

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

**December 8, 2011**

Page 1 of 8

**The Regular Monthly Meeting of the Town Board of the Town of Brighton was held on Thursday, December 8, 2011 at 7:00 p.m. at the Brighton Town Garage, 17 County Road 31, Paul Smiths, NY, with the following:**

**CALL TO ORDER:**

**Meeting was Called to Order** by Supervisor John Quenell at 7:06 p.m.

**ROLL CALL OF OFFICERS**

**PRESENT:** Supervisor John Quenell

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

**ABSENT:** None

**OTHERS PRESENT:** Andy Crary – Superintendent of Highways, Amber McKernan – Tax Collector, Nik Santagate-Town Justice, and Elaine Sater-Town Clerk.

**RESIDENTS:** There were three residents present

**GUESTS:** Chris Alcocer, North County Construction Services

***APPROVAL OF MINUTES***

- Public Hearing, Fire Contract, November 3, 2011

**Motion made** by Supervisor John Quenell, **second** by Peter Shrope, **to accept the minutes of a Public Hearing for the 2012 Fire Contract held on November 3, 2011, as written.**

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

- Public Hearing, Rescue Contract, November 3, 2011

**Motion made** by Supervisor John Quenell, **second** by Steve Tucker, **to accept the minutes of a Public Hearing for the 2012 Rescue Contract held on November 3, 2011, as written.**

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

- Public Hearing, Preliminary 2012 Budget, November 10, 2011

**Motion made** by Supervisor John Quenell, **second** by Steve Tucker, **to accept the minutes of a Public Hearing for the Preliminary 2012 Budget held on November 10, 2011, as written.**

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

- Regular Board November 10, 2011

**Motion made** by Supervisor John Quenell, **second** by Steve Tucker, **to accept the minutes of the Regular Board meeting held on November 10, 2011, as written.**

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

- Special Meeting of November 14, 2011, **was cancelled as there was no quorum**

- Special Meeting, November 17, 2011

**Motion made** by Supervisor John Quenell, **second** by Steve Tucker, **to accept the minutes of a Special Board meeting held on November 17, 2011, as written.**

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

***TOWN CLERK'S REPORT***

**Total Revenue to Supervisor as of November 30, 2011 was \$ 1,151.88**

1 Sport License

1 Certified Copy

21 Dog Licenses, 15 Unspayed/UnNeutered and 6 Spayed/Neutered

7 Building Permits (#11-26 to 32)

80 Copies on the Copier for FOIL

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

**December 8, 2011**

Page 2 of 8

1. November 8 opened Town Garage for General Election at 5:15 a.m. and locked up at 10:00 p.m, certified results are as follows:
  - Council Members: Brian McDonnell and Lydia Wright (4 year Terms)
  - Tax Collector: Holly Huber (4 Year Term)
  - Town Clerk: Elaine Sater (4 Year Term)
  - Town Justice: Nik Santagate (4 Year Term)
  - Town Superintendent of Highways: Andy Crary (2 Year Term)
  - Town Supervisor: Peter Shrope (2 Year Term)
2. November 10 received training information from the Association of Towns, distributed to Board Members. There are three training opportunities for elected officials: A web training is available on December 8, classes in Albany, January 11 to 13, and the Annual Meeting and Training in New York City, February 19 to 22. Voucher for registration for the Annual Meeting and Training in February has been submitted.
3. November 10 posted public notice for Special Meeting to be held on November 14 on the Town Clerk's Sign Board, November 11 posted notices at local businesses, and November 12 posted notice at Post Offices as they were closed on November 11.
4. TOWN HALL REQUEST: None
5. TOWN PARK REQUEST: None
6. RECORDS MANAGEMENT: Town Officials leaving office should turn over Town Records to the Records Management Office for filing. Copies of records that are not official Town Records should be shredded and disposed of properly.

***SUPERVISOR'S REPORT***

1. **TOWN HALL PROJECT UPDATE: Chris Alcocer, North Country Construction Services**
  - a. Architect Visit: Architect came on Saturday and met with Supervisor Quenell and Peter Shrope to look at Town Hall
  - b. Third Applications: Contractors can be paid as they submit the applications. Final Application payment can include the 5% retainage fee if the Board is satisfied with the building. An informal punch list was compiled for final items to be completed:
    - 1) One window still needs to be painted
    - 2) Screens for windows still need to be delivered
  - c. A new lock was put on the back door. Two keys were available; the Supervisor received one as well as the Superintendent of Highways.
  - d. The Code Enforcement Office could not get in the building to make the final inspection. He has issued a temporary Certification of Occupancy. Still waiting for the final Electrical Inspection.
  - e. The internet is working; wireless needs to be moved from the Garage.
  - f. Close out documents are needed, warranty documents and release on liens.
  - g. The front door lock did not get changed; there is no key for the lock.
  - h. Interior doors have locks.
  - i. Light fixtures on the outside need to be repaired.
2. **Financial Report:**
  - a. **Budget as of November 30, 2011:** Distributed to Board members
  - b. **Budget Amendments to 2011 Budget:**

**GENERAL FUND 2011 BUDGET AMENDMENT #3**

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

**RESOLVED that the following amount be and the same hereby is transferred:**

**\$1,800.00 from General Fund Account No. A1420.4 Attorney CE**

**As follows:**

**\$ 100.00 to Account No. A1355.4 Assessor CE**

**\$ 1,700.00 to Account No. A7140.4 Special Recreational CE**

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

**GENERAL FUND 2011 BUDGET AMENDMENT #3 declared duly adopted.**

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

**December 8, 2011**

Page 3 of 8

**HIGHWAY FUND 2011 BUDGET AMENDMENT #2**

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

**RESOLVED that the following amount be and the same hereby is transferred:**

**\$12,500.00 from Highway Fund Account No. DA5130.2 Machinery Cap Outlay**

**As follows:**

**\$ 7,500.00 to Account No. DA5130.4 Machinery CE**

**\$ 5,000.00 to Account No. DA5142.4 Snow Removal**

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

**HIGHWAY FUND 2011 BUDGET AMENDMENT #2 declared duly adopted.**

**DEPARTMENT REPORTS**

1. **HIGHWAY – Andy Crary:** Report submitted prior to meeting
  - a. Went to get new water cooler
  - b. Put up signs for Local Law #1 for 2011, Aquatic Invasive Species, at Church Pond and Jones Pond
  - c. Put up reflector signs on fish barrier at Keese Mill Road
  - d. Installed new plow lights on Paystar
  - e. Made dump run
  - f. Made road checks
  - g. Attended County Highway Meeting in Malone
  - h. Cut brush from fallen trees along roads
  - i. Plowed and sanded roads from storms
  - j. Part time help, Andrew Knapp, started on 12/5
  - k. Glenn Perrino out for 2 weeks with medical problems
  - l. Art Leavitt would like the Town to take over the ½ mile road (Tansy Lane) on his sub-division (Deer Meadows). He verbally gave the following information:
    - 1) There is a 60 foot right of way (ROW)
    - 2) The road is 28 feet wide with 20 foot road and 4 foot shoulders on both sides
    - 3) All electrical is outside the 60 foot ROW
    - 4) There is one culvert
    - 5) Needs to top with 2 inches of fine crusher run from his mine, will do in spring
    - 6) There 12 lots and four tax paying customers as of November 2011.
  - m. White Pine Road Bridge: Construction might start in January according to John Hutchins, Franklin County Superintendent of Highways
2. **ANIMAL CONTROL OFFICER -Tri-Lakes Humane Society:** No report received
3. **ASSESSOR – Doug Tichenor:** Nothing to Report
4. **CODE ENFORCEMENT OFFICER (CEO) -Paul Blaine:** Report received prior to the meeting
  - a. **Building Permits:**
    - 1) Three (3) Building permits (BP) were issued during November #11-030 thru and including #11-032
    - 2) Four (4) BPs were completed: Four (4) Certificates of Compliance were issued for BP#s 08-023, 09-039, 10-022, and 11-30.
  - b. **Avoidable Alarms:** Four (4) complaints were received. Two were completed (#11-28 and 29) and two are open (#11-27 and 30).
5. **TAX COLLECTOR - Amber McKernan:** Report given at the meeting
  - a. **Report:**
    - 0) Has been busy getting geared up for the sorting and mailing of tax bills for the upcoming tax collection season.
    - 1) Has been busy working with Holly Huber, tax collector elect to train her and bring her up to speed on what the position entails. Believes that all supplies are in place for her transition into the

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

**December 8, 2011**

Page 4 of 8

- office. Will submit a list of the equipment that will be turned over to her for the town's records. Will work with her to get the tax bills prepared for mailing once they are released by the Office of Real Property.
- 3) Ms Huber has set her hours and place of collections as follows: 7:00 AM to 11:00 AM and 3:00 PM to 7:00 P.M. on Tuesday, Wednesday, and Thursday during January only or by appointment at 592 County Road 60, Rainbow Lake, NY
  - 4) Requests that the Board pass two resolutions to include notices with mailed tax bills: the first, notice of a new tax collector to whom checks must be made out, and the new address for mailing, and the second, to those persons who must pay by certified check, cash or money order, advising them of the recently passed resolution regarding checks returned for NSF (non-sufficient funds), and the change in policy.
  - 5) This is her last monthly report at Tax Collector. It has been an interesting position, and a way to participate in town government up close and personal. Thank you to all who have allowed her to serve.

Tax Collector elect Holly Huber said she changed the Tax Collector's address to PO Box 22, Rainbow Lake, NY 12976. Discussion was held on the closing of the Rainbow Lake Post Office and the forwarding of mail. She did not feel this would be a problem. She said the reason to change was to save the Town paying her mileage from where she lives in Rainbow Lake to Gabriels to get the mail every day during tax collection season. The Postal customers will keep the same Post Boxes if the Post Office moves. The Post Office will forward the mail anyway. Holly Huber said she does not need the tax collector's phone number forwarded to her house as she has unlimited calling on her phone. This will save the Town several hundred dollars over the four years she is in office.

Discussion was held on the changes and if the Town would benefit in the long run. Holly Huber said she already changed the post office box and the information will be added to the tax bills for 2012.

Holly Huber said she would like to get a "Remote Deposit Scanner" from NBT bank to scan checks so she does not have to go into the bank everyday, the cost is \$50 per month and this will save the Town funds from reimbursement for 26 miles round trip or \$13.00 per day. North Elba in Essex County uses this system. The checks are destroyed after 30 days. The front and the back of the checks are scanned. She has a training scheduled for January 3, 2012.

Discussion was held on the pros and cons of this system. There was no other information provided to the Board other than what Holly Huber told them about it.

**RESOLUTION #66**

**ENCLOSURES FOR 2012 PROPERTY TAX BILLS**

**Motion made** by Supervisor John Quenell, **second** by Peter Shrope

**RESOLVED that the Tax Collector is authorized to enclose two notices in the property tax bills for 2012:**

**Notice 1. For All Taxpayers:**

**"Please Note: Town of Brighton has a new tax collector at a new address. Checks must be made out to: Holly Huber, PO Box 22, Rainbow Lake, New York, 12976-0022"**

**Notice 2. For Tax Payers who would like to use personal checks:**

**"Town of Brighton has changed its policy regarding checks tendered as payment which are returned for insufficient funds (NSF). Previously, if checks were returned for NSF, only certified check, money order or cash were accepted for then on. The new policy states that for a period of 5 years after a check is returned for NSF only certified check, money order or cash will be accepted. Thereafter, personal checks will once again be accepted. However, if a second incident of a check returned for NSF occurs, only certified check, money order or cash will be accepted from that time on."**

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

**RESOLUTION #66 declared duly adopted.**

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

**December 8, 2011**

Page 5 of 8

**RESOLUTION #67**

**REMOTE DEPOSIT SCANNER FOR TAX COLLECTION SEASON 2012**

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

**WHEREAS**, the Tax Collector elect Holly Huber would like to use a Remote Deposit Scanner to deposit checks she receives in the Tax Collector's Office during the tax collection season at a cost of \$50 per month, and

**WHEREAS**, Holly Huber estimates this will save the Town reimbursement funds in mileage to the Tax Collector of \$13.00 per day, during Tax Collection season,

**NOW THEREFORE BE IT RESOLVED that a Remote Deposit Scanner be authorized for use by the Tax Collector to deposit checks during the tax collection season starting on January 1, 2012, at a cost of \$50.00 per month from NBT Bank.**

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

**RESOLUTION #67 declared duly adopted.**

6. **TOWN JUSTICE - Nik Santagate:** Report submitted prior to meeting
  - a. Disposed of 80 cases and wrote a check for \$7,170.00 to the Supervisor
  - b. Would like to get a notice in the Adirondack Daily Enterprise regarding the move back into the Town Hall. He will be building a platform for the Judge's bench when he can get access to the building.
7. **HISTORIAN - Mary Ellen Salls:** No Report received
8. **PARK & RECREATION – Dan Spencer:** Report given at meeting by Steve Tucker
  - a. Snow fence is up and ice was started by Dan Spencer using the hose on cold nights.
  - b. Food Pantry – No report received
    - 0) Town Clerk said a schedule is needed for people who come by the Town Hall
    - 1) Amber McKernan asked if the Town Board was aware of who had keys to the Food Pantry, there are several people entering the building on non-pantry days. There is no butt can set up yet either.
    - 2) Peter Shrope said Barb Marshall does not want the Town Board telling her how to do her job.
    - 3) Nik Santagate said the Board should invite Barb Marshall to a meeting to answer the questions
    - 4) Jeffery Leavitt said if the Food Pantry cannot follow the Town's rules they should find another place to distribute their food.

***COMMITTEE REPORTS***

1. **HIGHWAY – Steve Tucker, Jeffrey Leavitt, and Lydia Wright:** Nothing to report
2. **PARKS AND RECREATION – Steve Tucker and Peter Shrope:**  
**Saranac Lake Area Youth Program (SLAYP):** Received report on the summer activities. There were 10 Town residents from 6 to 12 years old who participated. Free breakfast and lunch drew a lot of children.
3. **INSURANCE/INVESTMENTS - Lydia Wright and John Quenell:**
  - a. **Health Insurance: Lydia Wright** said she received information from NYSHIP on the resolution (#53-2011) the Town Board adopted to change the Town's contribution toward elected officials' health insurance to a fixed amount. The wording in the resolution needs to be changed. She read from the contract signed by the Town that says the Participating Agency must notify NYSHIP when a change in the contribution rate paid by the Town is made; they need to be notified 90 days before the change goes into effect. NYSHIP never received the information from the January 2011 resolution changing the Town's contribution to 90%. She said New York State Law says the amount of contribution by the Town must be a percentage not a fixed rate as in Resolution #53-2011. Also the rate of contribution for dependents must be a minimum 35% not \$0 as in the resolution. Using a single fixed rate is discriminatory against people with dependants and not allowed by NYS law. The Town cannot act as a conduit for the Health Insurance if it is not making a contribution. A percentage must be used in the resolution, so she would like to rescind the resolution and let the incoming 2012 Board propose a new resolution that uses the correct wording. Lydia Wright said she wanted it on the record that she does not want to be part of a resolution that is discriminatory.

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

**December 8, 2011**

Page 6 of 8

**Supervisor John Quenell** said he disagrees with virtually everything Lydia Wright said. He also was in touch with NYSHIP. He will be sending a MEMO to the Board within a day or two to show that she is not correct. He would not share the information from the MEMO with the Board during the meeting when asked what it was. He said a notice was not sent to NYSHIP in January 2011. He said it would be easy enough to change the fixed dollar amount to a percentage.

**Jeffery Leavitt** said he needed more time to read through the information that Lydia Wright presented to the Board. He asked why she waited so late to bring it before the Board.

**Lydia Wright** said she brought the information to a budget meeting that he missed. She has been researching the information because she did not have all the facts when the resolution was originally passed four months ago (September 8, 2011).

**RESOLUTION #68-2011**

**RESCIND RESOLUTION #53-2011**

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

**RESCIND Resolution #53-2011, based on information received from the Town's Health Insurance carrier NYSHIP that the Resolution is discriminatory and inaccurate in its facts. Resolution #53-2011 reads as follows:**

"WHEREAS, for a number of years the town of Brighton has maintained an informal policy of providing support for health care insurance expense to its elected officials, and, from time to time, providing "buyouts" to those not electing to take health insurance through the town; and WHEREAS, continuing large annual increases in health insurance premiums, together with the state-imposed "Tax Cap" on local governments beginning in 2012, have made the cost of continuing the town's policy economically unsustainable,

NOW THEREFORE BE IT RESOLVED that effective January 1, 2012, the town's policy of providing support for health care insurance expense to its elected officials is discontinued, together with all "buyouts" with the following exceptions: 1) the town's Highway Superintendent is not affected by the policy change; 2) elected officials who presently receive health insurance support through the town may continue to do so, with the proviso that the town will contribute only up to a fixed amount of \$7,393 per year, that amount being the premium charged to the town for an "individual policy" in 2011, and only for as long as those elected officials remain in their present positions, and

BE IT FURTHER RESOLVED that the town will maintain its status as a health insurance "group", enabling town employees and elected officials, other than those exceptions cited above, to purchase health insurance through the town at their own expense."

**ROLL CALL VOTE: Aye 2 (Shrope, Wright), Nay 1(Quenell), Abstain 2 (Leavitt, Tucker)**

**RESOLUTION #68 declared not adopted.**

- b. NYCLASS Investment Accounts: Interest for the month was \$.15 for General and \$.10 for Highway
4. **CEMETERY& TOWN BUILDINGS - Steve Tucker:** Had a call for one burial and 1 call to reserve a plot.
5. **WEBSITE - John Quenell:** Nothing to report
6. **FIRE ADVISORY BOARD (FAB) - Steve Tucker:** Nothing to report
7. **TELECOMMUNICATIONS - Jeffrey Leavitt & John Quenell:** Jeffrey Leavitt said cell towers in the Town of Duane and St. Regis Falls were tested on Tuesday. He would like to know if anyone gets cell service in the north end of the Town.

**BUSINESS:**

0. **Board of Assessment Review (BAR) - Peter Shrope:** Called Tom Seymour to see if he would serve on the BAR again and he agreed to serve again.

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

**December 8, 2011**

Page 7 of 8

**RESOLUTION #69**

**APPOINTMENT TO BOARD OF ASSESSMENT REVIEW**

Motion made by Supervisor John Quenell, second by Peter Shrope

**RESOLVED that the Town Boards appoints Tom Seymour to the Board of Assessment Review (BAR) for a 5-year term starting on October 1, 2011.**

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

**RESOLUTION #69 declared duly adopted.**

- 1. Health Insurance for January 2012 – Lydia Wright:** Nik Santagate asked what would happen to his health insurance on December 30, 2011. He received a letter from the Town Supervisor dated December 3, 2011 regarding this issue. He is concerned about his dependents being covered after January 1, 2012. He asked for a check for the health insurance contributions the Town took from his pay during 2011. Lydia Wright said the new Board would have to address it in January. She will contact NYSHIP to discuss what to do next. An extension of the benefits as they currently are will be needed until a determination could be made. Amber McKernan also asked about obtaining the funds taken from her pay for health insurance contributions during 2011. She said the funds were taken from her paycheck before the Resolution was adopted by the Board in January 2011. Lydia Wright said she would speak to the legal department of the Comptroller's Office about the procedure.

**RESOLUTION #70**

**EXTENSION OF HEALTH BENEFITS FOR ELECTED OFFICIALS**

Motion made by Lydia Wright, second by Peter Shrope,

**RESOLVED that a 90-day grace period be provided for the elected officials who are receiving NYSHIP health insurance until a determination can be made by the new Town Board in 2012 as to how the Town will proceed with health insurance in light of the information received from NYSHIP concerning Resolution #53-2011 and**

**BE IT FURTHER RESOLVED that the Town will continue to pay for health insurance as it had in 2011 until March 31, 2012.**

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

**RESOLUTION #70 declared duly adopted.**

***CITIZEN'S COMMENTS:***

**Keith Smith** said he heard Paul Smith's College was going to get a traffic light at the intersection of NY State Route 86 and 30. He would like to see street lights instead and the speed changed to 45 mph from the soccer field to the intersection.

The Board tried to get the speed reduced a few years ago with no luck. A resolution to support a study of the intersection by Paul Smith's College was adopted at a Board meeting.

**There were no further Citizen's Comments**

***AUDIT OF VOUCHERS***

**RESOLUTION #71**

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

Motion made by Lydia Wright, 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 #12 for Voucher #12A through and including 12C for 2011 General Funds in the amount of \$905.12 and 2011 Street Light Funds in the amount of \$ 65.20**

**GENERAL FUND: Abstract #12 for Voucher #243 through and including #269 for 2011 funds in the amount of \$20,949.69.**

**HIGHWAY FUND: Abstract #12 for Voucher #111 through and including #121 for 2011 funds in the amount**

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

**December 8, 2011**

Page 8 of 8

of \$7,684.76.

**CAPITAL PROJECT FUND – TOWN HALL PROJECT: Abstract #30 for Voucher #73 through and including #77 for funds in the amount of \$4,779.10.**

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

**Resolution #71 declared duly adopted.**

***ADJOURNMENT***

**Motion to Adjourn at 10:13 pm** made by Jeffery Leavitt, **Second** by Peter Shrope, **Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0**

Respectfully Submitted,

Elaine Sater  
Brighton Town Clerk