

REGULAR MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

October 10, 2013

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, October 12, 2013, following a Special Meeting held at 6:00 p.m. at the Brighton Town Hall, 12 County Road 31, Paul Smiths, NY, with the following:

CALL TO ORDER:

Meeting was Called to Order by Supervisor Peter Shrope at 7:20 p.m.

ROLL CALL OF OFFICERS

PRESENT: Supervisor Peter Shrope

Council Members: Brian McDonnell, Amber McKernan, and Steve Tucker

ABSENT: Council Member Lydia Wright

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

RESIDENTS: There were two residents present

GUESTS: Mark Besio, Kip Cassavaw, and Gordon Crossman, all from Malone area

GUESTS:

Mark Besio is running for District #3 Legislature for Franklin County, Kip Cassavaw is running for Franklin County Clerk, and Gordon Crossman is running for District #3 Legislature for Franklin County in the November 5, General Election. They asked if they could be on the agenda to speak at a Town Board meeting. Each gave reasons why people should vote for them in the election.

DEPARTMENT REPORTS

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

Report:

- a) F350 pickup was inspected; changed oil and filter
- b) Hauled tar for towns of Franklin and Tupper Lake
- c) Road raked dirt roads
- d) Put dust shields on trucks
- e) Took sand to McCollums Cemetery to fill in grave that was disinterred
- f) Put crusher run on Hoffman Road
- g) Completed painting on trucks
- h) Did road checks
- i) Made a dump run
- j) Trudeau Sand & Gravel put up and screened sand
- k) Received delivery of salt, pushed back into salt shed
- l) Greased the loader
- m) Picked up the flags from the cemeteries
- n) Moved the new wooden chairs to the Town Hall and removed the old ones
- o) Put harness on two plow trucks
- p) Welded the sanding grates
- q) Employee is still out sick: second employee is going out on sick leave for surgery
- r) Need to purchase new sanding spinner unit

RESOLUTION #78

PURCHASE OF SANDING SPINNER UNIT IN THE AMOUNT OF \$670.00

Motion made by Supervisor Peter Shrope, second by Steve Tucker,

RESOLVED that the Superintendent of Highways Andy Crary be authorized to purchase a replacement sand spinner unit for the plow truck at an estimated cost of \$670.00.

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

RESOLUTION #78 declared duly adopted.

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- 2) **TOWN CLERK – Elaine Sater:** Report submitted prior to meeting
 - a) Total Revenue to Supervisor as of September 30, 2013, is \$308.47 from 2 DEC Sport License, 1 Marriage License #4, 1 Park Use Donation, 7 Dog Licenses: 6 renewed, 1 new (Tag#121), 2 building permits (#13-031 and 32), and 4 copies for a FOIL request.
 - b) September 26 posted notice for Special Meetings held on October 3 and 10 at 6 p.m.
 - c) TOWN HALL REQUESTS: Brighton Food Coop, Saturday, September 21, from 12 to 3 p.m.
 - d) TOWN PARK REQUESTS: None
 - e) RECORDS MANAGEMENT: Continuing to shred the 2006 Court records

- 3) **TAX COLLECTOR – Holly Huber:** Report submitted prior to meeting:

Responded to requests for tax bills/receipts from property owners and/or attorneys and/or mortgage lenders; redirecting school tax payers, and forwarding property tax payment to county treasurer.

- 4) **TOWN JUSTICE – Nik Santagate:** Report submitted prior to meeting.

Supervisor Peter Shrope received \$5,846.00 for fees and fines from the Justice with a list of 55 disposed cases.

- 5) **CODE ENFORCEMENT OFFICER – Paul Blaine:** Report submitted prior to meeting
 - a) **Building Permits (BPs):** 2 BPs issued (#13-031 and 032)
 - b) **Certificate of Occupancy/Compliance:** Issued three (3) Certificates of Compliance for BP #08-021, 12-023, 13-023 and two (2) Certificates of Occupancy for BP# 11-023 and 13-011.
 - c) Complaints: One still open
 - d) Received more requests for new residences this month
 - e) Sent a letter dated September 19, 2013, to resident Doug Martin notifying him that he has 30 days from the receipt of the letter to remove the debris from his property at 652 Keese Mills Road. The phone numbers on file for Doug Martian are no longer in service.

- 6) **ASSESSOR – Douglas Tichenor:** No Report received, sent a voucher for quarterly payment for his office in the Town of Harriestown

- 7) **TOWN PARK – Dan Spencer:** Report submitted prior to meeting
 - a) Have been mowing, it is slowing down. Will take mowing deck off soon and service it
 - b) Servicing snow blower to switch with the mowing deck
 - c) Starting to clean up leaves and needles
 - d) Cleaning up cans and trash left around field
 - e) Trying to straighten the rail fence, it is starting to lean due to the heavy gate being left open by those using the fields. He is trying to figure out a way to make it lighter.
 - f) Getting ready to put up the snow fence
Brian McDonnell volunteered to get some Paul Smith's College students to help put the snow fence up; it will go in closer to the buildings to keep snowmobiles off the ice.
 - g) People are leaving clothes and bags outside the field house for the (food) pantry
 - h) Fall soccer has been going on in the field, approximately 50 people twice a week
Amber McKernan asked about removing a dead tree in the park. **Brian McDonnell** said Paul Smith's College can remove trees. **Supervisor Peter Shrope** said National Grid has to remove one that he had marked and Franklin County Highway Department has to remove the one in their right-of-way. **Amber McKernan** will identify the third tree that needs to be removed.

- 8) **FOOD PANTRY – Barb Marshall:** Report submitted prior to meeting.

Reported a total of 447 people served.
Peter Shrope and Amber McKernan met with Barb Marshall to discuss the Food Pantry and the new non-smoking law. Signs have been put up. Mo Gladd from Bloomingdale is a new helper and he has a key. Barb Marshall will get a key to Supervisor Peter Shrope. **Amber McKernan** said she put out a can for cigarette butts, after the Food Pantry the butts were all over the ground again.

- 9) **HISTORIAN-Mary Ellen Salls:** Report submitted prior to meeting.
 - a) On October 3 dropped off three note books (at the Town Hall) with information concerning Adirondack

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guides who hunted at Paul Smith's and surrounding areas, also those with the names of A & B. She was under the impression when she spoke with the Supervisor and Town Clerk a month or better ago that there would be room in the glassed-in case for the history, but the Town Clerk told her that she has no place for them and Mary Ellen Salls just left them on a counter. On second thought, too much work has gone into them to leave them at the Town Hall to be misplaced so she will pick them up on Tuesday, October 15 and bring them back home. Anyone on the board who is interested can look through them and see what her intentions are for preserving our history.

10) ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society): Sent copy of a contract for 2014

RESOLUTION #79

ANIMAL CONTROL SERVICES AND SHELTER SERVICES FOR 2014 FOR \$3,788

Motion made by Brian McDonnell, **second** by Amber McKernan,

RESOLVED that the Town Board authorizes Supervisor Peter Shrope to sign a contract with Tri-Lakes Humane Society for 2014 Animal Control Services and Shelter Services in the amount of \$3,788.

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

RESOLUTION #79 declared duly adopted.

11) SUPERVISOR- Peter Shrope:

- a) **Rescue Squad Quarterly Reports:** Received a quarterly report from the Saranac Lake Volunteer Rescue Squad, total calls to the Town of Brighton was 16 for the period April to July 2013. Ten calls were paid for, the Town covered \$830.26 of the \$13,424.20 amount billed
- b) **Letter of Support to Chateaugay:** Sent a letter dated September 17, 2013, to Supervisor Donald Bilow, in support of keeping Chateaugay Correctional Facility open.
- c) **Camp Gabriels Property:** Received notice dated September 20, 2013, from the NYS Office of General Services, Bureau of Land Management, stating the former Camp Gabriels property has been abandoned by the Department of Corrections. It is being put up for auction again, bids due by 4:00 p.m. on October 28, and bid opening is on October 29, at 11:00 a.m. in Albany, minimum bid has been reduced to \$90,000.
- d) **Rural Communities Broadband Roundtable:** To be held at the Wild Center in Tupper Lake on Oct. 24
- e) **NYState of Health – Marketplace:** NYS has a new health marketplace, in accordance with the Federal Affordable Health Care Act. A website is available to sign up for affordable health care for people who need health care, we are part of the Utica Region, the website address is: "nystateofhealth.ny.gov"
- f) **Snow Plow Safety Training:** Received information from NYMIR on a training class to be held at Paul Smith's College on November 14 for snow plow safety
- g) **Cyber Security Webinar:** To be held on October 24 from 1 to 2:30 p.m. on the NYS website
- h) **85 County Road 60, Violations of Local Law #1 for the Year 1981:** Deadline of October 5 has passed for removing the unsafe structure on the property at 85 County Road 60. the structure is still on the property.

RESOLUTION #80

REMOVAL OF UNSAFE STRUCTURE AT 85 COUNTY ROAD 60

Motion made by Supervisor Peter Shrope, **second** by Brian McDonnell,

WHEREAS, as of August 5, 2013, both property owners of 85 County Road 60, Tax Map Parcel #381.4-1-14 have been contacted and sent a packet of information containing the following: a letter dated Aug 4, 2010, from the Code Enforcement Officer; Resolution #91-2010, dated October 14, 2010, from the Town Board; letter dated October 15, 2010, from the Town Supervisor John Quenell; Affidavit of Service, dated November 5, 2010, letter dated May 30, 2013, from the Town Supervisor Peter Shrope; Resolution #55-2013 dated June 13, 2013, from the Town Board, and a letter dated June 25, 2013, from the Town Supervisor Peter Shrope, and

WHEREAS after receiving a faxed notice dated August 5, 2013, from property owner John Guest of 85 County Road 60, Tax Map Parcel #381.4-1-14, stating he had contacted Vance Smith of Smith Auto Salvage in Chateaugay, NY, to remove the mobile home that is in violation of Local Law #1 of the year 1981, Supervisor Peter Shrope sent a letter dated August 20, 2013, to the property owners, stating the town has set the 30/60 day time frame to remove the building based on his August 5 notice to October 5, 2013, (Resolution #63-2013, dated August 8, 2013), and

WHEREAS all correspondence sent to the property owners has been verified by return signature receipt, and

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WHEREAS, the deadline of October 5, 2013, has passed and the unsafe structure has not been removed, and there has been no effort on the part of the property owners to remove the unsafe structure,

NOW THEREFORE BE IT RESOLVED that the Town of Brighton proceed to remove the unsafe structure from 85 County Road 60, Tax Map Parcel #381.4-1-14 for an estimated cost of \$4,000 and that cost will be imposed against the tax levy on the property by the Franklin County Office of Real Property Tax Services, and

BE IT FURTHER RESOLVED that the Supervisor be authorized to contract with Trudeau Sand and Gravel to remove the unsafe structure from 85 County Road 60.

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

RESOLUTION #80 declared duly adopted.

- i) **JCEO at Park:** Franklin County Comlinks has disbanded and Joint Council for Economic Opportunity of Clinton and Franklin Counties, Inc. (JCEO) has taken over providing information and resources for low income Franklin County residents. They will set up 2 times a month at the Town Park for people to get information.
- j) **Avoidable Alarm Action Against Paul Smith's College:** Received letter dated October 2, 2013, from the Attorney for the Town, a "Stipulation of Discontinuance Action with Prejudice" was filed with the Franklin County Clerk. The action between the Town of Brighton and Paul Smith's College concerning Avoidable Alarms at the college for all intents and purposes is over.
- k) **Franklin County Fiscal Stress 2009 to June 2013:** Obtained a copy of the audit on Franklin County showing fiscal stress, it covers the period 2009 to June 30, 2013.
- l) **Financial Report:**
 - i) **Budget** as of September 30, 2013, was distributed to Town Board's box for review
 - ii) **Deposits:** October 4, revenues of \$5,846 from the Court and \$308.47 from the Town Clerk
 - iii) **NYCLASS** Interest from September 2013: \$2.01 for General Fund, Total Fund is \$85,254.10; \$.97 for Highway, Total Fund is \$40,103.27.

APPROVAL OF MINUTES

- Regular Board – September 12, 2013

Motion made by Amber McKernan, **second** by Steve Tucker, **to accept the minutes of the Regular Board meeting of September 12, 2013, as corrected; Page 6, Audit of Vouchers, PrePaid Funds should be \$585.30 for General Fund.** Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1 (Wright)

CITIZENS COMMENTS:

Amber McKernan- Said she could smell fuel oil coming from the road vents on State Route 86 in Gabriels on Sunday October 6 near Leifheit's business on both sides of the road. She will contact NYS DEC to let them know about it.

Supervisor Peter Shrope called a 5 minute recess at 9:15 p.m.

BUSINESS

- 1) **Speed Limit on Vosburgh Road – Supervisor Peter Shrope:** Richard McCormick sent a letter asking the Town to reduce the speed limit on Vosburgh Road from 35 to 25 mph. Two areas should be at 15 mph.

RESOLUTION #81

REDUCTION OF SPEED ON VOSBURGH ROAD FROM 35 TO 25 MPH

Motion made by Brian McDonnell, **second** by Amber McKernan,

WHEREAS there is a residential area on the Vosburgh Road where people walk and bicycle, and

WHEREAS the speed of 35 mph put on the road in 2007 is too high for the road,

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NOW THEREFORE BE IT RESOLVED that the Town Board supports a request from Richard McCormick and authorizes the Supervisor Peter Shrope to send a request to the Franklin County Highway Department to request a survey of the Vosburgh Road to reduce the speed limit on the road from 35 to 25 mph

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

RESOLUTION #81 declared duly adopted.

- 2) **High-Volume Hydraulic Fracturing EOPNY – Supervisor Peter Shrope:** Received information from the Elected Officials to Protect New York (EOPNY) to help support EOPNY's mission of urging Governor Cuomo to continue the moratorium on high-volume hydraulic fracturing in New York State

RESOLUTION #82

CONTINUE THE MORATORIUM ON HIGH VOLUME HYDRAULIC FRACTURING IN NYS

Motion made by Supervisor Peter Shrope, **second** by Steve Tucker,

RESOLVED that the Town Board of the Town of Brighton, Franklin County, NY, supports the Elected Officials to Protect New York (EOPNY) in their mission of urging Governor Cuomo to continue the moratorium on high-volume hydraulic fracturing in New York State until proper studies have conclusively shown its safety for New York State as a whole, and

BE IT FURTHER RESOLVED that the Town Board supports New York State's efforts to move toward more sustainable energy sources and encourages their expansion.

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

RESOLUTION #82 declared duly adopted.

- 3) **Public Hearings-Supervisor Peter Shrope:** There will be three public hearings on Thursday, November 7, 2013 at 7 p.m. for the Paul Smiths Gabriels Volunteer Fire Department and Saranac Lake Volunteer Rescue 2014 Contracts and the 2014 Preliminary Budget for the Town

- 4) **Annual Contract with North Country Life Flight, Inc.–Supervisor Peter Shrope:** Received contract for 2014 services for emergency medical air evacuation for \$1500.00

RESOLUTION #83

CONTRACT FOR 2014 ANNUAL SERVICES FOR MEDICAL EVACUATION SERVICES

Motion made by Supervisor Peter Shrope, **second** by Steve Tucker,

WHEREAS North Country Life Flight, Inc. is a not-for-profit, tax exempt corporation which is responsible for all aspects of patient care by providing medical equipment, training medical personnel and administering the medical portion utilizing the New York State Police helicopter based in Saranac Lake and private fixed-wing aviation resources; and

WHEREAS the New York State Police aviation resources do not provide a medically trained team or medical equipment for patient transports, and

WHEREAS the people of Clinton, Essex, Franklin, Hamilton and St. Lawrence Counties receive a vital emergency medical service which is free of charge to critically ill and seriously injured patients, and therefore municipal governments are asked to pledge monies for this worthwhile program,

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Brighton hereby authorizes the Supervisor to enter into a contract with North Country Life Flight, Inc. for the purpose of operating the medical component of the medevac program, which will serve its residents and visitor, and paying the amount of \$1500.00 which represents the Town's share for 2014 and

BE IT FURTHER RESOLVED that the sum of \$1500.00 is hereby appropriated to Account A4540.4 from the General Fund Preliminary Budget for 2014 for payment to North Country Life Flight, Inc.

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

RESOLUTION #83 declared duly adopted.

- 5) **Saranac Lake Area Youth Program Payment for 2013– Supervisor Peter Shrope:** Received a report from the Saranac Lake Area Youth Program (SLAYP) showing the results from the 2013 program. Voucher has been prepared to pay \$1,000 for the program.

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RESOLUTION #84

PAYMENT OF \$1000.00 FOR SARANAC LAKE AREA YOUTH PROGRAM 2013

Motion made by Supervisor Peter Shrope, **second** by Amber McKernan,

WHEREAS the Town of Brighton contracted with the Village of Saranac Lake, the towns of Harrietstown and North Elba, and the Saranac Lake Central School District (Resolution #54 on June 13, 2013) to support the Saranac Lake Area Youth Program (SLAYP) for 2013 and

WHEREAS the amount of \$1,000.00 was included in the 2013 General Fund budget toward this program,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes Supervisor Peter Shrope to pay the Village of Saranac Lake the amount of \$1000.00 in support of the SLAYP for 2013.

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

RESOLUTION #84 declared duly adopted.

- 6) **Marriage Officiate – Supervisor Peter Shrope:** Received an email dated October 3, 2013, from Fletcher Fernau, from the Universal Life Church, a non resident of New York, requesting information from the Town Board to determine if he is authorized to perform a marriage in the Town of Brighton in the summer of 2014.
- 7) **Paving of County Road 60 – Supervisor Peter Shrope:** Would like to acknowledge the awesome paving job done on County Road 60 by the Franklin County Highway Department.

RESOLUTION #85

LETTER OF THANKS TO THE FC HIGHWAY DEPARTMENT FOR PAVING COUNTY ROAD 60

Motion made by Supervisor Peter Shrope, **second** by Amber McKernan,

WHEREAS, the Franklin County Highway Department paved the portion of County Road 60 that was in poor condition,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes Supervisor Peter Shrope to write a letter to Jon Hutchins, Superintendent of Franklin County Highways, acknowledging and thanking the Franklin County Highway Department for paving County Road 60.

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

RESOLUTION #85 declared duly adopted.

- 8) **Request for a Bike Lane on County Road 60 – Supervisor Peter Shrope:** Received a letter dated October 7, 2013, from Christopher Shrope, asking for the County to include a bike lane on Country Road 60 when road improvements are made. Since the Road has already been paved, a letter will be sent to Christopher Shrope from the Town Board thanking him for the recommendation.
- 9) **Genetically Modified Organisms (GMOs)-Supervisor Peter Shrope:** Christopher Shrope asked the Supervisor to ask if the Town farmers should be concerned with genetically modified organisms. GMOs are plants that have been modified and have patents on them, the seeds blow onto other people's property, the plants start growing and the owner of the patents are suing people for growing their plants. Discussion was held concerning how a local law could be created to avoid this situation and if one was needed.

COMMITTEES:

- 1) **Parks & Recreations-Peter Shrope and Steve Tucker:** Discussion was held on redefining the Park Attendant position and reducing the utility costs of the park.

RESOLUTION #86

REDUCTION OF TOWN PARK COSTS

Motion made by Supervisor Peter Shrope, **second** by Amber McKernan,

WHEREAS due to budgetary constraints and reduced hours being reported by the Park Attendant,

NOW THEREFORE BE IT RESOLVED the hours of the Park Attendant will be reduced to an amount to be determined by the Parks & Recreation Committee, and

BE IT FURTHER RESOLVED that the utility costs of the Park Building will be lowered by reducing the hours the building is open and reducing the heat and electric usage.

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

RESOLUTION #86 declared duly adopted.

- 2) **Adirondack Regional Airport – Amber and Tom McKernan:** Attended a meeting on September 18, concerning marketing of the Airport, presentation never given as advertised. Next meeting of the Airport Committee is November 6, 2013. Attended the open house on Saturday, October 5 with Life Flight Pumpkin Fest; gave airplane rides to 8 children with the Young Eagles Flight program and still have 8 more children that want to fly.
- 3) **Vacation-Supervisor Peter Shrope:** Supervisor Peter Shrope will be out of Town from October 21 to November 3; Steve Tucker will sign the pay checks on October 31.

CITIZENS COMMENTS: None

AUDIT OF VOUCHERS

RESOLUTION #87

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Amber McKernan, second by Steve Tucker,

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 2013 General Funds in the amount of \$597.82 and STREET LIGHTING FUNDS in the amount of \$59.44

GENERAL FUND: Abstract #10 for Voucher 185 through and including #199 for 2013 funds in the amount of \$4,693.62 and

HIGHWAY FUND: Abstract #10 for Voucher #89 through and including #101 for 2013 funds in the amount of \$8,193.55

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

Resolution#87 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 10:40 p.m. made by Amber McKernan, **second** by Steve Tucker, Aye 4 (McDonnell, McKernan, Shrope, Tucker), Nay 0, Absent 1 (Wright)

Respectfully Submitted,

Elaine W. Sater, RMC
Brighton Town Clerk