

TOWN OF BRIGHTON – FRANKLIN COUNTY, NY

Regular Board Meeting, April 14, 2011

Page 1 of 7

The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, April 14, 2011 at 7:00 p.m. at the Brighton Town Garage, Paul Smiths, NY, with the following:

CALL TO ORDER:

Meeting was Called to Order by Supervisor John Quenell at 7:05 p.m.

The "Pledge to the Flag" was recited.

ROLL CALL OF OFFICERS

PRESENT: Supervisor John Quenell

Council Members: Jeffrey Leavitt, Steve Tucker and Lydia Wright

ABSENT: Council Member Peter Shrope

OTHERS PRESENT: Paul Blaine–Code Enforcement Officer, Andy Crary-Superintendent of Highways, Nik Santagate-Town Justice, Elaine Sater-Town Clerk

RESIDENTS: There were two residents present

GUESTS: Chris Alcocer-North Country Construction Services – Town Hall Project

APPROVAL OF MINUTES

- Regular Board March 10, 2011

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to approve the minutes of the Regular Town Board meeting held on March 10, 2011 with the following amendment: Page 2, Supervisor's Financial Report/Correspondence, Para 1a, Town Hall Project, Change "\$27,000 windows" to "\$37,000 windows".**

ROLL CALL VOTE: Aye 2 (Quenell, Tucker), Nay 0, Abstain 2 (Leavitt, Wright), Absent 1 (Shrope)

- Public Hearing March 10, 2011 (Proposed LL#1-2011, Aquatic Invasive Species Prevention)

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to approve the minutes of the Public Hearing for the proposed Local Law #1 for the Year 2011, Aquatic Invasive Species Prevention, held on March 10, 2011 as written.**

ROLL CALL VOTE: Aye 2 (Quenell, Tucker), Nay 0, Abstain 2 (Leavitt, Wright) , Absent 1 (Shrope)

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of March 31, 2011 was \$12,577.50

6 Dog Licenses: 5 Spayed/Neutered, 1 Unspayed/Unneutered

2 Building Permits (#11-03 and 04)

1. March 24, received an Incident Report from the Park Attendant; injured while shoveling snow on March 9; no work time was lost.
2. March 29, received a letter dated March 28 from the Franklin County Board of Elections, Re: 2011 Polling Site Agreement, distributed to Board for more information.
3. March 31, posted notices of Regular Board meetings in local post offices and businesses; published notice in Adirondack Daily Enterprise.
4. Office will be closed May 3 and 5 due to training in Buffalo at NYSTCA conference.
5. TOWN HALL REQUEST: None
6. TOWN PARK REQUEST: August 7, Spencer Family, 11 am to 9 pm
7. RECORDS MANAGEMENT: Shredding files from previous Justice Court (1989 and before) and current Justice Court (2003 & 2004) per Justice Court Disposition Schedule.

SUPERVISOR'S FINANCIAL REPORT/CORRESPONDENCE

1. **Town Hall Project Update: Chris Alcocer, North Country Construction Services** was asked to discuss

TOWN OF BRIGHTON – FRANKLIN COUNTY, NY

Regular Board Meeting, April 14, 2011

Page 2 of 7

the Town Hall Project with the Board.

- a. **Funding – Supervisor John Quenell:** Received notice that the Justice Court Assistance Program (JCAP) grant for \$29,350.00 was approved and a check received. There is a limit of 180 days to spend the funds. This is additional funding procured by Justice Nik Santagate. Still waiting for funds from Betty Little's grant.
- b. **SHPO Grant - Chris Alcoeur:** said that the State Historic Preservation Office (SHPO) is not interested in spending funds on additions and restoration, but on preservation. A meeting did not take place in Syracuse with SHPO; a phone call was made instead. The windows were discussed with SHPO and they have agreed to a less expensive window. The "mutton" is 5/8 inch which is now available as a standard window. The walls don't need to be stripped, just buffed and a new finish put on. The back door will need to be replaced since the addition will not be put on right away. Crawford and Stearns have approved all these changes. The plan is ready to go to SHPO for approval. The project manual has been rewritten to make it smaller; there were things in it that had too much detail, such as the mixing of concrete. SHPO will have to be in on the walk-thru with the bidders since it is their project.

2. **Financial Report:** Budget as of March 31, 2011 was distributed to Board members

3. **Correspondence/Business:**

- a. **Application for APA Project No. 2011-53:** Received notice from the Adirondack Park Agency (APA) concerning a permit for Arthur Leavitt for a commercial sand and gravel extraction operation on State Route 86, for 6.77 acres and containing a total of approximately 150,000 cubic yards of material with a 5 year Life of Mine period. Extraction and hauling operation are proposed to occur from May through October, Monday thru Friday, 7:00 am to 5:00 pm and occasionally on Saturdays from 7:00 am to 12 pm (noon). Written comments can be sent to Holly Kneeshaw at the APA. Received a letter from the DEC concerning this project, passed the letter onto Paul Blaine, CEO.

Steve Tucker said this mine has been in operation for several years. There were no further comments from the Board

- b. **Camp Gabriels:** Received a letter dated March 29, 2011, addressed to Hon. Andrew M. Cuomo, Governor (New York) from David Gibson, Partner, Adirondack Wild: Friends of the Forest Preserve. The purpose of the letter is to educate the Governor that the land where Camp Gabriels is should be returned to the Forest Preserve and should not be sold off and to do so is violating State law.
- c. **All Hazard Emergency Management Plan from PSC:** Received information concerning the All Hazard Emergency Management Plan from Paul Smith's College. Passed it on to Jeffrey Leavitt who is the point of contact for this Plan.

DEPARTMENT REPORTS

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

- a. Report
 - 1) Plowing and sanding starting to slow down
 - 2) Fixed sanding chain on LT9000
 - 3) Moved snow banks back on Keese Mills Road
 - 4) Had front tires put on 2002 Paystar
 - 5) Picked up bottled water in Tupper Lake
 - 6) Returned wing slide to Brasher Falls
 - 7) Picked up dead deer on Keese Mills Road
 - 8) Part time winter help, Andrew Knapp, is done for the season
 - 9) Made dump run
 - 10) Checked roads
 - 11) Drained water on Keese Mills Road from rainstorm
 - 12) Used loader on North Brook (Schwartau) Road
 - 13) Removed water at the Park with loader, it was flooding the building basement
 - 14) Cold patched holes on Keese Mills Road

TOWN OF BRIGHTON – FRANKLIN COUNTY, NY

Regular Board Meeting, April 14, 2011

Page 3 of 7

- 15) Jake brake work done on LT9000 by Bob's Auto
 - 16) Took mower off tractor and put on broom
 - 17) Need to purchase York Rake teeth
 - 18) Fixed flag at Town Hall
 - 19) Franklin County had a subcontractor take core samples from the White Pine Road bridge
 - 20) Received notice from Franklin County Traffic Safety Board, all reflective signs on Town roads need to be changed to "retro reflectivity" by 2015, will work up a list of places signs are needed for the budget
- b. Supervisor John Quenell said he is looking for a stand-by generator, discussion was held on whether is should run on propane or diesel oil. A 20Kw generator run on propane is \$48,000 with a manual turn on switch.
2. **ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** Report received prior to meeting
- a. February 2011 Report: Received 2 calls in regards to dogs running loose on Rickerson Pond Road.
 - 1) On 2/1/11 responded to the first call, drove to dog owner's residence and spoke with him, warning him of the violation of the Brighton Dog Control Law. Reminded him of phone conversation in November 2010, when a report of dog running loose near the same area was received.
 - 2) Received a second call regarding the same dog running loose and this time the person calling wanted to file a formal complaint. Drove to person's house, obtained complaint, issued and served 2 appearance tickets for violations under the Town of Brighton Dog Control Law (dogs allowed to run at large and cause damage /destruction on private property) to the dog owner. In response, the owner contacted ACO and inquired about surrendering the dog to the animal shelter and changing the court appearance date. On 2/17/11 dog was surrendered to Humane Society for adoption. Wrote a letter to Jude Santagate informing him of the request to change the appearance date.
 - 3) On 2/15/11 drove to Rickerson Pond Road to speak to another dog owner who apparently allows his 2 dogs to run at large as well. Informed the owner about having just served tickets their neighbor and that if any more complaints were received about their dogs running at large; ACO would issue tickets off a complaint. Since that date, no further calls regarding dogs running loose on Rickerson Pond Road.
 - b. March 2011 Report
 - 1) March 17, two residents from Easy Street (State Route 86) Paul Smiths, came to the Humane Society to speak to ACO about an ongoing issue with a neighbor's dogs. According to them, 2 dogs are allowed to run at large off the owner's property and chase cars and people. Drove to the address of the dog owner and spoke to her. Gave her a warning regarding the Town's Dog Control Law and licensing her 3 dogs through the Town Clerk's office. She agreed to keep her dogs confined to the house unless she was home to monitor their time outdoors.
 - 2) Received a call from the Brighton Food Pantry requesting pet food from the pantry supply. The shelter continues to offer pet food to the area food pantries when they have any extra to help people who really need it.
 - 3) Received two calls in regards to adoption of a dog
3. **ASSESSOR – Doug Tichenor:** Report received prior to meeting.
Tentative Equalization rate dropped from 86% to 67%, will work with State to get it higher
4. **CODE ENFORCEMENT OFFICER (CEO) (Paul Blaine):** Report submitted prior to meeting
- a. **Building Permits:**
 - 1) Two Building Permits (BPs) #11-003 and 004 were issued during March
 - 2) Issued a Building Permit to the Town for the roof over the garage door on April 14.
 - b. **Avoidable Alarms Update:** Alarms are down, received two avoidable alarm violations notices (#11-006 and 007) in March, status for both is completed.
5. **TAX COLLECTOR - Amber McKernan:** Report e-mailed to Board after meeting
- a. Collection of taxes for the 2011 Warrant period has been completed, turned in 64 parcels to the Franklin County Treasurer's office as unpaid, which is comparable to years past. That office will now

TOWN OF BRIGHTON – FRANKLIN COUNTY, NY

Regular Board Meeting, April 14, 2011

Page 4 of 7

- collect those taxes. Completed the reconciliation form provided by the Treasurer's Office, turned in the receipted paid bills, as well as the unpaid bills, and turned them in on Wednesday, 6 April. Reconciliation was audited and verified by that office, and the final payment to the Treasurer's office was issued with check 853 in the amount of \$28,022.87. Paid over \$628,022.87 to the Treasurer's office this collection season.
- b. Final total collected was \$1,195,252.44 and posted \$1,223,484.54, the difference in the figures reflect payments made by utilities directly to the treasurer's office.
 - c. During the month of March collected \$39,683.13 and during April collected \$172.15.
 - d. On 14 April issued final payments to the Supervisor: check 854 in the amount of \$519.05, the balance of interest and second mailing fees collected and check 855 in the amount of \$9.83, the interest accrued by the tax collection account at NBT bank.
 - e. Other checks issued since March 10: Check 851 in the amount of \$2.00 as a refund of an overpayment, and check 852 in the amount of \$50,000 as the 4th payment to the Treasurer's office.
 - f. There is an outstanding check for \$16.02 written on 2 March as a refund of an overpayment. Will contact the tax payer to request the check be cashed as soon as possible.
 - g. Penalties collected for payment after the interest free period were \$1,145.68 and \$88 in second mailing fees were also collected. There will be a payment of \$122 coming from the Treasurer's office, which reflects the balance of second mailing fees incurred on the unpaids.
 - h. The March bank statement was received and reconciled.
 - i. Would like an audit of the records at the earliest convenience of the Board.
6. **TOWN JUSTICE (Nik Santagate):** Report submitted prior to meeting.
- a. Disposed 72 cases and remitted \$5,836.00 to the Supervisor for the month of March
 - b. Supervisor John Quenell said signs were made to direct people to location of Court at Paul Smith's College; he will deploy them on Wednesdays at the Town Hall and Town Garage.
7. **HISTORIAN - Mary Ellen Salls:** No report received

COMMITTEE REPORTS

1. **HIGHWAY – Steve Tucker, Jeffrey Leavitt, and Lydia Wright:** Nothing to Report
2. **PARK & RECREATION - Steve Tucker and Peter Shrope**
 - a. **No Smoking Signs:** Signs were received and posted at park. Brighton Food Pantry asked who was going to enforce the notice.
 - b. **Clean up After Dog Signs:** Signs were received and will be put up at Park
 - c. **Report from Dan Spencer, Park Attendant:** Had a flood at the park building, pump could not handle it so Highway removed snow to allow water to drain away from the building and area. Raking and cleaning up the area.
3. **INSURANCE/INVESTMENTS - Lydia Wright, Jeffrey Leavitt, and John Quenell:**

Health Care Insurance - Lydia Wright:

 - a. Concerned about the health care insurance issues brought up by the Tax Collector, would like to hear more from her
 - b. Reducing benefits of a town justice during a term may not be appropriate according to case law from the Association of Towns magazine "Town and Topics" issues Jan-Feb 2010 and Nov-Dec 2008. Supervisor John Quenell said he will call the "Association of Towns" to get more information.
 - c. Thought the Highway employees were getting the "Empire Plan" to replace their insurance Supervisor John Quenell said the General Plan from Blue Cross/BlueShield was cancelled by company, Highway plan was replaced with the same plan as the General fund employees plan called "Excelsior" not "Empire" according the CSEA agreement with the Highway employees.
4. **CEMETERY & TOWN BUILDINGS - Steve Tucker:**
 - a. Received request for 2 burial plots

TOWN OF BRIGHTON – FRANKLIN COUNTY, NY

Regular Board Meeting, April 14, 2011

Page 5 of 7

- b. Need to purchase new flags for veterans, new burials need veteran's markers
- 5. **WEBSITE - John Quenell:** Nothing to report
- 6. **FIRE ADVISORY BOARD (FAB) - Steve Tucker:** Nothing to report, could not make last meeting
- 7. **TELECOMMUNICATIONS - Jeffrey Leavitt & John Quenell:** Nothing to report
- 8. **TOWN HALL PROJECT- John Quenell and Peter Shrope:** See Supervisor's Report
- 9. **TOWN REDEVELOPMENT CITIZEN'S COMMITTEE- Susan Mayer and Lydia Wright:** Report submitted prior to meeting.
 - a. OGS conducted open houses for Camp Gabriels on March 24 and April 12. Only a couple of people attended the March open house and none expressed serious interest in the facility. The April open house was better attended and there was a group of people at the camp for three hours looking at it. They were mainly interested in the athletic fields and the gym building but did not say what their interest was in the facility
 - b. OGS spoke with an interested group from Long Island that could not make the open house dates so OGS will hold a separate tour for them, if the group desires. OGS held a tour of the Camp on March 14 for the Native American group that has been interested in the property since last summer. The group included 12 individuals and has said it reached out to Syracuse University, Senators Little and Valesky (central NY) as well as a Senator from Hawaii, regarding their idea for a Native American education/cultural center.

BUSINESS:

- 1. **Rescue Contract with Saranac Lake Volunteer Rescue Squad (SLVRS) - Supervisor John Quenell:** Contract has been received from the Saranac Lake Volunteer Rescue Squad requesting \$3,000 for the year 2011. The Village asked for an extra \$50,000 in their 2011 contract and did not pay this over to the SLVRS, so SLVRS is asking the towns for it. Jeffrey Leavitt and Supervisor John Quenell attended a meeting on March 22, 2011, to discuss this expense with Harrietstown and the other towns outside the Village. All the other towns have paid the extra fee. Discussion was held on what actually has happened with the funds between the Village and the SLVRS. The Village said they spent the funds on the transition for the SLVRS. There was no record available from the Village. The \$3,000 should have been added to the Town's budget to cover this extra expense. A copy of the Village's budget was available; there is a revenue line from the Town for \$37,000 for next year. The Village Treasurer has not explained this yet. There is an expense of \$609,000 for Fire; Personnel expense is \$435,000 for drivers and dispatchers. Discussion was held on who should be dispatching, volunteers or the county. One half of this expense is \$162,500 for Rescue services. A Public Hearing needs to be held before the contract can be approved by the Town Board.

Motion made by Supervisor John Quenell, second by Lydia Wright, **to hold a Public Hearing for the Saranac Lake Volunteer Rescue Squad contract on May 12, 2011 at 6:30 p.m. with the Regular Monthly Board meeting to start upon the close of the Public Hearing. Aye 4 (Leavitt, Quenell, Tucker, Wright), Nay 0, Absent 1 (Shrope)**

- 2. **Saranac Lake Fire Department Dispatch Fee – Supervisor John Quenell:** Received an invoice from the Village of Saranac Lake. The Town was charged for dispatch fees of \$575. Notified the Association of Towns of this request. This is not a Town expense but a Paul Smiths Gabriels Volunteer Fire Department expense. Called John Sweeny, Village Manager, on April 6 to discuss this further and has not heard back from him.
- 3. **Aquatic Invasive Species Prevention Law (PLL#1 for 2011) – Supervisor John Quenell:** Received suggestions from Duncan Cameron after sharing comments received from the public hearing on March 10.

TOWN OF BRIGHTON – FRANKLIN COUNTY, NY

Regular Board Meeting, April 14, 2011

Page 6 of 7

Incorporated them into the law and because it changed the law substantially there needs to be another public hearing before the law can be adopted.

Motion made by Supervisor John Quenell, second by Lydia Wright, **to hold a Public Hearing for the Proposed Local Law #1 for the Year 2011 entitled "Aquatic Invasive Species Prevention" on June 9, 2011 at 6:30 p.m. with the Regular Monthly Board meeting to start upon the close of the Public Hearing. Aye 4 (Leavitt, Quenell, Tucker, Wright), Nay 0, Absent 1 (Shrope)**

4. Authorization to Publish Public Notices – Supervisor John Quenell:

RESOLUTION #33

AUTHORIZATION TO PUBLISH PUBLIC NOTICES

Motion made by Supervisor John Quenell, **Second** by Steve Tucker,

RESOLVED that the Town Clerk is hereby authorized to publish and post all Public Notices as required by the Town Board in the Adirondack Daily Enterprise and other local newspapers.

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

Resolution #33 declared duly adopted

- 5. Construction of Roof over Garage Door – Supervisor John Quenell:** Would like to approve a voucher for payment to Roger Smiths Contracting so he can get paid when he finished the job and not have to wait for the next Town Board meeting.

RESOLUTION #34

AUTHORIZATION TO PAY \$2,100 TO ROGER SMITH CONTRACTING FOR SERVICES

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

WHEREAS, Roger Smith Contracting was awarded the contract to complete a roof over the highway garage door at the March 9, 2011 Town Board meeting, and

WHEREAS, the work was started on April 14, 2011, and will be finished within a few days,

NOW THEREFORE BE IT RESOLVED that the voucher for payment to Roger Smith Contracting in the amount of \$2,100 be approved and the check prepared and held until the Superintendent of Highways declares the work completed.

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

Resolution #34 declared duly adopted

- 6. Mowing for Town Park – Jeffrey Leavitt:** Obtained two quotes from people who are interested in mowing the Town Park so the Park Attendant does not have to do it. Supervisor John Quenell said he would distribute the quotes to the Town Board for discussion at the next Town Board meeting.

CITIZEN'S COMMENTS:

Tracy Santagate - McColloms: Asked about the status of the lawsuit with Paul Smiths College (concerning the avoidable fire alarms)

Supervisor John Quenell said there was mediation held in December 2010, an agreement was made to take a hiatus for 6 months until June 2011, discussions will continue when Duncan Cameron comes back to the area for the summer.

Tracy Santagate: Said she listened to a tape of a board meeting where she heard someone say she had recommended Scott Goldie to be the Attorney for the Town, she did not recommend him to be the Town's lawyer but if the Town goes by her recommendations she would like to recommend that the Town Board find a lawyer closer to home.

Mike Quenell said the Santagates found the lawyer for the town; that was what was meant by the statement.

Tracy Santagate said that was not correct, but she would recommend the Town Board find an attorney closer to the Town.

TOWN OF BRIGHTON – FRANKLIN COUNTY, NY

Regular Board Meeting, April 14, 2011

Page 7 of 7

AUDIT OF VOUCHERS

RESOLUTION #35

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Supervisor John Quenell, second by Jeffrey Leavitt,

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 2011 General Funds in the amount of \$790.94 and 2011 Street Light Funds in the amount of \$66.06

GENERAL FUND: Abstract #4 for Voucher #77 through and including #103 for 2011 funds in the amount of \$15,562.51.

HIGHWAY FUND: Abstract #4 for Voucher #30 through and including #40 for 2011 funds in the amount of \$10,323.66

CAPITAL PROJECT FUND – TOWN HALL PROJECT: Abstract #22 for Voucher #40 for funds in the amount of \$119.75

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

Resolution #35 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 9:05 pm made by Supervisor John Quenell, Second by Jeffery Leavitt, Aye 4 (Leavitt, Quenell, Tucker, Wright), Nay 0, Absent 1 (Shrope)

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk