

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

October 9, 2008

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, October 9, 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 Supervisor David Knapp at 7:04 p.m.  
The Board recited the "Pledge of Allegiance to the Flag"

### ROLL CALL OF OFFICERS

**PRESENT:** Supervisor David Knapp, Council Members: Sheila Delarm, Jeffrey Leavitt, Steve Tucker and Lydia Wright

**ABSENT:** None

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

**RESIDENTS:** There were two residents present

**GUESTS:** 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, September 11, 2008

**Motion made by Supervisor David Knapp, second by Lydia Wright, to approve the minutes of a Regular Town Board meeting held on September 11, 2008, as written.**

**Aye 4 (Delarm, Leavitt, Tucker, Wright), Nay 0, Abstain 1 (Knapp)**

- Special Board, September 25, 2008

**Motion made by Supervisor David Knapp, second by Lydia Wright, to approve the minutes of the Special Board meeting held on September 25, 2008, with the following change: Page 1, Para 2, White Pine Road Bridge, second to last sentence change "and Steve Tucker" to ", Jeffrey Leavitt and Lydia Wright" .**

**Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0**

### TOWN CLERK'S REPORT

**Total Revenue to Deputy Supervisor as of September 30, 2008 was \$ 2,775.29**

4 Sport Licenses

11 Certified Copies

5 Dog Licenses: 4 Renewals and 1 new

13 Building Permits (#08-16 to 28)

1 Donation for Town Park Use

1. September 21-22, attended a meeting of the New York State Town Clerks's Association in Plattsburgh, NYS Department of Health gave a briefing on Corrections to Marriage Records and introduced Jim Meany who has been appointed to a new position for security of vital records. Registrars should be using safety paper when giving out certified copies of birth and death records.
2. Tentative Budget for 2009 was distributed to the Board on September 30, 2008. Notice of the Budget meetings for October 16 and 23 at 6 p.m. was posted on October 7 in the Town's post offices and at local businesses and on the Town Clerk's Sign Board. Notice was published in the Adirondack Daily Enterprise on Oct 9 and 14.
3. Sent letters to State Comptroller's Office and Franklin County Clerk for resignation of Supervisor Peter Martin and appointment of new Supervisor David Knapp.
4. Received Notice of Issuance of Magazine Certificate from the Department of Labor, Re: Peter Henry of Rainbow Lake has been issued Explosives and Detonators Certificates for 1 year.
5. TOWN HALL REQUESTS: NONE
6. TOWN PARK REQUESTS: Lake Placid Curling Club - Sunday, September 28, 2008 from 4 to 6 p.m.

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***SUPERVISOR'S FINANCIAL REPORT/CORRESPONDENCE***

**1. Financial Report:**

- a. **Town Accounts:** Class General funds of \$213,892.48 and Class Highway funds of \$194,129.56 are in the Town's accounts as of October 9, 2008. Total Town Funds are \$480,312.98
- b. **CLASS** interest is \$304.03 for General Fund and \$275.88 for the Highway Fund
- c. **Budget Amendment General Fund:**

**GENERAL FUND 2008 BUDGET AMENDMENT #7**

**Motion made** by Supervisor David Knapp, **second** by Sheila Delarm, **To Wit:**

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

\$ 7,100.00 from Account No. A1990.4 (Contingency)

As follows:

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

\$ 4,500.00 to Account No. A1420.4 (Attorney Expenses)

\$ 2,500.00 to Account No. A5010.4 (Superintendent of Highways) for DEC Fine

**ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0**

**GENERAL FUND 2008 BUDGET AMENDMENT #7 declared duly adopted.**

**2. New Business - Food Pantry Agreement:** Contract was not approved in January 2008

**RESOLUTION # 91**

**AUTHORIZATION TO CONTRACT WITH ST PAUL/ASSUMPTION CHURCH FOR FOOD PANTRY**

**Motion made** by Supervisor David Knapp, **second** by Steve Tucker, **To Wit:**

**RESOLVED that the Supervisor David Knapp be authorized to sign the Agreement with the St. Paul/Assumption Church Food Pantry to use the Highway Garage for storage and distribution of food to the residents of the Town of Brighton for the year 2008 .**

**ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0**

**RESOLUTION #91 declared duly adopted.**

**3. Old Business:**

- a. **Audit of Financial Records for 2007:** Spoke with the former supervisor on Friday who said he would deliver the receipt and deposit books to him; has not seen them yet. Town Clerk sent an email request to the former supervisor with the minutes to notify him of the need to turn over the books to the present Supervisor. Signatures have been changed at the banks. The door locks have been changed. Will request new deposit slips and purchase a new receipt book.
- b. **Code of Ethics Update:** Lydia Wright will work with David Knapp on this issue. The Town's Code of Ethics was last updated in 1970.

