

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

May 14, 2009

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, May 14, 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 7:11p.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; Sheila Delarm entered meeting at 7:30 p.m.

ABSENT: None

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

RESIDENTS: Three residents were present and a representative of the media

APPROVAL OF MINUTES

- Regular Board April 9, 2009

Motion made by Supervisor David Knapp, **second** by Steve Tucker, **to approve the minutes of the Regular Town Board meeting held on April 9, 2009, as written; Aye 4 (Knapp, Leavitt, Tucker, Wright), Nay 0, Absent 1 (Delarm)**

- Public Hearing for Proposed Local Law #2 for the Year 2009 (BAR Membership), May 5, 2009

Motion made by Supervisor David Knapp, **second** by Lydia Wright, **to accept the minutes of the Public Hearing on the Proposed Local Law #2 for the Year 2009 to increase BAR membership held on May 5, 2009, as written; Aye 4 (Knapp, Leavitt, Tucker, Wright), Nay 0, Absent 1 (Delarm)**

-Special Board May 5, 2009

Motion made by Supervisor David Knapp, **second** by Steve Tucker, **to approve the minutes of a Special Town Board meeting held on May 5, 2009, as written; Aye 4 (Knapp, Leavitt, Tucker, Wright), Nay 0, Absent 1 (Delarm)**

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of April 30, 2009, was \$ 10.05

2 DEC Sport Licenses

6 Dog Licenses: 2 New and 4 Renewed

1. April 20, received notice from the Franklin County Board of Elections, RE: Election dates for 2009; Primary will be on Tuesday, September 15 (if needed) and the General Election will be Tuesday, November 3, 2009.
2. April 23, published Notice of Town Clerk's Office closure for April 28th and 30th in the Adirondack Daily Enterprise. Notices were posted on the Town Clerk's Sign board, the three post offices and at local businesses on April 16
3. April 25 to 29 attended the NYS Town Clerk's Association conference in Rochester. There is a software program available to towns called "Digital Towpath", this provides web page making and email access for municipal entities. There is a maintenance fee of \$600 per year to use it .
4. May 5, received an email query concerning Conroy & Conroy purchasing tax exempt fuel from Suburban Heating Oil. Suburban is having an audit. Conroy & Conroy worked on the Town Garage from October 2004 to June 2005. Referred Suburban to Joe Garso of North Woods Engineering for further questions.
5. Received letter dated May 5, 2009 from Assemblywoman Janet Duprey, RE: Thank you for supporting the four-lane "roof top" highway.
6. Mailed the Local Law #2-2009 for BAR membership to the Attorney for the Town, received back May 14 and will mail on May 15 to the Department of State.

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7. TOWN HALL REQUESTS: Rainbow Lake Water District - Monday, May 11, 1 p.m.; Justice Court - Friday, June 5 at 10:00 a.m.
8. TOWN PARK REQUESTS: Lawrence family - Saturday, June 6 from 2:30 p.m. to 7:30 p.m.; Leavitt family - Saturday, June 20 from 12 noon to 8 p.m.
9. RECORDS MANAGEMENT: Archived records from 2001 and before have been shredded.

SUPERVISOR FINANCIAL REPORT/CORRESPONDENCE

1. **FINANCIAL REPORT:** Distributed Budget and CLASS reports as of April 30, 2009 to the Board
 - a. **CLASS interest** is \$53.61 for General and \$41.74 for Highway, Total CLASS balances are \$259,458.46 for General and \$219,580.28 for Highway
 - b. **Budget Amendment #3-2009 General Fund**

GENERAL FUND BUDGET AMENDMENT #3-2009

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

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

\$5,910.00 from Account No. A1990 Contingent

as follows:

\$5,910.00 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 #3-2009 declared duly adopted.

2. CORRESPONDENCE:

- a. **Office of the Attorney General**, received letter dated April 10, 2009, Re: Invitation to attend the public unveiling of "Sunlight 2.0" the AG's government accountability and transparency website on April 21 in Plattsburgh. The website is "www.sunlightny.org".
- b. **Department of Correctional Services**, received letter dated April 14, 2009, Re: Camp Gabriels will be closed on or after July 1, 2009 and prior to March 31, 2010. "The department will make every effort to assist each facility employee to transfer into available vacant positions at other correctional facilities within the Department, or with other State agencies. A report is required by October 1, 2009 for an adaptive reuse plan for the prison camp. Reuse of Camp Gabriels may be limited by the fact that it is on property owned by the NYS Department of Environmental Conservation. Brian Fischer, Commissioner, is open to any ideas and suggestions.
- c. **Four Lane Highway:** Sent letters dated April 16, 2009 to Gordy Crossman, Franklin County Legislature and Gloria Valone, Franklin County Legislature Clerk Re: Resolution #47 support of the four-lane highway in Franklin County
- d. **Franklin County Office of Emergency Services**, received letter dated 4/21/09 RE: Meeting for Mass Fatality Planning on May 21 in Malone. This is geared toward large towns that will be storing bodies during a pandemic outbreak. Rick Provost is the new Director of Emergency Services for the County
- e. Received results from water tests on Town and Garage, there is nothing harmful in the water. Levels of iron and magnesium are high in the Town Hall. Will follow up with the lab to discuss the iron and magnesium levels.
- f. **North County Chapter of Red Cross**, received letter dated April 22, 2009, Re: Donations to Red Cross; Town Clerk said the Town cannot donate to non-profit organizations.
- g. **NYMIR**, received letter dated April 27, 2009, Re: Increase in boiler fees from \$50 to \$100. NY State has doubled the certificate filing fee for boiler inspections. NYMIR has reduced its handling fee from \$10.00 to \$5.00 to cover administration expenses.
- h. **NYMIR**, received letter dated May 4, 2009, Re: NYS Motor Vehicle Law Enforcement fee change; effective June 1, 2009 the NYS Motor Vehicle Law Enforcement fee is changing from \$5.00 to \$10.00 per vehicle.
- i. **Office of the Attorney General**, received letter dated May 6, Re: Forum on health care issues, questions will be answered by Tim Clune, Attorney General's Health Care Bureau Chief, at Adirondack Medical Center, Friday May 22 at 1:30 p.m.

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- j. **Adirondack Correctional Facility, Ray Brook**, received letter, Re: Meeting of Community members on May 21. Sheila Delarm has asked to be removed from this committee but is still receiving letters.
- k. **Federal Bureau of Prisons**, Ray Brook, received letter dated May 12, Re: Annual Recognition of FCI Ray Brook's Community Volunteers, celebration of volunteer appreciation on May 28 at 5 p.m.

DEPARTMENT REPORTS

1. HIGHWAY - Andy Crary, Superintendent of Highways

a. Report:

- i. Fixed pot holes on Keeses Mills Road with top mix
- ii. Pressured washed the plow trucks
- iii. Swept all the Town roads
- iv. Serviced the lawn mowers for the upcoming mowing season
- v. Put up signs on the "White Pine" and "NorthBrook" Roads, one sign has already been taken from the sign post
- vi. Built shelves for the food pantry
- vii. Set up for the food pantry
- viii. Changed bristles and put new wiper motor on the New Holland broom
- ix. Raked the Town's dirt roads
- x. Removed the wing plow from the 2002 Paystar and the sanding grates from the LT9000
- xi. Took the loader to the Park to pick up pine needles
- xii. Fixed the steps at the Town Hall, underneath the stairs is rotting away and should be replaced
- xiii. Started to remove rust from the truck boxes
- xiv. Mowed and weed wacked the cemeteries
- xv. Mowed the Town Hall lawn
- xvi. Made the dump run
- xvii. Checked the roads

RESOLUTION #53

REPLACE STEPS AT TOWN HALL

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

WHEREAS, the steps at the back door of the Town Hall are used by people entering the Town Hall, and

WHEREAS, the steps are rotting underneath and the Superintendent of Highways has the knowledge and ability to replace the steps,

NOW THEREFORE BE IT RESOLVED that the Superintendent of Highways Andy Crary be authorized to replace the steps at the back door of the Town Hall.

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

Resolution #53 declared duly adopted.

- b. **Agreement for the Expenditure of Highway Moneys:** There are CHIPS funds available to resurface the Hobart Road. Received a quote from The Gorman Group of \$24,963.55 to do a full depth reclamation.

RESOLUTION #54

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

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

RESOLVED that the Superintendent of Highways Andy Crary be authorized to spend up to \$68,838.45 for Permanent Improvements to resurface the Hobart Road from NY State Route 86 to the end, a distance of .4 mile, by Full Depth Reclamation for a width of traveled surface of 20 feet.

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

Resolution #54 declared duly adopted.

- c. **White Pine Bridge:** Franklin County Legislature Gordy Crossman and Superintendent of Highway Gary Lewis and the County Engineer looked at the White Pine Bridge May 14. They looked at minutes of meetings from

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1995 to 1997, also. They are going back to talk to the County Attorney about ownership of the bridge. Supervisor David Knapp spoke to Paul Maroun who suggested that due to the fact that White Pine Camp was a summer "White House" there may be Federal money to help pay for the bridge.

d. Bids on Highway Equipment:

i. Received two bids on the Wood Chipper:

- (1) Walldroff Farm Equipment Inc., Canton: \$18,900 for Bandit Model 65XP new
- (2) Anderson Equipment Company, Watertown: \$13,500.00 for a Salsco Model 8635 used 2007

Motion made by Supervisor David Knapp, **Second** by Lydia Wright **to accept the bid from Walldroff Farm Equipment, Inc. for the new Bandit wood chipper, Model 65XP, for \$18,900. Resolution tabled Aye 5, Nay 0** Superintendent of Highways Andy Crary will find out about the warranty agreement on the two bids. The Highway Superintendent is not familiar with using the Salsco model chipper.

ii. There were no bids on the mowers. Superintendent of Highways said the cost is below \$10,000.

e. Electrical Problem in Garage: JSP Electrical completed the repairs to the electrical system in the Garage. The Inspector, LLC, needs to complete the electrical inspection. The cover for the disconnect switch may have to be moved, it is too close to the boiler chimney; the switch was put in before the boiler.

f. CSEA Employee Benefit Contract: There is a premium increase for Dental and Optical insurance.

RESOLUTION #55

INCREASE IN RATES FOR DENTAL AND VISION INSURANCE FROM CSEA

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

WHEREAS, the Town Board approved a Collective Bargaining Agreement with the CSEA Unit at the Highway Garage for the 2009 calendar year,

NOW THEREFORE BE IT RESOLVED that the Supervisor be authorized to sign the Contract with the CSEA Employee Benefit Fund and pay the following amounts per covered employee per month for the following insurance:

- i. Dutchess Dental Plan:** From January 1, 2008 to June 30, 2008, \$85.32
From July 1, 2008 to June 30, 2009, \$88.31
From July 1, 2009 to December 31, 2009, \$92.73.
- ii. Silver 12 Vision Plan:** From January 1, 2008 to June 30, 2008, \$16.96
From July 1, 2008 to June 30, 2009, \$17.38
From July 1, 2009 to December 31, 2009, \$17.90.

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

Resolution #55 declared duly adopted.

g. CSEA Contract: Discussion was held concerning the wording of Section 3, Stand By Pay. There has been no word from Brian Paige, the CSEA representative, as to why the employees believe they should be paid an additional four hours of stand by pay in addition to the hours already paid for working more than four hours on the weekends.

RESOLUTION #56

AUTHORIZATION TO PAY EMPLOYEES FOR STAND BY ON WEEKENDS

WHEREAS, the Town Board in good faith signed an agreement with the CSEA Unit 6870, Local 817, with the Highway employees, and

WHEREAS, the employees are asking for an additional four hours stand by compensation beyond the compensation already received for hours worked on weekends, and

WHEREAS, the Highway employees were compensated for four hours of stand by if four or less hours were worked per day (Saturday - Sunday), and they were compensated for additional actual hours worked over the four hours;

NOW THEREFORE BE IT RESOLVED that the Highway employees who are required to be on stand by will be compensated four (4) hours per day (Saturday-Sunday), if they actually work more than four hours they will also be compensated for the actual additional hours worked above the four hours, but not an additional four hours for standby. If they do not work at all, but are assigned to be on stand by, they are still compensated for four hours for being on stand by per day (Saturday - Sunday).

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ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0
Resolution #56 declared duly adopted.

- h. **Jones Pond Road (County Road 31):** Franklin County workers cut down large trees along County Road 31 and left them in the woods and water. Supervisor David Knapp called the DEC to ask if the County had a permit to cut the trees and leave them. Sean Reynolds from DEC said he will investigate and let the Town know.

2. ASSESSOR - Doug Tichenor: No report received prior to the meeting

a. Board of Assessment Review:

- i. Supervisor David Knapp received a letter from BAR member Robert Byno, Re: He will not be able to make the BAR on Thursday, June 4 due to medical reasons
- ii. **Local Law #2-2009 BAR Membership:** Sent to the Attorney for the Town for signature. It was returned on May 14 and will be mailed to the Department of State on May 15. As soon as it is filed the Board can appoint two more BAR members.

Supervisor David Knapp called a Special Board meeting on Thursday, May 28, 2009 at 6:00 p.m. to appoint additional BAR members. He will contact Phil Delarm and Jerome Samburgh to see if they are still interested in being appointed to the BAR at that time.

- iii. The BAR will meet on Thursday, June 4, 2009 from 5 to 9 p.m.
- iv. The Tentative Roll for 2009 has been filed in the Town Clerk's Office

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

- a. Handled 5 calls for the month of April, 3 calls were in regards to a lost dog and 2 calls were in regard to a dog needing to be placed for adoption.
- b. There were no dangerous dog or town dog control complaints received during the month. One certified letter was sent to a dog owner to renew dog licenses, owner has since renewed one dog's license and updated information on second dog.

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

- a. Issued one building permits #09-007, issued one Certification of Compliance for Bldg Permit #06-034.
- b. Proposed Local Law #3 for the year 2009, "Litter Law", was distributed for the Board's review.

PROPOSED LOCAL LAW #3 for the Year 2009

Motion made by Supervisor David Knapp, **second** by Sheila Delarm, **to propose Local Law #3 for the Year 2009**, entitled "Prohibition of Clutter, Litter, and Debris in the Town of Brighton, Franklin County, New York" and set a public hearing for Thursday, May 28, 2009 at 6 p.m. with a Special Meeting to follow the Public Hearing.

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

- c. **Avoidable Alarm Update:** Three reports of avoidable alarms have been filed with the CEO.
- d. **Burn Ban:** Supervisor David Knapp spoke with the Fire Chief concerning burn bans. Discussion was held on what process should be followed. Supervisor David Knapp will contact the Franklin County Emergency Services to get an understanding on the process to call a burn ban. The Town Clerk said that a written document declaring and removing a burn ban (or any emergency) must be filed with the Town Clerk for it to be official.

5. HISTORIAN - Mary Ellen Salls: No Report received

6. TAX COLLECTOR (Amber McKernan): Report submitted prior to meeting

- a. April was a fairly quiet month. Received a few call regarding tax information, sent out one fax and returned a tax payment mailed in May, which is long past the time of collection by the Town.
- b. Issued check #815 to Supervisor David Knapp in the amount of \$2.03, the interest earned on the Tax Collector's account. As proscribed by law, the account will zero out once this check clears.

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- c. June 14-17 will be attending the NYS Association of Tax Receivers and Collectors Annual Training Seminar so the office will be closed on Monday and Tuesday of that week. The deputy will be available to attend to matters after 5 p.m.
 - d. Prepared Tax Collector's books for audit by the Town Board
7. **TOWN JUSTICE (Nik Santagate):** Report received prior to meeting
Closed 78 cases and issued a check in the amount of \$7,171.00 to the Supervisor for April revenues

COMMITTEE REPORTS

1. **SMART GROWTH INITIATIVE - Rebecca Buerkett:**

- a. Brochure: Diane Leifheit submitted a draft of the brochure she has designed. The theme is "Brighton Connections". Funding for the printing of 3000 copies of this brochure is coming from donations by advertisers in the brochure.
- b. Smart Growth Plan: Rebecca Buerkette submitted a draft executive summary with the GIS maps and a schedule to complete the grant work to the board for review. A public hearing will be held before the next regular board meeting to discuss the full plan with the public. The Board will get a draft through email by May 18.

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

- a. Highway employees mowed the grass
- b. Lee Foster cleaned up the dirt pile
- c. Trees need to be pruned along the back fence and the fence needs repairing
- d. Three weed wackers have been purchased
- e. A leaf blower is needed to clean the grass off the stones
- f. Flags for Memorial Day need to be ordered.
- g. A individual, who is retired from Camp Gabriels, asked if a memorial stone for deceased Correction Officers could be removed from Camp Gabriels when it closes and be placed in the Town's park or cemetery. No action can be taken until a formal request by the owner of the stone is made to the Board.

3. **INSURANCE/INVESTMENTS - Sheila Delarm and Lydia Wright:** Nothing to report

4. **PARKS AND RECREATION - Steve Tucker and Jeffrey Leavitt:** Ordered Port-a-potty

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

a. **Town Hall Project (Lydia Wright):**

- i. Still no word on the grant from the NYS Office of Historical Preservation
- ii. Supervisor David Knapp spoke with Gayle Underhill-Plumb at the Office of Historical Preservation to discuss using the funds already set aside through "Member Item Funding". The project needs to be broken down into parts. Lydia Wright said Pat Willis said any money spent now will not be able to be used against a matching grant.

b. **Records Storage at Garage -** Supervisor David Knapp is putting together a Request for Proposal for records storage at the Garage.

c. **Water:** Supervisor David Knapp received information on the water tests, he will contact the lab for more information.

6. **WEBSITE - Sheila Delarm:** Fire Department information needs to be updated as well as contact people in the Town

OLD BUSINESS

1. **FIRE ADVISORY BOARD (FAB) UPDATE - Supervisor David Knapp:** Attended a meeting in Santa Clara

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to discuss what the Village is proposing and what the Towns will be willing to pay. The FAB would like to meet with the Saranac Lake Fire Department and Rescue Department to discuss where they are in the separation process. The funds for the EMT are not easy to track at this time.

2. **POST OFFICE IN GABRIELS:** The electrical service has been installed and they are waiting for a postal counter.

NEW BUSINESS:

1. **PAVING OF FIRE DEPARTMENT PARKING LOT:** The Paul Smiths Gabriels Volunteer Fire Department is interested in obtaining grindings to pave the parking lot in front of the fire house.
2. **AUDIT OF TAX COLLECTOR'S FINANCIAL RECORDS FOR 2009**

Motion made by Supervisor David Knapp, **second** by Jeffrey Leavitt, **to accept the Audit of the Tax Collectors Financial Records for 2009 performed prior to this meeting by Jeffrey Leavitt. Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0**

CITIZENS COMMENTS: None

AUDIT OF VOUCHERS:

Motion made by Supervisor David Knapp, **second** by Jeffrey Leavitt, **to audit the Vouchers. Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright) Nay 0**

RESOLUTION #57

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Lydia Wright, **second** by Sheila Delarm, **To Wit:**

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 2009 General Funds in the amount of \$773.01 and 2009 Street Light Funds in the amount of \$53.20

GENERAL FUND: Abstract #5 for Voucher #136b through and including #160 for 2009 General Funds in the amount of \$19,163.21

HIGHWAY FUND: Abstract #5 for Voucher #52 through and including #64 for 2009 Highway Funds in the amount of \$9,254.21.

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

RESOLUTION #57 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 11:05 p.m. made by Lydia Wright, **Second** by Sheila Delarm, **Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0**

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk