

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

June 9, 2011

Page 1 of 7

The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, June 9, 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 7:16 p.m.

ROLL CALL OF OFFICERS

PRESENT: Supervisor John Quenell

Council Members: Jeffrey Leavitt, Steve Tucker and Lydia Wright (entered meeting at 7:23 p.m.)

ABSENT: Council Member Peter Shrope

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 four residents present

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

APPROVAL OF MINUTES

- Regular Board May 12, 2011

Motion made by Steve Tucker, **second** by Supervisor John Quenell, **to approve the minutes of the Regular Town Board meeting held on May 12, 2011 as written,**

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

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of May 31, 2011 was \$ 697.63

2 Sports Licenses

1 Genealogical Search

1 Marriage License

7 Dog Licenses Spayed/Neutered, 1 for 2 years

4 Building Permits (#11-007 and 010)

1. June 14 Town Clerk's Office will be closed for DECALS training
2. June 21 Town Clerk's Office will open at 2 p.m. due to a meeting in Plattsburgh
3. TOWN HALL REQUEST: None
4. TOWN PARK REQUEST: Saranac Area Youth Soccer for the summer, Monday thru Thursday, June 23 thru July 11, 6 to 9 pm and two Saturdays, July 30 and August 13, 9am -3 pm
5. RECORDS MANAGEMENT: Continuing to shred the Court records per the Court Records Disposition Schedule

SUPERVISOR'S REPORT

1. Town Hall Project Update: Chris Alcocer, North Country Construction Services:

- a. **BID Opening May 31, 2011:** Received two bids, one for General construction and one for plumbing and heating. Need to re-bid for electrical work or the whole project. Printed 15 bid packages and sent out 13; 12 to 13 people showed up at the pre-bid meeting on May 23 at 10 am. Carl Stearns was not able to attend. Questions were sent to Crawford & Stearns and were answered. There is too much information in the bid package that is conflicting and confusing to the bidders. Some had a bad taste from the previous bid request that ended with no contract awarded. The cost of the bid is not worth the prevailing wage the contractors have to pay. The bids received appear to be within reason; the State Historic Preservation Office (SHPO) has to approve the contractors. May have to ask for a waiver for the Minority/Women Owned Business criteria. The choice is to re-bid the complete project or just the electrical part of the project.
- b. **Funding:** Supervisor John Quenell prepared a financial statement to show the funds available. To date \$62,781.83 is available in the capital fund for the project. There is still \$17,583 available from the

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

June 9, 2011

Page 2 of 7

Senator Betty Little grant, making about \$80,000 available for the project. \$35,000 has been borrowed from the General Fund. Lydia Wright thought that \$25,000 was given by resolution from the General Fund. Supervisor John Quenell said that \$10,000 was loaned from the General fund in December 2010. The SHPO grant will fund half the project expenses. There are still funds available from the "Willis" funds of about \$35,000. This could be used for furniture that the grant will not cover.

RESOLUTION #38

BID NOTICE FOR ELECTRICAL PORTION OF THE TOWN HALL PROJECT

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

WHEREAS, there were no bids received for the electrical portion of the Town Hall Project on May 31, 2011,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes the electrical portion for the Town Hall Project to be submitted for bid as soon as possible.

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

Resolution #38 declared duly adopted.

2. Financial Report:

- a. Budget as of May 31, 2011, was distributed to Board members on June 8.
- b. NYS CLASS accounts are as follows: General \$185,215.52 and Highway: \$190,078.51; interest is low

3. Census 2010: Summarized the Census 2010 data. The data includes the students living at Paul Smith's College as 665; residents of the Town as 770, for a total population of 1435. This is down from the 2000 figure of 1682 which included Camp Gabriels as 363, Paul Smiths College as 535, and residents of the Town as 784.

DEPARTMENT REPORTS

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

a. Report

- 1) Put new teeth on York Rake
- 2) Raked the dirt roads twice, Clarke-Wardner and Hoffman roads
- 3) Put barriers back up at Black Pond
- 4) Installed brake pads and calipers on the F250 truck and changed the oil.
- 5) Put crusher run on the North Brook Road and spread it out with the loader
- 6) Got the equipment trailer out of the cold bay and got it ready for summer use
- 7) Put mower blades on both lawn tractors
- 8) Mowed and weeded the cemeteries, twice so far, put out the flags for Memorial Day
- 9) Fixed the washout from the Keese Mills Road fire call
- 10) Got the hydraulic cylinder back and installed it on the LT9000
- 11) Cut up and blocked the down trees in park
- 12) Trimmed tree branches at the McColloms Cemetery
- 13) Put new grate on the culvert on the Clarke-Wardner Road
- 14) Mowed the Town Hall and Garage lawns
- 15) Checked roads

- b. **Abandonment of Roads:** Supervisor John Quenell said the State Highway Law, Section 205, allows for the abandonment of roads, if two vehicles have not usually traveled on the road daily for two years and the County Superintendent of Highways approves it. Mountain Pond, Slush Pond and part of McColloms Road are seasonal roads boarding State land and not used by regular traffic. There is a lot of work to be done to get the roads passable. The Town was fined in the past for cutting trees on the Slush Pond Road while trying to maintain it.

RESOLUTION #39

ABANDONMENT OF CERTAIN TOWN ROADS

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

WHEREAS there are three Town roads that border State land where no private development is allowed, and

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

June 9, 2011

Page 3 of 7

WHEREAS these three roads are not used by regular traffic and are considered seasonal, and

WHEREAS the cost to maintain these roads is high compared to the usage, and

WHEREAS the Superintendent of Highways has requested that the Town Board abandons these roads,

NOW THEREFORE BE IT RESOLVED that the Town Supervisor be authorized to refer the matter of abandonment of the Slush Pond, Mt. Pond, and McColloms Roads to the Attorney for the Town, Scott Goldie, subject to concurrence from the Franklin County Superintendent of Highways.

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

Resolution #39 declared duly adopted.

2. **ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** Report received prior to meeting
Handled 9 calls on behalf of Brighton for Dog Control and animal related issues
 - a. 5/5/11, 2 calls were in regards to a small breed dog that was found on State Rt. 86 in Gabriels. The dog was seized in very poor condition and was transported to the Humane Society. The following morning brought the dog to a local veterinary clinic for an exam and grooming. The dog was severely matted, emaciated and suffering from congestive heart failure. No owner came forward to redeem the dog during the 5 day holding period. The dog was adopted into a good home despite her heart condition.
 - b. 5/25/11, 3 calls were in regards to a stray Beagle/Collie mixed breed dog that was running at large near the Brighton Mini Mart in Gabriels. Seized the dog which was only wearing a name tag. Contracted the phone number listed on the tag and no one answered. Transported the dog to the Humane Society. Dog's owner contacted us and claimed the dog the following day by providing proof of a current rabies vaccination and by obtaining a Town of Brighton Dog License. Issued an appearance ticket under the Town's Dog Control Law for allowing the dog to run at large.
 - c. 5/28/11, 3 calls in regards to the same dog listed above that was seized on 5/24/11. Dog was once again allowed to run at large and was struck by a car on State Rt. 86 near the Mini Mart. Drove to the scene of the accident and seized the dog. Stopped by the owner's home and left a notice reporting that their dog had been hit by a car and was transported to a veterinarian for an emergency medical exam. Owner contacted her at the veterinary clinic where she had brought the dog, and met her at the clinic. The dog was not severely injured, but the owner agreed to have x-rays done and paid the vet bill. The owner claimed the dog after receiving treatment and paid the impoundment fee.
 - d. Received one call in regards to an inquiry about the free Rabies Clinics that will be held in June.
3. **ASSESSOR – Doug Tichenor:** No report received.
Board of Assessment Review (BAR) met on June 2 from 5 to 9 pm for Grievance Day. One member of the BAR did not get to training so was unable to sit on the Board.
4. **CODE ENFORCEMENT OFFICER (CEO) (Paul Blaine):** Report submitted prior to meeting
 - a. **Building Permits:**
 - 1) Four Building Permits (BPs) #11-007 thru 010 were issued
 - 2) Deer Meadows Development has requested the first building permit
 - 3) Paul Smith's College dorm is going well. Still need some documents to complete a second building permit.Supervisor John Quenell said the Paul Smiths-Gabriels Volunteer Fire Department toured the new dorm
 - b. **Avoidable Alarms Update:** Received two avoidable alarm violation notices (#11-011 thru 012), both are Open
5. **TAX COLLECTOR - Amber McKernan:** Report received prior to meeting
 - a. May and early June have been quite busy with many inquires for information regarding property taxes.
 - b. The petty cash fund in the amount of \$50.00 cash was returned to Supervisor John Quenell today and received the receipt for that return.
 - c. Prepared records for audit by the Town Board; trust they found everything in order. Audit was conducted by Supervisor John Quenell and Deputy Supervisor Steve Tucker prior to this meeting.
 - d. Reconciled the May bank statements and the balance is at zero.
6. **TOWN JUSTICE (Nik Santagate):** Report submitted prior to meeting.

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

June 9, 2011

Page 4 of 7

Disposed 67 cases and remitted \$5,770 to the Supervisor

7. **HISTORIAN - Mary Ellen Salls:** No report received
8. **PARK & RECREATION – Dan Spencer:** Report given at meeting
 - a. Mowing lawns, painting picnic tables, removing branches, put dirt on low spots of ball field, and weeding around the edges. Put up the lacrosse nets.
 - b. Food Pantry had no complaints

COMMITTEE REPORTS

1. **HIGHWAY – Steve Tucker, Jeffrey Leavitt, and Lydia Wright:**
 - a. **Jeffrey Leavitt** said he has been discussing a long term replacement plan for the trucks and a maintenance plan with Superintendent of Highways Andy Crary
 - b. The new Pick up truck has been delayed until August 2011
2. **PARKS & RECREATION- Peter Shrope and Steve Tucker:**
 - a. Soccer has 5 practice fields set up and one for 4 year old players
 - b. Saranac Lake Area Youth Program starts the first week of July, registration is open until June 25. There were 10 or 11 children signed up in 2010.
3. **INSURANCE/INVESTMENTS - Lydia Wright, Jeffrey Leavitt, and John Quenell:**

Lydia Wright said the interest on investments is very low.
4. **CEMETERY & TOWN BUILDINGS - Steve Tucker:**
 - a. New flags were purchased and put in place for Memorial Day
 - b. Provided a copy of the rules and regulations for the Board to review and adopt.

RESOLUTION #40

CEMETERY RULES AND REGULATIONS

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

RESOLVED that the following Rules and Regulations for the McColloms and Mt. View Cemeteries be adopted by the Town Board:

1. Each plot shall consist of up to four lots and not more than one plot shall be allocated to any individual or family. An exemption would be made for the death of more than four in one family simultaneously.
2. All caskets buried in any of the Town of Brighton's cemeteries shall be encased in a concrete vault. A concrete vault is not necessary for burial urns.
3. Any resident and /or taxpayer of the Town of Brighton can reserve a lot in either cemetery for a one-time perpetual care fee of \$200.00. Any non-resident of the Town of Brighton can reserve a lot in either cemetery for a one-time perpetual care fee of \$400.00.
4. Any lot which was reserved before June 9, 2011, shall be exempt from the perpetual care fee to the Town.
5. All monument foundations shall be at ground level and four inches larger than the base of the monument to be set, with a depth of eighteen inches. In the event the company installing the monument requires a deeper base, the specifications for the deeper base shall apply.
6. There shall be no shrubs or plants imbedded in the ground and potted plants shall not exceed twelve inches in diameter. Artificial decorations shall be allowed. The Cemetery caregiver is empowered to dispose of all dead and rotting flowers and faded plastic decorations as the need arises.
7. Perpetual care shall be provided by the Town of Brighton in all the cemeteries owned by the Town of Brighton.
8. All questions regarding the rules and regulations of the Town of Brighton's cemeteries shall be referred to the Town of Brighton Cemetery Committee.
9. There shall be no exceptions to these rules and regulations unless an exception is granted by a unanimous vote of the Town of Brighton Board.
10. A signed Privilege of Burial Certificate shall be presented to each individual granted a plot or burial lot site

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

June 9, 2011

Page 5 of 7

in any cemetery owned by the Town of Brighton

11. These rules and regulations shall be effective immediately.

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

Resolution #40 declared duly adopted.

5. **WEBSITE - John Quenell:** Nothing to report
6. **FIRE ADVISORY BOARD (FAB) - Steve Tucker:** Nothing to report
7. **TELECOMMUNICATIONS - Jeffrey Leavitt & John Quenell:**
 - a. Jeffrey Leavitt said there has been some excitement; on Tuesday the cell tower in Duane was erected. It will serve people in the McColloms area. Senator Betty Little is pushing to get the tower operational as soon as possible.
 - b. Looking for locations for cell tower sites in the Town. One person who has a good site is not interested in a tower on his land.
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. Was contacted by an individual from Westport who tutors NYS prison inmates. He and some other prison tutors are interested in approaching the state to have DOCs make Camp Gabriels a minimum security prison where young offenders can get their GEDs. Told him the state had washed its hands of the property and asked if he considered some type of private enterprise with possible private university or other backing. He said he had not, that the group is in the infant stages of this idea. Told him she would contact various parties to get feedback on his idea and how he might go about the private enterprise route. Talked to Senator Little who doubted the state would consider the idea, as she previously tried to get such transitional programs expanded at Camp Gabriels. Senator Little said that one of the parties first interested in the facility is still in touch with her about the property. Call to PSC Provost Nelson has not yet been returned and the OGS manager in charge of Camp Gabriels is on vacation until next week.
 - b. Mary Ellen Salls, Pat and Tom Willis and she met with VIC facilities manager Brain McDonnell to see if the Town could exhibit history displays at the VIC, and he said that the Town could. Mary Ellen Salls, the Willis's and she are now in the process of reviewing photos to give an overview of the town's history and feature some of the old lodges/hotels, farms and guides. Spoke with PSC's library director, Neil Supernant about photos the college may have and he said they have many that are digitized that may be useful. The next step will be to review what the college has.
 - c. The chair will be attending a conference at PSC on June 13 to discuss the use of road salt in the Adirondacks. It is sponsored by AdkAction.
 - d. The chair submitted recommendations about the Town Redevelopment Committee to Supervisor Quenell which he was going to distribute to the board members for comment/input. Discussion was held on forming a new committee such as "Citizen's Community Development Committee". This Committee could provide the board with input from residents on such things as their issues of concern and suggestions for community improvement, identify any federal and state government resources available to local governments and residents, such as those offered through the NYS Office of the Comptroller regarding financing topics and tax preparation assistance, identify and pursue grant opportunities for various town purposes, plan and arrange any special community event/projects, publish a one-page bi-monthly town newsletters, keep up with state issues, maintain contact with local area people, enhance relationship with Paul Smith's College. This Committee could also look at the Smart Growth Plan. These are just some suggestions. Would like Board members to provide names of residents for the Committee.

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

June 9, 2011

Page 6 of 7

BUSINESS:

1. **Aquatic Invasive Species Prevention Law (PLL#1 for 2011) – Supervisor John Quenell:** Public Hearing was held before this Board meeting at 6:30 p.m.

LOCAL LAW NO. 1 FOR THE YEAR 2011

"THE TOWN OF BRIGHTON AQUATIC INVASIVE SPECIES PREVENTION LAW"

Motion made by Supervisor John Quenell **to enact the "Town of Brighton Aquatic Invasive Species Prevention Law", second** by Steve Tucker, **as follows:**

ARTICLE A: INTRODUCTION

Section 1. Authority

This local law is adopted pursuant to the authority in Section 10 of the Municipal Home Rule Law and in Section 130(6) of the Town Law.

Section 2. Title

The local law shall be know as "The Town of Brighton Aquatic Invasive Species Prevention Law"

Section 3. Purpose

The Purpose of this local law is to prevent the introduction and spread of aquatic invasive species into and within the waters of the town of Brighton and to thereby protect aquatic native species populations, biodiversity and aquatic recreational activities for the public good.

Section 4. Applicability

The provisions of this law shall apply in addition to the provisions of any other local law or ordinance adopted by the municipality. Where there is a conflict, the more restrictive provisions shall apply.

Section 5. Definitions

For the purpose of this local law, the following terms shall have the following meanings:

1. "Aquatic animals" shall mean an animal that spends part of its life in water, including but not limited to, freshwater, estuarine and wetlands species.
2. "Aquatic plants" shall mean plants living in the water or at the shoreline, and includes roots, rhizomes, stems, leaves or seeds, including freshwater, estuarine and wetland species
3. "Boater" shall mean the operator, paddler or rower of a boat or towing vehicle or any other form of watercraft.
4. "Invasive species" shall mean any species regarded by the New York State Department of Environmental Conservation as being invasive to the waters of New York. Such species shall include, but not be limited to Eurasian watermilfoil (*Myriophyllum spicatum*), variable leaf milfoil (*Myriophyllum heterophyllum*), water chestnut (*Trapa natans*), curly-leafed pondweed (*Potamogeton crispus*), Brazilian waterweed (*Egeria densa*), zebra mussels (*Dreissna polymorpha*), and round goby (*Negobis melanostomus*).
5. "Standing water" shall mean bilge water and other water inside boat compartments that could easily be removed by pump or hand.
6. "Water body" shall mean any freshwater or estuarine lake, river, pond, stream or wetland existing in the state, whether publicly or privately owed, including the banks and shores thereof.

ARTICLE B: PROHIBITED ACTS

Section 1

[a] No watercraft or trailer shall enter or exit a water body of the Town unless the boater removes all Aquatic plants and/or animals from inside and outside his/her vehicle, watercraft, trailer or any other equipment that had previously come in contact with any Water body. The boater must also remove any Standing water that is visible to the unaided eye from the boat and trailer before they enter a Water body. Removed items must be discarded on land distant from the shoreline so that they cannot re-enter the Water body.

Exceptions from discarding:

1. Those persons who have a license to remove invasive species
2. Legally purchased bait or harvested fish.
3. Legally taken waterfowl

[b] No person shall plant, transplant or introduce Invasive species in, on or around the shorelines of any Water body in the town of Brighton.

ARTICLE C: PENALTY FOR NONCOMPLIANCE

Any person who violates this local law is subject to a fine of up to five hundred dollars (\$500). The town of Brighton may enforce this provision through civil proceedings in any court of competent jurisdiction.

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

June 9, 2011

Page 7 of 7

ARTICLE D: ADMINISTRATION AND ENFORCEMENT

Section 1. Complaints

Any person may file a complaint with any state, county or local law enforcement officer having jurisdiction.

Section 2. Enforcement

This law may be enforced by the town of Brighton through its Code Enforcement Officer or by any other law enforcement officer having jurisdiction.

ARTICLE E: ENACTMENT

This law shall become effective upon written notice of filing with the New York State Department of State

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

Local Law #1 for the Year 2011 is duly enacted.

- 2. Financial Outlook for 2012-2014 – Supervisor John Quenell:** Presented the Board with an outlook for the next three years. He said it appeared that a 2% tax cap would be passed by the State. Revenues are flat or decreasing such as State Aid. Expenses are increasing such as State Retirement and health insurance premiums. The Health Insurance increased by 12% for 2011 and is expected to be 13% in 2012. The Town needs to reduce costs and increase its revenue. He asked for the Boards input on this issue. Jeffrey Leavitt asked at what point does the Town dissolve itself. He asked what services the Town provides that cannot be provided by someone else. Discussion was held on ways to cut expenses, such as cut personnel, cut salaries, cut health insurance. Discussion was held on ways to increase revenues such as increase plowing of roads for other towns, like County Road 55 for Franklin or Keese Mills Road for Santa Clara. Supervisor John Quenell said he thought the Town could go bankrupt within two years. Supervisor John said he thought cutting out the General Fund portion of health insurance with some sort of payment like the Highway employees get would help reduce costs. Steve Tucker said the cost of rescue services should go down. Jeffrey Leavitt said the Village Manager plans to keep control of the rescue department and still charge the towns. Supervisor John Quenell asked the board members to contact him with any other ideas.

CITIZEN'S COMMENTS:

Frank Appleton asked if the Town ever thought of combining with other towns to get a better price on health insurance.

Lydia Wright said that most towns use NYSHIP already.

AUDIT OF VOUCHERS

RESOLUTION #41

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

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 #6 for Voucher #6A through and including 6C for 2011 General Funds in the amount of \$701.03 and 2011 Street Light Funds in the amount of \$53.93

GENERAL FUND: Abstract #6 for Voucher #124 through and including #151 for 2011 funds in the amount of \$6,950.46.

HIGHWAY FUND: Abstract #6 for Voucher #52 through and including #61 for 2011 funds in the amount of \$3,744.72

CAPITAL PROJECT FUND – TOWN HALL PROJECT: Abstract #24 for Voucher #43 through and including #47 for funds in the amount of \$428.02

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

Resolution #41 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 9:11 pm made by Supervisor John Quenell, **Second** by Lydia Wright, **Aye 4 (Leavitt, Quenell, Tucker, Wright), Nay 0, Absent 1 (Shrope)**

Respectfully Submitted,

Elaine Sater, Brighton Town Clerk