**4. Correspondence:** Received letter dated 10 September, 2008, from the Saranac Lake Central School District, Re: Invitation to Meeting, the School Board will be holding a meeting for the municipal governments to discuss funding that effects everyone on Wednesday, November 12 from 7 to 9 p.m. at the Patrova School in Saranac Lake to share ideas and strategies that will benefit students and residents of the communities in the School District.

**DEPARTMENT REPORTS:** The Highway has been moved under Department Reports as the Superintendent of Highways is giving the report and not a Committee.

**1. ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** No report

**2. ASSESSOR (Doug Tichenor):** Report submitted prior to meeting

- a. Received sales list of seven properties from OPRS for inclusion in next year's Equalization Rate survey
- b. Filed 2009 budget with the Budget Officer, will be attending the October 23 meeting to discuss request
- c. Received numerous calls regarding STAR and other assessment questions

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3. **CODE ENFORCEMENT OFFICER (CEO) (Paul Blaine):** Report submitted prior to the meeting
  - a. For 2008, issued 9 new permits, 25 permits are open
  - b. For 2007, 20 permits open, issued one Certificate of Occupancy (CofO),
  - c. For 2006, 14 permits open, issued 1 Final Renewal
  - d. For 2005, 4 permits open, issued one 2<sup>nd</sup> renewal
  - e. For 2004, 1 permit open, issued final renewal
  - f. Reviewing some old code violations and talking with property owners, has to overcome some difficulties from actions in the past by other Code Officers
  - g. Reviewing the Maintenance Code and will be giving a draft of a new Local Law to the Board, need to update the old code.
  - h. Proposed Local Law #1-2008 for Regulation of Junk Storage: Comments by public need to be sent to the Attorney for the Town for review and clarification. Public asked that the Board not act on this law until there was a full board present. David Knapp said he would like the Board to review the comments and discuss it at the next regular monthly meeting.
  
4. **HIGHWAY (Andy Crary):** Report submitted prior to meeting
  - a. **Superintendent's Report**
    - i. Finished chipping on White Pine and North Brook Roads, returned chipper to Harrietstown
    - ii. Checked road after high winds, all ok
    - iii. Received salt, pushed it into salt shed
    - iv. Washed and cleaned vehicles, cleaned out boxes from tarring
    - v. Smoothed yard out to get ready for sand screening, helped Trudeau for 2 days screening sand
    - vi. Met with FX Browne for landfill access, the locks were changed on the gate across the access road and a key was not given to the Highway Department per the access agreement. FX Browne had to access the landfill from a different direction. Someone has been putting flagging in the ground near and on the cap. The cap has not been damaged. A resident spoke with Rebecca Buerkette, then called DEC concerned that the landfill cap has been damaged. The resident is worried that he will be liable in some way for the landfill damaging the property where the access road is located. Ownership of the property is in question because this resident is claiming he owns it, but the assessment roll shows otherwise. The Board will ask the Assessor at the Budget meeting he will be attending. The signs that say "No motor vehicles on the Landfill" are all down and should be replaced. There is no evidence that there have been ATVs on the landfill cap.
    - vii. Set up for Food Pantry
    - viii. Hauled tar for the Towns of St Armand and Franklin
    - ix. Made the dump run
    - x. Put up posted signs along the Town Garage property line
    - xi. Changed the locks at the Town Hall and mowed the grass
    - xii. Cleaned the culverts at Sucker Brook
    - xiii. Checked the McColloms, Mountain Pond, and Slush Pond Roads, all ok
    - xiv. Took the L9000 to Harrisville for plow installation
    - xv. Borrowed chipper from Harrietstown for the Garondah, Keese Mills, Tebbutt, and Church Pond Roads
    - xvi. Had the F250 Pick-up truck inspected
    - xvii. Put the plow frame on the 2002 Paystar
    - xviii. Put crusher run on the Clarke-Wardner Road, cut back brush at the entry
  - b. **Old Business:**
    - i. **Snow Removal Contract:** Discussion was held concerning the cost to plow and why the amount of fuel differentiation was not included in the 2009 contract. Two roads were classified as A roads and are now considered A+ roads, these roads get a higher rate per mile. The snow season is a month longer on each end of the winter season at this end of the County.

### RESOLUTION #92

### SNOW AND ICE REMOVAL AGREEMENT WITH FRANKLIN COUNTY

**Motion made** by Supervisor David Knapp, **second** by Lydia Wright, **To Wit:**

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**RESOLVED**, that Superintendent of Highways, Andy Crary, be authorized to sign a one year Agreement with Franklin County Highway Department to remove snow and ice from the following roads: County Road 55 (Bloomingdale Road), County Road 60 (Rainbow Lake Road) and County Road 31 (Jones Pond Road) for the amount of \$38,757 for the year 2009.

**ROLL CALL VOTE: Aye 0, Nay 4 (Delarm, Leavitt, Tucker, Wright), Abstain 1 (Knapp)**

**RESOLUTION #92 declared NOT adopted.**

**Motion made** by Supervisor David Knapp, **second** by Sheila Delarm, **to authorize Superintendent of Highways, Andy Crary, to check with the other towns to see if they are interested in a cap on the cost per gallon of fuel to be added to the contract for 2009. Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0**

- ii. **State Route 30 Speed Limit:** There has been no word on this request, Sheila Delarm will call Robert Haynes of NYS DOT to ask about it. The tree blocking sight to the south has not been taken down.
- iii. **White Pine Road Bridge:** Discussion was held to bring Supervisor David Knapp up-to-date on this issue. Jeffrey Leavitt went to the Franklin County Clerk's Office and FOILED the deeds pertaining to this land. There is a deed for Paul Smiths College that says they are responsible for the bridges on their lands (July 18, 1986; Book 525, Pages 681, 702-705). He said this information should be turned over to a lawyer and have them send a letter to the property owner concerning the bridge. After the meeting with the County Legislatures, Paul Maroun was going to check into this further with the County Attorney. Jeffrey Leavitt will follow up with Paul Maroun on this issue. Lydia Wright went through the letters regarding the grant to get bridge repaired in 1994. In 1946 the County could take over bridges, according to a letter from Richard Brown, Asst. Civ Engr. for Franklin County, this bridge was overlooked until 1969. The maintenance records on the bridge from the County start in 1969. There has to be a written agreement between both parties to transfer bridges between towns and counties. This issue is beyond the scope of the board and needs to be settled so the bridge can get repaired.

**5. TAX COLLECTOR (Amber McKernan):** Report submitted prior to meeting

- a. Received a few requests for tax information
- b. Contacted Franklin County Treasurer's office to get an updated on the status of the centralized data base for Franklin County properties. That office was waiting on the Legislature to make some decisions. It appeared that the tools necessary to implement a centralized data base would not be in effect in time for the 2009 tax collection season. One stumbling block is that not all towns have computers for tax collection. Will contact the County for an update for next month. Does not anticipate the software will have to be changed for this office.
- c. Signed the necessary paperwork to change the tax collector's account from non-interest bearing to an interest bearing account.
- d. Office will be closed from Wednesday, October 8 to Thursday, October 23. Will leave a notice of closure and contact information on voice mail message.

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

Turned over \$4,020.00 in fines and fees to the Supervisor and closed 38 cases

**7. HISTORIAN - Mary Ellen Salls:** No report

**COMMITTEE REPORTS**

**1. PARK & RECREATION - Steve Tucker and Lydia Wright:**

- a. Dan Spencer rented a rug cleaner to clean the carpet in the Park building.
- b. The locks have not been changed yet

**2. INSURANCE/INVESTMENTS - Sheila Delarm and Lydia Wright:**

- a. Highway health plan expires in December and needs to be replaced; Lydia Wright is waiting for a return call from Empire Plan; she will call again.

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- b. Andy Crary asked if the vehicle insurance covers glass, Sheila Delarm will ask about it and also remove from the policy the 1989 Ford that was sold
  - c. Certificate of Insurance is needed by Paul Smiths College for the park lease
  - d. Received reply from NYMIR to the Robert Wright claim, they sent him a letter denying his claim
3. **CEMETERY - Steve Tucker and Jeffrey Leavitt:** There is a headstone being put in, the installer asked who is responsible for the cornerstones. In the past the family paid to have the cornerstones put in.
4. **TOWN BUILDINGS - Steve Tucker and Jeffrey Leavitt**
- a. **Town Hall Project Grant (Lydia Wright and Jeffrey Leavitt):** No further information available
  - b. **Maintenance:** A plan is needed to cover the maintenance of all the Town's buildings
5. **SMART GROWTH - Rebecca Buerkette:**
- a. Meeting was held on Monday, September 29, at the Town Hall. Discussed the brochure and started to compile a list of businesses in the Town. There may be two brochures to cover different aspects of the Town.
  - b. Contract for the Wildlife Conservation Society is ready for review. Board will discuss it after the Budget meeting on October 16, 2008
  - c. Attended a grant workshop for North County Association at Paul Smith College, it was mostly for consolidating services and did not address telecommunications as she had hoped it would
  - d. Common Ground will be meeting to discuss telecommunication in the area and she will attend this meeting
  - e. Reviewing the old Town planning committee work from the 1980s and 1990s.
  - f. Next meeting will be Monday, Oct 27 at 4 p.m. at the Town Hall

### OLD BUSINESS

1. **FIRE ADVISORY BOARD (FAB) UPDATE - David Knapp:** Meeting is to be scheduled for all towns to discuss the new contract for next year. The meeting with Supervisor David Knapp, Steve Tucker and the Village was cancelled by the Village. David Knapp will meet with Larry Miller and discuss the Saranac Lake Volunteer Fires Department's budget. It should already be available and approved by the Village. The EMT position was already funded for \$50,000 and needs to be addressed so the Village doesn't roll the money into the budget and charge the Town again.
2. **TIME WARNER CABLE - Sheila Delarm:**
  - a. Sent an email to the surrounding towns. No one is interested in taking on the issue of more access for more people. David Knapp will contact Time Warner to discuss the contract
  - b. Sheila Delarm said the McCollom's people want to know why the Town allowed Time Warner to run cable for \$1 through McColloms and they can't get service. David Knapp said the high voltage transmission cable is not the same as distribution lines that goes to homes and businesses.
  - c. The Public Service Commission needs to be contacted to determine how they can help the Town with this issue
3. **PAUL SMITHS GABRIELS VOLUNTEER FIRE DEPARTMENT (PSGVFD)**
  - a. **Budget and Audit:** David Knapp will draft a letter for the next meeting requesting a budget for 2009 to justify the tax collected for the PSGVFD
  - b. **False Alarms for PSGVFD - Sheila Delarm:** Received a draft revision of a false alarm local law based on the Attorney for the Town's input, some language has to be made clearer before it is proposed to the Board. Discussion was held on other issues that need to be addressed to clarify the process. The law needs to be enforceable. People who have an in-line alarm system should be notified before this law goes into effect.
4. **BOARD OF ASSESSMENT REVIEW (BAR) - Shiela Delarm:** The BAR was supposed to meet in September to approve corrections to the Assessment Roll. She asked since there is not a quorum did the County meet to do this. David Knapp said the Assessor will be at a meeting for the budget on October 23 and she can ask him then.

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5. **SMALL CLAIMS APPEAL:** Steve Tucker will contact the Attorney for the Town about appealing the Small Claims by George Earle.

**NEW BUSINESS**

1. **VOICE MAIL FOR THE TOWN HALL - Sheila Delarm:** Looking into getting more voice mail for the Town Hall so people can leave a messages and not have to wait to listen to the long message.
2. **AGENDA - David Knapp:** The agenda will be streamlined, issues that citizens have will go on the agenda after the Town Clerk's report if they call to get on the agenda, old and new business will go under the area to which it pertains. Would like vouchers audited at the beginning of the meeting, vouchers need to be to the Town Clerk by noon on Thursday of the meeting. .

**CITIZENS COMMENTS:**

**Susan Sweeney - Paul Smiths College:** Thought the meeting was very informative. Asked for a copy of the draft false alarm local law when it is completed. Asked if the College wants to talk about this law how would they do this. She said the equipment at Paul Smith College is compliant with the safety code. There have been talks between the Town and the College, she will try to attend more meetings so the College is informed about the Town's issues.

The Board said when the draft law is available the College can have a copy and they are welcome to come to the Public Hearing to address their concerns with the local law.

**AUDIT OF VOUCHERS**

**Motion to Audit the Vouchers made** by Supervisor David Knapp, **second** by Sheila Delarm; **Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0**

**RESOLUTION #93**

**AUTHORIZATION TO PAY AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS**

**Motion made** by Lydia Wright, **second** by Sheila Delarm, **To Wit:**

**RESOLVED that the Supervisor be authorized to pay the audited vouchers as listed on the abstracts as follows:**  
**PREPAID FUNDS: Abstract #10 for Voucher #10A through and including 10C for 2008 General Funds in the amount of \$604.99 and 2008 Street Light Funds in the amount of \$57.53**

**GENERAL FUND: Abstract #11 for Voucher #249 through and including #274 for 2008 funds in the amount of \$11,987.19**

**HIGHWAY FUND: Abstract #11 for Voucher #94 through and including #102 for 2008 funds in the amount of \$28,458.24**

**ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0**

**Resolution #93 declared duly adopted.**

**ADJOURNMENT**

**Motion to Adjourn at 10:35 p.m. made** by Lydia Wright, **Second** by Jeffrey Leavitt, **Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0**

Respectfully Submitted,

Elaine Sater  
Brighton Town Clerk