

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

August 14, 2008

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, August 14, 2008 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 Deputy Supervisor Steve Tucker at 7:24 p.m.

The Board said the "Pledge of Allegiance to the Flag"

ROLL CALL OF OFFICERS

PRESENT: Deputy Supervisor Steve Tucker, Council Members: Jeffrey Leavitt, and Lydia Wright

ABSENT: Supervisor Peter Martin, Sr. (For the third consecutive month) and Council member Sheila Delarm

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

RESIDENTS: There were several residents present

GUEST: None

NOTICE OF MEETING: Notice was posted on the Town Clerk's Sign Board in front of the Town Hall.

APPROVAL OF MINUTES

- Regular Board, July 10, 2008

Motion made by Lydia Wright, **second** by Steve Tucker, **to approve the minutes of the Regular Town Board meeting held on July 10, 2008, as written.**

Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

- Special Board, July 23, 2008

Motion made by Lydia Wright, **second** by Steve Tucker, **to approve the minutes of a Special Town Board meeting held on July 23, 2008, as written.**

Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of July 31, 2008 was \$ 484.18

1 DEC Sports License

7 Certified Copies and 5 Genealogical Searches

4 Dog Licenses Renewals

5 Building Permits (#08-11 to 15)

22 copies from FOIL Requests

1. Received letter from the NYS Unified Court System, dated July 15, 2008, Re: Accountability and Controls of Justice Court Finances; asked for a copy of the audit of the Court's financial records and a copy of the resolution acknowledging the required examination was completed by the Town Board. Sent copy of Resolution to Director of Internal Audit at the Court Administration Office.
2. Sent certified letter dated July 19 to Wells Fargo to terminate copier lease, received reply by fax on July 29 that cost to purchase copier would be \$375.00. Responded to the fax agreeing to that price.
3. Received notice on July 29 of filing of two claims in Franklin County Supreme Court from Michael Humes, and notice of filing of a small claims from George Earle. All three notices were sent to Scott Goldie, Attorney for the Town, by the Assessor Doug Tichenor.
4. Received a phone call from the Board of Elections that "Local Registration Days" will be held on Wednesday, October 8 from 5 to 9 p.m. in the Town Garage (due to Court) and Saturday, October 11, 2 to 9 p.m. in the Town Hall.
5. There will be a Primary for the Conservative Party, Tuesday, September 9, from 12 noon to 9 p.m.
6. TOWN HALL REQUESTS: None
7. TOWN PARK REQUESTS: Elsenbeck Family - Saturday, August 23, 12 noon to 4 p.m., and Spencer Family - Sunday, August 31, 2 to 8 p.m.

SUPERVISOR'S FINANCIAL REPORT/CORRESPONDENCE

1. Financial Report:

- a. **Town Accounts:** Total funds of \$520,227.65 in the Town's accounts as of August 15

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- b. **CLASS Investments:** Interest for July 2008 was \$438.08 for the General Fund and \$339.62 for the Highway Fund; Total Class General Fund is \$253,204.01 and Highway Fund is \$193,540.87
- c. **Budget Amendments:** General and Highway Fund amendments

GENERAL FUND 2008 BUDGET AMENDMENT #5

Motion made by Deputy Supervisor Steve Tucker, second by Lydia Wright, To Wit:

RESOLVED that the following amounts be and the same hereby are transferred:

\$ 100.00 from Account No. A1990.4 (Contingency)

\$ 738.00 from Account No. A3620.4 (Code Enforcement Officer Expenses)

As follows:

\$ 100.00 to Account No. A1410.4 (Town Clerk Expenses) to cover extra mileage

\$ 738.00 to Account No. A3620.2 (Code Enforcement Equipment) to cover computer

ROLL CALL VOTE: Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

GENERAL FUND 2008 BUDGET AMENDMENT #5 declared duly adopted.

HIGHWAY FUND 2008 BUDGET AMENDMENT #2

Motion made by Deputy Supervisor Steve Tucker, second by Lydia Wright, To Wit:

RESOLVED that the following amounts be and the same hereby are transferred:

\$ 6000.00 from Account No. DA5130.2 (Machinery Equipment)

As follows:

\$ 6000.00 to Account No. DA5130.4 (Machinery Expenses) for truck repairs

ROLL CALL VOTE: Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

HIGHWAY FUND 2008 BUDGET AMENDMENT #2 declared duly adopted.

- d. **Audit of Financial Records:** Deputy Supervisor Steve Tucker said the Supervisor's books were available for auditing

Jeffrey Leavitt and Lydia Wright said they would like the Supervisor to be present when his books are audited, in case there are any questions.

- e. **Letter from the Supervisor** - Jeffrey Leavitt said there was an undated letter from the Supervisor in his mailbox, he asked if anyone knew when the letter was put in his box. Lydia Wright said it was put in about 2 hours ago. The letter states that the Supervisor will not be attending this meeting because he has to work at another job.

2. Correspondence:

- a. Notice from the Adirondack Park Agency, Re: Notice of Application Received (P#2008-178) to add a post office to an existing commercial structure from Steven Smith. The APA had some reservations about adding the post office to a commercial building. Steven Smith made a call to Senator Betty Little's Office and the APA will let the project go through.
- b. Letter from the Office of the NYS Comptroller dated July 23, 2008, Re: Response to letter concerning Audit dated April 2008. Supervisor Peter Martin told Deputy Supervisor Steve Tucker that he has completed the necessary paperwork for this audit response.
- c. Letter from Brighton Architectural Heritage Committee, dated 8/4/08, Re: Thank you for supporting Brighton History Days
- d. Request from Pat Willis for the Town to support the Rainbow Lake Association's Water Quality Protection Program which provides stewards at the boat launches to talk to people about removing invasive species of foliage, such as Eurasian Water milfoil, from their boats before putting them in the Rainbow Lake waterway.

RESOLUTION #72

AUTHORIZATION TO SIGN LETTER OF SUPPORT FOR RLWQPP 2008

Motion made by Steve Tucker, second by Lydia Wright, To Wit:

WHEREAS, the Town Board of the Town of Brighton has, in the past, supported the Rainbow Lake Water Quality Protection Program for the control of invasive species of foliage such as Eurasian Water Milfoil,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes Deputy Supervisor Steve Tucker to sign a letter of support for the Rainbow Lake Association to apply for a grant from the Lake Champlain Basin Program that will help fund the Rainbow Lake Water Quality Protection Program for its steward program.

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ROLL CALL VOTE: Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

RESOLUTION # 72 declared duly adopted

- e. Letter to Rabideau, Re: Response for Nonacceptance of Bids letter; no letter has been written, Deputy Supervisor Steve Tucker will write a letter to Mr. Rabideau in response to his letter.
- f. Letter from County of Franklin Department of Social Services, dated August 5, 2008, Re: Upcoming Heating Season, if people are eligible they need to apply now for the various programs offered in Franklin County; HEAP, Food Stamps and Medical Assistance. Will come to a Board meeting to explain the programs if the Board is interested.
- g. Letter from NYS Department of Health (NYSDOH), dated July 25, 2008, Re: Bait for Oral Rabies Vaccination Program, NYSDOH will be distributing vaccine-laden bait for raccoons in northern Franklin County from August 18 to 31. If you see the bait leave it alone or throw it (wearing gloves) further into the woods. Anyone bitten by an animal that has ingested the bait should contact the local NYSDOH office.
- h. Letter from Franklin County Self-Insurance Plan, dated August 1, 2008, Re: Roster, Who is Covered & Light Duty Policy, an updated roster of Volunteer Fire and EMS personnel must be submitted to the FC Self-Insurance Officer at the beginning of each year. Steve Tucker said he will check to see if the Paul Smiths-Gabriels Volunteer Fire Department has done this.

DEPARTMENT REPORTS

1. **ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** Report submitted prior to the meeting
During July handled a total of 17 calls: 8 in regards to two stray dogs that had been found, 5 in regards to a dog bite incident at Osgood Pond, 2 from concerned campers at Osgood Pond in regards to two dogs running loose on the Red Dot trail, 1 in reference to an adoption, and 1 from the St. Paul's Assumption Food Pantry in the Town about picking up cat and dog food, and nice blankets that were donated to the food pantry.
2. **ASSESSOR (Doug Tichenor):** Report submitted prior to meeting
 - a. Certiorari action was re-filed by Humes
 - b. George Earle filed a Small Claims Assessment Review. The hearing date is scheduled for August 19 in Saranac Lake, if the Attorney for the Town does not get it postponed. There has been several emails with the Attorney in regards to this matter.
 - c. Requesting permission from the Board to consult with the Attorney for the Town, Scott Goldie, directly concerning the Humes court action.

Motion made by Deputy Supervisor Steve Tucker, second by Lydia Wright, to allow the Assessor Douglas Tichenor to directly contact the Attorney for the Town, Scott Goldie, concerning the Humes and Earle cases.

Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

- d. Other Business:
 - i. Received Certification from the NY State Board of Real Property Services, RE: Town's Final State Equalization Rate for 2008 Assessment Role, the Equalization Rate is 90%
 - ii. An advertisement for Board of Assessment Review Members was posted in the Adirondack Daily Enterprise on July 22, 23, and 24 and in local businesses. There has been no response to this request. The Board will have to find people to fill these positions.
3. **CODE ENFORCEMENT OFFICER (CEO) (Paul Blaine):** Report submitted prior to the meeting
 - a. For 2008, issued 5 new permits, 15 total are open
 - b. For 2007, 21 permits open, issued 1 Certification of Occupancy (CofO) and two first renewals
 - c. For 2006, 14 permits open, issued 2 second renewals
 - d. For 2005, 6 permits open, issued one 3rd renewal
 - e. For 2004, 1 permit open
 - f. Computer has been received and the wireless has been purchased. John Bray, Computer Administrator, will set it up.
 - g. Local Law #1-2008 for Regulation of Junk Storage: Public Hearing was held prior to this meeting, the Board will discuss it when there is a full board. Points brought up by the residents need to be discussed.

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- h. Jeffrey Leavitt asked if there is a law concerning "burning of garbage". Paul Blaine said NY State is currently working on a law to regulate outdoor burning. The NYS Department of Environmental Conservation has the power to control outdoor burning and burning of trash. They may not have the manpower to enforce the laws.

4. TAX COLLECTOR (Amber McKernan): Read at meeting

- a. Received numerous phone calls requesting tax information
- b. July bank statement was received and reconciled, still shows a balance at \$14.01 from outstanding checks. Will be turning these funds over to the Town Supervisor if there is still a balance at the end of August.
- c. Spoke with a representative of NBT bank about an interest bearing account for the Tax Collector. There is an account available. The account number would remain the same. Will be signing a maintenance agreement to switch the account from non-interest bearing to interest bearing. There are several options for municipal accounts but the Municipal Checking Account is the most appropriate; it yields 0.65%.
- d. Grant monies were made available to Franklin County (FC) to standardize tax collection data in a county-wide data base. \$25,000 is to conduct a study and \$25,000 is to be used for implementing that standardization through electronic means. The FC Treasurer's Office asked if she would participate in the pilot program run by Allen Tunnell tax collecting software for the 2009 tax collecting year. Went to the FC Treasurer's Office today and spent several hours looking at the program and asking questions. Brighton will probably not be participating in the pilot program. One person from the north and one person from the south of the county were selected to participate. There has not been a final decision made as to what software will be used for the county-wide tax data base. The BAS program currently being used should be able to export a file for the purpose of sending the collection data to another software program.
- e. The FC Treasurer's Office is exploring partial payments and making available payments by credit card. They are also looking at putting bar codes on tax bills, which would necessitate the purchase of a bar code reader at some future time if bar codes are to be used.

5. TOWN JUSTICE (Nik Santagate): Report submitted to prior to meeting

Has given his report to the Supervisor every month for the past 15 years, does not have the information immediately available but last month was a busy one with over \$5000 in fines and fees.

6. HISTORIAN - Mary Ellen Salls: No report

CITIZENS COMMENTS:

Tracy Santagate: Commented that the Town Board should allow people to speak at the beginning of the meeting since the meetings go on so long.

Jeffrey Leavitt said the Citizens Comments are at the end of the meeting to allow the citizens to view the entire meeting and make comments on the business conducted and make the Supervisor conduct the meeting in an orderly and timely fashion.

Steve Tucker said many time the citizens questions are answered by the business conducted by the Board. Some Towns don't allow any comments and some have them at the beginning and then they can't speak again. This Board is very flexible and has allowed people jump in at different times during the meeting.

COMMITTEE REPORTS

1. HIGHWAY DEPARTMENT - Jeffrey Leavitt and Steve Tucker:

- a. **Report from Andy Crary, Superintendent of Highways**, submitted prior to the meeting
 - i. Brought tables and chairs and artifacts to the Moody Farm for the Brighton History Days, picked up when they were finished
 - ii. Weed wacked entrances to side roads
 - iii. Mowed and weed wacked cemeteries twice
 - iv. Set up for food pantry

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- v. Borrowed Harrietstown chipper, chipped brush that was thrown in the wet lands on Slush Pond Road. Notified Sean Reynolds of NYSDEC that the brush was removed.
- vi. Back bladed Clark-Wardner Road
- vii. Took 2002 Paystar to RT 11 Trucking in Canton for electrical repair
- viii. Borrowed "jersey" barriers for the White Pine Road Bridge, notified John Disbro of NYS DOT and David Hough approved the one lane bridge. Would like to thank John Hutchins for loan of the barriers
- ix. Mowed Town Hall and Highway Garage lawns
- x. Put four loads of crusher run on the Schwartau (North Brook) Road
- xi. Cut and chipped brush on the Clarke-Wardner Road and White Pine Road
- xii. Made dump run
- xiii. Road raked the dirt roads

- b. **1989 L9000 Plow Truck Bid Opening:** Received four bids for the plow truck

RESOLUTION #73

AUTHORIZATION TO ACCEPT BID ON THE 1989 L9000 PLOW TRUCK

Motion made by Steve Tucker, **Second** by Jeffery Leavitt, **To Wit:**

WHEREAS, the Town of Brighton advertized in the Adirondack Daily Enterprise on July 24 and 31 and the Press Republican on July 21 and 28, for a minimum bid of \$4,000 on the 1989 L9000 Plow Truck, and

WHEREAS, the following bids were received by August 14, 2008:

Martin's Towing & Recovery, Potsdam \$5,703.00
Town of Dickinson, Dickinson Center \$5,000.00
Batease Excavating, Inc, Queensbury \$5,621.00
Glen Batease Excavating, Queensbury \$5,566.00

NOW THEREFORE BE IT RESOLVED that the Town Board accept the highest bid from Martin's Towing and Recovery, 59 Maple Street, Potsdam, NY in the amount of \$5,703.00.

ROLL CALL VOTE: Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

RESOLUTION #73 declared duly adopted.

- c. **Plow for 1997 Ford Tandem:** Now that the plow truck is sold there are funds to purchase a plow for the 1997 Ford Tandem Truck so the Town will have two plow trucks.

RESOLUTION #74

AUTHORIZATION TO PURCHASE PLOW for 1997 FORD TANDEM TRUCK

Motion made by Steve Tucker, **second** by Lydia Wright, **To Wit:**

WHEREAS, there is only one plow truck available to plow town and county roads, and

WHEREAS, the sale of the 1989 Plow Truck for \$5,703 has provided funds for a new plow, and

WHEREAS, a quote received from Viking Corp for \$12,652.00 for a plow to be placed on the 1997 Ford Tandem is only good until September 1,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes Andy Crary, Superintendent of Highways, to purchase a plow from Viking Cives USA Corp, Harrisville, for \$12,652.00 to be installed on the 1997 Ford Tandem truck before September 1.

ROLL CALL VOTE: Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

RESOLUTION #74 declared duly adopted.

- d. **Snow and Ice Contract for 2009:** Contract is still in negotiation with the County, the towns would like a one year contract due to the fluctuating gas prices.
- e. **CSEA Contract:** No further information from CSEA Union Representative
- f. **County Road 60 Speed Limit:** Letter was received from the NYS DOT dated July 11, 2008, RE: Speed Limit on County Road 60, Speed limit has been reduced to 40 m.p.h. . Signs have been put up to indicate the new speed zone. A Thank you letter will be sent to Chris Shrope notifying him the action has been completed.
- g. **State Route 30:** Received a letter dated July 31, 2008, from Robert Haynes, PE of the NYS DOT, RE: Speed Limit on State Route 30; the Regional Traffic Engineer will evaluate the need to reduce the speed. The sight distance issue was looked at and a small white pine will be removed and some minor trimming will be done in the area. The Town Clerk remarked that the same form for requesting a speed reduction on a Town or County

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road had to be submitted to the County for speed reduction on State roads.

- h. Heron Lane:** Lewis Rosenburg asked if the Highway Department would plow Heron Lane. He said that other towns plow private roads if the residents provide insurance for liability. He will send a letter to the Town Board. Steve Tucker said the road would have to be up to Town road standards for the Town to take it over. The Town Board will contact the Association of Towns to discuss this request. It is not legal to take Town vehicles on private property. To be discussed further after letter is received.
- i. White Pine Road Bridge:** Steve Tucker said he read Highway Law, Section 234, and said that the Town probably owns the bridge. "A bridge having a span of twenty-five feet or more, ... may be taken over by the county under official order of the county superintendent of highways . Otherwise its status shall remain the same as bridges having less than twenty-five feet span." (It remains the responsibility of the Town.) Jeffrey Leavitt discussed the bridge ownership with Pam in Scott Goldie's office. He asked for further information on the cost of an abstract search. A note, received from the abstract search company on August 12 by Conboy Law Office, said it would take up to 6 months and could cost between \$1,000 and \$15,000. The abstract search company doesn't have the time to determine a more accurate estimate. Superintendent of Highways Andy Crary said he cannot get a plow through the "jersey" barriers that are on the one lane bridge. It will cost about \$125,000 to repair the bridge and about two weeks worth of work.

RESOLUTION #75

AUTHORIZATION TO ADVERTISE FOR BIDS TO REPAIR THE BRIDGE ON THE WHITE PINE ROAD

Motion made by Jeffrey Leavitt, Second by Lydia Wright, To Wit:

WHEREAS, the bridge on the White Pine Road has been 'red-flagged' by the New York State Department of Transportation, and

WHEREAS, "jersey" barriers have been put up on the bridge to make it safe for one lane of traffic to use the bridge, and

WHEREAS, the plow cannot get over the bridge to plow the Town road on the other side of the bridge because of the "jersey" barriers, and

WHEREAS, the Franklin County Legislature passed a resolution making the Town responsible for the road over the bridge in 1995,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes Andy Crary, Superintendent of Highways, to contact the Franklin County engineer for a "Request for Proposal" and advertise for bids to get the bridge repaired so a snow plow can get over the bridge to plow the Town road on the other side.

ROLL CALL VOTE: Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

RESOLUTION #75 declared duly adopted.

- j. Slush Pond Road Order on Consent:** Steve Tucker spoke with the Attorney for the Town who said the Board has to approve the Order on Consent and send in the fine of \$2,500 for the tree damage on Slush Pond Road. Lydia Wright said the insurance company, NYMIR, said this fine is not covered by insurance.

RESOLUTION #76

AUTHORIZATION TO SIGN ORDER ON CONSENT FROM NYSDEC AND PAY FINE OF \$2,500

Motion made by Steve Tucker, Second by Lydia Wright, To Wit:

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) proposed an Order on Consent concerning the removal and disposal of trees on the Slush Pond and Mountain Pond roads in August 2007,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes Deputy Supervisor Steve Tucker to sign the Order on Consent and pay the civil penalty in the amount of \$2,500.00 to the NYSDEC, Office of General Counsel.

ROLL CALL VOTE: Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

RESOLUTION #76 declared duly adopted.

- k. New Hire:** Andy Crary said he would like to hire a part-time snow plow driver from November to April at the same pay as the current employees. He will run a shift from 1 to 8 p.m. There are funds in the budget to cover this position. This will reduce comp time of current employees that causes them to be off a lot during the summer.

2. PARK & RECREATION - Steve Tucker and Lydia Wright

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- a. There is a foul smell in the building; the carpet needs to be removed

Motion made by Jeffrey Leavitt, second by Steve Tucker, to authorize Dan Spencer, Park Attendant, to obtain estimates for removing the carpet from the building.

Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

- b. Leaks need to be fixed and the lock on the building need to be repaired

RESOLUTION #77

AUTHORIZATION TO REPAIR LOCK ON PARK BUILDING

Motion made by Lydia Wright, second by Jeffrey Leavitt, To Wit:

RESOLVED that the Park Attendant, Dan Spencer, be authorized to contact Skeel's Locksmith, Co. to replace the lock on the park building that is hard to open.

ROLL CALL VOTE: Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

RESOLUTION #77 declared duly adopted.

- c. The electric service at the Town Park was over 500 kwh for last month and the cost is over \$100. This is higher than it has ever been. Dan Spencer said there hasn't been anything added to the park that requires electricity. Jeffrey Leavitt found a hose connected to the hot water heater dripping in the park building. He disconnected the hose and turned off the water. There is no need for the hot water heater to be on when the building is closed.

3. INSURANCE/INVESTMENTS - Sheila Delarm and Lydia Wright:

- a. Received notice that the current medical insurance for the Highway Department will not be available for next year. A new policy needs to be found.
- b. Nothing further to report for Investments

4. CEMETERY - Steve Tucker and Jeffrey Leavitt:

- a. There have been several inquiries into reserving plots.
- b. There has been one burial in the past month.

5. TOWN BUILDINGS - Steve Tucker and Jeffrey Leavitt

- a. **Town Hall Project Grant (Lydia Wright and Jeffrey Leavitt):** No further information available
- b. **Garage:**
 - i. **Bulk Petroleum Storage Permit:** Notice has been received from NYS DEC to renew the Bulk Petroleum Storage Permit, a voucher has been submitted for \$300.00 to pay for this permit.
 - ii. **Salt Shed Grant:** No further information on payment

OLD BUSINESS

1. FIRE ADVISORY BOARD (FAB) UPDATE - Steve Tucker: Meeting was cancelled.

2. FALSE ALARMS FOR PSGVFD - Steve Tucker:

- a. Received several emails from the Paul Smiths-Gabriels Volunteer Fire Department (PSGVFD) concerning false alarms at Paul Smith's College.
- b. Distributed a revised draft of a local law from the PSGVFD for the board to review for next month's meeting
- c. Received a letter dated August 13, 2008, from the PSGVFD asking for documentation that the Town has a contract with them so they can purchase a new fire truck. Steve Tucker sent a letter dated August 14, 2008, from the Town to the PSGVFD stating that the Town has a contract with them to provide fire protection.

3. BUOYS ON SPITFIRE LAKE- Lydia Wright: Submitted another application to DEC for buoys on Spitfire Lake

4. TIME WARNER CABLE - Steve Tucker: Received a new franchise contract from Time Warner Cable. A Public Hearing must be held before the contract is accepted

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Motion made by Deputy Supervisor Steve Tucker, second by Lydia Wright, to have a public hearing on Thursday, September 4, 2008 at 6 p.m., for the purpose of public input on the Time Warner Cable Franchise Agreement, Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

5. **RESCUE CONTRACT WITH VILLAGE OF SARANAC LAKE- Supervisor Peter Martin:** Contract was filed with Town Clerk on July 22, Village approved it on July 17, 2008. Final payment for 2008 needs to be made.

RESOLUTION #78

AUTHORIZATION TO PAY \$17,134.18 FOR THE FINAL PAYMENT FOR 2008 RESCUE SERVICES

Motion made by Deputy Supervisor Steve Tucker, second by Lydia Wright, To Wit:

WHEREAS, the Village of Saranac Lake approved the corrected Rescue Contract on July 17, 2008, and

WHEREAS, the Town approved the contract on February 14, 2008 with corrections,

NOW THEREFORE BE IT RESOLVED that the Deputy Supervisor be authorized to pay the second and final payment to the Village of Saranac Lake in the amount of \$17,134.81 for the 2008 Rescue Services.

ROLL CALL VOTE: Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

RESOLUTION #78 declared duly adopted.

6. **CODE OF ETHICS - Supervisor Peter Martin:** No further information
7. **POST OFFICE IN GABRIELS - Steve Tucker:** The architect showed up to look at the Smith's property. The Adirondack Park Agency received a permit application for the project from Steven Smith.
8. **SMART GROWTH GRANT- Rebecca Buerkette:** Received the Smart Growth Grant package and reviewed it. The Board needs to review it and also review contracts for the professional participants to be paid with the grant funds. FX Browne, Diane Leifheit of Point of View Studios, and the Adirondack Watershed Institute are all part of the committee as professional participants. People were asked to submit proposals for brochure design and only written proposal was received. A public hearing needs to be held to discuss how the Town wants to proceed. There is a six months deadline on this grant but it probably could be extended. Notice of the hearing needs to be widely publicized.

Motion made by Steve Tucker, second by Lydia Wright, to set a public hearing for Thursday, September 4, to begin after the conclusion of the Time Warner Cable Franchise Public Hearing set at 6 p.m., to discuss the Smart Growth Grant expectations. There will be a Special Meeting of the Town Board after the conclusion of the Public Hearings to discuss the contracts. Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

9. **ICE CREAM SOCIAL - Jeffrey Leavitt:** About 60 people showed up for the event. Would like to do it again next year. Discussion was held on what to do with left over ice cream.

RESOLUTION #79

AUTHORIZATION TO GIVE REMAINING ICE CREAM TO DAY CARES IN TOWN

Motion made by Deputy Supervisor Steve Tucker, second by Lydia Wright, To Wit:

RESOLVED that the Town Board authorizes Jeffrey Leavitt to give the left over ice cream from the Town Ice Cream Social to the two Day Cares (Smith and Leavitt) in the Town as it cannot be saved for another Town function.

ROLL CALL VOTE: Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

RESOLUTION #79 declared duly adopted.

NEW BUSINESS

HEATING OIL TAX AT COUNTY LEVEL: Rouse Fountain asked the Board to consider writing a letter to the Franklin County Legislature and ask them to remove the 2% county tax on heating oil.

RESOLUTION #80

AUTHORIZATION TO WRITE LETTER TO FC LEGISLATURE TO REDUCE HEATING OIL TAX

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Motion made by Jeffrey Leavitt, second by Steve Tucker, To Wit:

RESOLVED that the Town Board authorizes the Deputy Supervisor to write a letter to the Franklin County Legislature to ask them to consider reducing the Franklin County 2% tax on heating oil to help the residents of the Town reduce their heating bills.

ROLL CALL VOTE: Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

RESOLUTION #80 declared duly adopted.

AUDIT OF VOUCHERS

Motion to Audit the Vouchers made by Lydia Wright, second by Steve Tucker; Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

RESOLUTION #81

AUTHORIZATION TO PAY AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Lydia Wright, second by Steve Tucker, To Wit:

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

PREPAID FUNDS: Abstract #8 for Voucher #8A through and including #8C for 2008 General Funds in the amount of \$648.30 and 2008 Street Light Funds in the amount of \$55.88

GENERAL FUND: Abstract #9 for Voucher #192 through and including #222 for 2008 funds in the amount of \$31,198.25

HIGHWAY FUND: Abstract #9 for Voucher #80 through and including #86 for 2008 funds in the amount of \$4,271.03

ROLL CALL VOTE: Aye 3 (Leavitt, Tucker, Wright), Nay 0, Absent 2 (Delarm, Martin)

Resolution #81 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 10:40 a.m. made by Lydia Wright, Second by Jeffrey Leavitt, Aye 3, Nay 0, Absent 2 (Delarm, Martin)

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk