

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

April 8, 2010

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, April 8, 2010, after the Public Hearing for the Cable Franchise at 6:30 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 6:55 p.m.

ROLL CALL OF OFFICERS

PRESENT: Supervisor John Quenell

Council Members: Jeffrey Leavitt, Steve Tucker and Lydia Wright

ABSENT: Council Member Peter Shrope

OTHERS PRESENT: Elaine Sater - Town Clerk, Town Justice - Nik Santagate, Historian-Mary Ellen Salls

RESIDENTS: There were two residents present

GUESTS: None

Pledge to the Flag was recited.

APPROVAL OF MINUTES

- Regular Board March 11, 2010

Motion made by Supervisor John Quenell, **second** by Lydia Wright, **to approve the minutes of the Regular Board meeting on March 11, 2010, as written, Aye 3 (Quenell, Tucker, Wright), Nay 0, Abstain 1 (Leavitt), Absent 1 (Shrope)**

- Special Board March 22, 2010

Motion made Supervisor John Quenell, **second** by Lydia Wright, **to approve the minutes of a Special Town Board meeting held on March 22, 2010, as written. Aye 3 (Leavitt, Quenell, Tucker), Nay 0, Abstain 1 (Wright), Absent 1 (Shrope)**

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of March 31, 2010 was \$ 47.71.

2 Sports Licenses

Town Hall Donation

5 Dog License Renewed

Addition to a Building Permit (#10-002)

- 1) No "Notice of the Presence of Wild Animals" being owned, possessed, or harbored in the Town was filed as of April 1, 2010 in accordance with Section 209-cc of the General Municipal Law.
- 2) March 24, sent Discovery Demand documentation to Attorney for the Town Scott Goldie.
- 3) Received information from NYS Town Clerk's Association that the NYS Department of Agriculture & Markets is planning on turning over the Dog Licensing Program to each town. This is part of the NYS Budget to save them money. If the program is turned over to the town then a software program will have to be purchased for tracking dog licenses. The town will have to create its own Local Law for issuing licenses.
- 4) Town Clerk's Office will be closed Tuesday and Thursday, April 27 and 29 for the Town Clerk's Convention in Saratoga Springs, office to reopen on Tuesday, May 4 at 12 noon in Town Garage.
- 5) TOWN HALL REQUEST: Conservative Party - March 27, 10 a.m.

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- 6) TOWN PARK REQUEST: Fadden Family-Saturday, April 17, 10:30 a.m. to 3 p.m., Moody Family- Saturday, July 10, 2 - 6 p.m.

SUPERVISOR'S REPORT

- 1) **Discovery Demand:** Attorney for the Town Scott Goldie was pleased with the documentation he received from the Town Clerk and Code Enforcement Officer for the Discovery Demand from Paul Smith's College; it was thorough, complete, and timely.
- 2) **Supervisor's Financial Report, March 31, 2010:** Distributed report to Board, along with a Long Range Financial Plan that shows General and Highway Fund Revenue, Expense and Fund Balance comparison for the period 2003 to 2014. He is forecasting that the Town will run out of the fund balance in 2013. He will provide more information in future meetings.
- 3) **Comlinks:** Received a letter from the new executive director, Brian Cassini, there are many changes being made.
- 4) **Franklin County IDA:** There is a meeting in the Town of Duane on Monday, April 12, to discuss what they can do in the area
- 5) **National Grid:** Received information on rate increases for street lighting, 2011 increase by 0.9%, 2010 increase by 0.5%.
- 6) **Over the Hill:** Received formal notice from the Code Enforcement Officer Paul Blaine of a dangerous situation concerning property that has an unsafe structure on it. Drafted a letter for Attorney for the Town Scott Goldie to review. Notice of Hearing has been set for Thursday, April 22, 2010, at 6 p.m. The Town Clerk was directed to post a notice. The property owner has to be given notice at least 5 days before the hearing. If the Town has to remove the structure the Franklin County Department of Transportation has offered to help. The Town would have to pay tipping fees. A quote has been requested from a waste management company to remove the debris. The material can be recycled. There is no asbestos containing material (ACM) in the building according to a test that was done on a tile. Currently the property owner owes back taxes on the property.

RESOLUTION#46

VIOLATION OF LOCAL LAW #1 FOR THE YEAR 1981, UNSAFE BUILDING LAW

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

WHEREAS, the Town of Brighton through its Code Enforcement Officer, has repeatedly asked the owner of the "Over the Hill" property on State Route 86 to repair or remove the unsafe structure on the property, and

WHEREAS, the Code Enforcement Officer has formally notified the Town Board of the unsafe condition of the building by letter dated March 8, 2010, and

THEREFORE BE IT RESOLVED that the Town of Brighton, will proceed to execute the enforcement provisions of the Town's Unsafe Buildings Law, Local Law #1 of the Year 1981, by sending a registered letter to the owner ordering that he remove and dispose of the building and stipulating that the Town will do so if he does not, and inviting the owner to a hearing on the matter at 6 p.m. in the Brighton Town Hall on April 22, 2010.

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

Resolution #46 is declared duly adopted.

- 7) **Time Warner Cable:** Received an announcement dated March 18, 2010, Re: Number of channels are being reduced to subscribers.
- 8) **White Pine Road Bridge:** Invited by Legislature Gordy Crossman, to attend a meeting on March 24 with the Franklin County Highway Committee with Superintendent of Franklin County Highways Gary Lewis. The NYS Department of Transportation said they will do a hydraulics survey of the water under the bridge. Franklin County will replace the bridge with a culvert, if it is authorized by the State. It will be 4 years before the work can be done. The Town should contact NYS DOT to determine the risk of waiting to repair the bridge. The County says they will take title to the bridge after it is repaired or replaced.

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- 9) **Board of Assessment Review (BAR):** Received a Notice of Training letter from the Office Real Property Services, a training session will be held on May 5, 2010 at 1 p.m. at the Franklin County Courthouse. County Manager James Feeley said that when the new County Director for Office of Real Property is hired the County Legislature will ask for an evening training session in the south end of the County.

CITIZEN COMMENTS:

Mary Ellen Salls said that the Paul Smith's College kids are cutting into a large tree off State Route 30 near Cooler Pond.

DEPARTMENT REPORTS

- 1) **HIGHWAY - Andy Crary:** Report submitted prior to meeting
- a) Replaced broken spring on the LT9000; it was repaired by Bob's Auto
 - b) Couple of plowings done
 - c) Made dump run
 - d) Set up for food pantry
 - e) Worked on and finished shelves for storage room
 - f) Took course for erosion/sediment control
 - g) Moved some Town Hall records
 - h) Put sweeper on tractor and began sweeping roads
 - i) Took plows/wing/sander grates off trucks
 - j) Started to pressure wash trucks
- 2) **ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** Report submitted prior to meeting
Handled a total of 7 calls; four calls were in regards to lost dogs, which were responded to and an attempt was made to assist the dog owners in locating their lost dogs, 1 on Keese Mills Road, 1 on County Rt 60. Three calls were made in regards to a dog complaint about a dog running at large, getting into a neighbor's garbage and bothering children waiting for the bus on County Rt 60. Visited the dog's owner and spoke at length about the town's Dog Control ordinance and that his dog should not be allowed off his property unless on a leash and under his control. The dog was in his house at the time and he said he would be careful about keeping her on his property.
- 3) **ASSESSOR - Doug Tichenor:** Report received prior to the meeting
- a) Have been compiling data on new construction in the Town in preparation for the tentative assessment roll to be filed May 1.
 - b) Exemption applications and renewals were submitted as of March 1
 - c) There have been no valid sales in the Town this year to date
- 4) **CODE ENFORCEMENT OFFICER (CEO) - Paul Blaine:** Report submitted prior to meeting
- a) **Building Permits:** No Building Permits issued during March
 - b) **Avoidable Alarms Update:** Three avoidable alarms open, four avoidable alarm violations were completed
- 5) **TAX COLLECTOR - Amber McKernan:** Report submitted prior to meeting
- a) As of 6 April collected \$1,082,476.01 and posted \$1,107,203.76, for the month of March collected \$67,432.58
 - b) On 10 March issued check #831 to Supervisor John Quenell in the amount of \$393.16 for penalties and fees collected

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- c) Received reconciliation forms from the Franklin County Treasurer's office, preparing the books and records so they can be turned over to the Treasurer's office by their requested deadline of 12 April.
- 6) **TOWN JUSTICE - Nik Santagate:** Report submitted prior to meeting.
 - a) Check written to Supervisor in the amount of \$11,379.00 for 114 disposed cases in March
 - b) Was gone for two court nights; would like to thank the Court Clerk Sonya Franciamone and Assistant Court Clerk Elaine Sater for the work they did to keep the court open for disposals, the number of cases being disposed is phenomenal
 - c) Would like to have a smooth transition when the court has to move to the Town Garage while the Town Hall is being renovated. There is a lot of court work to be completed
- 7) **HISTORIAN - Mary Ellen Salls:** Have been busy all winter, been in contact with 12 different families researching family histories

COMMITTEE REPORTS

- 1) **PARK & RECREATION - Steve Tucker and Peter Shrope**
 - a) Dan Spencer has been using his own leaf blower and it burned out. He would like the Town to purchase a gas fueled replacement. Discussion was held on the hours the Park is open, Dan Spencer was out-of-town over a weekend and forgot to put up a sign saying so. Discussion was held on purchasing a leaf blower versus using the leaf blower that the Highway garage already owns. Steve Tucker will contact Superintendent of Highways Andy Crary to see if the leaf blower is available to use.
 - b) **Saranac Lake Area Youth Program (SLAYP):** Steve Tucker attended a meeting on March 18, 2010. SLAYP will send out flyers to businesses asking for sponsorships for children who can not afford to pay the registration fee. About 40% of the children attending fit into this category (same criteria as free lunch program). Swimming lessons will be offered this year.
- 2) **INSURANCE/INVESTMENTS - Lydia Wright and Supervisor John Quenell:**
 - a) Insurance: Supervisor John Quenell and Lydia Wright need to meet to discuss the Health Insurance comparisons
 - b) Investments: NYCLASS - Highway Fund has interest income (Year-To-Date) of \$37.34 with a balance of \$189,833.56 and General Fund has interest income (YTD) of \$104.37 with a balance of \$284,885.34.
- 3) **CEMETERY& TOWN BUILDINGS - Steve Tucker:**
 - a) **Cemetery:**
 - i) Spoke to Ron Keough, still need to meet with Shelly Haden, who wants to put up a head stone for her mother
 - ii) Need to purchase more flags
 - b) **Town Buildings:** Nothing to report
- 4) **HIGHWAY- Jeffrey Leavitt, Steve Tucker and Lydia Wright:**

Jeffrey Leavitt said the pick up truck needs to be replaced, it will need major repairs in the future, it is used to plow the road beyond the White Pine Road Bridge. Superintendent of Highways Andy Crary is getting quotes from businesses.
- 5) **WEBSITE - Supervisor John Quenell:** Added Michelle White as Deputy Clerk to the website.
- 6) **FIRE ADVISORY BOARD (FAB) - Steve Tucker:**
 - a) Attended a meeting on April 2. Town of Harriestown Supervisor Larry Miller briefed everyone on what

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has happened to date as there were several new people at the meeting.

- b) Saranac Lake Rescue Squad Chief Verne James is lining up the paperwork to get the Rescue Service separated from the Fire Department. April 24 is the deadline. He is still negotiating with the Village.
- c) Brendan Keough is the new Fire Chief in Saranac Lake.

7) TELECOMMUNICATIONS - Jeffrey Leavitt and Supervisor John Quenell:

- a) **Cell Phone Service:** Jeffrey Leavitt said due to the cost of expanding services to the cell phone providers they are not very interested in greater services to the Town at this time.
- b) **Time Warner:** Jeffrey Leavitt said they are asking for more money while they are reducing services. Revenues are dwindling and expenses are increasing

8) TOWN REDEVELOPMENT CITIZENS COMMITTEE - Susan Mayer: Report submitted prior to meeting.

- a) The Committee continues to have contact with NYS OGS, which is responsible for the decommissioning of Camp Gabriels. Informed OGS contact that the Town was no longer interested in pursuing the possibility of using the Camp's Quality of Life Building for town business while the town hall was being renovated.
- b) Made requests for a tour of the facility back in February and was told it could probably be arranged in late April or early May, when the weather conditions would be good. Learned that there was a tour of the camp in mid March. There is not another trip planned due to the State budget restrictions. Contacted Senator Betty Little's assistant to discuss the matter
- c) Spoke with Paul Maroun, Senator Little's assistant to inform him of the Brighton Redevelopment Citizens' Committee, he offered his assistance at that time. He will arrange for the Committee and other town officials to tour the camp. The tour in March was from Ft. Drum looking at the camp for a VA type facility, they determined that the camp was too large for their purposes. Also asked about St. Joseph's veterans' treatment expansion plans, and they are no longer interested either. The solar panel manufacturer was only interested in one building and the State will not sell pieces of the facility.
- d) The Committee has a seat on the VIC executive committee organized by API, attended the first executive committee meeting on March 18. Volunteered to be on the subcommittee to discuss the mission/vision of the VICs and met with the group on March 25. The subcommittee will meet again on Thursday, April 15 to finalize a mission statement and brief vision for the two VICs to present to the executive committee.
- e) The Committee will tentatively meet on April 19.

9) TOWN HALL PROJECT- Supervisor John Quenell, Peter Shrope, and Lydia Wright:

- a) **Laptop** computer was given to the Town Clerk by Supervisor John Quenell
- b) **Wiring in Garage:** Supervisor John Quenell is asking electrical companies for bids
- c) **Archeology Survey:** Area behind the Town Hall needs to be surveyed for artifacts, waiting for the Department of Parks to make a determination.
- d) **Floor Tile Removal:** Supervisor John Quenell said the tile floor has 932 square feet of Vinyl Asbestos Tile (VAT) that has to be removed; the partitions on top of the tile have to be removed first. The Highway Department has agreed to remove the partitions. Has asked contractors for bids on removing the tile.
- e) **Bid Package for Renovation:** Received a draft Project Manual and plans from Crawford & Stearns. Supervisor John Quenell is reviewing them with George Earle, an engineer, and Wes Haynes, Owner's Representative. NYS Office of Parks, Recreation, and Historical Preservation (NYSOPRHP) is also reviewing the package.
- f) **Schedule:** Supervisor John Quenell provided the Board with a Preliminary Schedule for the Project; it may take up to six months to finish the project. Construction may take three months..
- g) **Project Sign:** Supervisor John Quenell purchased a sign for the acknowledgement of NYSOSPRHP as the grant provider. The sign has to stay posted during the building project and a smaller sign must remain posted permanently.
- h) **Insurance:** NYMIR said that Builder's Risk Insurance is not needed by the Town. The liability insurance should be enough.
- i) **Funding:** Due to the State budget being in flux, Jeffrey Leavitt asked if the grant funding will be available.

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Supervisor John Quenell said he has not heard that the funds are not available.

OLD BUSINESS: None

NEW BUSINESS: None

CITIZENS COMMENTS: None

EXECUTIVE SESSION

Motion made to GO INTO EXECUTIVE SESSION at 8:23 p.m. by Supervisor John Quenell, **second** by Jeffery Leavitt, **in accordance with Public Officers Law, Article 7, Section 105(d) to discuss current litigation (“Michael Humes vs Town of Brighton” and “Town of Brighton vs Paul Smiths College”) and Section 105(e) collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law). Aye 4 (Leavitt, Quenell, Tucker, Wright), Nay 0, Absent 1 (Shrope)**

Motion made to GO OUT OF EXECUTIVE SESSION at 8:43 p.m. by Supervisor John Quenell, **second** by Lydia Wright; **Aye 4 (Leavitt, Quenell, Tucker, Wright), Nay 0, Absent 1 (Shrope)**

CSEA LABOR CONTRACT:

Supervisor John Quenell said a mediation meeting would be held on Tuesday, April 13, 2010, at 4 p.m. at the Town Hall with the CSEA mediation representative Mr. Lochner, the CSEA labor representative, Brain Paige, Town Labor Relations representative Michael Richardson, and any board member who wants to attend.

RESOLUTION #47

CSEA CONTRACT ISSUES FOR MEDIATION

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

To present to the CSEA mediator at the April 13, 2010 meeting, the list of contract issues discussed in Executive Session by the Board members who attend the meeting.

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

Resolution #47 declared duly adopted.

RESOLUTION #48

CSEA CONTRACT NEGOTIATIONS

Motion made by Supervisor John Quenell, second by Jeffrey Leavitt, to authorize the Board members who attend the CSEA negotiations meeting on April 13, 2010, to approve a modest wage increase for 2010 for highway employees and approve a two year contract in which wage increase is to be determined by the Social Security COLA for the year 2011.

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

Resolution #48 declared duly adopted

AUDIT OF VOUCHERS

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

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RESOLUTION #49

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 #4 for Voucher #4A through and including 4C for 2010 General Funds in the amount of \$845.85 and 2010 Street Light Funds in the amount of \$55.01

GENERAL FUND: Abstract #4 for Voucher #94 through and including #114 for 2010 funds in the amount of \$20,890.59

HIGHWAY FUND: Abstract #4 for Voucher #36 through and including #43 for 2010 funds in the amount of \$1,851.04

CAPTIAL PROJECT: TOWN HALL PROJECT: Abstract #12 for Voucher #15 for Capital Project funds in the amount of \$116.84

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

Resolution #49 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 9:09 p.m. made by Lydia Wright, Second by Supervisor John Quenell, Aye 4 (Leavitt, Quenell, Tucker, Wright), Nay 0, Absent 1 (Shrope)

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk