

REGULAR MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

July 11, 2013

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, July 11, 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 7:02 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 and Elaine Sater -Town Clerk

RESIDENTS: There were two residents present

GUESTS: None

DEPARTMENT REPORTS

- 1) **HIGHWAY – Andy Crary:** Report submitted prior to meeting
 - a) Report:
 - i) Mowed cemeteries, Town Hall and Garage lawns
 - ii) Made a dump run
 - iii) Road raked the Hoffman Road
 - iv) Picked up bottled water
 - v) Weed wacked the road entrances
 - vi) Put hydraulic pump in the LT 9000
 - vii) Mowed County road sides
 - viii) Mowed Town roads
 - ix) Worked on Garondah Road
 - x) Did road checks
 - xi) Cleaned mud off Hobart Road
 - xii) Took Paystar to Fran McAllister for welding work
 - xiii) Borrowed Town of St. Armand’s sand blaster
 - xiv) Mowed the landfill
 - b) **Equipment Inventory:** Completed and file with Town Clerk
 - c) **County Road 60 Repairs:** Getting complaints from residents concerning the holes in County Road 60. Andy Crary spoke with Franklin County Superintendent of Highways Jon Hutchins who has looked at the problem. He has funds to pay for 1.5 miles of paving but wants to start at State Road 86. The worst part of the road is between mile 1 and 2. Discussions are ongoing.
 - d) **Franklin County Critical Facilities Inventory:** Provided Franklin County with an inventory of critical facilities in the Town including 5 Town buildings and a fuel depot, 1 fire department building and fuel depot, and 21 culverts on Town roads.
- 2) **TOWN CLERK – Elaine Sater:** Report submitted prior to meeting
 - a) Total Revenue to Supervisor as of June 30, 2013 is \$ 498.93 from 1 DEC Sport License, 1 Marriage License #3, 1 dog license renewed, 4 building permits (#13-015 to 018), and 4 copies from FOIL.
 - b) The Final Assessment Roll for 2013 was filed in the Town Clerk’s Office on July 1, 2013
 - c) June 29, posted Notice of Special Meeting on Tuesday, July 2 at 6 p.m. at the three post offices and on the Town Clerk’s sign board; notified the Adirondack Daily Enterprise.
 - d) TOWN HALL REQUESTS: None
 - e) TOWN PARK REQUESTS: Sunday, July 28, Cook Family, 10 a.m. to 4 p.m. and Sunday, August 18, Church of the Assumption, 10 a.m. to 5 p.m.
 - f) RECORDS MANAGEMENT: Finished shredding the 2006 Financial and Town records per MU-1, working on old Court records.
- 3) **TAX COLLECTOR – Holly Huber:** Report submitted prior to meeting:

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- a) Attended the June Town Council meeting in order to offer clarification of her current record-keeping procedures and to determine if there is a need for additional documentation.
- b) Responded to request for tax bills and/or receipts from property owners, attorneys and mortgage lenders
- c) Prepared an expense voucher

4) TOWN JUSTICE – Nik Santagate: Report submitted prior to meeting.

Supervisor Peter Shrope received \$3,405.00 for fees and fines from the Justice with a list of 38 disposed cases

5) CODE ENFORCEMENT OFFICER – Paul Blaine: Report submitted prior to the meeting

- a) Building Permits (BPs): 4 BPs issued (#13-015 thru 018)
- b) Certificate of Occupancy/Compliance: Issued one Certificate of Compliance for BP #13-007
- d) Complaints: One still open

6) ASSESSOR – Douglas Tichenor: No Report received

7) TOWN PARK – Dan Spencer: No Report received

8) FOOD PANTRY – Barb Marshall: Report submitted prior to meeting.

- a) Reported a total of 575 people served.
- b) Notified by Dan Spencer that the field is used on Wednesdays and the isles of the park building need to be kept clear of carts, wheelchair, boxes, etc, that folks do need to use the rest room facilities. (That is what the porta potty is for, right?) Left a message for Dan Spencer that it wasn't a problem to do this, also stressed that she needs to be sure that the building is secure, and that folks do not help themselves to the items that are put out. They must set up on Wednesdays before food pantry as they do not have the time to do this on the Thursday mornings they have pantry. She is sure this will work out. (Tarps will be covering the food items that are in the crates put out.)

Supervisor Peter Shrope said he received a donation from the Food Pantry in the amount of \$200 to help with electrical expenses.

Amber McKernan asked about the cigarette butt can that is needed to keep the butts off the ground and from blowing into her yard.

Supervisor Peter Shrope said the flail mower and tractor can be stored in the garage for the Highway department to use for mowing the fields, once the cardboard is removed.

9) HISTORIAN-Mary Ellen Salls: No report received

10) ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society): No report received

11) SUPERVISOR- Peter Shrope:

- a) **85 County Road 60, Violations of Local Law #1 for the Year 1981:** RE: Manufactured home that has caved in; on June 25 posted notice that a final letter to remove structure was sent to property owners, June 28 one owner (Cross) has confirmed receipt of letter, second owner was not available to receive letter as of July 10, 2013.
- b) **652 Keese Mills Road:** The 60-day deadline after being served a letter to remove the structure at 652 Keese Mills Road will be July 15. No action on property noted by Supervisor Peter Shrope and according to a Report of Findings dated July 11, 2013, from Code Enforcement Officer. (See Business, Para 5)
- c) **Humes's Tax Assessment Article 7:** According to Assessor Doug Tichenor, the Town does not need to act on these cases; the property owner did not file a renewal of his complaint for 2013 so the time limit on the cases will run out.
- d) **Time Warner Cable Services:** Received a notice of possible programs changes for the cable provided by Time Warner Cable, dated July 13, 2013, depending on renewal of certain contracts
- e) **Financial Report:**
 - i) Budget as of June 30, 2013, was distributed to Town Board box for review
 - ii) Revenues for General Fund: \$200.00 donation from Food Pantry, \$3,852 from Justice and \$598.95 from Town Clerk
 - iii) NYCLASS Interest from June 2013: \$1.15 for General Fund, Total is \$85,249.71, \$.55 for Highway,

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Total Highway is \$40,101.18.

APPROVAL OF MINUTES

-Regular Board – June 13, 2013

Motion made by Amber McKernan, second Lydia Wright, to accept the minutes of the Regular Board meeting of June 13, 2013, as written. Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

-Special Board – July 2, 2013

Motion made by Lydia Wright, second Steve Tucker, to accept the minutes of the Special Board meeting of July 2, 2013, as written. Aye 3 (Shrope, Tucker, Wright), Nay 0, Abstain 2 (McDonnell, McKernan)

CITIZENS COMMENTS:

David Knapp – Gabriels: He commented that it is interesting to see that some issues never die. He would like to know what the policy is for smoking on Town property. There should be a “carry-in carry-out” policy for garbage at the Park.

Steve Tucker said the policy is no smoking at the Park. Supervisor Peter Shrope said the Food Pantry pays to have the trash hauled away. Dan Spencer gets the trash out for the pantry.

EXECUTIVE SESSION

Motion made to GO INTO EXECUTIVE SESSION at 7:30 p.m. p.m. by Supervisor Peter Shrope, second by Amber McKernan, 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

David Knapp was invited into Executive Session

Motion made to GO OUT OF EXECUTIVE SESSION at 8:30 p.m. by Supervisor Peter Shrope, second by Amber McKernan. Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

Supervisor Peter Shrope called for a Special Meeting to be held on Thursday, July 18, 2013 at 9 a.m. at the Town Hall to discuss the litigation further.

BUSINESS

1) Designation of Counter Signer for Checks over \$5000.00 – Supervisor Peter Shrope: Need to amend the resolution to one signature for transfer of funds between Town accounts:

RESOLUTION #3-2013 (Amended)

DESIGNATION OF COUNTER SIGNER FOR CHECKS OVER \$5000.00

Motion made by Supervisor Peter Shrope, Second by Brian McDonnell,

WHEREAS, the Town has a policy for second signature on checks of \$5,000 and higher (Resolution #75-2002), and

WHEREAS, every month two checks are written to transfer funds between the Highway and General Funds and the Trust and Agency Payroll Account that are always over \$5,000.00 and require a second signature from the Town Clerk, and

WHEREAS, this requirement is sometimes overlooked and redundant on the checks for transfers of funds,

NOW THEREFORE BE IT RESOLVED that the Town Clerk Elaine Sater be designated as the counter signer on all checks over \$5,000 written by the Town of Brighton in 2013, with the exception of checks written

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for transfers of funds between Town accounts where only one signature is required.

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

Resolution #3-2013 declared duly amended.

- 2) **Park Roofs -Supervisor Peter Shrope:** The park building roof has been painted; this made the garage roof looked shabby so he had Chad Quinn paint the garage roof also to make the buildings look consistent, after consulting with other Board members

RESOLUTION#45-2013 AMENDED (Amended)

PAINTING OF PARK AND TOWN HALL ROOFS

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

RESOLVED that the Town Board authorizes Supervisor Peter Shrope to contract for professional services with Chad Quinn to repair and paint the park building and garage roofs not to exceed \$2,500, 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 #45-2013 AMENDED declared duly amended.

- 3) **Chairs for Town Hall – Supervisor Peter Shrope:** Lydia Wright and Kevan Moss did some research for wooden folding chairs for the Town Hall. They found 16 chairs at a store in Lake Placid.

RESOLUTION #58

WOODEN FOLDING CHAIRS (16) FOR THE TOWN HALL IN THE AMOUNT OF \$350.00

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

RESOLVED that the Board authorizes Lydia Wright to purchase 16 wooden folding chairs from Forest Home Furnishing in Lake Placid for the amount of \$350.00, and

BE IT FURTHER RESOLVED that the funds will come from the Town Hall Restoration Capital Project Fund.

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

RESOLUTION #58 declared duly adopted.

- 4) **Local Government Day-Supervisor Peter Shrope:** Local Government Day will be held in Potsdam on Tuesday, October 15, 2013.

- 5) **652 Keese Mills Road-Supervisor Peter Shrope:** Need to make a decision on removing the building

RESOLUTION #59

REMOVAL OF UNSAFE STRUCTURE AT 652 KEESE MILLS ROAD IN VIOLATION OF LOCAL LAW #1 FOR THE YEAR 1981

Motion made by Supervisor Peter Shrope, **second** by Brian McDonnell,

WHEREAS, the Town board received a letter from the Code Enforcement Officer dated June 21, 2012, stating that a structure at 652 Keese Mills Road (Tax Map# 379.-1-3.300) had been damaged by fire and is partially collapsed and is in an unsecure condition and cannot be occupied, and the Code Enforcement Officer recommended that the structure be removed, and

WHEREAS, on October 2, 2012, the Town Board sent the property owner notice that the structure was in violation of Local Law #1 of the Year 1981 “Providing for the Repair and Removal of Unsafe Buildings and Collapsed Structures” and a copy of the Code Enforcement Officer’s letter, dated June 12, 2012, stating that the structure was unsafe and should be removed, and

WHEREAS on October 18, 2012, at 6 p.m., the Town held a public hearing to give the property owner the opportunity to appear before the Town Board and make comments, make objections, or raise concerns regarding the Town’s plan to demolish subject structure, to which no property owner appeared, and

WHEREAS, the Town gave the property owner ample time to take the structure down, and furthermore, a second notice was sent on May 10, 2013, and proof of delivery on May 15, 2013, was received, informing the property owner that the Town was going to proceed with demolishing the structure if no action was started within 30 days and completed in 60 days of receipt of the letter, and furthermore, the town would institute special proceeding to collect the cost of demolition and removal against the property which is estimated to cost \$11,900, not including

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legal fees, and

WHEREAS, a notice of both letters sent to the property owner, dated October 2, 2012, and May 10, 2013, were filed with the Franklin County Clerk's Office in Malone, New York, and

WHEREAS, the Town Board has received a letter dated July 11, 2013, from the Code Enforcement Office stating that nothing has been done to remove the unsafe structure and that the structure is still unsecured and unfit for occupancy,

NOW THEREFORE BE IT RESOLVED that on Monday, July 15, 2013, since it will be 60 days from date the notice was given to the property owner of 652 Keese Mills Road (Tax Map# 379.-1-3.300) the Town of Brighton will take action to demolish and remove the remaining part of the unsafe structure on the property at 652 Keese Mills Road and assess the costs of demolition estimated to be \$11,900.00 and legal fees on the property to the Franklin County Office of Real Property, and

BE IT FURTHER RESOLVED that the Town of Brighton will hire a contractor to demolish and remove the unsafe structure for a cost Not To Exceed \$11,900 to commence after Monday, July 15, 2013.

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

RESOLUTION #59 declared duly adopted.

- 6) **Residential Drop-off Locations for E-waste-Supervisor Peter Shrope:** There is a website for local locations for disposing of electronic waste at www.ewaste.com.

COMMITTEES:

- 1) **Parks & Recreations-Peter Shrope and Steve Tucker:** Amber McKernan said she has been planting flowers at the park. She noticed a large pile of pine needles and cigarette butts that needs to be cleaned up. She asked if the outdoor lights could be motion sensor lights instead to reduce the cost.
- 2) **Town Hall Project-Peter Shrope and Lydia Wright:** Committee needs to meet within the next month

CITIZENS COMMENTS: None

AUDIT OF VOUCHERS

RESOLUTION #60

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Amber McKernan, second by Steve Tucker,

RESOLVED that the Supervisor be authorized to pay the audited vouchers as listed on the abstracts as follows:

PREPAID FUNDS: Abstract #7 for Voucher #7A through and including #7C for 2013 General Funds in the amount of \$601.02 and **STREET LIGHTING FUNDS** in the amount of \$52.59

GENERAL FUND: Abstract #7 for Voucher 124 through and including #148 for 2013 funds in the amount of \$9,777.34

HIGHWAY FUND: Abstract #7 for Voucher #57 through and including #64 for 2013 funds in the amount of \$5,537.36

CAPITAL PROJECT FUND TOWN HALL PROJECT: Abstract #45 for Voucher #105 in the amount of \$350.00

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

Resolution#60 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 9:30 p.m. made by Steve Tucker, second by Lydia Wright, Aye 5 (McDonnell, McKernan, Shrope, Tucker, and Wright), Nay 0

Respectfully Submitted,

Elaine Sater, RMC, Brighton Town Clerk