

**TOWN OF BRIGHTON, FRANKLIN COUNTY, NEW YORK**  
**REGULAR TOWN BOARD MEETING MINUTES**

**December 12, 2019**

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The Regular Meeting for the Town Board of the Town of Brighton, Franklin County, NY, was held Thursday, December 12, 2019, at 7:00pm 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 7:00pm

**ROLL CALL OF OFFICERS**

PRESENT: Supervisor Peter Shrope

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

ABSENT: None

OTHERS PRESENT: Paul Blaine-Code Enforcement Officer, Elaine Sater-Town Clerk, and 2 residents

GUESTS: Andrea Dumas, District #3 Franklin County Legislature and Pat McGuire, Sid Spear Insurance

**NOTICE OF MEETING:**

Notice of this meeting was posted on the Town Clerk's Sign Board and in three local post offices.

**BUSINESS:**

1. **Insurance - Pat McGuire, Sid Spear Insurance:** Presented the Town Board with a summary of changes made to the Liability and Crime Insurance policies. Value of coverage for crime, vehicles and buildings was increased. Premium is going up 6%. Also presented changes to Cyber Liability coverage and provided a quote for coverage.

**RESOLUTION #63-2019**

**LIABILITY, CRIME, AND CYBER LIABILITY INSURANCE FOR TOWN**

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

WHEREAS the insurance agent Pat McGuire reviewed the Town's liability with the Supervisor and Superintendent of Highways and made appropriate changes to the Town's insurance policy, and

WHEREAS the Cyber Liability coverage has been enhanced with no change in premium and is strongly recommend by the insurance agent,

NOW THEREFORE BE IT RESOLVED that Town Board accepts the changes to the Town's Insurance policy to increase the limits for property, equipment and crime (dishonesty) of Town Officials, as well as, add Cyber Liability coverage from Sid G. Spear Insurance Agent representing NY Municipal Insurance Reciprocal (NYMIR), and BE IT FURTHER RESOLVED that the Town Boards accepts the increase of 6% in premiums to \$13,561.91 and an additional premium of \$363.00 for Cyber Liability coverage.

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0**  
**Resolution #63-2019 declared duly adopted**

**REPORTS**

1. **Highway - Andy Crary, Superintendent of Highways:** Report provided prior to meeting
  - a. Plowing and sanding of roads
  - b. Mixed up salt and sand
  - c. Changed oil and filter in F-350 pick-up truck
  - d. Put new bolts on the wing on the 2013 truck
  - e. Greased and washed the trucks
  - f. Changed solenoid on the pick-up truck plow, replaced the main power lead to the truck
  - g. Cleaned trucks

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- h. Need a resolution to purchase new pick-up truck, received quote from state contract at High Peaks Ford
- i. Cleaned out a bay so Town of Franklin could use it for a truck donated from Town of Santa Clara due to a fire that destroyed Town of Franklin's Town Garage on 11/30/19.

**RESOLUTION#64-2019**

**PURCHASE OF 2020 F350-PICKUP TRUCK WITH PLOW**

Motion made by Supervisor Peter Shrope, second by Amber McKernan

WHEREAS the Town has a policy of purchasing a new pick-up truck every two years to retain its trade-in value,

NOW THEREFORE BE IT RESOLVED that the Superintendent of Highways Andy Crary be authorized to purchase a new F350 Ford Pick-Up Truck with plow from High Peaks Ford using State contract price of \$38,940.50 less trade-in price of \$23,500 for a balance of \$15,440.50 and to purchase a new plow, the total purchase Not To Exceed \$17,000.

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0**  
**Resolution #64-2019 declared duly adopted**

- 2. **Town Clerk - Elaine Sater:** Report provided prior to meeting
  - a. Total Revenue to Supervisor as of November 30, 2019 was \$ 35 from 3 dog licenses renewed.
  - b. A correction to last month's report - A donation was made for the Town Hall
  - c. Town Clerk's office will be closed Tuesdays, December 24 and 31 and Thursday, January 2.
  - d. TOWN HALL REQUESTS: None
  - e. TOWN PARK REQUEST: None
  - f. RECORDS MANAGEMENT: Indexing Vol 8 minutes from 1973 and 1974
- 3. **Historian - Elaine Sater:** Report received prior to meeting
  - a. Received questions from two people who are descendents of people who used to live in the Town, looking for information on them, beyond birth, marriage, and death records: Reynolds and Hyman. Byberg Reynolds was a friend of James Wardner and is mentioned in his book. Jacob Hyman owned a store in Gabriels, know as the Legion Hall; it was across the street from the Stearns store; he retired in 1943.
  - b. Reading James M. Wardner's book "Footprints & Sunset on Adirondack Trails"; it is based on his journals and stories and written by his son Charles A. Wardner.
  - c. Read "Oliver's War" by Lawrence Gooley concerning Rockefeller family and Oliver LaMora. Louis Strack is mentioned as the Post Master of Brandon. He worked in this Town as Census taker in 1920, Justice of Peace in 1933 and Attendance Officer in 1935.
- 4. **Tax Collector - Holly Huber:** Nothing to report
- 5. **Justice - Nik Santagate:** Report provided prior to meeting  
Supervisor received a check in the amount of \$3,295 for 25 cases disposed during November
- 6. **Code Enforcement Officer - Paul Blaine:** Report provided prior to meeting
  - a. One building permits for a new home was issued 12/12/19, none during November
  - b. Issued one (1) Certificate of Compliance for BP#19-028
  - c. Received notice from the Adirondack Park Agency (APA) that new equipment was being installed for the cell tower at Paul Smith's College
- 7. **Assessor - Rosanne Gallagher:** Report provided prior to meeting
  - a. Have been in Brighton data collecting four more times since the last meeting. Finished Split Rock Rd and the trailer park that's next to the Shamrock (County Road 55). Everything is done on that map that goes over to Harrietstown except the tree farm. This is their busy season so will do that after the Christmas season.

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- b. Have the large estates on White Pine Rd. left, but most likely they will have to wait until spring.
- c. Been working on Rt 30 south of Paul Smiths and have finished Hoffman Rd. and all the properties on Rt 30 except the Camp Regis/Applejack property. Have started Heron Lane.
- d. Most of what's left are the large estates and boat access. Between Pam Sloate and me we have done about 136 residential properties of the estimated 220 that were left. That brings it down to less than 90 to go.

**8. Animal Control - Tri-Lakes Humane Society:** No report

Supervisor Peter Shrope received two inspection reports from the NYS Department of Agriculture and Markets giving "Satisfactory" ratings to the Dog Control Officer (DL-89) and the Municipal Shelter (DL-90); inspections were completed on December 3, 2019.

**9. Supervisor - Peter Shrope:** Report provided prior to meeting

- a. Park Survey: Geomatics has completed surveying the park and provided the information to the Town
- b. National Grid LED Lights: Will meet with National Grid representative on 12/17/2019 to discuss new LED outdoor lighting
- c. Camp Gabriels Update: Spoke to NY Assemblymember Billy Jones concerning Camp Gabriels, still being worked in committees by Jones and NY Senator Betty Little and Paul Maroun. The State is looking at it to see if they can find a use for it.
- d. Budget Report: Report as of November 30, 2019, was provided to Board members, some accounts are over their budget and adjustments will be done in January.
- e. Revenues: \$12,559.72 Mortgage tax from Franklin County, \$3,295 from Town Justice, and \$35 from Town Clerk
- f. NYCLASS Investments: Interest for November was \$146.27 for General, Total Amount \$110,433.81 (\$20,000 for Town Hall roof); and \$55.75 for Highway, Total Amount \$42,086.43

**MINUTES AMENDMENT/ACCEPTANCE**

**- Minutes of Regular Board Meeting November 14, 2019**

Motion made by Amber McKernan, second by Steve Tucker, to accept the minutes of the November 14, 2019, Regular Board meeting as written.

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

**CITIZEN COMMENTS:**

**Tom Booth, Osgood Pond Association** - Thanked the Town Board for including funds in the budget for the lake stewards again this year.

**BUSINESS (Continued)**

**2. Retirement Records of Activities (ROA) for Town Officials and Employees - Supervisor Peter Shrope:**

Town officials and employees who are members of the State Retirement System will have to complete new Records of Activities (ROA) beginning in January 2020 or recertify their current ROA if eligible for their new terms of office/employment. The Tax Collector will record hours for 12 months due to the uneven work load during the first three months of 2020.

**RESOLUTION #65-2019**

**RECORD OF ACTIVITIES (ROA) FOR THREE MONTHS FOR TOWN OFFICIALS AND EMPLOYEES**

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

WHEREAS members of the NY State and Local Retirement System (NYSLRS) must record activities to determine the number of days to be recorded in the NYSLRS, and

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WHEREAS a minimum of three months is required unless the member can recertify their current Record of Activities (ROA),

NOW THEREFORE BE IT RESOLVED that the Town officials and employees that are members of the New York State and Local Retirement System (NYSLRS) and are required to complete a new Record of Activities (ROA) for their new term will use the months of January, February, and March of 2020 to record their activities and file these ROAs with the Town Clerk, with the exception of the Tax Collector who will use the 12 month calendar year of 2020 to provide an ROA.

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0**  
**Resolution #65-2019 declared duly adopted**

3. **Congratulations to Andrea Dumas - Supervisor Peter Shrope:** The Town Board would like to congratulate Andrea Dumas on her reelection as District #3 Franklin County Legislature which cover the Town and as Mayor of the Village of Malone.
4. **Senator Betty Little Retirement - Supervisor Peter Shrope:** Would like to send a letter of congratulations to NY Senator Betty Little on the announcement of her retirement for December 31, 2020. He will compose one and send it around for all Board members to sign.
5. **Bail/Discovery Reform Act - Supervisor Peter Shrope:** Received a request from another Town to support a resolution regarding the "So-called Bail/Discovery Reform Act" stating opposition to it. According to Andrea Dumas this new Act will harm the County by releasing several people back into society that the Sheriff's Department will have to track down again.

**RESOLUTION #66-2019**

**SO-CALLED BAIL/DISCOVERY REFORM ACT OPPOSITION**

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

**WHEREAS**, at a regular Town Board meeting held by the Town of Brighton, Franklin County, New York, the following was discussed: an update from Franklin County District Attorney Craig Carriero regarding concerns associated with the recently passed legislation regarding bail and discovery reform and how the new legislation will adversely affect public safety, and

**WHEREAS**, pursuant to said new bail and discovery reform legislation:

1. The legislation eliminates the ability of judges to set bail on all misdemeanor and nonviolent felony crimes and some violent felonies, such as Robbery 3rd and Burglary 2nd.
2. For domestic violence cases, a defendant comes home and assaults their spouse, say the defendant breaks their nose, and the charge is assault third (a misdemeanor). The defendant resists arrest, a police officer comes and the defendant spits in the officer's face. Bail cannot be set for that individual and the Court is required to release that defendant that night.
3. From assault to crimes like robbery and burglary (home invasions), bail cannot be set and the defendant must be set free upon arrest.
4. Bail could not be set for defendants who commit crimes, such as, manslaughter in New York State, because that is not considered a violent crime.
5. In an aggravated vehicular homicide case (someone gets drunk and kills one or more people), the Court is required to release the defendant that night.
6. Bail could not be set for a sex offender who fails to register a new address.
7. Drug crime defendants, except for those who are major distributors, are also getting released by the Court the same night, regardless of their ties and connections to the community.
8. Also in the new law, there is a provision that allows the defendant to inspect the crime scene. So in burglaries and sexual assaults, the defendants have the right to make that application and re-enter a victim's home or apartment.

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9. The new law also requires prosecutors to turn over all discovery material within 15 days of arraignment, which is a completely unreasonable demand that imposes an additional burden on law enforcement and prosecutors that will impair the ability to adequately prosecute crimes.
10. Names of witnesses and contact information must be provided to a defense attorney within 15 days of someone's arraignment, which will significantly deter the willing of witnesses to cooperate with law enforcement.

**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Brighton, Franklin County, states its opposition to the concepts of the "So-Called Bail/Discovery Reform Act" highlighted above and urges the New York State Legislatures to repeal the changes in total, and

**BE IT FURTHER RESOLVED** that copies of this Resolution be sent, by the Town Clerk, to the Governor, New York State Legislators: Assemblyman Billy Jones and Senator Betty Little, the Speaker of the House and Senate Majority Leader, as well as, all other Franklin County Towns.

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0**  
**Resolution #66-2019 declared duly adopted**

**COMMITTEES**

1. **Park - Amber McKernan/Supervisor Peter Shrope:** Supervisor Peter Shrope still needs to contact a tree removal service for an estimate for removing the trees in the park that the Town Highway Department cannot remove.
2. **Website - Amber McKernan/Supervisor Peter Shrope:** Funds were included in the Budget to pursue getting the website up to the American with Disabilities Act (ADA) standards. Shared services may be available with the County.

**CITIZEN COMMENTS:** None

**EXECUTIVE SESSION**

Motion to **GO INTO EXECUTIVE SESSION** made by Supervisor Peter Shrope at 8:18pm in accordance with Public Officers Law, Article 7, Section 105e for matters relating to collective negotiations under the Taylor law, second by Amber McKernan, **Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0**

Motion made to **GO OUT OF EXECUTIVE SESSION** made by Supervisor Peter Shrope at 8:39pm, second by Brian McDonnell, **Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0**

**AUDIT OF VOUCHERS:**

**RESOLUTION #67-2019**

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

Motion made by Amber McKernan, second by Brian McDonnell,

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 and 12B for 2019 General Funds in the amount of \$298.08, and Voucher #12B for STREET LIGHTING 2019 FUND in the amount of \$65.64,

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GENERAL FUND: Abstract #12 for Voucher #201 through and including #218 for 2019 General funds in the amount of \$6,933.65

HIGHWAY FUND: Abstract #12 for Voucher #111 through and including #123 for 2019 Highway funds in the amount of \$11,420.23

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0  
Resolution #67-2019 declared duly adopted.**

***ADJOURNMENT***

Motion to Adjourn at 8:45pm made by Amber McKernan, second by Brian McDonnell,  
ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

Respectfully Submitted,

Elaine W. Sater, RMC,  
Brighton Town Clerk

DRAFT