

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

November 13, 2008

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, November 13, 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 7:03 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, Amber McKernan - Tax Collector, 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, October 9, 2008

Motion made by Supervisor David Knapp, second by Lydia Wright, to approve the minutes of a Regular Town Board meeting held on October 9, 2008, with the following change: Page 5, Para 2a, Time Warner Cable- Sheila Delarm, Second Sentence: Delete "no one is" and add "Larry Miller and Paul Maroun are", delete "taking on" and add "addressing".

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

- Special Board, October 16, 2008

Motion made by Supervisor David Knapp, second by Lydia Wright, to approve the minutes of the Special Board meeting held on October 16, as written.

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

- Special Board, October 23, 2008

Motion made by Supervisor David Knapp, second by Steve Tucker, to approve the minutes of the Special Board meeting held on October 23, as written.

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

- Public Hearing 2009 Town Budget, November 6, 2008

Motion made by Supervisor David Knapp, second by Lydia Wright, to approve the minutes of the Public Hearing held on November 6, as written.

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

- Special Board, November 6, 2008

Motion made by Supervisor David Knapp, second by Sheila Delarm, to approve the minutes of the Special Board meeting held on November 6, as written.

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

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of October 31, 2008 was \$ 846.89

9 Sport Licenses

11 Dog Licenses: 3 New, 8 Renewed

5 Building Permit (#08-29 to 33)

7 copies from FOIL requests and 1 Notary

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1. October 7 and 11, Local Registration Days were held for Election Day. One person appeared at each session.
2. November 4 delivered Election Day supplies to County Sheriff in Saranac Lake. Unofficial results for the Supervisor are David Knapp 184 and Steve Tucker 182. Absentee and Affidavit votes will be counted by November 18 before the final result can be determined.

Supervisor David Knapp received a letter from the Board of Elections stating that the opening of the ballots for Brighton would be on November 19 at 3 p.m. at their office.

3. TOWN HALL USE REQUESTS: None
4. TOWN PARK USE REQUESTS: None
5. TOWN CLERK'S OFFICE CLOSURE: The office will be closed Thanksgiving Week, November 25 and 27 and reopen on Tuesday, December 2 at noon.

CITIZENS COMMENTS: None

SUPERVISOR'S FINANCIAL REPORT/CORRESPONDENCE

1. Financial Report:

- a. **Town Accounts:** Class General funds of \$214,052.37 and Class Highway funds of \$144,251.78 are in the Town's accounts as of October 31, 2008. Total Town Funds are \$358,304.15
- b. **Budget Amendment General Fund:**

GENERAL FUND 2008 BUDGET AMENDMENT #8

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

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

\$ 3,386.00 from Account No. A1990.4 (Contingency)

As follows:

\$ 300.00 to Account No. A1010.4 (Town Board Expenses) to cover mileage & FOILs

\$ 500.00 to Account No. A1110.4 (Justice Expenses)

\$ 1,500.00 to Account No. A5132.4 (Town Garage Expenses)

\$ 1,086.00 to Account No. A6461.4 (Grant Expenses) Smart Growth Initiative

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

GENERAL FUND 2008 BUDGET AMENDMENT #8 declared duly adopted.

HIGHWAY FUND 2008 BUDGET AMENDMENT #3

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

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

\$ 20,039.00 from Account No. DA5110.1 (General Repairs Salary)

\$ 4,961.00 from Account No. DA5148.1 (Services Other Govts Salary)

As follows:

\$ 25,000.00 to Account No. DA5142.4 (Snow Removal Expenses) for salt purchase

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

HIGHWAY FUND 2008 BUDGET AMENDMENT #3 declared duly adopted.

2. Correspondence:

- a. **Franklin County Department of Social Services:** Received letter from Ona Rushford with information of programs on fuel, food, and medical insurance. David Knapp will request handouts on these topics to be available to residents.
- b. **Public Service Commission:** Received information on heating tips for winter, website available "www.HeatSmartNY.org", or toll free phone # 877-NYSMART
- c. **Four Point Construction:** Received information on grant preparation
- d. Received a notice to purchase a Fire Department Law Manual
- e. **Rural Futures:** There is an article in the November/December 2008 issue titled "Improve New York's Local Justice System" with a picture of the Town of Brighton's Town Hall on page 2.

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3. Old Business:

- a. **Audit of Financial Records for 2007:** The Board will review the 2007 Financial Records at 6 p.m. on December 11.
- b. **PSGVFD Budget and Audit:** Sent a letter dated 11 November 2008 to Paul Smiths Gabriels Volunteer Fire Department (PSGVFD) Chief Roger Smith and Financial Chair Ted Palmer requesting a copy of their 2009 itemized Budget when they receive the first payment for 2009.
- c. **Code of Ethics Update:** Lydia Wright reviewed the Code of Ethics and provided updates on gift amounts.

RESOLUTION #98

CODE OF ETHICS

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

WHEREAS, Section 806 1(a) of the General Municipal Law, Chapter 24, Article 18, provides that each Town shall enact a Code of Ethics by local law, ordinance or resolution, and

WHEREAS, the Town Board of the Town of Brighton, Franklin County, State of New York, recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our local government,

NOW THEREFORE BE IT RESOLVED that the following rules of ethical conduct for the officers and employees of the Town of Brighton be and hereby is authorized to serve as a guide for official conduct of the officers and employees of the Town of Brighton,

AND BE IT FURTHER RESOLVED that the rules of conduct of this Resolution shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct of municipal officers and employees:

CODE OF ETHICS

1. DEFINITIONS:

- a. "Municipal Officers or Employees" means all elected or appointed officers and all employees, whether paid or unpaid, including all members of any administrative board, commission or other agency thereof.
- b. "Interest" means a pecuniary or material benefit accruing to a municipal officer or employee.

2. STANDARDS OF CONDUCT

Every officer or employee of the Town of Brighton shall be subject to, and abide by, the following Standards of Conduct:

- a. **Gifts:** You shall not directly or indirectly solicit any gift or accept or receive any gift having a value of seventy-five dollars (\$75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form under circumstances in which it could reasonably be inferred that the gift was intended to influence you or could reasonably be expected to influence you in the performance of your official duties or was intended as a reward for any official action on your part.
- b. **Confidential Information:** You shall not disclose confidential information acquired by you in the course of your official duties or use such information to further your personal interest.
- c. **Representation before one's own agency:** You shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which you are an officer, member or employee, or of any municipal agency over which you have jurisdiction, or to which you have the power to appoint any member, officer or employee.
- d. **Representation before any agency for a contingent fee:** You shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any agency of this municipality, whereby your compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees base upon the reasonable value of the service rendered.
- e. **Disclosure of interest in legislation:** To the extent that you know thereof, a member of the Town Board and any officer or employee of the Town of Brighton, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town of Brighton shall publicly disclose on the official record the nature and extend of any direct or indirect financial or other private interest you have in such legislation.
- f. **Investments in conflict with official duties:** You shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with your official

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duties.

- g. **Private Employment:** You shall not engage in, solicit, negotiate for or promise to accept private employment, or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of you official duties.
 - h. **Future Employment:** You shall not, after the termination of service or employment with this municipality, appear before any board or agency of the Town of Brighton in relation to any case, proceeding or application in which you personally participated during the period of your service or employment or which was under your active consideration.
- 3. Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Town of Brighton, or any agency thereof on behalf of yourself or any member of your family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.
 - 4. **DISTRIBUTION OF THE CODE OF ETHICS:** The Supervisor of the Town of Brighton shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town of Brighton within ten days after the effective date of this resolution.
 - 5. **PENALTIES:** In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violates any of the provision of this Code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.
 - 6. **EFFECTIVE DATE:** This resolution shall supersede Resolution No. 23 adopted by the Brighton Town Board on November 5, 1970 and is effective November 13, 2008.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0
RESOLUTION #98 declared duly adopted.

- d. **Forms for Recording Town Business:** Distributed a form to Town officials and employees to use to record hours and contracts for conducting Town business. Discussion was held on how to use the form. The form will be used as a trial for the next month and turned in to the Supervisor before the next Board meeting.

4. New Business: Contract for Rescue Services for 2009, received new contract for 2009 Rescue Services

Motion made by Supervisor David Knapp, **second** by Steve Tucker, to notify the Village of Saranac Lake that the wording of the 2009 Rescue Contract needs to be changed as follows:

Third Covenant: Change "1-Jan" to "1-Feb"

Fourth Covenant: Add at end of last sentence ""but only if caused by the negligence of the Town".

Tenth Covenant: Change end of sentence to read "latter's proportionate share of money due under this agreement."

Eleventh Covenant: Remove as it no longer pertains.

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

DEPARTMENT REPORTS:

- 1. **ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** Received September and October Reports
 - a. During September 2008, handled a total of 8 calls from residents: 4 calls in reference to a Dangerous Dog complaint regarding a dog attacking another dog on the Rickerson Pond Road, 1 call in reference to assisting in placing a dog, 2 calls in reference to lost dogs, 1 call in reference to a dog running loose.
 - b. During October 2008, handled a total of 13 calls from residents: 2 calls in regards to pet adoption, 2 calls in regards to a cat hanging around a residence, 2 calls in reference to a possible animal cruelty situation on County Road 60 in Rainbow Lake, and 4 calls in regards to dog complaints between neighbors on "Easy Street". Appearance tickets were issued to both parties based on complaints, as well as tickets for unlicensed dogs.
- 2. **ASSESSOR (Doug Tichenor):** Report submitted prior to meeting
 - a. Assessor's Report
 - i. Submitted budget and met with Board to discuss it
 - ii. Received and reviewed the appraisal report for the Town Attorney regarding the Earl property Article 7

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- litigation. Will attend a meeting with the Board if the Board desires one.
- iii. Will be attending a meeting on November 20 with the Franklin County Legislators and Lee Kiyriocu, Director of the NYS Office of Real Property Services for a presentation about county wide assessing. Should be quite interesting indeed
 - b. **New Business:** Supervisor David Knapp received a request from the Office of Real Property to update official addresses for Town Officials.
 - c. **Old Business:** Board of Assessment Review (BAR) members will be addressed at the next Board meeting.
- 3. CODE ENFORCEMENT OFFICER (CEO) (Paul Blaine):** Report submitted prior to the meeting
- a. **CEO's Report:**
 - i. For 2008, issued 5 new permits, 29 permits are open, issued one Certificate of Occupancy (CofO)
 - ii. For 2007, 20 permits open
 - iii. For 2006, 14 permits open, issued 1 Final Renewal
 - iv. For 2005, 2 permits open, issued 2 CofOs, issued on Final renewal
 - v. For 2004, 1 permit open
 - vi. Pursuing Code violations, contacted the District Attorney to see if they will prosecute the local laws. The current "Junk Yard" law could be changed from a Criminal law to a Civil law to change it from the DA's jurisdiction.
 - b. **New Business:**
 - i. Supervisor David Knapp received a request from Franklin County Civil Service to update the CEO position description. A review of the position description was conducted and "and other Local Laws" was added to the Enforcement part of the description. A copy of the application from the current CEO will be sent to the County.
 - ii. Sheila Delarm said the CEO needs to appoint a Deputy to cover for chimney fires in case the CEO is not available.
 - c. **Old Business:** Supervisor David Knapp said he tried to install the "wireless" internet access for the CEO's computer, the internet will work for the wireless or the cable line access but not both. He will contact Jim Minnie to properly install the system so everyone can use the internet access.
- 4. HIGHWAY (Andy Crary):** Report submitted prior to meeting
- a. **Superintendent's Report**
 - i. Had to repair the pole saw and traded the old chain saw for new one
 - ii. Put a cold patch on the Keese Mills Road to fill pot holes.
 - iii. Worked on the snow plow to get it ready for plowing, installed plow
 - iv. Cut the high limbs on Church Pond Road
 - v. Hauled cement slabs from Trudeau's Sand and Gravel to build a loading ramp, hauled one load of crusher run for it also
 - vi. Worked on 2002 sanding truck, shortened the sanding chain
 - vii. Picked up the LT9000 from Harrisville, new plow is on and works well.
 - viii. Cleaned and serviced vehicles for the winter
 - ix. Set up for Food Pantry
 - x. Put sanding screens on trucks
 - xi. Made the dump run
 - xii. General clean up of garage
 - xiii. Back bladed the Clarke-Wardner Road
 - xiv. Plowed first snow storm
 - xv. Moved downed trees from the Hoffman, Tebbutt and White Pine roads
 - xvi. Contacted the NYS DOT to put the "Jones Pond Road" sign back up. They also moved the "Stop" sign at the park to make room for the plow to get into the parking lot to plow.
 - xvii. Cleaned the culverts at Sucker Brook where the beaver have been building
 - xviii. Obtained parts in Plattsburgh to repair the "air gate" on the truck
 - xix. Helped haul food for the Food Pantry
 - xx. Will be out hunting off and on during the next few weeks, will check in with the Highway employees

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b. Old Business:

- i. **White Pine Road Bridge:** Supervisor David Knapp and Jeffrey Leavitt reviewed the information collected so far on the bridge ownership. Supervisor David Knapp will contact the Attorney for the Town, Scott Goldie, to discuss any further communications concerning this issue. Sheila Delarm said that John Miller, Franklin County Attorney, contacted Scott Goldie to offer in-kind services and equipment to help repair the bridge. The burden of proof of ownership is still on the County. Discussion was held on the lack of a written agreement as noted in Section 115B of the Highway Law and the completion of repairs on the bridge by the County. Jeffrey Leavitt will compile a time line for the Attorney for the Town, so Scott Goldie can send a letter to the Franklin County Attorney addressing this issue.
- ii. **State Route 30 Speed Limit:** A letter dated October 9 was received from the NYS Department of Transportation (NYSDOT) saying that speed would not be reduced on State Route 30. The day after this letter was written there was another accident at the intersection of NYS Route 30 and 86. Sheila Delarm spoke with Susan Sweeney at Paul Smith's College about the intersection. President John Mills is writing a letter to Senator Betty Little to support the Town's speed reduction request. Sheila Delarm would like to write a letter to Martin Percy, Regional Traffic Engineer from NYS DOT, concerning their assessment of the speed limit. Jeffrey Leavitt met with Wes Z from the NYSDOT office in Malone on October 21. They visited the intersection and were almost involved in an accident due to the poor visibility at the intersection.

Motion made by Supervisor David Knapp, second by Jeffrey Leavitt, to authorize Sheila Delarm to write a letter to the NYS Department of Transportation, Martin Percy, and send a copy to the Malone office, to address the concerns of the speed on State Route 30 at the State Route 86 intersection.

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

- iii. **Snow Removal Contract:** The Snow Removal Contract was reviewed and signed by the Attorney for the Town and sent on to the Franklin County Highway Department
 - iv. **CSEA Contract: Supervisor David Knapp** received a letter dated October 23, 2008 from the CSEA representative, Brian Paige, who is ready to negotiate a successor agreement to the collective bargaining agreement. He called and left a message with Brian Paige to set up a meeting, he also requested a faxed copy of the proposed items. His email attempt was returned. He has not received a reply to his request as of this meeting.
- c. **New Business:** Andy Crary asked about putting up the "Town of Brighton" highway sign. Supervisor David Knapp said to wait until spring because of the possible salt damage to the sign.

5. TAX COLLECTOR (Amber McKernan): Report submitted at the meeting

- a. Starting to receive request lists from mortgaging institutions and tax servicing organizations in anticipation of the upcoming 2009 Town and County Tax collection season.
- b. Received several phone calls requesting tax information and copies of tax receipts.
- c. Received the October bank statement which was reconciled. Signed the necessary paperwork to change the Tax Collector's account from non-interest bearing to interest bearing. The statement shows that change to the Tax Collector's account is now in effect. To accrue interest there must be a minimum balance, no interest was accrued to date. Will be issuing two checks to show the interest separate from the penalties. There is a balance of \$14.01 in outstanding checks issued as refunds for the 2008 tax collection season. Issued check #794 to Town Supervisor David Knapp in the amount of \$14.01 based on the assumption that these checks will not be cashed by their recipients. Would like a numbered receipt from the Supervisor.
- d. Contacted the Franklin County Treasurer's office to get an updated on the status of the partial payment issue. The option of partial payments will be offered to those towns in Franklin County chosen as test towns using the Allen Tunnell tax collection software. This Town is not one of those towns.
- e. The fact that not all towns in Franklin County have computers for their tax collectors remains a factor in implementing a common county-wide data base. It is not expected that the system will be implemented until 2010 collection season.
- f. Have set hours for the 2009 tax collection season as follows: During the month of January only, 8:00 a.m. to 4:00 p.m. Tuesdays and Wednesdays, 8:30 a.m. to 4:00 p.m. on Thursdays or by appointment at 18 County

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Road 60.

- g. Need more funds for postage to send out the tax bills in December.

6. **TOWN JUSTICE (Nik Santagate):** Report submitted to prior to meeting
Turned over \$4,425.00 in fines and fees to the Supervisor and disposed of 44 cases
7. **HISTORIAN - Mary Ellen Salls:** No report

COMMITTEE REPORTS

1. SMART GROWTH INITIATIVE - Rebecca Buerkett:

- a. Submitted minutes of two meetings held on September 19 and October 27.
- b. Attended a Common Ground Alliance Conference on October 14 and went to the "Broadband" workshop. The Development Authority of the North Country (DANC) and CBN Contact gave information about the interest in getting highspeed telecommunications into the rural areas. Julie West from CBN Contact will come to the next board meeting and discuss the issue. Wireless transmitters are being discussed, there are grants for cooperatives between towns. The airport in Harrietstown is one location where towers can be put. The issue is people who do not have access to the internet without purchasing a satellite dish. This issue will greatly affect competition for businesses in the Town.
- c. Spoke with Mike Brennen at the Visitor's Interpretation Center (VIC). He would like to see more cooperation with the Town, such as the Highway Department sanding the road into the VIC. He is interested in the brochure so he could pass it out to people who attend the VIC. He suggested getting wireless transmitters so people could drive by places and listen to explanations of the history, especially the "great camps".
- d. Met with the Brighton Seniors to discuss their ideas. They are concerned about transportation and affordable housing. Received a list of items from Pat Willis.
- e. Met with Tom Huber and Andy Egan from Paul Smith's College to discuss the college's sustain ability. They asked "What does the Town of Brighton want to be?" (for example: a tourist town, economic base, light industry, such as manufacturing pellets for stoves or biomass bricks). The issue of the Adirondack Water Institute not being involved was brought up. She told them a letter was sent to the Adirondack Water Institute from the Town Board to explain that another organization was selected as the non-profit.
- f. Put a list out at businesses, Town Hall, and post offices to have people fill out information on businesses in the Town for the brochure.
- g. Would like to do a survey based on the question proposed by Tom Huber and Andy Egan. This was not part of the grant request but it seems to be the only way to get the question answered. The survey can be mailed or completed "on-line". A draft survey will be presented at the December Board meeting.
- h. Will need an extension to the contract to complete the survey. The original grant application was for 1 year, but the final contact said 6 months.

Motion made by David Knapp, second by Lydia Wright, to authorize Rebecca Buerkett to write a letter to ask for an extension to the Smart Growth Grant until April 2009 to complete the grant.

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

- i. She spoke with Jeff Tedford, Superintendent of Camp Gabriels, to set up a meeting for next week.
- j. The next meeting will be scheduled in December. These meetings are opened to anyone who wants to attend.

2. PARK & RECREATION - Steve Tucker and Lydia Wright:

- a. Steve Tucker attended a meeting of the Saranac Lake Area Youth Program. The program started with a negative fund balance and ended with funds of \$1,340. There was an average of 100 children per day, free lunches were provided by Essex County. There were 11 children and two counselors from the Town of Brighton. Nine of the children were awarded \$50 scholarships to attend. The registration fee was \$50 per child. The children went to Pendragon Theater with funds from the Saranac Lake Young Artist Association (SLYAA), it cost \$200 a trip. The current Director is leaving and needs a replacement. Next year the High School will

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be used and the program will be expanded.

- b. There is no information on changing the locks

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

- a. Lydia Wright received the comparison numbers for the Empire health plan. She will meet with Sheila Delarm over the weekend to review the plans.
- b. Payments for Elected Officials not receiving health benefits:

RESOLUTION #99

PAYMENTS TO ELECTED OFFICIALS WHO DO NOT RECEIVE HEALTH BENEFITS

Motion made by Lydia Wright, Second by Supervisor David Knapp, to Wit:

WHEREAS, the Town of Brighton pays full health benefits for elected officials, and

WHEREAS, there are two elected officials that have health benefits through other means,

NOW THEREFORE BE IT RESOLVED that the Town of Brighton pay an amount equal to 10% of the annual family health premium for 2008 to the two elected officials that do not receive health benefits through the Town.

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

RESOLUTION #99 declared duly adopted.

- c. CLASS investments: Have a very low interest rate, total for October was \$282.11

4. CEMETERY - Steve Tucker and Jeffrey Leavitt: Steve Tucker helped locate a plot for the installation of a headstone.

5. TOWN BUILDINGS - Steve Tucker and Jeffrey Leavitt

- a. **Town Hall Project Grant (Lydia Wright and Jeffrey Leavitt):** Word was sent by Pat Willis that the grant has not been awarded yet, possibly in December
- b. **Maintenance:**
 - i. A form has been distributed for people to report any maintenance needed.
 - ii. Many thanks to Holly Huber for washing the windows in the Town Hall.
 - iii. Shelly Smith submitted a list of items needing attention at the Town Hall
 - iv. On Election Day the elevator lift did not work correctly. David Knapp purchased magnets to replace old ones on the lift. The Town Clerk noted that the lift worked on Thursday before the Election.

OLD BUSINESS

- 1. **FALSE ALARMS FOR PSGVFD:** A draft local law was created by David Knapp and Sheila Delarm with the Attorney for the Town. Discussion was held concerning the frequency of avoidable alarms at Paul Smith's College. Corrections to the local law will be made by the Attorney for the Town, Scott Goldie.

Motion made by Supervisor David Knapp, second by Steve Tucker, to propose Local Law #2 for the Year 2008, entitled "Prevention of Avoidable Alarms in the Town of Brighton, Franklin County, New York" for the purpose of promoting the health, safety and general welfare of the residents of the Town of Brighton by reducing the number of avoidable false alarms, thereby ensuring that fire and rescue emergency personnel will be available for actual emergencies. Avoidable alarms unnecessarily drain resources and require emergency responses which increase the risk of accidents and delay responses to real emergencies.

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

Motion made by Supervisor David Knapp, second by Lydia Wright, to set a Public Hearing for Proposed Local Law #2-2008 "Prevention of Avoidable Alarms in the Town of Brighton" on Tuesday, December 9, 2008 at 7 p.m.

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

- 2. **FIRE ADVISORY BOARD (FAB) UPDATE - David Knapp:** Met with Marty Murphy who wanted to change

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the percentages of the payments made by the Village and towns. This was not agreed to by the FAB for this year. The Saranac Lake Fire Department is working on separating the rescue department. The Mountain Lakes must approve the separation, they meet in January. There is no further meetings set for the FAB at this time.

3. TIME WARNER CABLE - Sheila Delarm:

- a. McColloms: Supervisor David Knapp left a message for Nancy Reich asking about the McColloms survey for cable users, no response as of this meeting.
- b. **Contract for Time Warner Television Cable Franchise:**

RESOLUTION #100

CABLE FRANCHISE RENEWAL AGREEMENT

Motion made by Supervisor David Knapp, **second** by Jeffrey Leavitt, **To Wit:**

WHEREAS, an application has been duly made to the Board of the Town Board, County of Franklin, New York, by Time Warner NY Cable LLC (“Time Warner”), a partnership organized under the laws of the State of New York doing business at 6005 Fair Lakes Road, East Syracuse, NY 13221, and holder of a cable television franchise in the Town of Brighton for the approval of an agreement to renew Time Warner’s cable television franchise for an additional ten (10) years commencing November 13, 2008. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions for the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings, and

WHEREAS, a public hearing was held by the Town of Brighton, New York, on September 4, 2008 at 6 p.m. and notice of the hearing was published in the Adirondack Daily Enterprise on August 22 and 28, 2008,

NOW THEREFORE BE IT RESOLVED that the Board of the Town of Brighton finds that:

1. Time Warner has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. The quality of the Time Warner service, including signal quality, response to customer complaints and billing practices has been in light of community needs; and
3. Time Warner has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
4. Time Warner can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the Town of Brighton hereby renews the cable television franchise for Time Warner in the Town of Brighton for ten (10) years commencing November 13, 2008 and expiring November 1, 2018.

BE IT FURTHER RESOLVED that the Board of the Town of Brighton hereby confirms that this Franchise Renewal Agreement replaces the original franchise with Mountain Cable Company, LLC, d/b/a Adelpia Cable Communications, last amended on June 28, 2006.

BE IT FURTHER RESOLVED that the Board of the Town of Brighton will begin collecting a franchise fee of 3% of Gross Revenues from Time Warner on a quarterly basis.

ROLL CALL VOTE: Aye 3 (Knapp, Tucker, Wright), Nay 2 (Delarm, Leavitt)

RESOLUTION #100 declared duly adopted.

5. **VOICE MAIL FOR THE TOWN HALL - Sheila Delarm:** Received information concerning the cost of a new system for the Town Hall. Supervisor David Knapp will contact Frontier concerning an option to by-pass the message to leave a message.

6. **LANDFILL ACCESS: Rebecca Buerkett of FX Browne** submitted the report for the landfill post-closure monitoring for 2008. There was a question about access to the property. She also asked about the signs that were knocked down and the stakes that were put up. Superintendent of Highways Andy Cray said he went out and removed the fallen signs and will get them to Camp Gabriels for repair. He put up “Keep Off” signs until these signs are repaired. The stakes are still up and who put them up is still in question. Steve Tucker spoke to Tom Bell, the owner of the access road, Tom Bell will get a key to the Town for the gate.

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

1. **RED CROSS SHELTERS - Sheila Delarm:** Received information for a survey on the emergency shelters, will complete it before the next meeting.

2. **JOY OF GIVING PARTY - Sheila Delarm:** There will be a party for the community, sponsored by "New and Improved", at Paul Smith's College on Saturday, December 13 from 3 to 5 p.m. Children are invited to bring a gift to share with less fortunate children. There will be an award given to people from the area who show altruistic spirit. Barb Marshall and Holly Huber were recipients of the award last year.

EXECUTIVE SESSION

Motion made by Supervisor David Knapp **to GO INTO EXECUTIVE SESSION at 11:00 p.m. for purpose of discussing Real Property Law, Article 7 litigation with George Earle, second** by Lydia Wright. **Aye 5, Nay 0**

Motion made by Supervisor David Knapp **to GO OUT OF EXECUTIVE SESSION at 11:15 p.m., second** by Lydia Wright, **Aye 5, Nay 0**

Supervisor David Knapp set up a Special Meeting of the Town Board to be held on Tuesday, December 9, 2008 at 6 p.m. to meet with the appraiser to discuss the appraisal of the George Earle property in Executive Session.

AUDIT OF VOUCHERS

RESOLUTION #101

AUTHORIZATION TO PAY AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

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

RESOLVED that the Supervisor be authorized to pay the audited vouchers as listed on the abstracts as follows:
PREPAID FUNDS: Abstract #11 for Voucher #11A through and including 11C for 2008 General Funds in the amount of \$628.89 and 2008 Street Light Funds in the amount of \$58.96

GENERAL FUND: Abstract #12 for Voucher #275 through and including #301 for 2008 funds in the amount of \$16,794.07

HIGHWAY FUND: Abstract #12 for Voucher #103 through and including #115 for 2008 funds in the amount of \$17,917.67

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

Resolution #101 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 11:20 p.m. made by Supervisor David Knapp, **Second** by Jeffrey Leavitt, **Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0**

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk