

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

May 12, 2011

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, May 12, 2011 at 7:00 p.m. at the Brighton Town Garage, 17 County Road 31, Paul Smiths, NY, with the following:

CALL TO ORDER:

Meeting was Called to Order by Supervisor John Quenell at 7:01 p.m.

The "Pledge to the Flag" was recited.

ROLL CALL OF OFFICERS

PRESENT: Supervisor John Quenell

Council Members: Peter Shrope, Steve Tucker and Lydia Wright

ABSENT: Council Member Jeffrey Leavitt

OTHERS PRESENT: Paul Blaine-Code Enforcement Officer, Andy Crary-Superintendent of Highways, Amber McKernan - Tax Collector, 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 April 14, 2011

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to approve the minutes of the Regular Town Board meeting held on April 14, 2011 with the following changes:**

- 1) **Page 2, Supervisor's Financial Report/Correspondence, Para 1b, Town Hall Project, Change "Alcoceur" to "Alcocer"**
- 2) **Page 3, Department Reports, Para 1b, Highway, change "\$48,000" to "\$3,800",**
- 3) **Page 5, Business, Para 1, Rescue Contract, next to last sentence, change "\$162,500" to "\$217,500",**

ROLL CALL VOTE: Aye 3 (Quenell, Tucker, Wright), Nay 0, Abstain 1 (Shrope), Absent 1 (Leavitt)

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of April 30, 2011 was \$91.50

2 Sports Licenses

8 Dog Licenses Spayed/Neutered, 2 for 2 years

2 Building Permits (#11-0004 and 005)

1. April 28 posted notices of Public Hearing on Rescue Squad contract for May 12 for 6:30 p.m. at the Town's post offices and businesses, published in the Adirondack Daily Enterprise.
2. May 1 to 4 attended the NYS Town Clerk's Association Annual Meeting and Training in Buffalo.
3. May 31 Town Clerk's office is closed due to a meeting
4. Board of Elections of Franklin County sent a second request for information on the polling site for elections during 2011.
5. TOWN HALL REQUEST: None
6. TOWN PARK REQUEST: Saturday, May 14, Pedthe Family 11am -5 pm
7. RECORDS MANAGEMENT: None

Discussion was held on possible polling sites for elections during 2011. It was determined that the Town Hall may not be ready for use by the fall so the Highway Garage will be used again. If the Town Hall becomes available the location can be changed.

OLD BUSINESS:

1. **Rescue Contract for 2011 with Saranac Lake Volunteer Rescue Squad – Supervisor John Quenell:** Funds of \$3,000 were not in budget but can come from the contingency account.

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RESOLUTION # 36

RESCUE SERVICES AGREEMENT WITH SLVRS FOR 2011 FOR \$3,000

Motion made by Steve Tucker, **second** by Lydia Wright,

WHEREAS, a public hearing was held on May 12, 2011, at 6:30 p.m., for public comment on a Rescue Services agreement in accordance with Town Law Section 184, Para 2, and

WHEREAS, the President of the Saranac Lake Volunteer Rescue Squad (SLVRS) was present at the public hearing and is willing to sign the agreement for Rescue Services with the Town of Brighton as consent,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes the Supervisor to sign an agreement for continued rescue services during 2011 with the Saranac Lake Volunteer Rescue Squad, and BE IT FURTHER RESOLVED that the Supervisor is authorized to pay the amount of \$3,000 to the Saranac Lake Volunteer Rescue Squad, Inc., from contingency funds of the General Fund.

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

Resolution #36 declared duly adopted

SUPERVISOR'S REPORT

1. **Town Hall Project Update: Chris Alcocer, North Country Construction Services:**
 - a. **Drawings:** Updated and revised by Crawford & Stearns and submitted to the State Historic Preservation Office (SHPO) for approval. SHPO made some adjustments and approved the final copy.
 - b. **BID Opening:** "Notice of Invitation to Bid" is being published in the Adirondack Daily Enterprise and the Press Republican, Friday, May 13 to Tuesday, May 18. A Pre-bid meeting will be held on Monday, May 23, 2011 at 10:00 am.
 - 1) A copy of the plans and drawings will be available at the Town Garage for viewing Monday thru Friday from 9 a.m. to 4 p.m. A deposit of \$35 will be required for a bid package; the money will be refunded to those who submit bids.
 - 2) The Bid opening will take place on Tuesday, May 31 at 1 p.m. A Special Board meeting was called by Supervisor John Quenell for the same time.
 - 3) A pre-construction meeting will be held for all parties who are awarded the contracts.
 - 4) Work on the building should take about 6 weeks.
 - c. **Funding:** Received \$22,000 from the Senator Betty Little Grant. She is asking the Town to request the balance by June 30, 2011. She is afraid the State will take the funds back after that.
2. **APA Permit 2011-70:** Received notice from the Adirondack Park Agency (APA) concerning a permit issued to the Adirondack Chapter of the Nature Conservancy under General Permit 2003G-1R, "Management of Terrestrial Invasive Plant Species In or Within 100' of Wetlands in the Adirondack Park". They plan to apply herbicide on *Phragmites australis* (giant reed) along State Route 30 in the Town of Brighton and State Route 3, 30 and 86 outside the Town.
3. **APA Permit 2011-053:** Received Notice of Conditional approval of the commercial sand and gravel extraction project near NYS Route 86 on property with Tax Map #391.-1-31.2.
4. **AATV:** Received solicitation from the Adirondack Association of Towns and Villages requesting support for \$250.00 for membership. It was not in the budget for this year. Further discussion tabled until budget time.

Peter Shrope said he looked into this organization and they do not lean in any one direction.
5. **Mowing the Park:** Received quotes for mowing the park for the summer from Jeff Leavitt at the last meeting. Distributed them to the Board for review. Tabled until next meeting for Jeff Leavitt to discuss.

Peter Shrope said the Town already has an employee that mows the park.
6. **Financial Report:** Budget as of April 30, 2011, was distributed to Board members.
 - a. NYS CLASS accounts are as follows: General \$185,206.80 and Highway: \$190,069.54. Interest is at .038%.
 - b. Distributed a letter dated May 12, 2011, to the Board, RE: Financial risks confronting the town. The

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Governor is asking for a cap on property tax of 2% or the annual rate of CPI, whichever is less. The Senate has already passed this law in January and it is currently in the Ways and Means Committee of the Assembly. The Town's General Fund could become bankrupt as early as 2014. He will discuss this further at the June meeting.

DEPARTMENT REPORTS

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

a. Report

- 1) Did one last sanding on April 18
- 2) Made dump run
- 3) Checked roads
- 4) Got battery for wood chipper and chipped winter downfall
- 5) Moved York Rake into garage and put new teeth on.
- 6) Pressure washed trucks from winter grime
- 7) Hauled crusher run to Hoffman, Clarke-Wardner, and North Brook roads for wash outs
- 8) Took back hoe to Clarke-Wardner to unplug culvert
- 9) Removed downed tree from Hull Road
- 10) Checked water levels around Town
- 11) Fixed up a better barrier for Keese Mills Road, the State will be repairing the fish barrier in June
- 12) Swept all the tarred roads in town
- 13) Removed the hydraulic cylinders on the LT9000, took to be rebuilt
- 14) Picked up winter debris from the McColloms cemetery
- 15) Employees are using vacation time
- 16) Placed "Closed Road" signs on Slush Pond, Mountain Pond, and McColloms roads. Washouts from the heavy rains have caused extensive damage. The roads have deep ruts and are not drivable so the large trucks cannot go on them. The repair costs would be \$10,000 in gravel and there is not enough money in the budget for this. Would like the Town to abandon these roads as there is only State land on either side of the roads; this is about 7 miles of road. There is no buildable property that these roads access.

Supervisor John Quenell said he would look into the procedure for abandoning roads.

b. White Pine Bridge: No further information

2. ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society): Report received prior to meeting

Handled 17 calls on behalf of Brighton residents

- a. 5 calls were in regards to pet adoptions
- b. 1 call was in regards to a Dog Complaint involving 2 dogs that were allowed to run at large on state Rt 86 (Easy St) Paul Smiths. Obtained a formal complaint from the person, issued and served 2 court appearance tickets on 4/21/11
- c. 1 call was from a person needing assistance in placing their dog
- d. 10 calls were in regards to 2 dogs that were left abandoned in an apartment in Gabriels. Was contacted by the NY State Police on the evening of 4/13/11 regarding the situation. Drove to the residence where the dogs were abandoned the morning of 4/14/11 and left a notice for the owner. Was contacted by a neighbor with information that someone had arrived at the apartment. Drove again to the address, and discovered that both dogs had escaped from the apartment when the person entered the apartment, and had run away. Drove around the Gabriels area for over 2 hours searching for the dogs, which were finally located near the Shamrock Restaurant (County Road 55). The owner of the dogs was in Florida; spoke with him over the phone regarding the abandonment situation. He agreed to surrender one dog to the Humane Society, and he also agreed to place the second dog with one of his friends that had arrived to help until he could return from his trip. No abandonment charges were filed at that time since the owner claimed to have numerous friends checking on the dogs while he was gone. Have not been contacted again regarding the abandonment situation.

3. ASSESSOR – Doug Tichenor: Report received prior to meeting.

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- a. Tentative Roll is completed and filed as of May 1
 - b. Grievance Day is June 2 from 5 to 9 pm
 - c. In the minutes of the board meeting for April 14, 2011 it was incorrectly stated in the Assessor's report that the Tentative Equalization rate dropped from 86% to 67%. The projected tentative rate is 78.56%. Posting a level of assessment for the town of 82.53%, anticipate that this will end up being the final equalization rate.
4. **CODE ENFORCEMENT OFFICER (CEO) (Paul Blaine):** Report submitted prior to meeting
- a. **Building Permits:** Starting to get more requests as the weather gets better
 - 1) Two Building Permits (BPs) #11-005 and 006 were issued during April
 - 2) Issued a Certificate of Occupancy for BP #10-008.
 - 3) Paul Smith's College dorm was inspected; it is going to look nice. There have been amendments to the building permits for alterations.
 - b. **Avoidable Alarms Update:** Received three avoidable alarm violation notices (#11-008 thru 010), One was Completed and two are Open
5. **TAX COLLECTOR - Amber McKernan:** Report received prior to meeting
- a. Received several phone calls regarding tax receipts and property information.
 - b. 12 May issued check 856 to Supervisor John Quenell in the amount of \$.045 which is the interest accrued by the tax collector's bank account. When this check clears, the account will stand at zero, as prescribed by law.
 - c. Received and reconciled the April bank statement
 - d. Request that the board audit the tax collector's books so that they can be placed in records storage
- The Board agreed to audit the Tax Collector's books at 6 p.m. on Thursday, June 9 prior to the Public Hearing at 6:30 p.m. and the Regular Board meeting.
6. **TOWN JUSTICE (Nik Santagate):** Report submitted prior to meeting.
- a. Disposed 70 cases and remitted \$6,230 to the Supervisor for the month of April
- Supervisor John Quenell** said he sent a check to the State for \$4,715
- b. The President of Paul Smith's College John Mills asked if the Court was going to be moved prior to September, the Board should send a letter if they need the room beyond September
- Chris Alcocer - NCCS** said the only reason the Town would need the room would be if the bids for the Town Hall project came in too high and the project was delayed. Supervisor John Quenell said he would delay writing a letter for a month when the Town will know more about the Town Hall Project. Justice Nik Santagate asked what "Plan B" was if the bids were too high. Chris Alcocer said the Town could decide not to use the grant funds and have local people to do the work as needed.
7. **HISTORIAN - Mary Ellen Salls:** Received report prior to meeting
- a. On Monday (May 9) received a call from Pat Willis stating that her and Tom were taking a year off and didn't want to do the Brighton History Day. They are both tired of it and Pat had a couple of heart related operations this winter. Had a broken hip herself which still isn't 100% yet. Was willing to have it one more year then if the turnout wasn't very good, end the History Day. Pat says they'll wait until the Town Hall is finished and put their bulletins down there and Elaine (Sater, Town Clerk) can show them to the people who come to the town in search of their families. Believes that this is the end of History Days in the future.
 - b. Still at work on her end of Brighton History. Have been working on the Newell history, which is quite an extended family connected to a lot of other families such as King and Otis, who use to live in Brighton. Putting the Hobart family history together, this includes some of the Doty family; still adding to the Sawyer, Tyler, Sweet, and Blanchard families. Still waiting to hear back from the Brullia family who lived where the junk lot is, they will be excited to know that it's in the works to clean their old homestead up. On their last trip here they were horrified by the looks of the old place.
 - c. If there are any suggestions about History Day anyone would like to make, is willing to listen and see if anything can be worked out. It would have to be just on the Town families that she is in charge of and are available.

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8. **PARK & RECREATION – Dan Spencer:** Report given at meeting
 - a. Report
 - 1) During March and April removed snow and ice that fell off the roof, food pantry workers complained about snow build up and access to building
 - 2) Cleaning up limbs and debris from winter damage
 - 3) Removed the counter in the field house, fixed metal strips where people walk
 - 4) During April and May cleaning up pine needles
 - 5) Painting picnic tables
 - 6) Pumped water out of field house when the parking lot flooded
 - 7) Getting mower deck on the tractor
 - 8) The toilet was not usable when the water level was high
 - 9) Took down snow fence
 - 10) Put up new signs for tobacco free area and dog clean up.
 - 11) People have asked if softball players could use the park
 - b. **Steve Tucker** said the port-a potty has been ordered and soccer will be held at the park again this summer
 - c. **Amber McKernan** said there are a lot of cigarette butts being left on the private property across the street from the park. She asked if coffee cans could be put out for smokers. Dan Spencer said there were cans put out near the building but were not used. Peter Shrope said he will speak to Barbara Marshall, who is in charge of the food pantry, about this issue.
 - d. **Food Pantry Report – Barb Marshall:**
 - 1) During April served 165 families – 461 individuals. Her end of the building stay nicely heated through out the winter.
 - 2) Is hopeful to get the floor painted to keep things cleaner and the concrete dust done with.
 - e. **Peter Shrope** proposed staining the whole building the same color as well as changing the red trim to green. The concrete could be painted grey.

COMMITTEE REPORTS

1. **HIGHWAY – Steve Tucker, Jeffrey Leavitt, and Lydia Wright:** Nothing to Report
2. **INSURANCE/INVESTMENTS - Lydia Wright, Jeffrey Leavitt, and John Quenell:**

Health Care Insurance - Lydia Wright: Would like to discuss the concerns about the health care insurance issues brought up by the Tax Collector. Amber McKernan discussed her concerns with the new health insurance plan. She did not understand the deductibles on her statements; she contacted the company directly to discuss her bills. The deductibles were from using non-participating providers. There are three separate providers involved with the health care policy: United Health for the physicians, BlueCrossBlueShield for the procedures and MEDCO for prescriptions. She brought up her concerns about this insurance at a Board meeting and she received a MEMO dated March 14, 2011(attached to these minutes), from Supervisor John Quenell. She would like this MEMO added to the minutes as she would like the reply she received to be in a public forum since her request was at a public meeting. She has some concerns as to the reasons for changing the healthcare policy addressed in the MEMO. Such as the amount of increase for premiums is not always know at budget time. The current company (NYSHIP) didn't have the information available at budget time either. She sent an email dated March 23, 2011 to all Board members expressing her concerns and received a reply from Lydia Wright saying she recommended the Empire Plan which has better coverage, the Excelsior is a less expensive plan; she would rather pay the higher rate for a better plan and not have all these surprises. Another concern is that when services are rendered for family members she has to return a form saying they have no other insurance. If this form is not returned the services are charged directly to her. Also physical therapy and occupational therapy are not covered and she would hope the highway employees would want this coverage. Would have liked to have a sit-down with the Board to discuss this policy before it was put in place. Lydia Wright would like to readdress this issue at budget time.
3. **CEMETERY& TOWN BUILDINGS - Steve Tucker:**

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- a. Provided a copy of the rules and regulations for Brendan Keough from the Funeral home to review; he said they looked all right to him. The Board needs to approve them. A copy was distributed to the Board for the next meeting.
 - b. Need to purchase new flags
4. **WEBSITE - John Quenell:** Nothing to report
 5. **FIRE ADVISORY BOARD (FAB) - Steve Tucker:** Nothing to report
 6. **TELECOMMUNICATIONS - Jeffrey Leavitt & John Quenell:** Nothing to report
 7. **TOWN HALL PROJECT- John Quenell and Peter Shrope:** See Supervisor's Report
 8. **TOWN REDEVELOPMENT CITIZEN'S COMMITTEE- Susan Mayer and Lydia Wright:** Report submitted prior to meeting.
 - a. No bids were received at the second auction for Camp Gabriels. OGS is waiting for its new commissioner, who should be announced any day now, and everything is at a standstill until then. OSG did say that two groups that toured the camp for this past auction were not ready to bid at the time but are still interested. Asked Senator Betty Little if there was a chance that the legislation regarding NYS Empire State Development to take part in the disposition of closed prisons could include Camp Gabriels. She is looking into this. A tentative meeting has been scheduled for next Thursday afternoon (May 17) with VIC staff to discuss placing Town of Brighton history displays in the VIC.
 - b. Amber McKernan asked about the Assessor changing the classification of the property so the State will pay taxes on the property. Lydia Wright said the Assessor said the State only pays taxes on State Forest Preserve.

MORE OLD BUSINESS:

1. **Saranac Lake Fire Department Dispatch Fee – Supervisor John Quenell:** No further information
2. **Aquatic Invasive Species Prevention Law (PLL#1 for 2011) – Supervisor John Quenell:** Public Hearing is scheduled before the Board meeting on June 9 at 6:30 p.m. A copy of the revised law will be provided to the Board.

CITIZEN'S COMMENTS: None

EXECUTIVE SESSION

Motion made to GO INTO EXECUTIVE SESSION at 8:30 p.m. by Supervisor John Quenell, second by Peter Shrope, in accordance with Public Officers Law, Article 7, Section 105(d) to discuss "Town of Brighton vs Paul Smith's College" Avoidable Alarm Violations

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

Motion to GO OUT OF EXECUTIVE SESSION at 8:35 p.m., made by Supervisor John Quenell, second by Peter Shrope. ROLL CALL VOTE: Aye 4 (Quenell, Shrope, Tucker, Wright), Nay 0, Absent 1(Leavitt)

AUDIT OF VOUCHERS

RESOLUTION #37

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

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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 #5 for Voucher #5A through and including 5C for 2011 General Funds in the amount of \$703.75 and 2011 Street Light Funds in the amount of \$59.26

GENERAL FUND: Abstract #5 for Voucher #104 through and including #123 for 2011 funds in the amount of \$9,548.06.

HIGHWAY FUND: Abstract #5 for Voucher #41 through and including #51 for 2011 funds in the amount of \$5,600.50

CAPITAL PROJECT FUND – TOWN HALL PROJECT: Abstract #23 for Voucher #41 and #42 for funds in the amount of \$1,910.04

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

Resolution #37 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 8:50 pm made by Lydia Wright, Second by Supervisor John Quenell, Aye 4 (Quenell, Shrope, Tucker, Wright), Nay 0, Absent 1 (Leavitt)

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk