

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

August 12, 2010

Page 1 of 10

The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, August 12, 2010, following a hearing held at 6:30 p.m. at the Brighton Town Garage, Paul Smiths, NY, with the following:

CALL TO ORDER:

The meeting was Called to Order by Supervisor John Quenell at 6:51 p.m.

ROLL CALL OF OFFICERS

PRESENT: Supervisor John Quenell

Council Members: Jeffrey Leavitt, Peter Shrope, and Steve Tucker

ABSENT: Council Member Lydia Wright

OTHERS PRESENT: Paul Blaine – Code Enforcement Officer, Andy Crary – Superintendent of Highways, Amber McKernan – Tax Collector, Nik Santagate – Town Justice, and Elaine Sater – Town Clerk

RESIDENT(S): Several residents and a representative of the media were present

GUEST: None

The Pledge of Allegiance to the Flag was recited.

APPROVAL OF MINUTES

- Regular Board July 8, 2010

Motion made by Steve Tucker, **second** by Supervisor John Quenell, **to approve the minutes of the Regular Board meeting on July 8, 2010, with the following addition to Page 3, Supervisor's Report, Para 5, General Fund Long Range Forecast, after last sentence add: "This presentation was for discussion purposes only."** Aye 4 (Leavitt, Quenell, Shrope, Tucker), Nay 0, Absent 1 (Wright)

- Special Board, August 4, 2010

Motion made by Steve Tucker, **second** by Peter Shrope, **to approve the minutes of a Special Board meeting held on August 4, 2010 as written.** Aye 4 (Leavitt, Quenell, Shrope, Tucker), Nay 0, Absent 1 (Wright)

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of July 31, 2010 was \$ 171.96

1 Sport License

1 Marriage License (ML#2)

2 Park Use Donations

7 Dog Licenses Renewed

2 Building Permits (#10-14 and 15)

1 Copy on Copier

1 Notary Signature

1. July 13, received copy of Certificate of Liability Insurance for Park use from the Saranac Lake Youth Soccer Association
2. July 26, received copy of Certificate of Liability Insurance for Town Garage use from St. Paul's/ Assumption Church Food Pantry.
3. July 29, distributed pages of Town of Brighton Emergency Operations Plan that need updating by Town Board
4. July 29, received notice from Assessor Doug Tichenor of a Petition and Notice of Petition filed in the Franklin County Clerk's Office on July 27, 2010, by Michael E. Humes, pursuant to Article 7 of the Real Property Tax Law. Mailed notice to Attorney for the Town Scott Goldie and gave notice to Supervisor. Received two updates concerning this Petition and sent to Attorney Goldie.
5. Notice has been received that the Department of Agriculture and Markets will no longer issue dog license renewal letters, it will be the responsibility of the town or county to do so after January 1, 2011. The Local Law will need to be revised if the County is not going to provide this service.

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

August 12, 2010

Page 2 of 10

6. August 12, Franklin County faxed a request to change the White Pine Road Bridge contract, it was distributed to the Board.
7. TOWN HALL REQUEST: None
8. TOWN PARK REQUEST: Saturday, September 4-Ducatt Family, 1:30 to 8:00 p.m., Thursday, August 26 – Mental Health Associates of Franklin County, 11a.m. to 2 p.m., Sunday, August 29 – Town of Brighton, 11 a.m. to 3 p.m.

Supervisor **John Quenell** said he would hold the Dog Law revision until a model law was provided by the State.

SUPERVISOR'S REPORT

1. **Monthly Financial Report:** Financial Statement as of July 31, 2010 was distributed to the Board.
2. **Enforcement of "Unsafe Buildings Law", Local Law #1 of the year 1981**
 - a. **Over the Hill Property:** Hearing was held on August 12, 2010 at 6:30 p.m., owner did not appear. Mr. Francesco Bennici arrived during this meeting at 7:39 p.m. stating he was late for the hearing because he had come from Canada and was unable to find the place. He was upset that his house had been demolished by the Town. He said he wanted proof that he had appeared before the Board. Supervisor John Quenell said he would acknowledge his presence. Peter Shorpe and Jeffrey Leavitt asked Mr. Bennici to sign the sign-in sheet to show he had appeared. They explained to him that the Board was having a meeting and that the hearing scheduled for 6:30 p.m. was over. Mr. Bennici signed in to this meeting and left with a copy of the sign-in sheet to show he had been present.
 - b. **Rainbow Lake Road (County Road 60) Property:** Tom Buckley asked the Town Board to remove the vehicles, boats, and a trailer that is broken apart at the Rainbow Lake Road property (85 County Road 60, Tax Map #381.4-1-14) across the street from his property. He is concerned with the many children on the road someone might get hurt on the property. There has not been anyone at the property for 15 months. He spoke with the Code Enforcement Officer (CEO) Paul Blaine about it. The names listed on the tax roll are John Guest and Blaine Croww according to the Tax Collector Amber McKernan. The Town has a Local Law #1 of the Year 1981 (LL#1-1981), "Providing for the Repair and Removal of Unsafe Buildings and Collapsed Structures" that addresses abandoned buildings. The CEO has investigated the property and found it to be in violation of the LL#1-1981 and has written a letter to the Town Board requesting their action. Peter Shrope asked for a "condemned" sign to be posted on the building. The CEO will post a "condemned" sign.

RESOLUTION #77

ENFORCEMENT OF LOCAL LAW NO. 1 OF THE YEAR 1981, "UNSAFE BUILDINGS LAW" FOR 85 COUNTY ROAD 60 PROPERTY TAX MAP #381.4-1-14

Motion made by Supervisor John Quenell, **second** by Jeffrey Leavitt,

WHEREAS, a report has been received by the Town Board of Brighton from the Brighton Code Enforcement Officer, describing his findings and recommendation regarding a single-wide manufactured house at Tax Map Parcel 381.4-1-14, 85 Route 60, which report is attached to and made a part of this resolution:

"August 4, 2010, Town Board, Town of Brighton, PO Box 260, Paul Smiths, NY 12970

Dear Town Board Members,

Please consider this letter as a report of findings and recommendation regarding an unsafe structure in the Town of Brighton as provided for in Local Law No.1 of 1981. Tax map Parcel 381.4-1-14 at 85 Route 60 is owned by John Guest. A single wide manufactured home on this property is unfit for occupancy. This structure has partially collapsed, has unsecured openings and has areas that cannot provide protection from the elements which is allowing further deterioration. As the structure cannot be occupied in its current state, I recommend that this structure be removed from the property. If I can be of any further assistance in this matter, please don't hesitate to contact me. Respectfully, (signed) Paul L. Blaine Code Enforcement Official Town of Brighton"

and

WHEREAS, it is the finding of the Code Enforcement Officer that said structure is badly deteriorated and its condition renders it unfit for occupancy, and

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

August 12, 2010

Page 3 of 10

WHEREAS, it is the judgment of the Town Board that said structure constitutes a public nuisance, is dangerous and unsafe, and that it is within the power of the Town to order that the structure be repaired or demolished and removed as provided for in the Town's Local Law No. 1 of the year 1981.

NOW THEREFORE BE IT RESOLVED that the Town Board hereby authorizes notice to be served upon the property owner in accordance with Section 6 of the Local Law No. 1 of the year 1981, and **BE IT FURTHER RESOLVED** that if, after due process, the Town demolishes and removes said structure, all expenses related thereto shall be assessed against the property in accordance with Section 10 of the Local Law No. 1 of the year 1981.

ROLL CALL VOTE: Aye 3 (Leavitt, Quenell, Tucker), Nay 0, Abstain 1 (Shrope), Absent 1 (Wright)
Resolution # 77 declared duly adopted.

- 3. Camp Gabriels:** Sue Mayer gave a briefing on the Town Redevelopment Citizens Committee actions on behalf of the Town. Established contact with OGS (Office of General Services) concerning the disposal of Camp Gabriels. Also contacted state elected officials; Senator Betty Little's office sent a person to see the property. The Saranac Lake Chamber of Commerce referred an interested party. She attended the "Common Ground Alliance" in Long Lake in July 2010; a person from that meeting visited the property. Visits to the property have to be set up with OGS. OGS has to go thru the auction process in October 2010 to sell the property unless special legislation is passed to allow the State to sell it another way. Appraisals were due to OGS by August 1 and they have not received them yet. It will take some time to review them. Advertising the sale of the property is being done by the State.

