

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

September 9, 2010

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, September 9, 2010, at 7:00 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 7:04 p.m.

ROLL CALL OF OFFICERS

PRESENT: Supervisor John Quenell

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

ABSENT: None

OTHERS PRESENT: Andy Crary – Superintendent of Highways, Amber McKernan – Tax Collector, Nik Santagate – Town Justice, Elaine Sater – Town Clerk, Doug Tichenor - Assessor

RESIDENT(S): Seven residents were present

GUEST: George Hoe, Chairman of the Board for the St. Regis Property Owners Association, Inc.

The Pledge of Allegiance to the Flag was recited.

APPROVAL OF MINUTES

- Special Board, July 12, 2010

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to approve the minutes of a Special Board meeting held on July 12, 2010 as written. Aye 3 (Leavitt, Quenell, Tucker), Nay 0, Abstain 2 (Shrope, Wright)**

- Hearing by Board August 12, 2010

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to approve the minutes of a Hearing held by the Town Board on August 12, 2010 as written. Aye 4 (Leavitt, Quenell, Shrope, Tucker), Nay 0, Abstain 1 (Wright)**

- Regular Board, August 12, 2010

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to amend the minutes of the Regular Board meeting on August 12, 2010, with the following: Page 2, Supervisor's Report, Para 2a, "Over the Hill Property", attach a newspaper article dated August 16, 2010, from the Adirondack Daily Enterprise entitled "Over the Hill owner interrupts meeting an hour late". Aye 3 (Leavitt, Quenell, Tucker), Nay 1 (Shrope), Abstain 1 (Wright)**

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to amend the minutes of the Regular Board meeting on August 12, 2010, with the following: Page 7, Committee Report, Para 1, "Town Hall Project", add to last line "as alleged by the Town Justice." Aye 4 (Leavitt, Quenell, Shrope, Tucker), Nay 0, Abstain 1 (Wright)**

- Special Board, August 16, 2010

Motion made by Supervisor John Quenell, **second** by Jeffery Leavitt, **to approve the minutes of a Special Board meeting held on August 16, 2010, as written. Aye 3 (Leavitt, Quenell, Tucker), Nay 0, Abstain 2 (Shrope, Wright)**

- Special Board, August 24, 2010

Motion made by Supervisor John Quenell, **second** by Peter Shrope, **to approve the minutes of a Special Board meeting held on August 24, 2010 as written. Aye 4 (Leavitt, Quenell, Shrope, Tucker), Nay 0, Abstain 1 (Wright)**

- Special Board, August 26, 2010: **Lydia Wright** said she was not notified of the meeting on August 26, 2010. She had received a letter through the mail announcing the meeting on August 24, 2010 but not for the 26th.

Motion made by Supervisor John Quenell, **second** by Peter Shrope, **to approve the minutes of a Special Board meeting held on August 26, 2010 as written. Aye 3 (Leavitt, Shrope, Tucker), Nay 0, Abstain 2 (Quenell, Wright)**

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TOWN CLERK'S REPORT

Total Revenue to Supervisor as of August 31, 2010 was \$ 32.67

10 Sport Licenses

5 Dog Licenses Renewed

17 Copies on Copier

1 Notary Signature

1. July 29, sent a letter to the Board requesting an update to the Emergency Operations Plan for 2010; have not yet received a response to this request.
2. August 25, received notice of a Primary Election to be held in the Town Garage on Tuesday, September 14, from 12 noon to 9 p.m. This is for Republican, Democrat, and Conservative party members only. Town Clerk's Office will be closed during the Election.
3. Need the Local Law for Dog Control revised to be able to sell dog licenses after December 31, 2010. Cost of a software system to track the dogs is available for \$1,040.00; the cost of tags would be around \$200 for startup. There will be an ongoing fee for software maintenance of \$280 per year, plus postage and supplies to mail the renewal letters.
4. The Town Clerk's Office will be closed from Tuesday, October 12 to Thursday, October 21. Michele White, Deputy Town Clerk, will take minutes at the Regular Board meeting on October 14.
5. TOWN HALL REQUEST: None
6. TOWN PARK REQUEST: Tuesday, August 17-North County Healthy Heart Network, 12 to 3 p.m.; Saturday, September 11, Cramer Family, 1 to 3 p.m.; Saturday, Sept 11 and October 9, Paul Smith's Rugby Team, 12 to 3 p.m.; Saturday, September 18, PSGVFD, 12 to 8 p.m.; Sunday, September 19, Saranac Lake Baptist Church, 10 a.m. to 3 p.m.

SUPERVISOR'S REPORT

1. **Monthly Financial Report:** Financial Statement as of August 31, 2010 was distributed to the Board.
2. **Prohibition of Invasive Species – Brighton Lakes:** Received a letter, no date, from the St. Regis Property Owners' Association, Inc., to recommend the Town adopt a local law prohibiting the introduction of invasive species into the lakes within Brighton. George Hoe, Chairman of the Board spoke at the meeting concerning this letter. The letter read as follows:
"There are presently more than 50 lakes within the Adirondack Park which have invasive species, and there is a serious risk that this number will increase if appropriate action is not taken. Recently the municipalities of Lake Placid, Santa Clara, Lake George and Lake Pleasant have adopted local laws to prevent the spreading of invasive species imposing a fine of up to \$250 on any one introducing invasive species into the lake in their town.
To reduce the risk that invasive species may be introduced into the St. Regis Lakes and the other lakes in Brighton, we urge the Board to adopt a local law similar to those adopted by Lake Placid, Santa Clara, Lake George and Lake Pleasant. We attach a draft of such a law for the Board's consideration.
We recommend that the local law, if adopted, be posted at all public landings on the St. Regis Lakes and other lakes in Brighton. By posting the law the Board will help to deter the spreading of invasive species and preserve the water quality of our lakes in Brighton for the enjoyment of its residents and visitors."
He also said that the Town of Harriestown is considering adopting a similar local law.

Motion made by Peter Shrope, second by Supervisor John Quenell, to forward a copy of a local law proposed by the St. Regis Property Owners' Association concerning the prohibition of invasive species in the lakes in the Town to the Assistant District Attorney, the Association of Towns' attorney, the Adirondack Park Agency, and the Department of Environmental Conservation for review. Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0

3. **Rainbow Lake Water Quality Protection Program:** Received a draft letter from the Rainbow Lake Association in support of the Rainbow Lake Water Quality Protection Program for a grant from the Lake Champlain Basin Program to provide for water stewards in an effort to preserve the Rainbow Lake waterways.

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Motion made by Peter Shrope, **second** by Supervisor John Quenell **to send a letter in support of the Rainbow Lake Association's request for a grant from the Champlain Basin Program for its Rainbow Lake Water Quality Protection Program. Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0**

4. **Enforcement of Unsafe Buildings Law – Rainbow Lake Road:** Unable to locate the property owners, they are in Canada according to the county records. When the owners' physical location is determined they will be served.
5. **Paul Smith's College Dormitory:** Distributed pictures to the Board of a new dormitory to be built at Paul Smith's College. It will be a 94 bed facility, with a 64-bed addition, off the Keeses Mills Road
6. **Budget for 2011:** Requests for 2011 budget distributed by Bookkeeper, due back September 20. There will be two special meetings on Thursday, October 7 and 21 at 6 p.m. to discuss the 2011 Budget.
7. **Court Audit:** Received a request from the NYS Unified Court System dated August 16 for proof of the Court Audit for 2010. Sent letter, checklist, and resolution on September 8, 2010.
8. **Budget Amendments for General Fund:**

BUDGET AMENDMENT GENERAL FUND #2-2010

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

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

\$ 17,833.00 from General Fund Account # A1990.4 Contingency

As follows:

\$ 500.00 to Account #A1930.4 Judgment Claims Expenses

\$ 17,333.00 to Account #A8160.4 Refuse Expenses

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

GENERAL BUDGET AMENDMENT #2-2010 declared duly adopted

BUDGET AMENDMENT GENERAL FUND #3-2010

Motion made by Supervisor John Quenell, **second** by Jeffery Leavitt:

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

\$ 2,100.00 from General Fund Account # A1990.4 Contingency

As follows:

\$ 100.00 to Account #A1410.4 Town Clerk Expenses

\$ 2,000.00 to Account #A1420.4 Attorney Expenses

ROLL CALL VOTE: Aye 3 (Leavitt, Quenell, Tucker), Nay 0, Abstain 2 (Shrope, Wright)

GENERAL BUDGET AMENDMENT #3-2010 declared duly adopted

9. **Town Justice Facility Complaint:** Spoke with Office of Court Administration Re: Evaluation of Court Facilities, it was requested by the Franklin County Assistant District Attorney's Office. A report will be coming in a few weeks to the Supervisor and the Court.
10. **Local Law for Dog Control:** Sent a letter dated September 7, 2010 to Franklin County Legislature Gordy Crossman, Re: Dog Licensing, asking "if Franklin County would consider playing a proactive, leadership role in the revised dog licensing process." Will have to consider spending funds to provide for the Town taking over the sending out of renewal notices for dog licenses.

DEPARTMENT REPORTS

1. **HIGHWAY - Andy Crary:** Report submitted prior to meeting
 - a. Worked on building at Park, set forms, added fill to level park area, pour/screed concrete. Thanked Tom McKernan for setting the blocks.
 - b. Cleaned sand on Keeses Mills Road for pouring tar
 - c. Did a Town road tour with Jeffrey Leavitt and Supervisor John Quenell
 - d. Mowed cemeteries/Town Hall/Garage
 - e. Hauled tar for towns of Harrietstown, Franklin and Santa Clara
 - f. Paved 1 mile of Keeses Mills Road
 - g. Got water bottles in Tupper Lake
 - h. Met with Ardvark for pest control of Town Garage
 - i. Contacted Franklin County for shoulder work on Keese Mills Road

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- j. Put up signage for "Jet Skis" on Osgood Pond
- k. Had brakes and clutches adjusted on trucks
- l. Made a dump run

2. ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society): No Report submitted

3. ASSESSOR - Doug Tichenor: Report given at meeting

- a. Would like permission to contract the Attorney for the Town, Scott Goldie, to find out the status of the Humes's Article 7 assessment case from 2006.
- b. Reassessment for Town: Last reassessment was done in 2006, need to do another one in 2012 to increase the Equalization Rate from 86% to 100%. Sales are starting to pick up again to help with the reassessment. The Town can get money from the State for doing a reevaluation. The Office of Real Property is eroding its duties and the assessors are getting more work from them.
- c. Went to the St. Regis Property Owners' Association meeting and gave them a presentation on the assessment process
- d. Answered questions from residents about the assessment process

Motion made by Supervisor John Quenell, **second** by Jeffrey Leavitt, **to authorize the Assessor Doug Tichenor to contact Scott Goldie, Attorney for the Town, to discuss the Humes Article 7 assessment case from 2006. Aye 4 (Leavitt, Quenell, Shrope, Tucker), Nay 0, Abstain 1 (Wright)**

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

- a. **Building Permits:**
 - i) 8 building permits (BP) were issued BP#10-016 through 10-023
 - ii) Issued one Certificates of Compliance for BP#09-029
- b. **Avoidable Alarms Update:** Received six avoidable alarm complaints, 6 are open (#10-033 thru 038)

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

- a. Ordered and received the new Hewlett-Packard computer. Free software from Open Office and a free email program were installed on it. The BAS tax collection software and the SQL backup programs were installed on it as well. All the data from 2006 to date was successfully transferred to the new computer. The old computer needs to be disposed of by the Town.
- b. Continue to receive calls from mortgaging institutions updating their files in anticipation of the upcoming collection season
- c. Received 2 phone calls requesting tax information

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

- a. Check written to Supervisor in the amount of \$3,605.00 for 39 disposed cases during August
- b. Addressed the amending of the minutes of the last Board meeting: Neither he nor the Court accused anyone of mismanaging the town hall project as indicated by the Supervisor adding the words "as alleged by the Town Justice". His letter was addressed to the Town Board and his words were "I feel this project has been mismanaged and neglected."

Supervisor John Quenell said he asked for the minutes to reflect what he said during the meeting, not what the Town Justice said.

- c. Paul Smith's College contacted him about space for the Court due to the complaint by the Assistant District Attorney's Office to the NYS Court Administration. Received a lease contract from Paul Smith's College for no fee for the Board's review.

RESOLUTION #86

AUTHORIZATION TO LEASE SPACE AT PAUL SMITH'S COLLEGE FOR TOWN COURT

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

WHEREAS, the Franklin County Assistant District Attorney's Office complained to the NYS Court Administration concerning the temporary space provided to the Town Court during the Town Hall renovation project,

THEREFORE BE IT RESOLVED that Supervisor John Quenell be authorized to sign a "Lease and

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Rental Agreement” with Paul Smith’s College, dated September 1, 2010, for rooms in the Buxton Annex, Lower Level, Rooms 7 and 7B, for the Town Court until July 1, 2011 at no cost to the Town.

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

RESOLUTION #86 declared duly adopted.

4. **HISTORIAN - Mary Ellen Salls:** No Report submitted

COMMITTEE REPORTS

1. **PARK & RECREATION - Steve Tucker and Peter Shrope**

- a. **Saranac Lake Youth Soccer Association (SLYSA):** Soccer season is over, received a request for using the Park in the fall but no paperwork followed
- b. **Food Pantry Relocation Project:** George Earl said he has donations of over \$4,000 from St. Regis Lake property owners for the Food Pantry building.

Supervisor John Quenell said an accounting of the funds spent on the Park food pantry building will have to take place after it is finished

2. **INSURANCE/INVESTMENTS - Lydia Wright and Supervisor John Quenell:** Interest rates are still very low.

3. **CEMETERY& TOWN BUILDINGS - Steve Tucker:**

- a. **Cemetery:** Has not heard back from a family that is interested in a plot
- b. **Town Buildings:** No report

4. **HIGHWAY- Jeffrey Leavitt, Steve Tucker and Lydia Wright:**

- a. Jeffrey Leavitt received a call from a citizen on the Keeses Mills Road where the tarring left some driveways with access problems. Superintendent of Highways Andy Crary remedied the problem temporarily, but is waiting for the County to bring the shoulder machine to finish the job.
- b. Took a tour of some of the Town roads with the Superintendent of Highways, needs to finish the rest.

5. **WEBSITE - Supervisor John Quenell:** Nothing to report

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

Supervisor John Quenell, Jeffrey Leavitt and Steve Tucker attended a meeting in the Town of Franklin on September 1, with several other Towns. Verne James, head of the Rescue Services, provided a proposed budget for the towns. There is an additional contribution of \$3,000 by towns on top of the Village’s proposed budget of about \$36,500. The amount from the Village was not included in Mr. James’s budget. Supervisor John Quenell sent a letter to the Village Manager of Saranac Lake, John Sweeney, concerning the cost of next year’s rescue services. No reply received yet.

7. **TELECOMMUNICATIONS - Jeffrey Leavitt and Supervisor John Quenell:**

- a. **Cell Phone/Internet:** Jeffrey Leavitt said he has had limited contact with Time Warner Cable concerning the numbers of houses that are without internet access.
- b. **Time Warner Cable Franchise:** Supervisor John Quenell sent a letter to Time Warner on August 18 concerning the latest proposed franchise agreement concerning the feeder cable access. No reply received yet.

8. **TOWN HALL PROJECT – Supervisor John Quenell:** On August 17 received confirmation that the member item funding was available in the State budget. Held a meeting on August 24 with Gail Underwood-Plumb to discuss the grant process. Arranged another meeting on August 26 to discuss details of the Town Hall project. Discussion was held on details of the bathroom door, electric lighting, and rear door entrance for the Town Hall Project plans dated March 31, 2010. Peter Shrope said the Town Hall Committee should meet to go over the plans in detail.

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- 9. TOWN REDEVELOPMENT CITIZENS COMMITTEE – Susan Mayer:** Report submitted prior to meeting. Committee met on September 1 and decided to contract various State agency heads and elected officials to have a group meeting to discuss Camp Gabriels. Drafted a letter requesting OGS arrange a meeting between Town officials, the heads of OGS, ESD and APA, the Senator, Assemblywomen and any other interested parties to discuss Camp Gabriels. Called Senator Little's office and spoke to her chief of staff regarding the committee's desire to request a meeting with the various stakeholders. The Senator called OGS head John Egan, who expressed interest in the meeting. At this time, waiting to hear back from her office before we proceed with a letter from the Committee. OGS has erected a for sale sign on the Camp Gabriels property and done some newspaper advertising, which they say, has generated some interest. They will call to let us know if any tours result from this. Another interested party has contacted the town about Camp Gabriels and we are in the process of arranging a tour of the facility in the last week of September. Followed up with the four parties that have toured the property. Two remain interested while one is not and the other has not responded. Supervisor John Quenell said the final appraisals have not been received by the State yet for Camp Gabriels. Someone at OSG phoned him to ask questions about Camp Gabriel's worth, he said minus \$1 million as that is the cost to remove the buildings.

BUSINESS, OLD AND NEW:

St. Regis Mountain Fire Tower – Jeffrey Leavitt: Supervisor John Quenell said Jeffrey Leavitt should be recognized for his remarkable work on the St. Regis Fire Tower issue. Thanked Betty and Bob Scott for their help on the Fire Tower issue also.

CITIZENS COMMENTS:

Amber McKernan-Gabriels: People are trying to play basketball at the park where there is a pile of lumber in the middle of the blacktop. She asked if it could be moved to the side.

Jeffery Leavitt said he didn't get all the wood he expected from Paul Smiths College, he could move it.

Supervisor John Quenell said the Highway Department will be continuing work on the park building soon.

George Earl-Paul Smiths: Urged the Board again to try to settle the dispute with Paul Smith's College. They are doing what they can to work on the issue. He is disturbed that the Town continues to fight the hand that feeds them. The College wants to settle and an equal effort on the Town's part would be well received. He is concerned about the cost of litigation. He is aware of an offer made to arbitrate between the Town and Paul Smith's College so they can settle out of court. The residents are not going to be happy with the cost of litigation since the taxes will pay for it. This is his last plea to the Town Board as he is leaving the area.

Lydia Wright asked who sent the offer; she did not see any letter

Supervisor John Quenell said he forwarded the letter to the people involved in this legal issue.

Peter Shrope said the Town Board should investigate this offer.

Jeffery Leavitt said he would like to see this settled. George Earle is a third-party to this issue. He would like to see the offer from Paul Smith's College.

George Earl said neither side can make an offer in writing; they need to go into arbitration to come up with a solution.

Lydia Wright asked how the College responded to the arbitration offer.

George Earl said his impression was that they would do whatever was needed to settle the issue.

George Earl said he was interested in helping with any further needs with the Town Hall Project. He cannot be paid since he is on Social Security.

There were no further Citizens Comments

EXECUTIVE SESSION:

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to GO INTO EXECUTIVE SESSION,**

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at 9:40 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 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0

Motion made to GO OUT OF EXECUTIVE SESSION by Supervisor John Quenell at 10:03 p.m., second by Steve Tucker. Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0

1. CSEA Contract:

RESOLUTION #87

CSEA AGREEMENT FOR 2010 AND 2011

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

WHEREAS, a negotiating impasse was declared by the Civil Service Employees Association, Inc, (CSEA) following the town's attempt to reach agreement on a 2010 contract with the CSEA on December 22, 2009, and WHEREAS, the New York State Public Employment Relations Board was thereby activated to mediate the dispute, and

WHEREAS, the mediation process has yielded a proposed contract for the years 2010 and 2011, the terms of which are acceptable to the town,

NOW THEREFORE BE IT RESOLVED that the Town of Brighton hereby authorizes the town supervisor to sign said agreement, entitled "Collective Bargaining Agreement by and between the Town of Brighton and the Civil Service Employees Association, Inc. (CSEA Local 1000, Unit 6870) for the period January 1, 2010 through December 31, 2011.

ROLL CALL VOTE: Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0

Resolution #87 declared duly adopted

2. Avoidable Alarm Violations:

RESOLUTION #88

AVOIDABLE ALARM VIOLATIONS BY PAUL SMITH'S COLLEGE

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

RESOLVED that the Town Supervisor be authorized by the Town Board to notify the Attorney for the Town, Scott Goldie, that it is the understanding and intent of the Town that all violations in regard to the Paul Smith's College litigation be included in the Town's action to the present date.

ROLL CALL VOTE: Aye 3 (Leavitt, Quenell, Tucker), Nay 2 (Shrope, Wright)

Resolution #88 declared duly adopted

RESOLUTION #89

MEDIATION OFFER FOR CURRENT LITIGATION WITH PAUL SMITH'S COLLEGE

Motion made by Peter Shrope, second by Lydia Wright,

RESOLVED that the Town Board authorize Peter Shrope to pursue the offer of mediation received from Lewis Rosenberg concerning the current litigation between Paul Smith's College and the Town of Brighton.

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

Resolution #89 declared duly adopted

AUDIT OF VOUCHERS

RESOLUTION #90

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Lydia Wright, second by Peter Shrope,

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

PREPAID VOUCHERS: Abstract #9 for Voucher #9A through and including #9C for 2010 General

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Funds in the amount of \$702.23 and 2010 Street Light Funds in the amount of \$53.82

GENERAL FUND: Abstract #9 for Voucher #216 through and including #235 for 2010 funds in the amount of \$10,250.69

HIGHWAY FUND: Abstract #9 for Voucher #78 through and including #83 for 2010 funds in the amount of \$58,622.40

CAPITAL FUND TOWN HALL PROJECT: Abstract #16 for Voucher #27 for funds in the amount of \$4,820.00.

ROLL CALL VOTE: Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0

Resolution #90 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 10:35 p.m. made by Supervisor John Quenell, Second by Peter Shrope, Aye 4 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk