

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

April 10, 2008

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, April 10, 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 Supervisor Peter Martin at 7:40 p.m. after the Special Meeting held at 6:00 p.m. The Board said the "Pledge of Allegiance" to the flag.

ROLL CALL OF OFFICERS

PRESENT: Supervisor Peter Martin, Sr.

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

ABSENT: None

OTHERS PRESENT: Elaine Sater - Town Clerk, Mary Ellen Salls - Historian, Amber McKernan - Tax Collector, and Andy Crary - Superintendent of Highways

RESIDENTS: There were four residents present

NOTICE OF MEETING: Notice of this meeting was published in the Adirondack Daily Enterprise on Thursday, April 3, 2008. Notices were posted on the Town Clerk's Sign Board and in the three local post offices and businesses in the Town on April 1, 2008.

APPROVAL OF MINUTES

- Regular Board, March 13, 2008

Motion made by Lydia Wright, **second** by Steve Tucker, **to approve the minutes of the Regular Town Board meeting held on March 13, 2008 as written.**

Aye 4 (Delarm, Leavitt, Tucker, Wright), Nay 0, Abstain 1 (Martin)

- Special Board March 25, 2008: Discussion was held about the order of the minutes. An Executive Session was held during the March 25th meeting and items were discussed before and after the Executive Session. The Town Clerk said the minutes are not done in chronological order, but by topic. The time of the Executive Session was noted.

Motion made by Lydia Wright, **second** by Steve Tucker, **to approve the minutes of the Special Town Board meeting held on March 25, 2008 with the following additions: Page 3, Old Business, Para 10, Add "by April 10, 2008"; Add "Para 11. Office Hours and Mail Distribution: The Supervisor has office hours on Tuesday and Thursday from 3 to 5 p.m. Incoming and outgoing correspondence will be copied and placed in the Board's boxes."**

Aye 4 (Delarm, Leavitt, Tucker, Wright), Nay 0, Abstain 1 (Martin)

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of March 31, 2008 was \$ 272.00

1 Donation for Town Hall Use

8 Dog Licenses: 6 Renewed, 2 New

2 Building Permits (#08-2 and 3)

1. No "Notice of the Presence of Wild Animals" being owned, possessed, or harbored in the Town was filed as of April 1, 2008 in accordance with Section 209-cc of the General Municipal Law.
2. March 13 and 29 faxed Notices of Special Meeting to Adirondack Daily Enterprise. Notices were posted on the Town Clerk's Sign Board, at local Post Offices and businesses in the Town.
3. Polling Site Agreement for Franklin County Board of Elections needs to be approved
4. Town Clerk's Office will be closed Tuesday, April 29, for training.
5. TOWN HALL REQUEST: Brighton Architectural Heritage Committee - Thursday April 3, 1 to 5 p.m.
6. TOWN PARK REQUEST: None

SUPERVISOR'S FINANCIAL REPORT/CORRESPONDENCE

1. **Financial Report:** As of today there is a total of \$626,738.65 in the Town's accounts.

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- a. **CLASS Investments:** Total interest for March 2008 was \$1,227.94
- b. **2008 Budget Amendments:**
 - i. **General Fund 2008 Budget Amendment #1 Amendment:** This amendment should be from the Special District Fund not from General Fund.

SPECIAL DISTRICT FUND 2008 BUDGET AMENDMENT #1 (GENERAL FUND 2008 BUDGET AMENDMENT #1 AMENDMENT)

Motion made by Supervisor Peter Martin, **second** by Sheila Delarm, **To Amend General Fund 2008 Budget Amendment #1 as follows:**

WHEREAS, the insurance funds for the Paul Smiths Gabriels Volunteer Fire Department (PSGVFD) had not been paid to them when the 2008 Budget for the Special Fund for the Fire District was calculated, and

WHEREAS, the insurance funds were paid to the PSGVFD in December 2007, and

WHEREAS, there are not enough funds in the Special District Fund 2008 Budget for the Fire District to pay the Paul Smiths Gabriels Volunteer Fire Department for their 2008 contract,

NOW THEREFORE BE IT RESOLVED that the following amount be and the same hereby is appropriated from unexpended General Fund balances: \$2,300 for SPECIAL DISTRICT FUND 2008 BUDGET (FIRE DISTRICT) Account SF3410.4 (Fire Contract)

Roll Call Vote: Aye 5 (Delarm, Leavitt, Martin, Tucker, Wright), Nay 0

GENERAL FUND 2008 BUDGET AMENDMENT #1 declared duly amended (SPECIAL DISTRICT FUND 2008 BUDGET AMENDMENT #1)

ii. General Fund 2008 Budget Amendment #2

GENERAL FUND 2008 BUDGET AMENDMENT #2

Motion made by Supervisor Peter Martin, **Second** by Sheila Delarm, **To Wit:**

RESOLVED that the following amount be and the same is hereby transferred as follows:

\$800 from Account No. A1990.4 Contingency

as follows:

\$800 to Account No. A1010.4 Town Board

Roll Call Vote: Aye 5 (Delarm, Leavitt, Martin, Tucker, Wright), Nay 0

GENERAL FUND 2008 BUDGET AMENDMENT #2 declared duly adopted.

- iii. **Audit of Financial Records:** The Audit of Financial Records for 2007 was started but is not yet completed, can be completed next week.

2. Correspondence:

- a. Letter from Office of Franklin County District Attorney, dated April 3, 2008, Re: Town Code of Ethics. Board needs to review letter and Town's Code of Ethics, to be discussed at next meeting.
- b. Camp Gabriels Union thanks everyone who helped keep Camp Gabriels open.

DEPARTMENT REPORTS

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

- a. During March 2008 handled a total of 32 phone calls from residents: 5 call in reference to a found dog, 2 calls in regard to dog complaint, 1 call in reference to a horse, 24 calls regarding a "dangerous dog" complaint, dog bite occurred at the Visitor's Interpretive Center in Paul Smiths. The dog was seized and a notice of hearing and appearance ticket was issued for a Town "Local Law for Dog Control" violation.
- b. Hearing for a "dangerous dog" was held on March 26th in Town Court and dog was declared a "dangerous dog". Orders were issued by the Justice that were reasonable and effective to keep the dog from attaching or biting anyone again. The dog owner can appeal the orders within 30 days. Violation of "Local Law" is still pending, hearing to be scheduled in Town Court at a later date.

2. ASSESSOR (Doug Tichenor): Received report prior to meeting

- a. Received exemption applications and renewals prior to March 1 deadline
- b. Commenced data compilations of new construction for 2008 assessment roll

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- c. Met with Office of Real Property Services (ORPS) in pre-decisional meeting regarding Town's level of assessment and equalization rate projection for 2008. The State has determined that the Town's equalization rate is 87.38%. This rate is very close to, and slightly higher than, the rate for last year.
- d. Property values continue to increase both on waterfront and off. However, sale activity has slowed.

3. CODE ENFORCEMENT OFFICER (CEO) (Ed Lagree):

- a. Report submitted prior to the meeting.
 - i. 3 building permits issued for 2008
 - ii. 24 permits open for 2007, 1 permit completed
 - iii. 13 permits open from 2006, 1 permit complete
 - iv. 6 permits open from 2005
 - v. 3 permits open from 2004
- b. Received three applications for Code Enforcement Officer position. Supervisor Peter Martin will set up interviews for Tuesday, April 22, 2008. A Special Meeting will be called to discuss the interviews.
- c. Supervisor Peter Martin will contact Supervisor Micky Webb to let him know what is going on with the CEO.

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

- a. During March collected \$46,338.31, during April collected \$2,693.16, warrant expired on April 1, 2008
- b. April 7 turned books and unpaid bill over to the Franklin County Treasurer's Office. Books were reconciled. This year there were only 51 unpaid bills (parcels) turned over, which is fewer than any of the other years collected. In 2007 turned over 67 parcels and in 2006 turned over 58 parcels. The 51 parcels represent \$61,278.89 in taxes and \$1,838.34 in penalties. A check in the amount of \$102.00 will be issued by the Franklin County Treasurer to the Town for the second mailing fee for the 51 parcels.
- c. Posted \$1,091,794.54 for the 2008 tax year, of which \$35.03 are overpayments. The Town received \$1,332.52 in fees and penalties.
- d. March 31 issued check #788 in the amount of \$6.78 and check #789 in the amount of \$3.05 for overpayments
- e. April 2 issued check #790 in the amount of \$3.97 and check #791 in the amount of \$2.06 for overpayments
- f. April 7 issued check #792 in the amount of \$61,756.79 as final payment for 2008 to the Franklin County Treasurer.
- g. April 10 issued check #793 in the amount of \$909.38 to the Town Supervisor as the balance of fees and penalties for the 2008 tax year. This brings the account balance to \$0.0. There are several outstanding checks for a total of \$23.09. The issue of uncashed refund checks will need to be addressed at a later date.
- h. The Tax Collector's Office will be closed beginning Wednesday, April 23 and re-open on Thursday, May 8. A message will be left on the office answering machine. A contact number will be left with the Town Clerk.
- i. Would like to attend the NYS Association of Tax Receivers and Collectors (NYSATRC) seminar in the Glens Falls area from June 8 to 11, 2008. One of the topics for discussion is the issue of consolidation of tax collection. This expense was not put in the budget because of a personal conflict, but that has changed.

RESOLUTION #40

AUTHORIZATION TO ATTEND NYSATRC SEMINAR JUNE 8-11, 2008

Motion made by Supervisor Peter Martin, **Second** by Steve Tucker, **To Wit:**

WHEREAS, the Tax Collector did not include in the 2008 Budget the cost to attend the New York State Association of Tax Receivers and Collector seminar due to a personal engagement that conflicted with the proposed dates of the seminar, and

WHEREAS, the dates of the seminar no longer conflict with the Tax Collector's other engagement,

NOW THEREFORE BE IT RESOLVED that the Board authorizes the Tax Collector Amber McKernan to attend the New York State Association of Tax Receivers and Collectors (NYSATRC) seminar from June 8 to 11, 2008 in the Glens Falls area and expend \$90 of funds for registration plus the expense of room and board and mileage.

Roll Call Vote: Aye 5 (Delarm, Leavitt, Martin, Tucker, Wright), Nay 0

RESOLUTION #40 declared duly adopted.

5. TOWN JUSTICE (Nik Santagate): Report submitted prior to meeting

- a. Issued a check in the amount of \$5,116 to the Supervisor for March revenues

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- b. Requested the Board send the "Local Law for Dog Control" to the Attorney for the Town for a review and opinion as to whether the violation to the "Local Law" is a criminal or civil matter. The Town Clerk will fax the 'Local Law' to the Attorney for the Town Scott Goldie.

6. HISTORIAN - Mary Ellen Salls: Gave report at meeting

- a. Received a letter from Franklin County Bicentennial Commission, dated March 11, 2008, regarding the Franklin County Bicentennial Celebration. There is going to be a parade in Malone and events at the Franklin County Fairgrounds on June 14. The Town is invited to participate in the Celebration. The Brighton Architectural Heritage Committee (BAHC) is willing to co-sponsor a display with the Town at the fairgrounds. Items that are used during "Brighton History Days" would be used in the display. The BAHC has requested the stagecoach from Paul Smith College for the parade. The Historian would like to use the "Welcome to the Town of Brighton" highway sign currently in the Town Hall as part of the display.
- b. Brighton History Day will be on two days this year, July 19 and 20. The event will be at the Moody Farm with music and food both days. Jeffery Leavitt volunteered the use of his tow truck to haul the stagecoach if Paul Smith's College agrees to let it be used. The Town copier is available for copying promotional materials.

RESOLUTION #41

AUTHORIZATION TO SPONSOR DISPLAY AT FC BICENTENNIAL CELEBRATION ON JUNE 14

Motion made by Lydia Wright, second by Supervisor Peter Martin, To Wit:

WHEREAS, this year marks the Bicentennial Anniversary for Franklin County, and

WHEREAS, the Franklin County Bicentennial Commission is commemorating this event with a parade and celebration at the Franklin County Fairgrounds in Malone on June 14, 2008,

NOW THEREFORE BE IT RESOLVED that the Board acknowledges the Franklin County Bicentennial Anniversary by co-sponsoring a display at the Franklin County Fairgrounds on June 14, 2008, with the Brighton Architectural Heritage Committee and authorizes Historian Mary Ellen Salls to represent the Town at this event, and

BE IT FURTHER RESOLVED that the Town allows the use of the "Welcome to the Town of Brighton" sign for the display.

Roll Call Vote: Aye 5 (Delarm, Leavitt, Martin, Tucker, Wright), Nay 0

RESOLUTION #41 declared duly adopted.

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 is finally slowing down
 - ii. Borrowed carbide plow edges from the Town of Santa Clara, returned them when new ones were received
 - iii. 2002 Paystar plow truck blew the main hydraulic line, had it replaced, and it is back on the road
 - iv. Set up for Food Pantry
 - v. Fixed the oil/separator, worked with Stan Ingison and got the system running again, sent in water samples for testing on April 8
 - vi. Loader was sent out to make drainage holes for water on Keese Mills Road and Split Rock Road
 - vii. Pressured washed the loader, LT9000 truck, and Paystar plow truck to get salt off, cleaned insides also.
 - viii. Cleaned up around the shop
 - ix. Adirondack Energy, Inc. installed the new chimney, bracket to stop sliding snow still needs to be installed
 - x. Keese Mills Road has a water problem in a low spot, put out caution signs to warn people
 - xi. Highway employees will be attending a Franklin County Safety Course on April 23 at Harrietstown Town Hall
 - xii. Bearing on the chain for the sand truck broke, it was caused from weak welding by RT 11 Truck Service, they repaired it at no charge.
- b. **White Pine Road Bridge:** Supervisor Peter Martin spoke with Engineer John Dislow from NYS Department of Transportation in Watertown. The next inspection on the bridge is June 2008. This date can be moved back a month if the snow clears enough to get to the bridge. The two outside channels need to be replaced, it should take a month to complete the repairs. The bridge can remain open for one lane traffic. There will be meeting

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of the Highway Committee, the Highway Department, an engineer, and Department of Transportation. People living beyond the bridge need to be notified about when the work will begin.

- c. **CSEA Contract:** Board met with Brian Paige, CSEA Representative, and Forrest Pennington, Highway Employee Shop Steward, to discuss the contract before this meeting. Sheila Delarm asked how standby was currently being handled. Andy Crary said there has been no formal standby schedule for weekends, any time he called in employees their time is compensated during the summer or at slow times.
- d. **Slush Pond Road:** Supervisor Peter Martin has not heard back from Tony Landon at DEC about the road, will call by April 17 to find out what happened to the paperwork.
- e. Andy Crary said he would like a crew from Camp Gabriels to help them during the summer 5 days a week
- f. Needs another truck to use for picking up debris, the pickup is too small and the sand truck is too large. Steve Tucker suggested a dump trailer.

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

- a. Ice is gone, new pump is working well to get water out of basement of building
- b. Would like to request a crew from Camp Gabriels to help clean up the park
- c. Saranac Lake Area Youth Program will have a meeting on Tuesday, April 15.
- d. Dan Spencer would like to find a grant to purchase new playground equipment

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

- a. Lydia Wright has not heard back from Mang Insurance concerning the "deputy" positions on the Crime Policy, will follow up with a phone call.
- b. Received an additional bill from NYMIR with no explanation, Sheila Delarm will call to ask about it.
- c. Nothing to report for Investments

4. **CEMETERY - Steve Tucker and Jeffrey Leavitt:**

- a. Would like to use a crew from Camp Gabriels to clean up.
- b. Flags need to be ordered, old ones have been burned

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

- a. **Town Garage:** Chimney fixed and oil/separator is back on-line.
- b. **Town Hall Project:** Town can't afford the bids that came in, need a plan to use the available funds. Supervisor Peter Martin said he put the asbestos removal on hold with the Camp Gabriels crew. Pat Willis suggested talking with Carl Stearns to see how he would advise the Town to proceed, she will call him to discuss it. Supervisor Peter Martin will contact Kevan Moss to see if she would be interested in leading another committee to discuss this issue.

OLD BUSINESS

1. **FIRE ADVISORY BOARD (FAB) UPDATE- Sheila Delarm:** Contacted Larry Miller to discuss next meeting. Contacted Mayor Tom Michaels from the Village of Saranac Lake about the \$50,000 paid by the towns for hiring an Emergency Medical Technician (EMT). They could hire one EMT and use volunteers to fill in the rest of the hours as they do now. The Village will be at the next meeting to discuss this issue. The Saranac Lake Volunteer Fire Department (SLVFD) has a proposal to roll over the \$50,000 for the EMT and get another \$50,000 from the towns to pay for the additional EMT. The Board supports of having the SLVFD and Rescue Service split into two separate entities so the Rescue Service can start billing people who use the service.
2. **RESCUE CONTRACT WITH VILLAGE OF SARANAC LAKE:** There is no new contract from the Village. The Town Clerk typed up the changes to the contract and mailed the package to the Village. Supervisor Peter Martin made a phone call but did not hear back from the Village Manager.
3. **TIME WARNER CABLE IN MCCOLLOMS:** Supervisor Peter Martin made a phone call to Nancy Riche but did not hear back from her.

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4. **POST OFFICE IN GABRIELS:** Sheila Delarm said April 6 was the deadline from the Post Office for the new Post Office proposals. Two people requested bid packages but no word about if they were submitted. She will call to follow-up.
5. **PAUL SMITHS GABRIELS VOLUNTEER FIRE DEPARTMENT**
 - a. **Letter to Request Budget and Audit:** Supervisor Peter Martin wrote another letter to the Paul Smiths Gabriels Volunteer Fire Department (PSGVFD) and sent it out on April 11. They were given a May 8 deadline to provide a budget and copy of their last audit. A copy of the Town's budget was supposed to be attached and was not. Supervisor Peter Martin will get a copy of the budget to them. A copy of the sent letter was distributed to the Board and the Town Clerk.
 - b. **"False Alarm" Activations:**
 - i. Sheila Delarm distributed an example of a "Local Law concerning False Alarms" to the Board for their review and comment. It will be discussed at the next meeting. The Town Clerk asked if the Town of Santa Clara also received this "Local Law" since they are in the same "Fire Protection District". Lydia Wright asked what the penalties would be for not paying the charge and if this would be a civil or criminal matter.
 - ii. A letter was sent by the PSGVFD to Dr. John Mills at Paul Smith's College and a copy was provided to the Town addressing the number of "false alarm" activations at Paul Smith's College. There has been no reduction in "false alarm" activations since the meeting in the fall of 2007.
 - c. Sheila Delarm answered a question from Tom Will about Volunteer Fire Fighters receiving a \$200 credit on their income taxes for 2007. There is also a property tax reduction but it does not apply to Franklin County.
6. **CLOSING OF CAMP GABRIELS IN JANUARY 2009:** The NYS Budget for 2008 included funds for leaving Camp Gabriels open. Camp Gabriels may be getting more inmates and there may be an increase in programs available for them. The website has changed to show that the Camp was "saved".
7. **DISASTER PREPAREDNESS:**
 - a. Sheila Delarm received hundreds of responses and sorted them by roads where people live. She will compile the information concerning volunteers.
 - b. Sent out 33 packages to all the towns and villages in Franklin County and the Franklin County Emergency Services Office in Malone.
 - c. The link to the Disaster Plan is on the Town's website, if other towns want to use the model they should contact the Franklin County Emergency Services for a fill-in copy.
 - d. The update to the Town's Emergency Operations Plan has been sent to the Franklin County Emergency Services Office as well as others who received the original plan.

NEW BUSINESS

1. **COMMUNITY SUSTAINABLE PROJECT:** John Guest approached Sheila Delarm with a project that he is interested in pursuing. He was not able to attend the meeting to discuss his idea with the Board. Steve Tucker said the idea was about building a housing project for under-privileged children. The Board will wait to hear from him.
2. **DEER BEING HIT BY VEHICLES:** Jeffrey Leavitt said there is an increase in deer being hit by vehicles. He believes this is from people in the Town feeding the deer. Supervisor Peter Martin said he will bring this up at a Fish and Game Federation meeting he will be attending next Thursday. Jeffrey Leavitt will contact Dan Malone, a DEC Ranger in the area, to see what can be done about this issue.

CITIZENS COMMENTS

Tom Willis: Asked what is going on with the "junkyard" on State Route 86. More junk seems to be appearing in the yard.

Mary Ellen Salls asked about the buildings falling down on State Route 86 and 30.

The Board said the Code Enforcement Office is the one to contact about this issue. Residents need to send complaints to the CEO. Letters of Violation have been sent to the owners of the properties in question.

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AUDIT OF VOUCHERS

Motion to Audit the Vouchers made by Jeffrey Leavitt, second by Sheila Delarm; Aye 5 (Delarm, Leavitt, Martin, Tucker, Wright), Nay 0

RESOLUTION #42

AUTHORIZATION TO PAY AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Lydia Wright, second by Steve Tucker, 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 2008 General Funds in the amount of \$ 765.42 and 2008 Street Light Funds in the amount of \$62.64

GENERAL FUND: Abstract #5 for Voucher #95 through and including #125 for 2008 funds in the amount of \$10,064.40

HIGHWAY FUND: Abstract #5 for Voucher #43 through and including #50 for 2008 funds in the amount of \$9,357.03

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

Resolution #42 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 10:25 p.m. made by Lydia Wright, Second by Jeffrey Leavitt, Aye 5, Nay 0

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk