

**TOWN OF BRIGHTON – FRANKLIN COUNTY, NEW YORK
REGULAR BOARD MEETING – JULY 12, 2012**

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, July 12, 2012 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 Peter Shrope at 7:02 p.m.

Pledge to the Flag was recited

A moment of silence was held in memory of Gould Hoyt who died, he was a Town resident and a former Council Member.

ROLL CALL OF OFFICERS

PRESENT: Supervisor Peter Shrope

Council Members: David Knapp, Brian McDonnell and Lydia Wright

ABSENT: Council Member Steve Tucker

OTHERS PRESENT: Paul Blaine - Code Enforcement Officer, Andy Crary - Superintendent of Highways, and Elaine Sater - Town Clerk

RESIDENTS: None

GUESTS: None

DEPARTMENT REPORTS

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

a. Report:

- i.** Tar aprons were put on both trucks
- ii.** Mowed cemeteries, town hall and garage lawns
- iii.** Took broom off tractor and installed mower deck
- iv.** Mowed landfill top
- v.** Started mowing road sides
- vi.** Fixed turn-around on Tebbutt Road, 2 loads of crusher run
- vii.** Fixed Riley Road, 2 loads of crusher run
- viii.** Purchased signs for Riley and Hoffman Roads
- ix.** Road raked dirt roads
 - x.** Put new air supply valve on Paystar
 - xi.** Weed whacked entrances to side roads
 - xii.** Made dump run
 - xiii.** Removed dead tree from Town Hall lawn
 - xiv.** Men used vacation time 1st week of July

- b. DUMP/PLOW TRUCK:** Would like to advertise for bids on a new 2013 Dump/Plow Truck, Board discussion was held on ways to pay for a truck as well as other items such as retirement payment for the Assessor for 2013.

RESOLUTION # 64

BID REQUEST FOR 2013 DUMP/PLOW TRUCK

Motion made by David Knapp, **second** by Supervisor Peter Shrope,

RESOLVED that the Superintendent of Highways Andy Crary be authorized to advertise for sealed bids for a 2013 Dump/Plow Truck.

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

RESOLUTION #64 declared duly adopted.

SPECIAL MEETING: Supervisor Peter Shrope called a Special Meeting on Thursday, August 2, 2012, to further discuss the budget for 2013.

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2. **TOWN CLERK – Elaine Sater:** Report submitted prior to meeting
 - a. Total Revenue to Supervisor as of June 30, 2012, was \$240.77 from 1 Sport License, 2 Dog Licenses renewed, and 5 Building Permits (#12-007 thru 011).
 - b. June 28 received notice from the Franklin County Board of Elections, there will be a State Primary Election on Thursday, September 13 from 12 noon to 9 pm at the Town Hall; same day a Regular Town Board meeting. Also received a notice that Town Clerks are invited to attend training for voting machines.
 - c. Town Hall Request: None
 - d. Town Park Request: None
 - e. Records Management: Moving records into low filing cabinets and shredding old assessor files.

CHANGE OF REGULAR MONTHLY MEETING FOR SEPTEMBER 2012: Motion made by Supervisor Peter Shrope, **second** by David Knapp, **to move the Regular Town Board meeting from Thursday, September 13, 2012 to Thursday, September 20, at 7 p.m. due to the State Primary Election. Roll Call Vote: Aye 4 (Knapp, McDonnell, Shrope, Wright), Nay 0, Absent 1 (Tucker)**

3. **TAX COLLECTOR – Holly Huber:** Report submitted prior to meeting
 - a. **Report:**
 - i. Provided tax payment information to a mortgage re-financier.
 - ii. Directed a caller inquiring about buying a tax delinquent property to County Treasurer.
 - iii. Directed a caller to town assessor for explanation of tax bill codes.
 - iv. Printed and mailed a brochure on how to grieve one's taxes.
 - v. Reviewed minutes from June meeting.
 - vi. Contacted Jennifer O'Neill of the NYS Office of the Comptroller. She will insert our Town's information into the document her office approves of that details the retention and disposal guidelines of checks of remote capture devices. Once signed by Gregory (sic) Huth, Director of Government Records Services, it will be mailed to the Town Clerk.
 - vii. Renewed the tax collector PO Box
 - viii. Scored a late model all-in-one printer at a yard sale and ink cartridges and copier labels at a thrift store.
 - ix. Prepared for the first audit of tax collector's records
 - b. **David Knapp** said the Tax Collector would like to use the Remote Capture machine for the 2013 tax season for three months instead of just two months.
 - c. **Supervisor Peter Shrope** said the audit of the Tax Collector's financial records was completed prior to the meeting.

RESOLUTION #65

AUDIT OF TAX COLLECTOR'S 2012 FINANCIAL RECORDS

Motion made by David Knapp, **second** by Lydia Wright,

RESOLVED that the Town Board accepts the audit conducted on the Tax Collector's Financial Records for 2012 on July 12, 2012.

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

RESOLUTION #65 declared duly adopted.

RESOLUTION#66

LEASE OF REMOTE CAPTURE DEPOSIT DEVICE FOR 2013 TAX SEASON

Motion made by David Knapp, **second** by Lydia Wright,

RESOLVED that the Tax Collector Holly Huber is authorized to lease a Remote Capture Deposit Device for the 2013 Tax Collection season for the months of January, February, and March 2013.

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

RESOLUTION #66 declared duly adopted.

4. **TOWN JUSTICE – Nik Santagate:** Report submitted prior to meeting.
 - a. Supervisor Peter Shrope received a check in the amount of \$3,645.00 for fees and fines from the Justice with a list of 41 cases disposed for the month of June 2012.

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- b. David Knapp said that Justice Santagate told him he was very appreciative of the letter received from the Supervisor dated June 19, 2012. It read as follows:
"Honorable Justice Santagate, On behalf of the Town Board and Citizens of Brighton I would like to recognize and commend the extraordinary caseload you have been resolving for the past several months. The time and dedication you give to your office is a great asset to the town. Thank you, Peter Shrope, Supervisor"
5. **CODE ENFORCEMENT OFFICER(CEO) – Paul Blaine:** Report submitted prior to meeting.
- a. **Report:**
- i. **Building Permits (BPs):** 5 BPs (#12-007 thru 011) were issued
 - ii. **Certificate of Occupancy (CO)/Compliance (CC) Issued:** One CO issued for BP #08-003 and two CCs issued for BP#12-006 and 008.
 - iii. **Avoidable Alarms Update:** One (1) avoidable alarm violations (#12-022) were reported and completed during June
- b. **Complaint:** The Board received a letter from the CEO dated June 21, 2012, Re: Local Law #1-1981, an unsafe structure at 625 Keese Mills Road, Tax Map # 379.13-3.300, building was damaged from a fire and is unsafe; the CEO recommends that the structure be removed. He has contacted the owner and no action has been taken to clean up the property. The Board will review Local Law #1-1981 for the next meeting.
6. **ASSESSOR – Douglas Tichenor:** Report submitted prior to meeting
- a. The Final Assessment Roll was filed as of July 1, 2012, with the Town Clerk. A legal notice regarding this was posted in the ADK Enterprise newspaper.
 - b. Notice was received from the State dated June 11, 2012, regarding the filing of the Town of Brighton Equalization Rate complaint. It stated that someone will be contacting him prior to the hearing date of July 24th, at this time he has heard nothing.
 - c. Would like to meet with the Assessment Department committee sometime soon to discuss many things relative to the assessment function in the Town. He can be reached at 891-0436 or 483-0188 (or 327-3086). Will be gone from July 16-18 to attend a seminar for required continuing ed. courses.
7. **HISTORIAN - Mary Ellen Salls:** No report received
8. **TOWN PARK – Dan Spencer:** Report submitted at meeting
- a. Mowed fields
 - b. Repaired tables
 - c. Painting
 - d. Raking
 - e. Helping out teams when needed (both soccer and softball teams), helping move nets as needed, helping coaches put nets on frames
 - f. Requested a new answering machine to replace one damaged during a storm. Discussion was held by Board regarding the need for an answering machine at the park as the phone is for mainly emergency use. David Knapp will discuss this further with Dan Spencer.
9. **FOOD PANTRY – Barb Marshall:** Report submitted prior to meeting
- a. **Report:** Served 183 families, 539 people. A freezer lost power and meat/food items were lost. The freezer operates on a digital control and was on the "Off" mode when she came in to do bottles. Needless to say, she had a heck of a mess and loss. Not sure how this happened, as the other units were working fine. She speculates that maybe some kids may have crawled under the gate and fooled around with the controls, and panicked when the off mode came on. The rest of the crew feels the same way. The freezer did not shut off on its own. Don't know for sure, but will take measures to block the area under the gate. Danny said he will keep an eye on the digital (control). Still waiting for a copy of the National Grid bill so she knows what the pantry owes for its electrical use. (Unable to read all of report, received a faxed copy.)
 - b. Discussion held on why someone would only turn off a freezer and not do any other damage.

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

11. SUPERVISOR'S REPORT

a. Financial Report:

i. Budget showing revenues and expenses as of June 30, 2012, was distributed to Board members.

ii. NYCLASS: Interest: \$2.67 for General Fund and \$1.21 for Highway Fund; Total \$3.88

b. Franklin County Supervisors: Next meeting in Wednesday, August 1 at Paul Smiths College, plans to attend

APPROVAL OF MINUTES

- Regular Board Meeting – June 14, 2012

Motion made by Brian McDonnell, **second** by David Knapp, **to adopt the minutes of the Regular Town Board meeting held on June 14, 2012, as written.**

Roll Call Vote: Aye 4 (Knapp, McDonnell, Shrope, Wright), Nay 0, Absent 1 (Tucker)

CITIZENS COMMENTS: None

BUSINESS:

- 1. Saranac Lake Area Youth Program (SLAYP) – Supervisor Peter Shrope:** Received a contract from the Saranac Lake Central School District to participate in the 2012 summer program. Discussion was held on the other ways the \$1500 could be used by the Town. There were several questions raised by the Board about the program. Supervisor Peter Shrope will send a letter to Paul Leahy to get answers to the questions. Motion made by David Knapp and second by Brian McDonnell to approve the contract was tabled until next meeting.
- 2. Adirondack Park Institute (API) – Lydia Wright:** Received a request from the API for the Town to support a grant application by the API in the amount of \$30,000 toward Capital Improvements at the Visitors Interpretive Centers at Newcomb and Paul Smith's College.

RESOLUTION #67

SUPPORT FOR GRANT IN THE AMOUNT OF \$30,000 FOR THE VICS

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

WHEREAS, the Town is very pleased to see Paul Smith's College take over the Visitor's Interpretive Center (VIC), keep it open, and continue to provide public access to the building and grounds, and

WHEREAS, the VIC is a key part of the Town's local economy; it provides jobs and attracts visitors to the community, and

WHEREAS, the VIC also presents the opportunity for the College to expand its programming options and strengthen its academic offerings,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes the Supervisor Peter Shrope to write a letter in support of the Adirondack Park Institute's \$30,000 grant application for the "Interpretive Centers Capital Improvement Project" for the facilities at Newcomb and Paul Smith's College.

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

RESOLUTION #67 declared duly adopted.

3. Property at 85 County Road 60 – Supervisor Peter Shrope: No further information received

4. Dry Hydrants Reimbursement PSGVFD – Supervisor Peter Shrope: Received a request from the Paul Smiths-Gabriels Volunteer Fire Department (PSGVFD) for reimbursement of one-half the cost (\$793.48) of dry hydrants purchased by the PSGVFD. Discussion was held on the amount of the bill being higher than was first amount (\$533.00) proposed to the Board and the Board questioned if the installation of dry hydrants was completed. Supervisor Peter Shrope will send a letter to the PSGVFD with the Board's concerns and request again the Certification of Insurance naming the Town as insured.

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RESOLUTION #68

PAYMENT TO PSGVFD FOR DRY HYDRANTS

Motion made by Brian McDonnell, **second** by David Knapp,

RESOLVED that the Town Board authorizes the Supervisor to pay the Paul Smiths-Gabriels Volunteer Fire Department (PSGVFD) the amount of \$793.48 for six (6) dry hydrants after the PSGVFD provides written verification that the work to install the six (6) dry hydrants is completed.

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

RESOLUTION #68 declared duly adopted.

5. **Computer System Security Breach Notification Policy – Supervisor Peter Shrope:** Since 2006 towns have been required to have information security breach and notification measures in place through a policy or a local law that is consistent with the state law. A draft policy was distributed to the Board for review and approval.

RESOLUTION #69

COMPUTER SYSTEM SECURITY BREACH NOTIFICATION POLICY

Motion made by David Knapp, **second** by Supervisor Peter Shrope,

RESOLVED that the Town Board adopts a **COMPUTER SYSTEM SECURITY BREACH NOTIFICATION POLICY** as follows:

1. **PURPOSE:** This Computer System Security Breach Notification Policy is intended to alert individuals to any potential identity theft as quickly as possible so that they may take appropriate steps to protect themselves from and remedy any impacts of the potential identity theft or security breach. This Policy is consistent with and adopted pursuant to New York State Technology Law Section 208.
2. **DEFINITIONS:** The following terms have the following meanings:
 - a. "Breach of the security of the system" means unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality or integrity of personal information maintained by the Town. Good faith acquisition of personal information by an employee or agent of the Town for the purposes of the employee or agent is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure.

In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, the Town may consider the following factor, amount others:

 - i. Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
 - ii. Indication that the information has been downloaded or copied; or
 - iii. Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.
 - b. "Consumer reporting agency" means any person or entity which, for monetary fees, dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility or interstate commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies may be obtained upon request to the State Attorney General.
 - c. "Department" means any board, division, committee, commission, council, department, public authority, public benefit corporation, office or other governmental entity performing a governmental or proprietary function for the Town .
 - d. "Personal information" means any information concerning a natural person which, because of name, number, personal mark, or other identifier, can be used to identify that person.
 - e. "Private information" means personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:
 - i. Social security number;
 - ii. Driver's license number or non-driver identification care number; or
 - iii. Account number, credit or debit card number, in combination with any required security code, access code, or password which would permit access to an individual's financial account.

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- iv. "Private information" does not include publicly available information that is lawfully made available to the general public from Town records.
- f. "Town" means the Town of Brighton, County of Franklin, State of New York
- 3. **DISCLOSURE OF BREACH TO AFFECTED PERSONS:** Any Town Department or Contractor that owns or licenses computerized data that includes private information must disclose any breach of the security of the system to any individual whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in paragraph 5 below, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The Town shall consult with the State Office of Cyber Security and Critical Infrastructure Coordination to determine the scope of the breach and restoration measures.
- 4. **DISCLOSURE OF BREACH TO OWNER OR LICENSEE:** If the Town maintains computerized data that includes private information which the Town does not own, the Town must notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.
- 5. **PERMITTED DELAY:** Notification pursuant to this Policy may be delayed if a law enforcement agency determines that notification could impede a criminal investigation. The notification must be made after the law enforcement agency determines that notification would not compromise any criminal investigation.
- 6. **METHOD OF NOTIFICATION:** The required notice must be directly provided to the affected individuals by one of the following:
 - a. Written Notice
 - b. Electronic notice, provided that the person to whom notice is required to be provided has expressly consented to receiving notice in electronic form and a log of each electronic notification is kept by the Town; and provided further that no person or business may require a person to consent to accepting notice in electronic form as a condition of establishing any business relationship or engaging in any transaction;
 - c. Telephone notification, provided that a log of each telephone notification is kept by the Town,
 - d. Substitute notice, if the Town demonstrates to the State Attorney General that the cost of providing notice would exceed \$250,000 or that the number of individuals to be notified exceeds 500,000 or the Town does not have sufficient contact information. Substitute notice must include all of the following:
 - i. Email notice, when the Town has an e-mail address for the subject persons
 - ii. Conspicuous posting of the notice on the Town's website page, if the Town maintains one; and
 - iii. Notification to major statewide media
- 7. **INFORMATION REQUIRED:** Regardless of the method by which notice is provided, the notice must include contact information for the Town and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, acquired.
- 8. **NOTIFICATION OF AGENCIES:**
 - a. Whenever any New York State residents are to be notified pursuant to this Policy, the Town must notify the State Attorney General, the Consumer Protection Board and the State Office of Cyber Security and Critical Infrastructure Coordination as to the timing, content and distribution of the notices and the approximate number of affected people. Such notice must be made without delaying notice to affected individuals.
 - b. Whenever more than 5,000 New York State residents are to be notified at one time, the Town must also notify consumer reporting agencies as to the timing, content and distribution of the notices and the approximate number of affected people. Such notice must be made without delaying notice to affected individuals.

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

RESOLUTION #69 declared duly adopted.

6. Town Hall – Supervisor Peter Shrope:

- a. **Water:** Received a quote from Steve Light for water filters to remove iron from the Town Hall's water system. This is to help reduce the damage to the plumbing and furnace, not to make the water drinkable.

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Based on the price of the quote a second quote will be needed according to Town purchase policy.

- b. Justice Bench:** Received a quote from a contractor, Timothy (Mark) Miller, to complete the Justice Bench.

RESOLUTION #70

CONTRACT FOR COMPLETING THE JUSTICE BENCH

Motion made by David Knapp, **second** by Brian McDonnell,

WHEREAS the Town Hall was renovated and the Justice Bench was partially completed by Town employees who are not able to complete the project,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes Supervisor Peter Shrope to sign a contract with Timothy Miller, a contractor, to complete the Justice Bench in the Town Hall for the amount of \$915.00 using Town Hall Capital Project Funds.

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

RESOLUTION #70 declared duly adopted.

7. **Park Building Roof – Supervisor Peter Shrope:** Received a quote from a painter to paint the roof on the Park building. Need to budget for next year if possible or use Youth Program funds, discussion to continue at next meeting.
8. **Retirement System – Supervisor Peter Shrope:** Total amount to Town for Assessor to join the retirement system is \$10,956 for past years. Town has to pay full amount when invoice comes in, cannot split it up between years per John Clancy at the Retirement System's Office.
9. **NYS Road Construction – Supervisor Peter Shrope:** Received a notice from the Governor's Office that a travel advisory website (www.511ny.org) was available to track New York State road construction. The construction on State Route 86 between Saranac Lake and Lake Placid is not indicated on the map.
10. **Soccer and Softball Teams – Supervisor Peter Shrope:** Sent a letter dated June 19, 2012, to each team using the Park field asking that they set up and take down the equipment necessary for each sport each night they have the field and remove the equipment from the main playing fields so as not to interfere with the next night's activities. Soccer nets can be moved to a far side of the field, out of the way of the softball diamond and outfield.

COMMITTEE REPORTS

1. **HIGHWAY - David Knapp and Steve Tucker:** Nothing further to report
2. **ADIRONDACK REGIONAL AIRPORT - Thomas McKernan and David Knapp:** Nothing further to report
3. **PARK & RECREATION - Steve Tucker and Peter Shrope:**
 - a. **Dead Trees:** Franklin County Engineer said there is only one tree in the right-of-way that they would take down but only if it is a danger to anyone. National Grid sent a notice saying the Lewis Tree Service is removing trees along the power lines for the next three months (6/25 to 9/28/12).
 - b. **Park Lease:** No further information.
4. **INSURANCE/INVESTMENTS - David Knapp and Lydia Wright:** Nothing further to report
5. **CEMETERY& TOWN BUILDINGS - David Knapp and Steve Tucker:**
6. **WEBSITE - Supervisor Peter Shrope:** Nothing to report
7. **FIRE ADVISORY BOARD (FAB)-Steve Tucker:** Nothing to report
8. **TELECOMMUNICATIONS - Supervisor Peter Shrope:** Nothing to report
9. **TOWN HALL PROJECT/OPEN HOUSE: Supervisor Peter Shrope and Lydia Wright:**

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- a. **Town Hall Project:** Light bulbs need to be replaced, need to look at what can be used in enclosed globes, David Knapp looking into lights and fans. Brian McDonnell is looking for wooden chairs. The sign in front of the building needs to be repaired or removed. It was built by the Highway Department about 15 years ago. Some sort of identification is needed for the building. The sign that was on the Town Hall was removed during renovation.
- b. **Open House:** Moved to next summer due to project not being completed
- c. Duncan Cameron is putting the Town Hall in for an Architectural Award

10. ASSESSMENT- Brian McDonnell and Lydia Wright: Will meet with Doug Tichenor concerning the equalization rate.

11. SALARIES/BENEFITS ADMIN - David Knapp and Supervisor Peter Shrope: Still receiving completed surveys. Supervisor Peter Shrope will compile data and discuss with David Knapp on Tuesday, July 17.

CITIZENS COMMENTS: None

AUDIT OF VOUCHERS

RESOLUTION #71

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Lydia Wright, second by David Knapp,

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 2012 General Funds in the amount of \$637.74 and 2012 Street Light Funds in the amount of \$51.35

GENERAL FUND: Abstract #7 for Voucher #153 through and including #171 for 2012 funds in the amount of 2,916.59

HIGHWAY FUND: Abstract #7 for Voucher #74 through and including #79 for 2012 funds in the amount of \$1,853.17

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

Resolution #71 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 9:50 p.m. made by David Knapp, Second by Lydia Wright; Aye 4 (Knapp, McDonnell, Shrope, Wright), Nay 0, Absent 1 (Tucker)

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk