

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

April 9, 2009

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, April 9, 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: Jeffrey Leavitt, Steve Tucker and Lydia Wright

ABSENT: Council Member Sheila Delarm

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

RESIDENTS: One resident was present

APPROVAL OF MINUTES

- Public Hearing Emergency Rescue Contract for 2009, March 12, 2009

Motion made by Supervisor David Knapp, **second** by Steve Tucker, **to accept the minutes of the Public Hearing on the Emergency Rescue Contract for 2009 held on March 12, 2009, as written; Aye 3 (Knapp, Leavitt, Wright), Nay 0, Abstain 1 (Tucker), Absent 1 (Delarm)**

- Regular Board March 12, 2009

Motion made by Supervisor David Knapp, **second** by Lydia Wright, **to approve the minutes of the Regular Town Board meeting held on March 12, 2009, as written; Aye 4 (Knapp, Leavitt, Tucker, Wright), Nay 0, Absent 1 (Delarm)**

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of March 31, 2009, was \$ 190.75

1 DEC Sport License

4 Dog Licenses Renewed

2 Building Permits (#09-05 & 06)

4 Copies on the copier

1 Notary Signature

1. No "Notice of the Presence of Wild Animals" being owned, possessed, or harbored in the Town was filed as of April 1, 2009 in accordance with Section 209-cc of the General Municipal Law.
2. Received thank you letters from the Senate and Assembly members concerning Resolution #36-2009 to remove the tax cap on State owned land.
3. Received letter from the Department of State, dated March 18, RE: Local Law #1 for the Year 2009, Prevention of Avoidable Alarms; law was filed in their office on March 13, 2009 and is now in effect.
4. Town Clerk's Office will be closed Tuesday and Thursday, April 28 and 30 for the Town Clerk's Convention in Rochester, the Office to reopen on Tuesday, May 5 at 12 noon.
5. TOWN HALL REQUEST: None
6. TOWN PARK REQUEST: None

CITIZENS/GROUPS COMMENTS: None

SUPERVISOR FINANCIAL REPORT/CORRESPONDENCE

1. **FINANCIAL REPORT:** Distributed Budget and CLASS reports as of March 30, 2009 to the Board

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a. Budget Amendment #2-2009 General Fund

GENERAL FUND BUDGET AMENDMENT #2-2009

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

RESOLVED that the following amount be and the same hereby are transferred:

\$7,486.00 from Account No. A1990 Contingent

as follows:

\$7,486.00 to Account A6461.4 Grants (For Smart Growth)

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

GENERAL FUND BUDGET AMENDMENT #2-2009 declared duly adopted.

2. CORRESPONDENCE:

- a. Franklin County Legislature Office of Planning and Economic Development**, dated March 23, 2009, RE: County Planning Office, sent a survey to determine if the Town was in favor of the County establishing a planning office.

RESOLUTION # 47

ESTABLISHING A PLANNING OFFICE AT THE COUNTY

Motion made by Jeffrey Leavitt, second by Steve Tucker, To Wit:

WHEREAS, the Franklin County Legislature is considering the formation of a County Planning Office and has drafted a tentative mission statement as follows: to provide the assistance to Franklin County necessary to the improvement of the quality of life in the county. This office will promote the intelligent use of the County's resources, both natural and man-made, by implementing strong economic growth strategies with the maintenance of our wilderness and rural character always utmost in priority. This office will extend professional services to local municipalities and other public and private entities in the areas of grantsmanship, economic development, land-use planning and zoning, cartography, community assistance, agriculture, economic impact assessment research and infrastructure development.; and

WHEREAS, Town of Brighton is currently under the jurisdiction of the Adirondack Park Agency, and

WHEREAS, the Town Board does not desire to see more restrictions put on the Town of Brighton,

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Brighton is opposed to Franklin County establishing a planning office that is geared toward the northern end of the county, is redundant to what towns are already able to provide, and will create additional obstacles for residents and business owners to overcome in the Town and County.

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

Resolution #47 declared duly adopted

- b. Business Development Cooperation for a Greater Massena**, letter dated March 11, 2009, Re: Citizens Coalition for Economic Infrastructure Development support of construction of a four lane highway in Northern New York; would like the support of the Board.

RESOLUTION #48

FOUR LANE HIGHWAY IN FRANKLIN COUNTY AND NORTHERN NEW YORK

Motion made by Jeffrey Leavitt, second by Steve Tucker, To Wit:

WHEREAS, the economic impact of North County transportation improvements is a key component of the North County Transportation Study, and

WHEREAS, the economic development impact analysis has measured the value to the regional economy of efficiency gains through user benefits such as reductions in travel time, reductions in operating costs, and reductions in accidents due to improved safety, and

WHEREAS, the gains through increased social and economic development opportunities due to improved transportation access will reduce unemployment rates, reduce government transfer payments such as social welfare and unemployment insurance, and increase employment in the region, and

WHEREAS, the transportation improvements can enhance access to labor, customer, tourism and supplier markets, as well as to intermodal transportation facilities, making the overall region more attractive to transportation-dependent industries, and

WHEREAS, the construction of a four lane highway within the boundaries of the Franklin and St. Lawrence Counties

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will begin to address the transportation improvements necessary to foster such economic growth, and

WHEREAS, our elected New York State and Congressional representatives can be assured that the Town of Brighton in Franklin County adamantly supports the four lane highway construction.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Brighton urges New York State Commissioner of Transportation, Ms. Astrid C. Glynn, to cooperate with local transportation taskforce groups to push the construction of a four lane highway within Franklin and St. Lawrence Counties, and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the St. Lawrence County and the Citizens Coalition for Economic Infrastructure Development, Franklin County Legislators, Senator Betty Little, Assemblywoman Janet Duprey, Governor David Paterson, and Congressman John McHugh.

ROLL CALL VOTE: Aye 3 (Knapp, Leavitt, Tucker), Nay 0, Abstain 1 (Wright), Absent 1 (Delarm)
Resolution #48 declared duly adopted.

- c. Received email from Jeremiah Papineau from Denton Publications, dated March 11, 2009, asking for Summer Events to publish. Supervisor David Knapp will pursue information on Brighton History Day and the Farmer's Market.
- d. **Franklin County Legislature** letter dated March 13, 2009, Re: Complete Count Committee for the 2010 Census, the St. Lawrence County Planning Office will work with the committee. No board member was interested in leading this committee.
- e. **Adirondack Park Agency:** Received Major Project Public Notice, dated March 16, 2009, RE: Conditionally approved Application for APA Project #2008-218; issued a permit for the telecommunications tower at Paul Smith's College
- f. **North Country Life Flight, Inc.**, sent letter dated March 1, 2009, Re: Thank You for support of Life Flight's mission.
- g. **Time Warner Cable**, letter dated March 13, 2009, RE: Company stock is now publically traded as "TWC" but does not affect franchise.
- h. **Army Corp of Engineers**, received copy of letter dated March 31, 2009, Permit Application for Primary Dam Plan & Details, C-2 sent to Levi Sayward of Zebra-Tech, LLC, on lower St. Regis Lake.

DEPARTMENT REPORTS

1. HIGHWAY - Andy Crary, Superintendent of Highways

a. Report:

- i. Plowing and sanding still
- ii. Set up for food pantry
- iii. Cleaned inside of trucks
- iv. Brought road salt agreement papers to Malone
- v. Borrowed Harrietstown's steam cleaner to thaw culvert at Gould Hoyt's hill (Keese Mills Road).
- vi. Hyde Fuel fixed the blow off valve on the furnace
- vii. Exchanged leaking water cooler for Town Hall at Day's Wholesale in Tupper Lake, picked up water
- viii. Cleaned around inside garage
- ix. Made dump run
- x. Took broken grates off 2002 Paystar
- xi. Started summer hours
- xii. Need to purchase a chipper and mower attachment for the tractor
- xiii. Will be away from May 3rd to 10th
- xiv. Sent water samples in for oil/water
- xv. Will attend safety meeting in Malone with employees on April 27th

RESOLUTION #49

ADVERTISE FOR WOOD CHIPPER AND A MOWER ATTACHMENT

Motion made by Supervisor David Knapp, **second** by Jeffrey Leavitt, **To Wit:**

WHEREAS, the purchase price is over \$10,000 each for a wood chipper and a ditch mower, and

WHEREAS, the Town's purchase policy and Section 103 of General Municipal Law mandates sealed bids for purchases

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over \$10,000.

NOW THEREFORE BE IT RESOLVED that the Superintendent of Highways Andy Crary be authorized to advertise for sealed bids in the Adirondack Daily Enterprise to purchase a 6" Wood Chipper with diesel motor and a ditch mower or arm attachment to fit the New Holland tractor to be opened at the May 14 Town Board meeting.

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

Resolution #49 declared duly adopted.

- b. Addition of the Village of Saranac Lake to the Shared Highway Services Agreement Amendment to Resolution #14-2009

RESOLUTION #14-2009 (Amended)

SHARED SERVICES AGREEMENT FOR HIGHWAY DEPARTMENTS

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

WHEREAS, the Village of Saranac Lake sent a contract asking the Town to agree to Shared Highway Services,

NOW THEREFORE BE IT RESOLVED that the Village of Saranac Lake be added to Para 16g of the Contract for Shared Highway Services.

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

Resolution #14-2009 declared duly amended.

- c. **Electrical Problem in Garage:** JSP Electrical (for Bay View Electric who is out of business) is repairing the electrical system at the Garage. This was arranged by Joe Garso at Northwoods Engineering, and is at no cost to the Town, except the additional electrical system to the cold storage bay. Commonwealth did the first electrical inspection, The Inspector LLC will do the final inspection for this repair.
 - d. **White Pine Bridge:** Franklin County Legislature Gordy Crossman said he will meet with the Attorney for the Town Scott Goldie, Legislature Paul Maroun and the County's legal counsel. John Hutchins said he may need his cement "jersey" barriers for work during the summer. Andy Crary said he will put up guide rails to keep people off the outside edges of the bridge.
 - e. **CSEA Contract:** Discussion was held concerning the wording of Section 3, Stand By Pay. There is some confusion as to what the sentence means. Supervisor David Knapp has been trying to contact Brian Paige, the CSEA representative to discuss this issue. The Highway employees are asking for four hours of time per day plus the time they worked. The Board agreed to four hours of stand-by pay per day and if the employee worked longer than four hours he would be paid for the extra hours. On the last weekend of stand-by the employee on stand-by was not available when called about a water problem on a Town road.
 - f. **Road Tour:** The Highway Committee will take a tour of the Town's roads with Superintendent Andy Crary later in the Spring
- 2. ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** Report received prior to meeting
- a. Handled 6 calls for the month of March, 2 calls concerned the placement of a dog, 2 calls concerned a lost dog, and 2 calls were from a volunteer foster home taking care of a litter of kittens.
 - b. There were no dangerous dog, or town dog control complaints received during the month. All NYS dog licenses on record for the month of March were renewed with the Town Clerk, no assistance was needed.
- 3. HISTORIAN - Mary Ellen Salls:** No Report received
- 4. TAX COLLECTOR (Amber McKernan):** Read report at meeting
- a. March was a very busy month, sent two faxes and received numerous phone calls requesting tax information.
 - b. Collected \$50,107.85 during the month of March and collected \$9,243.13 for the month of April. Total for the 2009 Tax Collecting season was \$991,307.29 and posted \$1,016,576.26.
 - c. March 23 accessed account through on-line banking and saw there was a chageback item, due to insufficient funds. Was able to contact the taxpayer who had tendered the refused check and obtained payment. After closer examination of the procedure for the handling of returned checks, as it stands now, would like to work with the board to institute a simpler and less invasive procedure when confronted with a check returned for insufficient funds. In addition, a resolution passed by the board in January 2006, to increase the fee for returned

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- checks from \$15 to \$20, must be revisited.
- d. Received final report worksheet from Franklin County Treasurer's Office with a request to turn books over no later than 10 April. Prepared report and turned books in on 7 April. Turned over 61 unpaid parcels, which represents \$85,758.12 in unpaid taxes, and \$1,715.18 in penalties, plus an additional \$122 in second mailing fees. Happy to report that books balanced to the penny, once again. Check #811 was issued to the Treasurer in the amount of \$55,700.64 on 7 April, as a final payment. Will recoup the second mailing fees from the county, but not the penalties.
 - e. Suggested that the Town forgo the second mailing in the future. The time for collection has been considerably shortened over the past few years and believes this is no longer cost effective. According to Franklin Co. Treasurer's office this is the only remaining township to still send a second mailing. Will prepare some figures for the board to look at and present them at the time of the audit of the books.
 - f. On 9 April issued to David Knapp, Supervisor of the Town of Brighton, check #812 in the amount of \$1,453.05 for the balance of the penalties and second mailing fees, check #813 in the amount of \$15.00 which is the fee charged for the returned check, and check #813 in the amount of \$45.87 which is the interest earned on the account to date. Once all of these checks clear, the account will be at zero.
 - g. Will be out of Town April 28 to May 6
 - h. Audit of Tax Collector's books will be at 6 p.m on May 14, 2009 before the next regular board meeting

RESOLUTION #85-2001 (Amended)

RETURNED CHECK POLICY

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

WHEREAS, the Town Board amended Resolution #85-2001 Returned Check Policy on January 12, 2006, to increase the fee for returned checks from \$15.00 to \$20.00, and

WHEREAS, the Tax Collector's 2008 Manual from the NYS Association of Towns says a fee of \$15.00 not \$20.00 may be collected for returned checks,

NOW THEREFORE BE IT RESOLVED that Para 7 of the Returned Check Policy be changed from \$20.00 to \$15.00.

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

Resolution #85-2001 declared duly amended.

5. TOWN JUSTICE (Nik Santagate): Report received prior to meeting
Closed 64 cases and issued a check in the amount of \$5,406.00 to the Supervisor for March revenues

6. ASSESSOR (Doug Tichenor): No Report received

- a. Supervisor David Knapp said meetings were held with the Assessor and potential Board of Assessment Review (BAR) members on March 24 and April 6. HE spoke with Mary Bausch at the County Real Property Office about a five member board. The Town adopted a resolution in 1971 to appoint a BAR of three to five members. The Office of Real Property said that because in the past the Board only appointed three members, the Town has to pass a resolution to appoint a five member BAR. The Attorney for the Town, Scott Goldie, created a proposed Local Law.

PROPOSED LOCAL LAW #2 FOR THE YEAR 2009

INCREASING BOARD OF ASSESSMENT REVIEW MEMBERSHIP

Motion made by Supervisor David Knapp, **second** by Lydia Wright, **to propose a Local Law #2 for the Year 2009 entitled "Increasing Board of Assessment Review Membership in the Town of Brighton, Franklin County, New York," from three to five members and set a Public Hearing for this Local Law on Tuesday, May 5 at 6 p.m. to be followed by a Special Board meeting. Aye 4 (Knapp, Leavitt, Tucker, Wright), Nay 0, Absent 1 (Delarm)**

- b. **Appointment of Member to the Board of Assessment Review:** There are two vacancies on the current Board of Assessment Review (BAR) and BAR members need to go to training on Wednesday, May 6, during the day. Discussion was held on the unwillingness of the Franklin County Office of Real Property to hold evening training. New BAR members will be appointed and have to be available for training during the day time. This limits the people the Town can appoint to the BAR. The Franklin County Legislature Gordy Crossman has been notified of this issue.

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RESOLUTION #50

APPOINTMENT TO BOARD OF ASSESSMENT REVIEW

WHEREAS, there are two vacant positions on the Board of Assessment Review (BAR), and

WHEREAS, the Town Board is proposing a Local Law to increase the membership on the BAR from three to five members, and

WHEREAS, the two new BAR members need to attend training on May 6, 2009 during the day time,

NOW THEREFORE BE IT RESOLVED that the following individuals be appointed to the Board of Assessment Review for the terms indicated:

Dan Grant to fill an Unexpired Term to end September 30, 2009

Tom Seymour to fill an Unexpired Term to end September 30, 2011

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

Resolution #50 declared duly adopted.

- c. New BAR members and alternates will be reimbursed for mileage to attend the BAR training

RESOLUTION #51

MILEAGE REIMBURSEMENT FOR BAR TRAINING

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

WHEREAS, the Town Board appointed two new Board of Assessment Review (BAR) members and

WHEREAS, there are other people the Town Board would like to appoint to the BAR after the Local Law to increase the BAR membership has been enacted, and

WHEREAS, the BAR members and alternates have to travel out of Town for BAR training,

NOW THEREFORE BE IT RESOLVED that the Town will reimburse Board of Assessment Review (BAR) members and alternates for mileage at \$.550 per mile to attend BAR training, and

BE IT FURTHER RESOLVED that the Supervisor will contact the BAR members and alternates with this information.

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

Resolution #51 declared duly adopted.

7. CODE ENFORCEMENT OFFICER (CEO) (Paul Blaine): Report received prior to meeting

- a. Issued two building permits
- b. The Local Law #3 for the year 2001 Litter law has been revised, copies were distributed to the Board for review
- c. Supervisor David Knapp met with Fire Chief Roger Smiths and the CEO on April 1st to discuss the procedures and form created for the new avoidable alarm law. Chief Smith said he would brief Paul Smith's College security and the Fire Department on the policy and procedures. Steve Smith said the Fire Department was briefed on April 8th.

COMMITTEE REPORTS

1. SMART GROWTH INITIATIVE - Rebecca Buerkett: (Report given by Jeffrey Leavitt and David Knapp)

- a. Funds received to date from local businesses toward printing the Smart Growth Initiative brochure is \$1,595
- b. Diane Leifheit is working on the brochure, there are more people interested in putting in an advertisement
- c. Energy Seminar at the Visitors Interpretive Center (VIC) had about 25 people in attendance on March 24, Rebecca Buerkett will be reimbursed for refreshments

2. CEMETERY - Steve Tucker and Jeffrey Leavitt: Pile of dirt left from a winter burial needs to be removed, Steve Tucker will contact Lee Foster to get it cleaned up.

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

- a. **Insurance:**
 - i. Received a check from NYMIR in the amount of \$733.75 for initial investment return
 - ii. Received notification of a Risk Management Seminar, in Plattsburgh on April 22 and 23
 - iii. Received notification from Excellus Blue Cross Blue Shield, temporary subsidies are available for COBRA

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payments for people laid off Sept 1 2008 through Dec 31, 2009. No one is eligible in the Town as of this date.

- iv. Towing of pick up truck should be covered according to an email from Sheila Delarm
- b. **Investments:** Interest from March was \$57.19 in General, total in CLASS account \$289,404.85 and interest of \$43.48 in Highway, total in CLASS account \$219,538.54; total Investments are \$508,943.39.

4. PARKS AND RECREATION - Steve Tucker and Jeffrey Leavitt

- a. Dan Spencer is out of town for the week of April 7 to 13
- b. Sump Pump is working fine
- c. Will take up ice boards from skating rink when the ice is melted

5. TOWN BUILDINGS - Steve Tucker and Jeffrey Leavitt

a. Town Hall Project (Lydia Wright):

- i. Still no word on the Grant
- ii. Supervisor David Knapp spoke with Janet Durprey's office concerning her \$10,000 funding. The Town needs to return the contract to get the funds. The money is available until July 31, 2009. Also is trying to contact Gayle Underhill-Plumb at the Office of Historical Preservation where the grant was filed.
- iii. Lydia Wright and Kevan Moss spoke with Crawford and Stearns concerning the invoice for the fire alarm system, he is willing to reduce the bill by 40%. There is a disagreement over whether this was even needed in the Town Hall plan. Lydia Wright met with Paul Blaine CEO to review the Town Hall plans to see if the system was required by Code.

b. Maintenance - Supervisor David Knapp

- i. **Town Hall Furnace:** The furnace was out on Saturday, April 4th; it is leaking water underneath. Hyde Fuel responded and got it working again. The leaking is from the seams expanding and contracting from the change in the weather. It is over 20 years old, it may need to be replaced.
- ii. **Garage:**
 - (1) **Records Storage:** There is room in the parts room to divide it to make room for records storage. The fire rating of the walls needs to be looked into, since there is an outside wall.
 - (2) **Water:** Supervisor David Knapp took water samples to be tested.

6. WEBSITE - Sheila Delarm:

- a. Records Management Officer added an index of records available in the Town
- b. Had the announcement for the Town meetings added to the "Minutes" page
- c. The advertisement for the Smart Growth brochure is available on the website

OLD BUSINESS

1. **FIRE ADVISORY BOARD (FAB) UPDATE - Supervisor David Knapp:** Received an email from Supervisor Larry Miller, Town of Harrietstown, dated March 25, 2009, Re: Increase in cost for the 2010 Fire/Rescue Contract, the Village of Saranac Lake is asking the outside towns to increase their share of the cost for the contract for 2010 so the Village can reduce their share from 50% to 45%.
2. **POST OFFICE IN GABRIELS:** Parking lot paving will hold up the project from being completed, as the business that has the blacktop will not open until paving season starts
3. **LANDFILL ACCESS:** Supervisor David Knapp is still working on letter to land owner.

NEW BUSINESS: None

CITIZENS COMMENTS: None

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AUDIT OF VOUCHERS

RESOLUTION #52

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 #4 for Voucher #4A through and including 4C for 2009 General Funds in the amount of \$771.34 and 2009 Street Light Funds in the amount of \$55.01

GENERAL FUND: Abstract #4 for Voucher #114 through and including #136 for 2009 General Funds in the amount of \$13,567.68

HIGHWAY FUND: Abstract #4 for Voucher #43 through and including #51 for 2009 Highway Funds in the amount of \$1,444.86.

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

RESOLUTION #52 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 10:04 p.m. made by Lydia Wright, Second by Jeffrey Leavitt, Aye 4 (Knapp, Leavitt, Tucker, Wright), Nay 0, Absent 1 (Delarm)

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk