

REGULAR MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

June 13, 2013

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, June 13, 2013, at 7:00p.m. at the Brighton Town Hall, 12 County Road 31, Paul Smiths, NY, with the following:

CALL TO ORDER:

Meeting was Called to Order by Supervisor Peter Shrope at 7:05 p.m.

“Pledge to the Flag” was recited.

ROLL CALL OF OFFICERS

PRESENT: Supervisor Peter Shrope

Council Members: Brian McDonnell, Amber McKernan, Steve Tucker and Lydia Wright

ABSENT: None

OTHERS PRESENT: Andy Crary-Superintendent of Highways, Holly Huber – Tax Collector, and Elaine Sater - Town Clerk

RESIDENTS: There was one resident present

GUESTS: None

DEPARTMENT REPORTS

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

a) Report:

- i) Picked up pine needles at Park
- ii) Repaired sanding grates
- iii) Mowed and weed wacked the cemeteries
- iv) Put a new belt on the lawn tractor
- v) Put sign back up at Spilt Rock Road
- vi) Worked on the Clarke-Wardner Road
- vii) Put flags out at the cemeteries for Memorial Day
- viii) Ordered five new veterans of war markers
- ix) Made the dump run
- x) Took broom off the New Holland and put the brush mower on
- xi) Mowed the Town Hall and Garage lawns
- xii) Took hydraulic pump off the Ford, needs a new pump for \$769.00
- xiii) Need to repair the 2002 International truck, tilt cylinder for \$616.00
- xiv) Greased the trucks
- xv) Set up for Franklin County Rabies Clinic held on Monday June 10 from 5 to 6 pm
- xvi) Got new fence and installed it at Town Hall
- xvii) Need to order salt for next winter
- xviii) Cut brush to clear McColloms Road

RESOLUTION #49

REPAIR OF FORD AND INTERNATIONAL TRUCKS

Motion made by Brian McDonnell, second by Amber McKernan,

WHEREAS both large trucks need repair work,

BE IT RESOLVED that the Superintendent of Highways Andy Crary be authorized to repair and purchase parts for the Ford and International Trucks: a hydraulic pump for \$769.00 on the Ford and have Fran McAllister perform welding at \$50 per hour for about 40 hours, and highway department will replace the tilt cylinder on the International for \$616.00 and purchase steel for \$1,000.

ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

RESOLUTION #49 declared duly adopted.

RESOLUTION #50

SALT FOR ROADS IN WINTER

Motion made by Supervisor Peter Shrope, second by Amber McKernan,

RESOLVED that Superintendent of Highways Andy Crary be authorized to place an order for 200 tons of

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road salt for the winter season through the County contract.

ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

RESOLUTION #50 declared duly adopted.

- b) **Equipment Inventory:** Needs to be updated
- 2. TOWN CLERK – Elaine Sater:** Report submitted prior to meeting
- a) Total Revenue to Supervisor as of May 31, 2013 is \$598.95 from 2 DEC Sport Licenses, 5 Certified copies, 2 dog licenses renewed, 3 building permits (#13-012 to 014), and 3 copies.
 - b) Need to order three filing cabinets for the Town Court records, resolutions needed. Cost is \$449.99 each to match the other cabinets.
 - c) Posted notices that the Assessor filed the Tentative Assessment Role on May 1, 2013, Board of Assessment Review (BAR) met on June 6, 2013, 5 to 9 pm
 - d) Received notice dated May 29 that General Municipal Law Section 53 allows an alternate option for people to file a claim against a Town precedent to filing suit for personal injury and property damage. A person must be designated by resolution for the Town to get half of the filing fee of up to \$250. A Uniform Notice of Claim Certificate will be available for this designation as of June 15. A sample resolution is available for this action.
 - e) Received a request dated June 3, 2013, from the State Office of Real Property Tax Services, appointment of Assessor expires on September 30, 2013. Board needs to appoint someone or reappoint Doug Tichenor fill the position before October 1, 2013.
 - f) Town Clerk's Office will be closed on Thursday, July 4th.
 - g) TOWN HALL REQUEST: Franklin County Conservative Party, Saturday, June 22, 10 am to 1 pm
 - h) TOWN PARK REQUESTS: Saturday, June 1, Farley family, 1 to 4 pm; Sunday, June 9, Moody family, 12 to 5 pm; Thursdays, June 27, July 11, 18, and 25, North Country High School Summer Soccer, 6 to 8 pm; Friday, June 28, Witchley family, 3 to 8 pm; Saturday, August 17, Pickard Family, 3:30 to 7 pm.
 - i) RECORDS MANAGEMENT: Finished shredding 2005 financial and Town records per MU-1, starting on 2006 records. Received notification from the NYS Court Administration to shred 2005 and earlier court records.
- 3. TAX COLLECTOR – Holly Huber:** Report read at meeting
- a) **Report:** Changing period covered from dates of Board meeting to calendar month
 - i) Answered phone calls
 - ii) Responded to requests for tax receipts from attorneys and mortgage brokers
 - iii) Referred caller wishing to pay their delinquent taxes to the county treasurer
 - iv) Resolved issues discovered during annual audit process
 - v) Prepared additional documentation for storage in the town's safe
 - b) **Audit of Financial Records:** Discussion was held on recommendations from the Audit of Tax Collectors records to bring Tax Collector into compliance: Monthly Reports to Town Supervisor of all moneys collected during the month, Town Law Section 27; Cash Book records be maintained, Town Law Section 30 and 37; remittance of taxes once a week to Supervisor until Town warrant is filled, remittance is to be by 15th of month; remittance to County Treasurer by 15th month following collection. Holly Huber said weekly payments to the Supervisor will be corrected for next year; payments made after 15th of month were for taxes collected after the beginning of the month, not from the previous month. She was aware of the 15th of the month deadline, but not the weekly one to the Supervisor. There is no guidance as to what form the Monthly Report should take in the law, she was providing a monthly report that went from the dates of the Board meetings, not the calendar month. She recreated five months of reports in duplicate, based on the calendar month, for the Board to review. She maintains a cash book record in her computer using the BAS software.

RESOLUTION #51

RESULT OF RECOMMENDATION FOR CASH BOOK RECORD FROM AUDIT OF TAX COLLECTOR'S FINANCIAL RECORDS FOR 2013

Motion made by Supervisor Peter Shrope, **second** by Amber McKernan,

WHEREAS two Town Board members audited the Financial Records of the Tax Collector for 2013 on May 9,

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2013, and

WHEREAS a discussion with the Tax Collector regarding the recommendation by the Town Board to maintain a cash book of receipts and disbursements resulted in changes to cash record keeping methods,

NOW THEREFORE BE IT RESOLVED that the Town Board accepts from the Tax Collector a cash book record, manually maintained, of receipts and disbursements for a given tax season.

ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

RESOLUTION #51 declared duly adopted.

RESOLUTION #52

RESULT OF RECOMMENDATION TO PROVIDE A MONTHLY REPORT FROM AUDIT OF TAX COLLECTOR'S FINANCIAL RECORDS FOR 2013

Motion made by Supervisor Peter Shrope, second by Lydia Wright,

WHEREAS two Town Board members audited the Financial Records of the Tax Collector for 2013 on May 9, 2013, and made recommendations to the Tax Collector, and

WHEREAS a discussion with the Tax Collector regarding the recommendations by the Town Board resulted in changes to record keeping,

NOW THEREFORE BE IT RESOLVED that the Town Board approves the format of the monthly report as provided by the Tax Collector in accordance with Town Law Section 27(1) and the Association of Towns Tax Collector book dated 2008, and paper copies will be maintained in the vault.

ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

RESOLUTION #52 declared duly adopted.

4. **TOWN JUSTICE – Nik Santagate:** Report submitted prior to meeting.
Supervisor Peter Shrope received \$3,853.00 for fees and fines from the Justice with a list of 69 disposed cases
5. **CODE ENFORCEMENT OFFICER – Paul Blaine:** Report submitted prior to the meeting
 - a) **Building Permits (BPs):** 3 BPs issued (#13-012 thru 014)
 - b) **Certificate of Occupancy/Compliance:** Issued one Certificate of Compliance for BP #12-015 and two Certificates of Occupancy for BPs #12-024 and #13-004.
 - c) **Complaints:** One still open
Supervisor Peter Shrope said the CEO issued another building permit since the beginning of June to replace a burned house on Wardner Road.
6. **ASSESSOR – Douglas Tichenor:** No Report received
7. **TOWN PARK – Dan Spencer:** Report received prior to meeting
 - a) Regular maintenance on equipment, including switching snow-thrower deck to the mower deck
 - b) Raked to make grounds look generally better
 - c) Mowed the volleyball area field and the usual soccer field and surrounding areas
 - d) Put out trash for food pantry
 - e) Working with teams to get field ready for softball, going to try to get stuff needed for field
 - f) Going to try to paint the floor and lower walls again if he can move around food pantry tables that are always in the way
 - g) It is hard on Wednesday before food pantry Thursday because he has to move wheelchairs, walkers, and shopping carts that are always blocking his desk and the bathrooms, does not know why they do this.
 - h) Apologizes for not submitting reports the last two months, his EMT classes are almost completed, after that, maybe things will be back to normal
Amber McKernan asked for a tin can to be put where people smoke near the park fence. The butts left on the ground are toxic and blow into her yard.
8. **FOOD PANTRY – Barb Marshall:** Report submitted prior to meeting. Reported a total of 437 people served.
9. **HISTORIAN - Mary Ellen Salls:** No report received
10. **ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** No report received

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11. SUPERVISOR:

- a) **Franklin County Critical Facilities:** Received a request from Franklin County Emergency Services to complete an inventory of critical facilities in the town, met with Superintendent of Highways Andy Crary to discuss highway needs, such as culverts or buildings that may be affected during hurricanes. Fire Department building was also included.
- b) **652 Keese Mills Road:** Letter to owner was sent and received, served on May 15. Owner has 30 days to start demolition and 60 days to complete it.
- c) **Town Hall Septic Tank:** Morrisonville Septic cleaned out the septic tank; it was filled to the top. The last time it was emptied was 2005.
- d) **Financial Report:**
 - i) Budget as of May 31, 2013, was distributed to Town Board box for review.
 - ii) Revenues for General Fund: \$286.70 in penalties from Tax Collector, \$10,213.39 from Franklin County Mortgage Tax.

APPROVAL OF MINUTES

- Regular Board – May 9, 2013

Motion made by Amber McKernan, second Steve Tucker, to accept the minutes of May 9, 2013, with the following correction: Page 3, Business, Para 1a, Building Violations: First sentence “2010” change to “2009”. Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

CITIZENS COMMENTS: None

A 3-minute recess was called by the Supervisor Peter Shrope at 8:30 p.m.

BUSINESS

1. **Park Tractor- Supervisor Peter Shrope:** Steve Tucker spoke to Dan Spencer about using the flail mower and John Deer tractor, he said he is not comfortable using the mower. Supervisor Peter Shrope declared the mower and tractor excess equipment; he will ask the Highway Department if they want to use it to mow the park fields.
2. **Fence at Town Hall – Supervisor Peter Shrope:** The fence outside the Town Hall was replace with cedar posts, it cost more that the \$350.00 authorized. Resolution #47 needs to be amended.

RESOLUTION#47 (Amended)

REPLACING SPLIT RAIL FENCE AT TOWN HALL

Motion made Supervisor Peter Shrope, second by Amber McKernan,

RESOLVED that the Town Board authorizes Superintendent of Highway Andy Crary to replace the split rail fence at the Town Hall for an amount Not to Exceed \$450.00.

ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

RESOLUTION #47 declared duly amended.

3. **Adirondack Regional Airport – Supervisor Peter Shrope:** Received a contract from the Town of Harriestown for support of the Adirondack Regional Airport in the amount of \$1,000.00.

RESOLUTION #53

CONTRACT FOR SUPPORT OF ADIRONDACK REGIONAL REPORT IN THE AMOUNT OF \$1,000

Motion made by Supervisor Peter Shrope, second by Amber McKernan,

RESOLVED that the Supervisor be authorized to sign a contract with the Town of Harriestown for support of the Adirondack Regional Airport, and

BE IT FURTHER RESOLVED that the Supervisor be authorized to pay the amount of \$1,000.00 to the Town of Harriestown in support of the Adirondack Regional Airport.

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ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0
RESOLUTION #53 declared duly adopted.

- 4. Saranac Lake Area Youth Program – Supervisor Peter Shrope:** Received an inter-municipal agreement from Paul Leahy for the Saranac Lake Area Youth Program (SLAYP) for 2013. Steve Tucker is the Town representative for this program. He said they would provide free lunch, swimming lessons, and trips to local businesses.

RESOLUTION #54

SARANAC LAKE AREA YOUTH PROGRAM INTER-MUNICIPAL AGREEMENT 2013

Motion made by Supervisor Peter Shrope, **second** by Lydia Wright,

RESOLVED that the Supervisor be authorized to sign an Inter-Municipal Agreement with the Towns of North Elba and Harrietstown, the Village of Saranac Lake, and the Saranac Lake Central School District to provide a joint youth program for 2013

ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

RESOLUTION #54 declared duly adopted.

- 5. 85 County Route 60 – Supervisor Peter Shrope:** Distributed all the information concerning this property to the Board, need a resolution to remove the structure.

RESOLUTION #55

REMOVAL OF UNSAFE STRUCTURE LOCAL LAW #1-1981 AT 85 COUNTY ROUTE 60

Motion made by Supervisor Peter Shrope, **second** by Amber McKernan,

WHEREAS, the Town Board received a letter from the Code Enforcement Officer, dated August 4, 2010, stating that Tax Map Parcel 381.4-1-14 at 85 County Route 60, in Gabriels, a single wide manufactured home is an “unsafe structure”; it is unfit for occupancy; it is partially collapsed, has unsecured openings and has areas that cannot provide protection from the elements, and

WHEREAS since that time the unsafe structure has further collapsed making it a public safety hazard. Furthermore, the unsafe structure is in violation of Local Law No. 1 for the year 1981, “Providing for the Repair and Removal of Unsafe Buildings and Collapsed Structures”, and

WHEREAS, Resolution #91-2010, dated October 14, 2010, resolved that the Supervisor be authorized to send letters ordering the property owners to remove the unsafe structure from the property and to set a hearing date for December 9, 2010, at 6:30 p.m., and

WHEREAS, one property owner was served notice on November 2, 2010, by a process server for Tri-City Process Servers, of the City of Brantford, in the Province of Ontario (Canada) and the letter to the second property owner was returned as not residing at the address listed on the tax roll, and

WHEREAS, a hearing was held on December 9, 2010, for the property owners as provided for in the Local Law #1 for the Year 1981, where all the Board members were present, neither property owner attended the hearing to express their opinion of the condition of the unsafe structure, and

WHEREAS nothing has been done by the property owners to repair or remove the unsafe structure, as noted in a recent picture taken of the property,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes the Supervisor to send a final letter to the property owners to remove the unsafe structure, a single wide manufactured home, and

BE IT FURTHER RESOLVED that if one or more of the property owners has been served and nothing has been started within 30 days or completed within 60 days thereafter, the Town of Brighton will remove the unsafe structure and file papers with the Franklin County Real Property Office to assess the cost of the demolition, removal (estimated at \$4,000) and all legal fees against the property.

ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

RESOLUTION #55 declared duly adopted.

- 6. Uniform Notice of Claims Certificate – Supervisor Peter Shrope:** The Secretary of State can be designated as an agent for the town for people to file a “Notice of Claims” against the town. A person from the Town needs to be designated who will receive such claims and any funds that may come to the Town, deadline to file designated person is before July 14, 2013.

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RESOLUTION #56

DESIGNATION OF SUPERVISOR TO RECEIVE NOTICE OF CLAIMS FROM SECRETARY OF STATE

Motion made by Supervisor Peter Shrope, **second** by Amber McKernan,

WHEREAS General Municipal Law Section 53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, Section 53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, Section 50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Brighton, County of Franklin, New York, designates Peter Shrope, in his capacity as Supervisor, to receive notices of claims served upon the Secretary of State, and by mail at PO Box 260, Paul Smiths, NY 12970 and email at supervisor@townofbrighton.net, and

BE IT FURTHER RESOLVED that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State, informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town, on or before July 14, 2013.

ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

RESOLUTION #56 declared duly adopted.

7. **Article 7 – Tax Assessment Settlement – Supervisor Peter Shrope:** Received a letter from the Attorney for the Town Scott Goldie, asking if the Town would like to settle pending lawsuits that covers the years 2009 to 2012. Request was forwarded to Assessor Doug Tichenor for his opinion.
8. **Franklin Country Joint Application for Housing Grant – Supervisor Peter Shrope:** Received an email request from the Town of Malone dated May 22, 2013, to support a joint application for housing grants. Discussion was held, Board is not interested in pursuing at this time. Supervisor Peter Shrope will respond to the email.
9. **Painting Roofs – Supervisor Peter Shrope:** Town Hall roof will be fixed and repainted. On the Park building the nails keep popping out and need to be moved, Resolution #45 needs to be amended to include the increased cost. The pump house also needs paint. The garage roof is fine.

RESOLUTION#45 (Amended)

PAINTING OF PARK AND TOWN HALL ROOFS

Motion made Supervisor Peter Shrope, **second** by Lydia Wright,

RESOLVED that the Town Board authorizes Supervisor Peter Shrope to contract for professional services with Chad Quinn to repair and paint the park building roof not to exceed \$2,200, and paint the roof on the Town Hall for \$3,800, not including materials.

ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

RESOLUTION #45 declared duly amended.

10. **Judge's Bench – Supervisor Peter Shrope:** Obtained a quote of \$300 to get a rug installed by Newman & Holmes and purchase three lower filing cabinets at \$450.00 each to complete the Judge's bench area. Discussion was held and the Board said not at this time, it is tabled until budget discussions.
11. **AdkAction- Supervisor Peter Shrope:** Received a letter dated June 8, 2013, from AdkAction asking the Town to curtail mowing on the roadsides from late June to September 15 to protect the Monarch butterflies. They enclosed milkweed seeds for planting. The Wild Center in Tupper Lake is sponsoring a movie "Flight of the Butterflies" and they recommend everyone go see it. Brian McDonnell said the Butterfly House at the VIC is opening on June 15.
12. **State Route 30 Speed Limit – Supervisor Peter Shrope:** Received notice from the NYS Department of

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Transportation, Watertown, NY, dated June 10, 2013 concerning the speed limit reduction on State Route 30. There will be a posted 40 mph speed limit zone from one-half mile north of Paul Smiths College to one-half mile south of the College on State Route 30. As soon as the regulatory signs are installed, the new speed restriction will be enforceable.

COMMITTEES: Nothing further to report

CITIZENS COMMENTS: None

EXECUTIVE SESSION

Motion made to GO INTO EXECUTIVE SESSION at 10:05 p.m. by Supervisor Peter Shrope, **second** by Lydia Wright, in accordance with Public Officers Law, Article 7, Section 105(d) to discuss current litigation "Town of Brighton vs Paul Smith's College" Avoidable Alarm Violations. **Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0**

Motion made to GO OUT OF EXECUTIVE SESSION at 10:28 p.m. by Supervisor Peter Shrope, **second** by Lydia Wright. **Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0**

AUDIT OF VOUCHERS

RESOLUTION #57

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Lydia Wright, **second** by Amber McKernan,

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 for 2013 General Funds in the amount of \$635.39 and **STREET LIGHTING FUNDS** in the amount of \$59.60

GENERAL FUND: Abstract #6 for Voucher 95 through and including #123 for 2013 funds in the amount of \$13,441.40

HIGHWAY FUND: Abstract #6 for Voucher #48 through and including #58 for 2013 funds in the amount of \$10,737.50

ROLL CALL VOTE: **Aye 5 (McDonnell, McKernan, Shrope, Tucker, and Wright), Nay 0**

Resolution#57 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 10:30 p.m. made by Lydia Wright, **Second** by Supervisor Peter Shrope, **Aye 5 (McDonnell, McKernan, Shrope, Tucker, and Wright), Nay 0**

Respectfully Submitted,

Elaine Sater, RMC
Brighton Town Clerk