Supervisor John Quenell said he was concerned that someone might purchase the property and then abandon it and the Town would be stuck with 48 buildings that are already deteriorated. He spoke with Assembly member Janet Duprey about having the State hold onto the property for two more years. She said the NYS Legislature would not be convening again until January 2011.

RESOLUTION #78

CAMP GABRIELS PROPERTY

Motion made by Supervisor John Quenell, **second** by Jeffrey Leavitt,

WHEREAS, the Town of Brighton, a small, rural town in southern Franklin County with some 850 year-round residents, has diligently sought possible reuses for the 48-building, 92-acre Camp Gabriels site, abandoned by the Department of Correctional Services in July 2009 and presently being managed by the Office of General Services, and

WHEREAS, no viable prospective purchasers of the property have yet appeared, nor is the town of Brighton in a position to make use of or manage the property in any respect, nor has the state's Empire State Development organization expressed any interest in taking over and developing the property,

NOW THEREFORE, BE IT RESOLVED that the town of Brighton urges continued state control and responsibility for the Camp Gabriels property for up to two more years, so as to find a suitable purchaser that would be able to successfully develop and utilize the Camp Gabriels property.

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

RESOLUTION #78 declared duly adopted.

- 4. Rescue Service Contract:** Received a letter, dated July 14, from the Village of Saranac Lake stating the cost for the 2011 rescue contract would be \$36,549.67. The fee is based on the assessed valuation of the Town. The 2010 cost was \$37,264.18 and was based on a percentage of the Village of Saranac Lake's budget. The rescue service is now an independent department from the fire department and the Village. Steve Tucker said the paid EMT has not been hired yet. Currently the towns have contributed \$150,000 toward hiring one.
- 5. Equalization Rate:** Received a letter from the Office of Real Property, Mr. Brian Moon, stating the equalization rate for the Town is 86%. This is higher than the rate was for 2010.

DEPARTMENT REPORTS

- 1. HIGHWAY - Andy Crary:** Report submitted prior to meeting

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

August 12, 2010

Page 4 of 10

- a. Mowed grass and weed whacked at cemeteries / Town Hall / Garage
- b. Made a trip to Plattsburgh for cold patch
- c. Made a trip to Malone to purchase Flail mower and parts
- d. Put mower on tractor and took to Park
- e. Hauled tar for towns of Altamont and St. Armand
- f. Patched pot holes on Keese Mills and Garonda Roads
- g. Cleaned out culverts on McColloms Road
- h. Replaced the hydraulic line on the 850 tractor at the park
- i. Fixed end of Vosburgh Road
- j. Mowed sides of roads
- k. Put new muffler on the F250 pick up truck
- l. Ordered and installed signs for White Pine and Keese Mills roads
- m. Raked dirt roads
- n. Back dragged the North Brook Road
- o. Made a dump run
- p. Worked on Park building
- q. Need a resolution for an Agreement for the Expenditure of Highway Moneys and hold harmless clause for tarring

RESOLUTION #79

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS FOR 2010

Motion made by Jeffrey Leavitt, second by Peter Shrope,

RESOLVED that the Town Superintendent of the Town of Brighton and the members to the Town Board agree pursuant to the provisions of Section 284 of the Highway Law, that monies levied and collected in the Town for the repair and improvements of highways, and received from the State for State Aid for the repair and improvements of highways, shall be expended as follows:

1. **GENERAL REPAIRS.** The sum of \$65,000.00 shall be set aside to be expended for primary work and general repairs upon 1 mile of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.
2. **PERMANENT IMPROVEMENTS.** The following sums shall be set aside to be expended for the permanent improvement of Town Highways on the road commencing at Keese Mills Road and leading to the Santa Clara Town line a distance of 1 mile, there shall be expended not over the sum of \$65,000.00, Type Dense Binder, width of traveled surface 18 Feet, Thickness 2 inches, sub base tar road.

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

RESOLUTION #79 declared duly adopted.

RESOLUTION #80

REQUEST FOR FRANKLIN COUNTY ASSISTANCE AND HOLD HARMLESS CLAUSE

Motion made by Supervisor John Quenell, second by Jeffrey Leavitt,

RESOLVED that the Town of Brighton requests the Franklin County Highway Department assist the Highway department of the Town of Brighton with the following specific equipment a paver, roller, and crew, or any other requested county equipment to pave 1 mile on the Keese Mills Road,

AND BE IT FURTHER RESOLVED that the Town of Brighton agrees that this work is undertaken by the Town Highway Department and the job is totally under the direction and supervision of the Town Highway Department. The Town is required to get necessary Agency permits, property owner's agreements, and provide utility notification. The Town will hold the County harmless from property damages, and any claims brought by any third party as a result of this work, and if the County is held responsible for damages the Town will indemnify the County.

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

RESOLUTION #80 declared duly adopted.

2. **ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** Report submitted prior to meeting
 - a. During May 2010 handled a total of 8 calls, 2 calls were for adoption, 4 calls were in regards to a stray seized at PSC (Paul Smith's College) Campus Security after it swam across the lake, 2 calls for

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

August 12, 2010

Page 5 of 10

spay/neuter assistance. Also drove to a residence on State Rte 86 that had not renewed a delinquent Dog License to issue an appearance ticket. The owner of the dog had moved away with the dog and reported this to the Town Clerk.

- b. During June 2010 handled a total of 14 calls, 1 call for a dog to be surrendered to the shelter, 3 calls for 3 cats to be surrendered to the shelter, 2 calls in regards to adoption, 1 call for spay/neuter assistance, 1 call in regards to 2 stray dogs running that were running loose near Split Rock Rd. Drove to area twice and was unable to locate the dogs. 2 call were in regards to an injured dog at a property on County Rt. 60 that the NYSP (NY State Police) had responded to initially. The owner of the dog had obtained veterinary care as required by state law and she followed up with the NYSP. 4 calls were in response to a fatal car accident on County Rt 55, and the NYSP called for assistance in removing a deceased dog from the vehicle. Assisted the family members in collecting the dog and setting up a cremation service through one of the local veterinarians.

3. ASSESSOR - Doug Tichenor: No report received

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

a. **Building Permits:**

- i) 2 building permits (BP) were issued BP#10-014 and 10-015
- ii) Issued one Certificates of Compliance for BP#07-022

- b. **Avoidable Alarms Update:** Six avoidable alarm complaints received, three were completed (#10-027 thru 29) and three are open (#10-030 thru 032)

- c. **Update on Easy Street Property (Tax Map #380.-1-29):** Deadline to remove and properly dispose of materials pertaining to a junkyard according to a settlement agreement with the Adirondack Park Agency (APA) has been extended until August 30, 2010. The APA is contemplating referral to the Attorney General if no action is taken by that date.

- d. **Funds from July 2010 Report:** The Town Clerk reported not receiving the funds (\$410.75) noted on the July 2010 report. The funds may have been put in the wrong folder. The checks were cashed by the Town, possibly by the Town Supervisor.

Supervisor John Quenell said he puts all money he receives in the bank when he gets it. It would have been charged to the Building Permit revenue account.

5. TAX COLLECTOR - Amber McKernan: Report read at the meeting

- a. Received several ADD/DELETE notifications from mortgaging institutions. Received 2 requests for tax information.
- b. Spoke with Amanda at the Franklin County Treasurer's office regarding the county-wide data base and software for tax collection for Franklin County. There will be nothing in place for the 2011 collection season. Partial payments will still be in effect.
- c. Looked at laptop computers with 4 different vendors, and have found one that meets the specifications for running tax collection software. Did a price comparison and found Office Depot offered the best price, \$749.99 with coupons, rebates, and free shipping. Have an account already with them, so will place the order tomorrow. Rather than purchase Microsoft Office, will use Open Office, an Open Source program available as a free download, to provide word processing and spreadsheet programs used for this office, will also use a free download email program. This will save the Town \$200. According to a computer technician at Best Buy the life expectancy of a laptop computer is about 4 year, the one currently in use was purchased in 2004 as a refurbished laptop. Spoke with BAS to ensure that the new laptop is appropriate to run BAS software.

6. TOWN JUSTICE - Nik Santagate: Report submitted prior to meeting.

- a. Check written to Supervisor in the amount of \$3,745.00 for 36 disposed cases during July
- b. Read a letter addressed to the Town of Brighton Town Board, dated August 9, 2010

“ I need to address the Board regarding the Court facilities.

The Court was willing to endure a poor *temporary* work environment as long as an effort was made to progress toward the completion of the Town Hall renovation plans. This was based on the assumption that the town Hall project would follow the precedence of the last major town building construction project which had:

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

August 12, 2010

Page 6 of 10

- An approved plan
- Professional crews hired
- Moved forward with a sense of urgency and specific time frame
- Moved in a logical sequence
- Limited budget restraints

As of July 2010 board meeting, the Town Hall project had

- No approved plan or core list
- No one had been hired
- No apparent urgency...the building has been empty since April
- No logical sequence has occurred...as there is no approved plan or priorities list
- No building permits issued
- The \$200,000 EPF Historic Preservation Program matching funds grant contract had not been signed or sent

I believe the current facility poses a liability threat to the Town of Brighton. It is unsafe and not court or client friendly. There is an unsafe ingress/egress, access to volatile fluids, miscellaneous potential weaponry, primitive bathroom facilities, an unlit parking lot, vermin infested, and a litany of other conditions not befitting a courtroom or the decorum expected or deserved by the litigants and public at large. The current facilities are an embarrassment to the community.

On Thursday August 5, 2010, I received a phone call from the NYS Office of Court Administration, that a complaint had been filed on the court's behalf regarding a lack of safe and healthy work environment with no foreseeable change in the near future.

I feel the Town Court was prematurely removed in April from the Town Hall as no plan had been approved nor the funding secured. The sign at the front of the Town Hall indicates the building will be closed until November and the minutes state December, yet aside from asbestos removal, no other substantive renovation work has been done to the building to return the court and other office to a completed renovated facility.

I feel this project has been mismanaged and neglected. In order for the Court to operate with the decorum expected or deserved by the litigants and public at large, I feel that an upgraded temporary facility needs to be provided as soon as possible to allow for the court and other town business to be conducted in a professional, safe and healthy environment.

The Office of Court Administration Court Security has done an evaluation of the current site on August 11, 2010 and a report will follow.

Respectfully submitted, (signed) Nik Santagate, Town Justice, 8/9/10

CC: Kevin Riley, NYS Office of Court Administration"

Supervisor John Quenell asked if there were any specific suggestions to upgrade the temporary facility.

Nik Santagate said he is waiting for the report and will convey the suggestions as soon as he gets them. He said there was an example tonight during the meeting of someone who was somewhat disruptive, that behavior is not totally out of the ordinary during Court. The gentleman did not appear to be violent in anyway or malicious. There have been convicted felons who have walked in here who have been angry. They enter through the (cold bay) door and there is any number of things that can be done to jeopardize the people in the room. Another example is if the lights get turned off and this place is plunged into darkness. The lights cannot be turned on again for some time and this is unacceptable and not safe for anyone who is in the room.

Supervisor John Quenell said he will wait for the report.

Jeffrey Leavitt said the lighting concern can be taken care of by adding incandescent lighting on a separate switch.

Peter Shrope said the lights would be a Band-Aid solution. He would like to know the status of the Town Hall project.

7. HISTORIAN - Mary Ellen Salls: Report submitted prior to meeting

History Days were held (July 31 and August 1); it was successful with 50 to 60 people from away attending. As usual there was a poor showing of the Town of Brighton residents. She and the Willis will continue for one more year to see if people are still interested or not, this is a lot of work to put up the displays and take them down. Was able to accommodate people who had questions with information about

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

August 12, 2010

Page 7 of 10

their families. Thanked the Quenells for cooking and serving food for the Fire Department.

Supervisor John Quenell said the set up was very impressive, he asked the Board if they had any thoughts on continuing Brighton History days.

Jeffrey Leavitt said there is \$400 in the budget for the Historian in response to a question of how much it cost the Town for Brighton History Days.

COMMITTEE REPORTS

1. TOWN HALL PROJECT - Supervisor John Quenell, Peter Shrope, and Lydia Wright:

Supervisor John Quenell gave a brief history of the project, after seven years it was decided to start the project this year, asbestos tile was removed and other work has been done by Town forces. The contract for the grant funds has not been submitted because of no state budget, could not update plans because it costs money. Called Assemblymember Janet Duprey's office, the Department of State, and Senator Betty Little's office, message was "no budget, no money." There has been no state budget until a few days ago. Can't update the plans because of no money, can't go to bid, and can't pay contractors with no money. Assumptions were made about a state budget that didn't occur. Can't tell if funds are available even with budget passed, they may not be available for awhile. Janet Duprey told him not to spend the money yet. Gayle Underhill-Plumb, Grant Administrator, said there was no problem with the funds, so she thought. She has not returned his phone call. Does not feel he has mismanaged this project.

2. PARK & RECREATION - Steve Tucker and Peter Shrope

- a. **Saranac Lake Youth Soccer Association (SLYSA):** Steve Tucker said the soccer league is officially over for the season, they have a makeup game scheduled.
- b. **Park Usage:** Jeffrey Leavitt said there were several people at the Park for the last two days. The parking overflowed on County Road 60.
- c. **Food Pantry Relocation Project:** Discussion was held on the work being done on the building for the St. Paul's/Assumption Church Food Pantry. Jeffrey Leavitt moved donated lumber cut at the Paul Smith's College sawmill. He donated the services of his towing truck to take the lumber to the Park. The Highway Department helped with the unloading. Not all the lumber expected was received. George Earl is collecting donations from the landowners on the St. Regis lakes for more lumber. He has almost \$2000 in hand. He said Barb Marshall has been talking to Curtis Lumber about donations. The forms are installed for the footings; rebar is needed before pouring the concrete. The basketball courts have to be moved. The school buses exchange children in the parking lot and on food pantry days this may be a problem for them.

3. INSURANCE/INVESTMENTS - Lydia Wright and Supervisor John Quenell: Nothing to report

4. CEMETERY & TOWN BUILDINGS - Steve Tucker:

- a. **Cemetery:** Has requests for reserving plots, no burials took place last month.
- b. **Town Buildings:** No report

5. HIGHWAY- Jeffrey Leavitt, Steve Tucker and Lydia Wright: Jeffrey Leavitt plans to tour the Town roads with the Superintendent of Highways starting next week.

6. WEBSITE - Supervisor John Quenell: Nothing to report

7. FIRE ADVISORY BOARD (FAB) – Jeffrey Leavitt & Steve Tucker:

Meeting to be held soon, date has not been determined. Discussion was held as to the purpose of the FAB and is still needed at this point. Supervisor John Quenell said Art Willman, Supervisor from the Town of Franklin is trying to get a meeting together independent of the FAB.

8. TELECOMMUNICATIONS - Jeffrey Leavitt and Supervisor John Quenell:

- a. **Cell Phone/Internet:** Jeffrey Leavitt said he spoke with Senator Betty Little's office and Assemblymember Janet Duprey's office on the cell tower issue, there is a communications disconnect

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

August 12, 2010

Page 8 of 10

somewhere. The CBN Connect project may have some movement by October 2010; the State Route 30 transmission lines could possibly be used.

- b. **Time Warner Cable Franchise: Supervisor John Quenell** wrote to Time Warner on July 31 concerning the franchise agreement that has not been approved yet. He recommended they remove the franchise fee and use a 250' aerial feeder cable for access on State Route 30. He received a new franchise agreement with only the franchise fee reduced to 0 and no mention of the 250' feeder cable access. He will correspond with Time Warner and the State Public Service Commission.

BUSINESS, OLD AND NEW:

1. **SPEDES NOT (Notice of Termination) - John Quenell:** Asked Joe Garso to do the work to close the permit, it was completed and he was paid.
2. **St. Regis Mountain Fire Tower – Jeffrey Leavitt:** Attended a public hearing by the Adirondack Park Agency (APA) at Paul Smith's College concerning the fire tower on St. Regis Mountain in the Town of Santa Clara and Hurricane Mountain in the Town of Keene. There were four options presented by the APA. Several people spoke in favor of the fire towers staying on the mountains. Volunteers can form a group to restore and preserve the fire towers.

RESOLUTION # 81

SUPPORT OF PRESERVATION AND RESTORATION OF FIRE TOWERS

Motion made by Jeffrey Leavitt, **second** by Supervisor John Quenell,

WHEREAS the Town of Brighton continues to support the preservation and restoration of the St. Regis Mountain and Hurricane Mountain fire towers, and

THEREFORE BE IT RESOLVED that the Town of Brighton seeks to support the first option presented by the Adirondack Park Agency at a public hearing to designate the land underneath the fire towers as historic so that the two fire towers, one on St. Regis Mountain and one on Hurricane Mountain, may be preserved and restored for future generations to learn the history of the Adirondack Mountains and the role that fire towers played in the preservation of the forest and woodlands of the Adirondack Mountains.

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

RESOLUTION #81 declared duly adopted.

3. **Osgood Pond Signage – Supervisor John Quenell:** According to Local Law #4 of the Year 2001, which regulates jet skis and specialty prop crafts on Osgood Pond and the portions of St. Regis lakes in the Town, a sign is supposed to be posted at the Osgood Pond landing. There have been signs posted in the past made by Camp Gabriels. The current sign is posted too high in a tree, is not legible, and needs to be more visible and legible. The cost of a new sign is \$75.

RESOLUTION #82

PURCHASE OF SIGN FOR LOCAL LAW #4 for the Year 2001 FOR OSGOOD POND LANDING

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

RESOLVED that the Town of Brighton purchase two (2) new "Jet Ski and Specialty Prop Craft Regulation" signs to be posted at the Osgood Pond landing.

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

RESOLUTION #82 declared duly adopted.

CITIZENS COMMENTS:

Amber McKernan-Gabriels: Would like to see some caution tape around the construction site at the park because there will be about 30 people, including children, there on Saturday for a reunion. Would like to know if the park building will be open.

Supervisor John Quenell said the Highway Department has a roll of tape to use from a previous project. Jeffrey Leavitt will take care of it. Steve Tucker will make sure Dan Spencer knows to be there.

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

August 12, 2010

Page 9 of 10

George Earl-Paul Smiths: Would like to talk about the dispute between the Town of Brighton and Paul Smith's College (PSC) concerning the Fire Department. He had a discussion with John Mills, President of PSC, who is very intent on coming up with a solution that would be satisfactory to the Town and PSC. There are changes being proposed to the Code Enforcement Officer (CEO) that might resolve the problem. They are interested in making donations to the Fire Department again. He thinks the Town thinks it will win the action and recoup its legal fees. He estimated the legal fees to be \$150,000. He suggests the Town should sit down with PSC to discuss this.

Supervisor John Quenell said he has not heard from PSC on this issue, he has only heard from George Earl and others.

CEO Paul Blaine said he was contacted by PSC with some vague possibilities, and asked them for more concrete ideas. He received a large amount of documents that he still has to review. He spoke to the Fire Marshall about the system. He will get an answer back to PSC as soon as possible.

George Earl said it was an effort on their (PSC) part. PSC has donated the land for the Town functions and it is a big mistake for the Town to continue to alienate PSC which gives so much back to the community. He knows John Quenell and Steve Tucker are firemen and get up during the night for false fire alarms. He said his impression is that PSC is trying to fix it; they are trying to get away from this adversarial relationship that has developed between the Town and PSC. He has ties to both and compared this problem to watching children fight over a donut.

Supervisor John Quenell said he agrees that a settlement is needed, but he disagrees that the Town is hostile.

Paul Blaine said he is interested in a solution and is concerned with the safety of the students.

George Earl said he is concerned with the safety of the students, the fire fighters, and the other people on the road when the fire fighters have to respond.

Tracy Santagate-McColloms: She finds it amazing that the Town Hall project was started without money or plan in place. She looked through the minutes and didn't see any list of what is to be done; she asked if a list was available. She said the project was languishing. She was concerned with the open windows under the building and the work being done without an approved plan.

Peter Shrope said that all there is are the Crawford & Stearns architectural plans which have a whole detailed list of things to do. The plans were approved in principal. When the funds were not available they stopped work.

Supervisor John Quenell said town forces have been doing some preparation work. They have removed the ceiling and inside walls. They have been following the plans from Crawford & Stearns. The windows are to the crawl space under the Town hall and have to be left open to circulate air underneath the building. If they are plugged anyone can get under the building from the front.

Tracy Santagate said she is married to the Judge and she is imagining her husband holding Court here. She is appalled; this is a quaint community where people tolerate things for a period of time and they are used to roughing it. But nothing is being done and Court is held in a wash bay with gas cans right next door and mice running around. Where, when the door is wide open anyone can drive up with their headlights on, come in and do whatever they so chose, then drive away and that would be the end of it. The Board should not be tolerating this; it is unacceptable to think just adding lights will fix the problem. The Board does not realize the severity of what they have done. She said the project has been poorly managed. The project should be moved forward and moved higher up on the agenda. Even the food pantry is getting a higher priority then this project.

George Earl said he has been involved with the Town Hall project with John Quenell since January. They were anxious to get started. The asbestos tile had to be removed; the partitions had to be removed before the tile could be removed. The grant money was disappearing due to the budget. The decision was made to hold off on the grants until the state budget was approved. If there was no grant money then half the items on the plan could not be done. The asbestos tiles were removed for safety reasons. He can't fault the Town Board for this project. They did what they felt was best for the residents of the area. John has been working himself over there and has put in a lot of time. There is enough money in donations to get back into the Town Hall by fall.

Jeffrey Leavitt said the citizens of the Town, including Tracy, approached the Board to get the project started so the Board started the project to placate the citizens with the idea that the State would pass the budget. The Board is trying to do the best they can with what they have.

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

August 12, 2010

Page 10 of 10

Tracy Santagate asked about the plan and time frame for moving back into the Town Hall; what is the plan if the grants are not available.

Supervisor John Quenell said he hoped the grants were available. He will call again about the funds.

Jeffery Leavitt asked why the project was not commenced in 2003 when it was first talked about.

Tracy Santagate said the people tried to get it started, but this was just belaboring the point.

Paul Blaine had some suggestions he would discuss later with the Board to get the office area in a better shape.

There were no further Citizens Comments

Jeffrey Leavitt left the meeting at 10:05 p.m.

EXECUTIVE SESSION:

Motion made by Supervisor John Quenell, second by Steve Tucker, to GO INTO EXECUTIVE SESSION, at 10:08 p.m., 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 and Section 105(e) collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law).

Aye 3 (Quenell, Shrope, Tucker), Nay 0, Absent 2 (Leavitt, Wright)

Jeffrey Leavitt re-entered the meeting at 10:10 p.m.

Motion made to GO OUT OF EXECUTIVE SESSION by Supervisor John Quenell at 10:36 p.m., second by Steve Tucker. Aye 4 (Leavitt, Quenell, Shrope, Tucker), Nay 0, Absent 1 (Wright)

AUDIT OF VOUCHERS

RESOLUTION #83

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Jeffrey Leavitt, second by Supervisor John Quenell,

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

PREPAID VOUCHERS: Abstract #8 for Voucher #8A through and including 8D for 2010 General Funds in the amount of \$1,165.70 and 2010 Street Light Funds in the amount of \$52.57

GENERAL FUND: Abstract #8 for Voucher #189 through and including #215 for 2010 funds in the amount of \$11,418.42

HIGHWAY FUND: Abstract #8 for Voucher #67 through and including #77 for 2010 funds in the amount of \$9,072.91

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

Resolution #83 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 11:05 p.m. made by Jeffrey Leavitt, Second by Peter Shrope, Aye 4 (Leavitt, Quenell, Shrope, Tucker), Nay 0, Absent 1 (Wright)

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk