

**TOWN OF BRIGHTON – FRANKLIN COUNTY- NEW YORK  
REGULAR BOARD MEETING – NOVEMBER 8, 2012**

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**The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, November 8, 2012, at 6:00 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:**

**CALL TO ORDER:**

**Meeting was Called to Order** by Supervisor Peter Shrope at 6:05 p.m.  
Pledge to the Flag was recited

**ROLL CALL OF OFFICERS**

**PRESENT:** Supervisor Peter Shrope

Council Members: David Knapp, Brian McDonnell (entered meeting at 6:45 p.m.), Steve Tucker and Lydia Wright

**ABSENT:** None

**OTHERS PRESENT:** Paul Blaine - Code Enforcement Officer, Andy Crary - Superintendent of Highways, Holly Huber – Tax Collector, Richard Meagher – Bookkeeper/Budget Officer, and Elaine Sater - Town Clerk

**RESIDENTS:** There were three residents present for the meeting

**GUESTS:** None

***POSTING OF NOTICE OF PUBLIC HEARINGS AND MEETING***

Notice of this meeting and three public hearings was published in the Adirondack Daily Enterprise on Monday, October 29, and Thursday, November 1, 2012. Notice was also posted on the Town Clerk's Sign Board and in three post offices and businesses in the Town., as well a on the Town's website at [www.townofbrighton.net](http://www.townofbrighton.net).

***PUBLIC HEARING 2013 RESCUE CONTRACT***

**Supervisor Peter Shrope opened the Public Hearing at 6:08 p.m.** for the Rescue Contract with the Saranac Lake Volunteer Rescue Squad (SLVRS) for a one year period from January 1 to December 31, 2013 for the amount of \$29,333, a 38% increase over the 2012 contract. He received a budget from the SLVRS to show where the funds are spent; the Town's share is 5.5% of their budget. He expects the cost to go down in the future as the SLVRS adjusts their budget with funds from insurance payments.

**Opened the floor for public comment: None were given**

**Supervisor Peter Shrope closed the public hearing at 6:10 p.m.**

***PUBLIC HEARING 2013 FIRE CONTRACT***

**Supervisor Peter Shrope opened the Public Hearing at 6:11 p.m.** for the 2013 Fire Contract with the Paul Smiths Gabriels Volunteer Fire Department, Inc. for a one year period from January 1 to December 31, 2013 for the amount of \$79,193, a 2% increase over the 2012 contract. He received only a letter from the fire chief with a monetary request and no detailed budget attached. The Fire Chief requested a 2% increase for each of the next three years but did not send a new contract. Due to the current financial situation Supervisor Peter Shrope is asking for a one year contract at the requested amount. A copy of the current contract was used for 2012 with the amount updated. He will request a copy of a detailed budget when the contract is sent.

**Opened the floor for public comment: None were given**

**Supervisor Peter Shrope closed the public hearing at 6:15 p.m.**

***PUBLIC HEARING 2013 TOWN BUDGET***

**Supervisor Peter Shrope opened the Public Hearing at 6:16 p.m.** for the 2013 Preliminary Budget for the Town and turned the discussion over to Richard Meagher, Budget Officer. The Town Board was able to keep the budget at the 2 % tax levy cap, the rescue contract is a 38% increase, NY state retirement increased 97%, and health insurance increased 67%; a fund balance of \$45,961 will be used to keep the budget within the allowable tax levy cap of 2%. The retirement and rescue contract are one time increases, health benefits will decrease as elected officials finish terms and no longer receive them. There were no salary increases or cost of living adjustments for any position due to the increase in health care premiums,

**Opened the floor for public comment: None were given**

**Supervisor Peter Shrope closed the public hearing at 6:25 p.m.**

***2013 TOWN BUDGET***

**RESOLUTION # 98**

**2013 TOWN BUDGET**

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**Motion made** by Supervisor Peter Shrope, **second** by David Knapp,  
**WHEREAS** a public hearing was held on November 8, 2012 for public comments on the 2013 Preliminary Town Budget, and

**WHEREAS** there were no changes to the 2013 Preliminary Budget,

**NOW THEREFORE BE IT RESOLVED** that the Town Board adopts the 2013 Town Preliminary Budget as presented with the following:

**GENERAL FUND: Appropriations: \$422,419; Revenues: \$52,884; Less Fund Balance: \$25,669;  
AMOUNT TO BE RAISED BY TAXES: \$343,866**

**HIGHWAY FUND: Appropriations: \$278,351; Revenues: \$90,282; Less Fund Balance: \$20,292;  
AMOUNT TO BE RAISED BY TAXES: \$167,777**

**STREET LIGHTING: Appropriations: \$900, Revenues: \$0, Less Fund Balance: \$0,  
AMOUNT TO BE RAISED BY TAXES: \$900**

**SPECIAL DISTRICT FIRE: Appropriations: \$79,193, Revenues: \$ 0, Less Fund Balance: \$0,  
AMOUNT TO BE RAISED BY TAXES: \$79,193**

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

**RESOLUTION #98 declared duly adopted**

**CONTRACTS**

1. 2013 FIRE CONTRACT:

**RESOLUTION # 99**

**FIRE CONTRACT FOR 2013**

**Motion made** by Supervisor Peter Shrope, **second** by David Knapp,

**WHEREAS** a public hearing was held on November 8, 2012, to hear public comment on the Paul Smiths Gabriels Volunteer Fire Department Contract for 2013 in the amount of \$79,193, and

**WHEREAS** no one spoke for or against the proposed contract,

**NOW THEREFORE BE IT RESOLVED** that the Town Board approves a one year contract with the Paul Smiths-Gabriels Volunteer Fire Department, Inc. in the amount of \$79,193 to provide fire protection services for 2013.

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

**RESOLUTION #99 declared duly adopted**

2. 2013 RESCUE CONTRACT:

**RESOLUTION # 100**

**RESCUE CONTRACT FOR 2013**

**Motion made** by Supervisor Peter Shrope, **second** by Lydia Wright,

**WHEREAS** a public hearing was held on November 8, 2012, to hear public comment on the Saranac Lake Rescue Squad Contract for 2013 in the amount of \$29,333 and

**WHEREAS** no one spoke for or against the proposed contract,

**NOW THEREFORE BE IT RESOLVED** that the Town Board approves a one year contract with the Saranac Lake Rescue Squad, Inc. in the amount of \$29,333 for rescue services for 2013

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

**RESOLUTION #100 declared duly adopted**

**DEPARTMENTS**

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

a. **Report:**

- i. Took care of downed trees on the Clarke-Wardner and Hull Road after the wind storm “Sandy”
- ii. Getting trucks ready for winter (lights, hydraulic couples, wing bolts, etc)
- iii. Painted wing and adjusted brakes on plow truck
- iv. Men are using vacation time
- v. Picked up the trees that were cut by Paul Smith’s College class at the Park and put them behind the garage
- vi. Made dump run



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**11. SUPERVISOR:**

**a. Financial Report:**

- i. Budget showing revenues and expenses as of October 31, 2012, was distributed to Board members.
- ii. In October funds in the amount of \$11,184.00 were directly deposited into the Town Hall Project checking account by the State Comptroller's Office, this was Aid to Municipalities (AIM) funds meant for the General Fund, a check was written to move the funds into the General Fund checking account.

**b. Franklin County Supervisors' Meeting:** On November 1 attended a meeting with the Franklin County Supervisors at Paul Smith's College. Discussion was held on getting a grant to determine if Franklin County should have a planning department to help towns with planning and getting grants.

**c. State of Emergency:** Franklin County declared a State of Emergency on October 29 due to the forecast of Hurricane Sandy. The State of Emergency was lifted on October 30 when the storm stayed south of Franklin County.

**APPROVAL OF MINUTES**

- Regular Board Meeting – October 11, 2012

**Motion made** by Brian McDonnell, **second** by David Knapp, **to adopt the minutes of the Regular Town Board meeting held on October 11, 2012, as written.**

**Roll Call Vote: Aye 5 (Knapp, McDonnell, Shrope, Tucker, Wright), Nay 0**

- Special Board Meeting – October 18, 2012

**Motion made** by David Knapp, **second** by Steve Tucker, **to adopt the minutes of the Special Board meeting held on October 18, 2012, as written.**

**Roll Call Vote: Aye 5 (McDonnell, Shrope, Tucker, Wright), Nay 0, Abstain 1 (Knapp)**

**CITIZENS COMMENTS:**

**Frank Appleton** commented on a statement from the Tax Collector concerning the fees, penalties and interest collected with the taxes. The Tax Collector said the fees, penalties and interest are paid first from a payment and if the remainder is not enough to cover the taxes then the taxes are considered not paid. This happened to one of his children with a mortgage payment and they were hit with a large penalty.

**BUSINESS:**

**1. Town Hall Project – Supervisor Peter Shrope:**

- a. Bond Anticipation Note (BAN) Renewal for Town Hall Project:** No funds have been reimbursed from the Town Hall Project grant so the BAN has to be renewed. The Town will pay \$3,339 in interest fees for the 2011 BAN

**RESOLUTION #101**

**RENEWAL OF BOND ANTICIPATION NOTE (BAN) FOR \$126,000 FOR TOWN HALL PROJECT**

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

**WHEREAS**, the Bond Anticipation Note (BAN) authorized by the Town on November 17, 2011, to pay for the construction of the Town Hall in the sum of \$126,000 will mature on November 17, 2012, and

**WHEREAS**, the Town anticipated receiving grants it was awarded from New York State on or before November 17, 2012 to off the November 17, 2011 BAN, and

**WHEREAS**, these anticipated funds from New York State have yet to be received, and

**WHEREAS**, this Ban will serve as a bridge loan in anticipation of the above referenced grant funds, and

**NOW THEREFORE, be it hereby**

**RESOLVED, by the Town Board of the Town of Brighton, Franklin County New York, as follows:**

Section 1. The specific object or purpose for which obligations are to be issued pursuant to this resolution is to finance the Town Hall renovation project currently underway.

Section 2. The \$126,000 bond may be renewed or extended another year for the full amount under Local Finance Law section 23.00

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Section 3. For the specific object or purpose of paying for the renovation of the Town Hall, there is hereby authorized to be issued a \$126,000 bond of said Town in accordance with the plan set forth above and pursuant to the provisions of the Local Finance Law. Such bond shall be dated approximately as of November 8, 2012, and the power to fix and determine the exact date of such bond is hereby delegated to the Town Supervisor.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is Ten (10) years for the Town Hall Renovations (pursuant to Section 11.00[a](11)(a) of the Local Finance Law).

Section 5. It is hereby further determined that the maximum maturity of the bond herein authorized will not exceed twelve months.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bond herein authorized, including renewals of such notes is hereby delegated to the Town Supervisor. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Town Supervisor, consistent with the provisions of the Local Finance Law.

Section 7. The faith and credit of said Town of Brighton, Franklin County, New York, are hereby irrevocably pledged for the payment of the principal and interest on such bond as the same respectively becomes due and payable. All the taxable real property within said Town shall be subject to the levy of *ad valorem* taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bond.

Section 8. Such bond shall be in a fully registered form and shall be signed in the name of the Town of Brighton, Franklin County, New York, by the manual or facsimile signature of the Town Supervisor and a facsimile of its corporate seal shall be imprinted thereon and attested by the manual signature of the Town Clerk.

Section 9. Said bond shall obligate the town to pay to NBT Bank, N.A., as the registered owner the principal sum of \$126,000.00 and to pay interest on the unpaid balance of such principal sum at the rate of 1.87% per annum, annually from the date of the bond until it matures.

Section 10. The bond anticipation notes authorized by this resolution may be renewed at the discretion of the Town Board.

Section 11. When said bond shall have been duly sold, the same shall be delivered by the Town of Brighton Town Clerk to the purchaser upon payment to it of the purchase price including accrued interest, and the receipt of the Town of Brighton shall be a full acquittance to said purchaser who shall not be obligated to see to the application of the purchase money.

Section 12. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds without restoring to further action of this Town Board.

Section 13. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Sections 1.150-2(d) and (e). Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 14. The validity of such bonds and bond anticipation notes may be contested *only if*: Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or such obligations are authorized in violation of the provisions of the Constitution.

Section 15. Pursuant to the provisions of the Tax Reform Act of 1986, this Board expressly represents that the Town will not issue more than ten million dollars of tax exempt obligations in any calendar year and directs that a copy of this Resolution be furnished to the bond purchaser.

Section 16. This resolution shall take effect immediately.

**Roll Call Vote: Aye 5 (Knapp, McDonnell, Shrope, Tucker, Wright), Nay 0**

**RESOLUTION #101 declared duly adopted.**

- b. Audit of Town Hall Project:** Auditors have come to audit the Town Hall Project
- c. Funding:** No funds have been received yet from the NYS grants. According to Gail Underhill-Plumb the Town will only be reimbursed for 62% of the project as the addition was not completed so the Town's share of grant funding will be cut by 38% to \$124,000; which will not cover the BAN. A second claim will be submitted for expenses not yet claimed against the project. The Senator Betty Little grant can only cover the expenses from 2004 and 2005 when it was approved. There was no signed contract in the Town files for this contract or any documentation showing any extension was requested or granted. Supervisor Peter Shrope requested a copy from Gail Underwood-Plumb.

**2. Unsafe Building Local Law #1-1981 Violation - Supervisor Peter Shrope:** 652 Keese Mills Road property

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hearing was held and no one showed up or contacted the Town. Supervisor Peter Shrope will send a letter to the property owner letting him know the Town will remove the structure and charge the owner's taxes. He will have the attorney review the letter before sending it. He will also get some quotes from contractor's to remove the structure.

3. **Request from Citizen-Town Hall- Supervisor Peter Shrope:** Received a letter from Ralph Bennett, no date, with two concerns. He would like the Town to place a railing around the electric lift to insure public safety, when the lift is down a person could fall into the lift from the upper level as there is no barrier. He is suggesting that a concrete pad be placed at the bottom for the front steps to the entrance of the Town Hall. Supervisor Peter Shrope said the highway department was going to put flagstone down in front of the Town Hall during the summer but had other Highway business to tend to instead. He will look into the rail.
4. **Request from Citizen – Speed Limit on County Road 60- Supervisor Peter Shrope:** Received a letter from Ralph Bennett, no date, requesting the Town change the speed limit on County Road 60 in Franklin County from the Rainbow Lake Post Office to the location of the old railroad trestle (near Mill Hill Road) from 40 mph to 55 mph. Supervisor Peter Shrope will send a reply with the information from the Department of Transportation when the speed limit was reduced. If he wants to pursue this more he will have to do a petition.

**COMMITTEE REPORTS**

1. **HIGHWAY - David Knapp and Steve Tucker:** Nothing to Report
2. **ADIRONDACK REGIONAL AIRPORT - Thomas McKernan and David Knapp:** Nothing to report
3. **PARK & RECREATION - Steve Tucker and Peter Shrope:**
  - a. **Tree Removal:** Paul Smith's College professor Randall Swanson had his class cut the trees that needed to be removed on Monday, November 5. Supervisor Peter Shrope sent him a Thank you letter. The Highway Department removed the trees. A work order was submitted to National Grid as one of the trees is too close to the power lines.
  - b. **Port –a-Potty:** Supervisor Peter Shrope called to have the port-a-potty removed for the winter.
  - c. **David Knapp** asked who owned the soccer nets; they should be moved for the winter.
  - d. **Snow Fence:** Discussion was held on placing a fence around the Park property to prevent snowmobilers from running over the fields.

**RESOLUTION #102**

**SNOW FENCE FOR PARK**

**Motion** made by David Knapp, **second** by Brian McDonnell,

**RESOLVED** that the Town Board authorizes Superintendent of Highways Andy Crary to purchase orange snow fence not to exceed \$600.00 for the Park.

**Roll Call Vote: Aye 5 (Knapp, McDonnell, Shrope, Tucker, Wright), Nay 0**

**RESOLUTION #102 declared duly adopted.**

4. **INSURANCE/INVESTMENTS - David Knapp and Lydia Wright:**  
**NYSCCLASS:** Interest was \$2.80 for General and \$1.28 for Highway, Total \$4.08
5. **CEMETERY& TOWN BUILDINGS - David Knapp and Steve Tucker:** Nothing to Report
6. **WEBSITE - Supervisor Peter Shrope:** It cost \$25 to compile the 2013 budget for the website.
7. **TOWN HALL PROJECT/OPEN HOUSE: Supervisor Peter Shrope and Lydia Wright:**
  - i. **Roof:** Chad Quinn replaced the screws and put silicone in the holes on the roof the weekend before Hurricane Sandy was forecast so it fixed for the winter; it still needs to be replaced.
  - ii. **Sign:** Supervisor Peter Shrope is looking for larger letters so people can read the sign from the road.
8. **ASSESSMENT- Brian McDonnell and Lydia Wright:** A member of the Board of Assessment Review (BAR) needs to be reappointed and two need training. Brian McDonnell will contact Dan Grant to see if he is still interested in the BAR.

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9. **SALARIES/BENEFITS ADMIN - David Knapp and Supervisor Peter Shrope:** Nothing further to report

***OTHER BUSINESS:***

**RESOLUTION #103**

**PROCLAMATION FOR COMMENDATION:**

Motion made by Supervisor Peter Shrope, second by David Knapp,

**RESOLVED** that the Town Board commends Town residents Steve Tucker (Council Member), Tom Tucker, and Dan Whitson for their volunteer efforts in assisting New York City during Hurricane Sandy from October 29 to 31, 2012.

Roll Call Vote: Aye 5 (Knapp, McDonnell, Shrope, Tucker, Wright), Nay 0

**RESOLUTION #103 declared duly adopted.**

***CITIZENS COMMENTS:***

**Tom McKernan:** Commented on the Keese Mills Road building demolition, agrees with the Town contracting the project out to keep the liability clear and get it done correctly.

**Amber McKernan** asked when the Organizational meeting would be held in January.

**Supervisor Peter Shrope** said it would be on January 10 at 7 pm. The next regular board meeting is on December 13<sup>th</sup> at 7 p.m.

***AUDIT OF VOUCHERS***

**RESOLUTION #104**

**PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS**

Motion made by Lydia Wright, second by David Knapp,

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

**PRE PAID:** Abstract #11 for Voucher #11A and 11B for General Funds in the amount of \$585.92 and Street Light Funds in the amount of \$61.52

**GENERAL FUND:** Abstract #12 for Voucher #229 through and including #246 for 2012 funds in the amount of \$5,763.47

**HIGHWAY FUND:** Abstract #12 for Voucher #110 through and including #118 for 2012 funds in the amount of \$7,435.02

**CAPITAL PROJECT TOWN HALL FUND:** Abstract #40 for Vouchers #94 and #95 for Capital Project Funds in the amount of \$4,374.00.

ROLL CALL VOTE: Aye 5 (Knapp, McDonnell, Shrope, Tucker, Wright), Nay 0

**Resolution # 104 declared duly adopted.**

***ADJOURNMENT***

Motion to Adjourn at 8:43 p.m. made by David Knapp, Second by Lydia Wright; Aye 5 (Knapp, McDonnell, Shrope, Tucker, Wright), Nay 0

Respectfully Submitted,

Elaine Sater, RMC  
Brighton Town Clerk