43. Total funds in CLASS is \$567,060.02, contributions of \$250,000 were made from the tax revenues received.
- b. **Audit of Financial Records:** The Supervisor's financial records were not available for audit; this is the third time financial records were not made available.

2. Correspondence:

- a. North County LifeFlight, letter dated March 8, 2008: Re: Thank you for helping support them
- b. Janet Duprey, Member of NY Assembly, letter dated March 7, 2008; Re: Town Hall Project Funding, grant funds are available for the Town Hall Project in the amount of \$10,000. Instructions for obtaining the funds will be sent at a later date.
- c. NYS Department of Environmental Conservation, (no date) Re: Public Hearings for Dam Safety Regulations, there will be public hearings in Poughkeepsie, Rochester, and Albany on the new Dam Safety Regulations to accept oral or written comments
- d. Franklin County Bicentennial Commission, letter dated March 10, 2008, Re: Bicentennial of Franklin County, March 11, 2008 is the actual 200th anniversary of the creation of Franklin County, On June 14 there will be a major event at the Franklin County Fairground, and events are being held in Tupper Lake and Saranac Lake. The commission is looking for sponsors for these events.

DEPARTMENT REPORTS

1. ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society): Received report prior to meeting

- a. Town received a letter dated, February 26, 2008, Re: Shelter Manager and Dog Control Officer; the Shelter Manager and Dog Control Officer has changed to Lena Bombard.
- b. During January 2008 the Humane Society handled a total of 12 calls and emails on behalf of Brighton residents: 5 for a horse neglect situation, 1 miscellaneous questions, and 6 concerning a dangerous dog situation.
- c. During February 2008 the Humane Society handled a total of 9 calls and situations on behalf of the Brighton residents, 3 concerning a dog needing placement into the shelter, 2 concerning pet adoption, 4 concerning a dangerous dog situation on Hobart Road. If the situation continues on Hobart Road a dangerous dog complaint will be filed. Issued a summons to an owner, who failed to license his dogs, to appear in Court on March 12, 2008.

2. ASSESSOR (Doug Tichenor): No Report

3. CODE ENFORCEMENT OFFICER (CEO) (Ed Lagree): Report submitted prior to the meeting, last day is April 1, another person needs to be hired to take over this position.

- a. 1 building permit issued for 2008
- b. 25 permits open for 2007
- c. 14 permits open from 2006
- d. 6 permits open from 2005
- e. 3 permits open from 2004

RESOLUTION # 33

AUTHORIZATION TO ADVERTISE FOR A CODE ENFORCEMENT OFFICER

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

WHEREAS, the Town of Santa Clara has ended the shared services contract for Code Enforcement Officer Services as of April 1, 2008,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes the Town Clerk to advertise for a Code Enforcement Officer three times in the Adirondack Daily Enterprise and to have applications submitted by March 31, 2008.

Roll Call Vote: Aye 4 (Delarm, Leavitt, Tucker, Wright), Nay 0, Absent 1 (Martin)

RESOLUTION #33 declared duly adopted.

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- 4. TAX COLLECTOR (Amber McKernan):** Report submitted prior to meeting
- a. Sent two faxes and received numerous request for copies of tax receipts
 - b. During February collected \$124,002.49, on February 27, received notice from the Franklin County Treasurer's Office of payments made to them by utilities and the State of New York. To date, collected \$1,023,796.40 and posted \$1,049,484.60 which represents 90% of the warrant; 91 parcels remain outstanding.
 - c. On February 29 issued check #783 in the amount of \$.30 as a refund of an overpayment, on March 1 issued check #784 in the amount of \$1.50 as a refund of overpayment, and on March 3 issued check #785 in the amount of \$11.64 as a refund of overpayment. To date none of the refund checks issued this collection season have been cashed.
 - d. On March 3 issued check #786 in the amount of \$40,000 to Bryon A Varin, Franklin County Treasurer, as the third payment for the Town of Brighton. That brings the total paid to the County to \$466,000.00.
 - e. March 13 issued check #787 in the amount of \$377.30 to Deputy Supervisor Steve Tucker. That figure is the penalty and second notice fees collected since the last regular board meeting to date.
 - f. March 3 printed and mailed out 100 second notices.
 - g. January and February bank statements were received and reconciled.

- 5. TOWN JUSTICE (Nik Santagate):** Report submitted prior to meeting
Issued a check in the amount of \$2970.00 to the Supervisor for February revenues

- 6. HISTORIAN - Mary Ellen Salls:** No Report

COMMITTEE REPORTS

- 1. HIGHWAY DEPARTMENT - Jeffrey Leavitt and Steve Tucker:**
- a. **Report from Andy Crary, Superintendent of Highways,** submitted prior to the meeting
 - i. Plowing and sanding, hopes it soon will end
 - ii. Almost out of salt, getting sand out of bank behind garage
 - iii. Changed cutting edge on the loader
 - iv. Set up for Food Pantry
 - v. Cut and pushed back snow banks around the Town
 - vi. Used loader to clear snow around Town
 - vii. Borrowed a curb protector for the plow from Harrietstown, ordered 2 replacements.
 - viii. Nortrax, Inc. came out and fixed the loader, the joystick handle needed repair
 - ix. Peeled ice on Keese Mills Road
 - x. Made a dump run
 - xi. Attended Highway meeting, contract for next four years was discussed, road classifications need adjusting, contract needs to address cutting back snow banks, cost of fuel needs to be adjusted
 - xii. Contract request for salt for 2008 has been submitted for 300 tons
 - xiii. Oil/Water Separator needs repair, water samples need to sent in for testing. Stan Ingenson looked at the system and made some suggestions.

RESOLUTION #34

AUTHORIZATION TO REPAIR THE OIL/WATER SEPARATOR

Motion made by Lydia Wright, Second by Sheila Delarm, To Wit:

WHEREAS, the oil/water separator in the garage is not functioning properly, and

WHEREAS, Stan Ingenson, a person knowledgeable about maintaining the oil/water separator, looked at the system and recommended how to get it working properly,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes Andy Crary, Superintendent of Highways, to obtain the necessary parts and supplies to repair the oil/water separator in the Town Garage Not to Exceed \$1,000, and

BE IT FURTHER RESOLVED that the Andy Crary, Superintendent of Highways, be authorized to send in water samples for testing.

Roll Call Vote: Aye 4 (Delarm, Leavitt, Tucker, Wright), Nay 0, Absent 1 (Martin)

RESOLUTION # 34 declared duly adopted.

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- b. White Pine Road Bridge: JT Erectors will look at the bridge and make a recommendation
- c. CSEA Contract: No information
- d. Town Roads:
 - i. Slush Pond Road: Need more information from DEC
 - ii. Split Rock Road: Guardrails will be looked at in the Spring
 - iii. Keese Mills Road - Sucker Brook: Culverts need to be replaced
- e. Loader Use: Jeffrey Leavitt suggested that the loader be turned off when not in use to save fuel
- f. Chimney: Still waiting for parts to arrive

2. **PARK & RECREATION - Steve Tucker and Lydia Wright**

- Steve Tucker attended a Saranac Lake Area Youth Program meeting on Monday, March 10. The cost for the 12 program counselors is \$12,000. They are still looking into grants. They plan to charge \$40 to \$50 per child, the second child is half price for this summer. The program runs 5 weeks from July to August. The Town's portion has been increased to \$2,000. No children from the Town attended in 2007.

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

- a. Reviewed the Mang Insurance Policy for Crime, need to clarify if "Deputy" positions are covered or need to be added, waiting for a reply from Mang.
- b. Rescue Contract was submitted to the Attorney for the Town; he recommended having the Insurance company review the wording of the "Fourth" Paragraph, copy was forwarded to NYMIR for review.
- c. Health Insurance: The Town is eligible for the "Empire Plan", sent a copy of current health policy to the agent for review and recommendations concerning switching over to the "Empire Plan".
- d. Risk Assessment: Robert Blaisdell, NYMIR Senior Loss Control Specialist, visited the Town and recommended that the Town Roads be posted as designated "snowmobile" trails. A copy of the Snow Mobile Ordinance was distributed to the Board for review. Jeffrey Leavitt said he will talk to Andy Cray about posting the proper signs on the Town roads.
- e. Nothing to report for Investments

4. **CEMETERY - Steve Tucker and Jeffrey Leavitt:** Nothing to report

5. **TOWN BUILDINGS - Steve Tucker and Jeffrey Leavitt**

- a. **Town Hall Project:** (Lydia Wright): Bid Opening was held on March 11 at 4:00 p.m. Sheila Delarm and Lydia Wright were at the bid opening. Bid packages were sent to Cate Blakemore of Crawford & Stearns on Wednesday, March 12 for her review and recommendations. Bids were received as follows (alternates not included):
 - i. Four General Contractors bids from Brandon Construction for \$333,675.00, Rabideau Corp \$184,759, JFP Enterprises \$199,022, and JT Erectors \$190,427.
 - ii. Electrical: Dow Electric \$51,000, Rabideau Corp \$34,979
 - iii. Plumbing: JT Erectors \$19,700
 - iv. Heating: JT Erectors \$23,875, and an additional \$5,700 for new boiler
- b. **Salt Shed Grant:** No information

OLD BUSINESS

- 1. **FIRE ADVISORY BOARD (FAB) UPDATE- Sheila Delarm:** No one attended a meeting, but information has been passed along by the Town of Harriestown. The Village of Saranac Lake is not hiring a paid Emergency Medical Technician (EMT) because it costs too much to hire the per-diem position. The funds in the budget for an EMT should be returned to the Towns if it is not going to be used for the position. Discussion has been held on the possibility of the Saranac Lake Volunteer Fire Department and Rescue Department splitting into two separate entities. A proposed budget has been sent to the FAB members. Another meeting needs to be set up before April.
- 2. **RESCUE CONTRACT WITH VILLAGE OF SARANAC LAKE:** The Attorney for the Town has reviewed the contract and recommended that the contract be reviewed by the Town's insurance company. A check for the first payment will be sent to the Village, as the funding is not the issue. A signed contract still has not been received from the Village. This will be requested with the payment.

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3. **TIME WARNER CABLE IN MCCOLLOMS:** No further information.
4. **POST OFFICE IN GABRIELS:** Sheila Delarm said an advertisement for “Requests for Proposals” for a new Post Office in Gabriels was published in the newspaper. There is a time limit for the public to respond.
5. **PAUL SMITHS GABRIELS VOLUNTEER FIRE DEPARTMENT**
 - a. **Activation of “Non- Emergency” Alarms:**
 - i. Sheila Delarm received a phone call from a resident asking about the consequences of an intentional alarm activation at Paul Smith College, she checked into the situation and found that the College was not able to determine who activated the alarm, they are still investigating the situation. The State Police had not been officially notified of this situation as of March 11.
 - ii. Another resident was concerned about the number of “non-emergency” fire calls to the College that have been listed in the Adirondack Daily Enterprise. Sheila Delarm read a listing of fire alarms activations from Paul Smiths College for “non-emergency” calls; out of 122 calls, 74 were from the College, of which 4 were actual emergencies. Jeffrey Leavitt said of the 70 calls, 11 calls were caused by people and 59 were preventable by the College.
 - iii. Peter Henry, Secretary of the Paul Smiths Gabriels Volunteer Fire Department (PSGVFD), said he was on a PSGVFD Ad-Hoc Committee that looked into this matter last year. The Committee and the Town Board met with Mr. Harrington and Ms. Sweeny of Paul Smith College and discussed this situation. The situation seemed to get better for awhile but the number of alarms for “non-emergency” calls is still high. The volunteers are getting “burnt-out” from responding to so many “non-emergency” alarm activations. PSGVFD would like the Town to start fining the College for “non-emergency” calls. Steve Tucker said the nationwide statistic for actual emergency alarm activations is ½ of 1%.
 - iv. Discussion was held as to how this situation could be resolved. The goal for this situation is to reduce the number of calls, not to make money off the College. Any town law to set fines would apply to all the Town, not just the College.
 - v. Peter Henry suggested the PSGVFD could meet with the Board of Trustees from the College to discuss this situation. Sheila Delarm said the President needs to attend a meeting with the PGSVFD as well. Discussion was held as to who should attend the meeting and what information should be presented to the College to solve this situation. Lydia Wright will find out who the Board of Trustees are and when their next meeting is scheduled.
 - vi. Dustin Fuller said the PSGVFD needs to provide the figures for the actual “cost-per-call” for “non-emergency” alarm activations by removing the fixed costs to be able to show that reducing the calls will reduce the cost to the PSGVFD.
 - b. **Basic Life Support-First Responder Status (PSGVFD BLS-FR):** The PSGVFD asked for a second letter with more information included to be signed by Supervisor Peter Martin for the PSGVFD BLS-FR status.
 - c. **Letter to Request Budget and Audit Report:** The letter requested to be sent to the PSGVFD by Resolution #24 at the January 10, 2008 Regular Board Meeting was not sent contrary to what the Board had been told at the February 14, 2008 meeting. The letter was hand delivered by Supervisor Peter Martin to Fire Chief Roger Smith at a dinner on March 8, 2008. The letter was read aloud at a PSGVFD meeting on March 12. According to Sheila Delarm and Steve Tucker, who were at the meeting, the letter did not include all the information requested by Resolution #24. A copy of this letter has not been provided to the Board or the Town Clerk as requested in the February 14 meeting. This matter will be addressed at another meeting when the Supervisor is in attendance.
6. **SMART GROWTH ASSESSMENT GRANT APPLICATION:** An invitation was received from the NYS Department of Environmental Conservation to a luncheon being held on March 25, 2008 for the awarding of the Adirondack Park Smart Growth Grants. Deadline is March 14 for reservations. Jeffrey Leavitt will notify Rebecca Buerkett about the invitation.
7. **CLOSING OF CAMP GABRIELS IN JANUARY 2009:**
 - a. The Mayor of Saranac Lake, Tom Michaels, is interested discussion options for Camp Gabriels if it closes. He is on a Committee through Senator Betty Little’s Office to look into this with Paul Maroun, Franklin County Legislature. The Board discussed why the Town was not invited to be on this Committee when Camp Gabriels is in the Town. Steve Tucker will contact Paul Maroun to ask about the Committee.

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- b. There has been no response to the Board's questions proposed during the tour of Camp Gabriels. Jeffrey Leavitt said that Supervisor Peter Martin said he would write down the questions for the Superintendent.

8. DISASTER PREPAREDNESS:

- a. Sheila Delarm sent a package on March 6 to all the Town's residents concerning Disaster Preparedness. Several responses have been returned. Jeffery Leavitt has received questions from seasonal residents. Sheila Delarm will review the information and file it by area for easy reference.
- b. A "link" for residents will be added to the Website, Sheila Delarm will contact Rainbow Graphics
- c. Sheila Delarm will send the same package to all the town and villages in Franklin County.

EXECUTIVE SESSION

Motion made by Lydia Wright, second by Sheila Delarm, to GO INTO EXECUTIVE SESSION at 10:45 p.m. for the purpose of discussing the employment history of a particular person in accordance with the Public Officers Law, Article 7, Open Meeting Law, Section 105, Para 1(f), and that the Town Clerk remain for the Executive Session, Aye 4 (Delarm, Leavitt, Tucker, Wright), Nay 0, Absent 1 (Martin)

Motion made by Lydia Wright, second by Steve Tucker, to GO OUT OF EXECUTIVE SESSION at 11:30 p.m., Aye 4 (Delarm, Leavitt, Tucker, Wright), Nay 0, Absent 1 (Martin)

Motion made by Lydia Wright, second by Jeffrey Leavitt, that a Special Board Meeting will be held on Tuesday, March 25, 2008 at 6 p.m. to discuss Town business, Aye 4 (Delarm, Leavitt, Tucker, Wright), Nay 0, Absent 1 (Martin)

NEW BUSINESS

1. **Rainbow Lake Road- Request for Speed Limit Change:** Received a letter, dated February 10, 2008, from Chris Shrope, Boy Scout, Re: Speed Reduction on County Road 60. He has concerns about the speed of cars on the road and is making a request to reduce the speed from 55 m.p.h. to 45 m.p.h. on County Route 60, a.k.a. Rainbow Lake Road, from where the 45 m.p.h. currently ends near Mill Hill Road to the Vosburgh Road. A response will be sent to Chris Shrope that his request has been forwarded to the Franklin County Department of Transportation.

RESOLUTION #35

AUTHORIZATION TO SUPPORT REDUCTION OF SPEED LIMIT ON RAINBOW LAKE ROAD

Motion made by Sheila Delarm, second by Steve Tucker, To Wit:

WHEREAS, a letter has been received from a resident requesting the reduction of the speed limit from 55 mph to 45 mph on County Road 60, a.k.a Rainbow Lake Road, from where the current 45 mph speed limit ends near Mill Hill Road to the Vosburgh Road for reasons of safety, and

WHEREAS, County Road 60 is a heavily housed area like "Easy Street Hill" on State Route 86 that has a 40 mph speed limit, and

WHEREAS, the danger of such fast speeds is that the reaction time is slower and there is a possibility of crashing or hitting people along side the road who may be walking their dogs or jogging, and

WHEREAS, there are two snowmobile crossings within this stretch of road and two years ago a man riding a snowmobile was killed while crossing the road,

NOW THEREFORE BE IT RESOLVED that the Town Board requests that the Franklin County Highway Department review the 55 mph speed limit on County Road 60, a.k.a Rainbow Lake Road, from where the 45 mph speed limit ends near the Mill Hill Road to the Vosburgh-Tebbutt Road and consider reducing the speed limit to 45 mph due to the safety concerns from increased residents living in the area and a fatality in 2006 at the snowmobile crossing.

Roll Call Vote: Aye 4 (Delarm, Leavitt, Tucker, Wright), Nay 0, Absent 1 (Martin)

RESOLUTION # 35 declared duly adopted.

2. **Curling Rink in Brighton - Jeffrey Leavitt** said a resident asked about the possibility of having a curling rink in the Town.

Last year the Town Board approved a rink to be added at the Town Park as long as the curlers did the work. The Board asked that the person come and speak to the Board about this issue.

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3. **Ice Cream Social:** Jeffrey Leavitt asked about the possibility of having an "Ice Cream Social" in the summer at the Town Park to get people out to meet their neighbors. Discussion was held on when to hold the function. A date will be determined after "Brighton History Day" is set.

CITIZENS COMMENTS

Dustin Fuller, NYS Department of Transportation (DOT): Said he drives the snow plow from NYS Route 186 to the end of State Route 86. He is concerned about cars near the road where he is trying to plow back the banks. He asked if there was an ordinance in the Town to make people move their cars. A resident has filed a complaint with DOT about damage to a car.

The Board said the Department of Transportation needs to send a letter addressing this issue to the Code Enforcement Officer.

EXECUTIVE SESSION

Motion made by Lydia Wright, **second** by Sheila Delarm, **TO GO INTO EXECUTIVE SESSION** at 12:15 a.m.(March 14, 2008) for the purpose of discussing litigation in accordance with Public Officers Law, Article 7, Open Meeting Law, Section 105, Para 1(d), **Aye 4 (Delarm, Leavitt, Tucker, Wright), Nay 0, Absent 1 (Martin)**

Motion made by Steve Tucker, **second** by Lydia Wright, **TO GO OUT OF EXECUTIVE SESSION** at 12:27 a.m. (March 14, 2008), **Aye 4 (Delarm, Leavitt, Tucker, Wright), Nay 0, Absent 1 (Martin)**

AUDIT OF VOUCHERS

Motion made to Audit the Vouchers by Lydia Wright, **second** by Sheila Delarm; **Aye 4 (Delarm, Leavitt, Tucker, Wright), Nay 0, Absent 1 (Martin)**

RESOLUTION #36

AUTHORIZATION TO PAY AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Lydia Wright, **second** by Sheila Delarm, **To Wit:**

RESOLVED that the Deputy 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 2008 General Funds in the amount of \$ 709.09 and 2008 Street Light Funds in the amount of \$94.42

GENERAL FUND: Abstract #3 for Voucher #66 through and including #92 for 2008 funds in the amount of \$28,310.19

HIGHWAY FUND: Abstract #3 for Voucher #30 through and including #41 for 2008 funds in the amount of \$8,913.26

SPECIAL FUND - FIRE PROTECTION: Abstract #2 for Voucher #2 for 2008 funds in the amount of \$33,823.00.

CAPITAL PROJECT- TOWN HALL PROJECT: Abstract #8 for Voucher # 9 through and including #11 for funds in the amount of \$773.45.

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

Resolution #36 declared duly adopted.

ADJOURNMENT: Motion to Adjourn at 12:45 a.m. (March 14, 2008) made by Lydia Wright, **Second** by Sheila Delarm, **Aye 4 (Delarm, Leavitt, Tucker, Wright), Nay 0, Absent 1 (Martin)**

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk