

**The Regular Meeting of the Town Board of the Town of Brighton was held on Thursday, January 13, 2005, following the Organizational Meeting at 7:00 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:**

**PRESENT:** Supervisor Robert Tebbutt

Council Members: David Knapp, John Quenell, Steve Tucker and Lydia Wright

**ABSENT:** None

**OTHERS PRESENT:** Elaine Sater - Town Clerk, Tom McKernan – Deputy Tax Collector, Don Oliver - Superintendent of Highways, and Nik Santagate - Town Justice

**RESIDENTS:** There were six residents present and the media.

Meeting was Called to Order by Supervisor Robert Tebbutt at 7:21 p.m.

#### ***APPROVAL OF MINUTES***

**Motion made by David Knapp, second by Supervisor Robert Tebbutt, to accept the Minutes of the Regular Town Board Meeting of December 16, 2004, with the following change: Lydia Wright asked that the letter dated January 7, 2005, from the Supervisor sent to the APA concerning the Highway Garage Project Permit corrections be added to the minutes.**

**Roll Call Vote:** Aye 5 (Knapp, Quenell, Tebbutt, Tucker, and Wright).

#### ***TOWN CLERK REPORT***

**Total Revenue to Supervisor as of December 31, 2004 was \$ 21.48**

1 Marriage License

3 Dog License Renewals

1. Faxed notice on January 3 to the Adirondack Daily Enterprise, Re: Organizational meeting to be held on January 13, 2005, at 7 p.m. Notice was published on January 6. Posted notices in three post offices and on the Town Clerk's signboard on January 3.
2. Faxed notice on January 6 to the Adirondack Daily Enterprise, Re: Special Meeting of the Town Board on January 17 at 6 p.m., posted at local post offices and the Town Clerk's signboard on Jan 7
3. Received information from Association of Towns to be read at Board Meeting, Re: Training Sessions available for Town Officials from February 20 to 23, 2005, in New York City at Annual Meeting, copies sent to board members, a delegate needs to be appointed for the Business Meeting on Feb 23. Would like to attend with Council Member Lydia Wright, voucher for registration has been submitted.
4. Annual Town Clerk Cash Report for 2004: A summary sheet was given to the Board Members showing receipts and disbursements of \$14,053.28 for the year.

#### ***SUPERVISOR REPORT***

1. **ASSOCIATION OF TOWNS ANNUAL MEETING DELEGATION:**

##### **RESOLUTION #12**

##### **AUTHORIZATION FOR DELEGATE TO ANNUAL MEETING OF ASSOCIATION OF TOWNS**

**Motion made by David Knapp, second by Steve Tucker, To Wit:**

**WHEREAS,** Council Member Lydia Wright and Town Clerk Elaine Sater are planning to attend the Association of Towns Annual Meeting and Training Session in New York City on February 20 – 23, 2005, **THEREFORE BE IT RESOLVED that Lydia Wright be designated to attend the Annual Business Session of the Association of Towns of the State of New York, to be held in New York City, on February 23, 2005, and to cast the vote of the Town of Brighton, pursuant to Section 6, of Article III of the Constitution and By-Laws of said Association, and**  
**BE IT RESOLVED, that in the absence of Lydia Wright, Elaine Sater be designated to cast the vote of the Town of Brighton.**

**Roll Call Vote:** Aye 4 (Knapp, Quenell, Tebbutt, Tucker), Abstain 1 (Wright), Nay 0

**Resolution #12 declared duly adopted**

**2. FINANCIAL**

- a. **Monthly Budget Report** as of December 31, 2004, was distributed to the Board.
- b. **Budget Amendments** (Highway #2 and General #7) are needed for the 2004 Town Budget.

**RESOLUTION #13**

**BUDGET AMENDMENT #2 FOR 2004 HIGHWAY FUND**

Motion made by Supervisor Robert Tebbutt, second by John Quenell, To Wit:

**BUDGET AMENDMENT #2 2004 HIGHWAY FUND**

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

\$2,500 from Account No. DA5148.1 (Other govts – personal services)

\$1,000 from Account No. DA5132.21 (Machinery - light equipment)

**\$3,500 TOTAL**

as follows:

\$2,500 to Account No. DA5142.1 (Snow removal – personal services)

\$1,000 to Account No. DA5142.4 (Snow removal - contractual)

**\$3,500 TOTAL**

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright)

Resolution #13 declared duly adopted.

**RESOLUTION #14**

**BUDGET AMENDMENT #7 FOR 2003 HIGHWAY FUND**

Motion made by Supervisor Robert Tebbutt, second by Steve Tucker, To Wit:

**BUDGET AMENDMENT #7 2004 GENERAL FUND**

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

\$2,800.00 from Account No. A1990 (Contingent)

as follows:

\$ 250.00 to Account No. A1130.1 (Court Clerk – personal services)

\$ 350.00 to Account No. A1330.4 (Tax Collector - contractual)

\$ 50.00 to Account No. A1355.4 (Tax Assessor – contractual)

\$ 500.00 to Account No. A1420.4 (Attorney – contractual)

\$ 200.00 to Account No. A1620.4 (Buildings – contractual)

\$ 1,000.00 to Account No. A5132.4 (Garage – contractual)

\$ 200.00 to Account No. A7140.4 (Playgrounds - contractual)

\$ 250.00 to Account No. A8160.4 (Garbage & Refuse – contractual)

**\$2,800 TOTAL**

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright)

Resolution #14 declared duly adopted.

**3. HIGHWAY GARAGE PROJECT:**

- a. **Schedule Status:** The General Contractor, Conroy & Conroy, requested a 30-day extension for completing the Highway Garage Building. This request was sent on to the Engineer for review. The heating and electrical work is behind schedule.
- b. **Purchase of Property Transfer from Paul Smith's College:** Received letter dated January 4, 2005, from Conboy, McKay, Bachman & Kendall, LLP, Scott Goldie, stating that the Warranty Deed to transfer land (Tax Map No. 381.00-1-4.100) from Paul Smith's College to the Town of Brighton was filed with the Franklin County Clerk's Office.
- c. **Salt Shed Status:** Options for a salt shed are still being put together for construction this summer.
- d. **Cost Of Garage:** Deputy Tax Collector Tom McKernan said that people were asking how much of the taxes were for the new Garage. He understood that the cost of the garage was not included in this year's taxes.

**4. TOWN HALL LAND:**

- a. Transfer of land is closer but not complete.
- b. Encroachment of state land in front – still waiting for "Use and Occupancy" permit from DOT
- c. Encroachment of Paul Smith's College land in back – Attorney for College is preparing a letter giving the Town permission to use the land.

**5. AMENDMENTS TO RESOLUTION #130**

**RESOLUTION #130 (1<sup>st</sup> AMENDMENT)**

**AUTHORIZATION TO AMEND RESOLUTION #130-2004**

Motion made by Supervisor Robert Tebbutt, second by John Quenell, To Wit:

**RESOLVED**, that to facilitate payment for the Town's purchase of land from Paul Smith's College in connection with the new highway garage, the following amendments to Resolution 130-2004 are approved:

**CAPITAL PROJECT HIGHWAY GARAGE: Abstract #9, Voucher #32: Change claimant name from "Cantwell and Cantwell" to "Conboy, McKay, Bachman & Kendall, LLP**

**CAPITAL PROJECT HIGHWAY GARAGE: Abstract #9, Voucher #33: Change claimant name from "Paul Smith's College" to "Conboy, McKay, Bachman & Kendall, LLP**

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright)

Resolution #130-2004 declared duly amended.

**RESOLUTION #130 (2<sup>nd</sup> AMENDMENT)**

**AUTHORIZATION TO AMEND RESOLUTION #130-2004**

Motion made by Supervisor Robert Tebbutt, second by John Quenell, To Wit:

**WHEREAS**, in Resolution #130-2004, a Highway Fund payment of \$68.65 was specified to UniFrst as part of Voucher #116, and

**WHEREAS**, this bill had already been paid in November 2004 on Resolution #121-2004, Highway Fund, Abstract #12, Voucher # 111, Check #5089

**BE IT RESOLVED** that Resolution #130, Highway Fund, Abstract #13, Voucher #116 shall be corrected accordingly.

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright)

Resolution #130-2004 declared duly amended.

**6. LANDFILL MONITORING CONTRACT FOR 2005**

**RESOLUTION #15**

**AUTHORIZATION TO CONTRACT FOR LANDFILL MONITORING SERVICES FOR 2005**

Motion made by Supervisor Robert Tebbutt, Second by John Quenell, To Wit:

**BE IT RESOLVED**, that the Supervisor is authorized to sign a contract proposed by F. X. Browne, Inc, for 2005 Post-Closure Monitoring at the Town of Brighton Landfill, copies of said contract having been previously distributed for review by board members.

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright)

Resolution #15 declared duly adopted.

**7. ADIRONDACK REGIONAL AIRPORT SUPPORT FOR 2005**

**RESOLUTION #16**

**AUTHORIZATION TO SUPPORT THE ADIRONDACK REGIONAL AIRPORT FOR 2005**

Motion made by Supervisor Robert Tebbutt, Second by John Quenell, To Wit:

**RESOLVED**, that the Town Supervisor is authorized to sign the "Contract for Services" submitted by the Town of Harrietstown in connection with support of the Adirondack Regional Airport during 2005, which contract entails the payment of \$1,000 by Brighton to Harrietstown.

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright)

Resolution #16 declared duly adopted.

**8. SARANAC LAKE AREA YOUTH PROGRAM SUPPORT FOR 2005**

**RESOLUTION #17**

**AUTHORIZATION TO PAY THE VILLAGE OF SARANAC LAKE TO SUPPORT THE SARANAC LAKE AREA YOUTH PROGRAM FOR 2005**

Motion made by Supervisor Robert Tebbutt, Second by Steve Tucker, To Wit:

WHEREAS, the Town of Brighton entered into an inter-municipal agreement on July 9, 2003, to participate in the Saranac Lake Area Youth Program, and  
WHEREAS, youth from the Town attend the program,  
NOW, THEREFORE BE IT RESOLVED, that the Supervisor is authorized to pay the Village of Saranac Lake \$1,000 to support the Saranac Lake Area Youth Programs in 2005.  
Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright)  
Resolution #17 declared duly adopted.

**9. NORTH COUNTRY LIFE FLIGHT EMERGENCY SERVICES FOR 2005**

**RESOLUTION #18**

**AUTHORIZATION TO CONTRACT FOR EMERGENCY SERVICES WITH NORTH COUNTRY LIFE FLIGHT FOR 2005**

Motion made by Supervisor Robert Tebbutt, Second by David Knapp, To Wit:

Resolved, that the Town Supervisor is authorized to sign the contract submitted by North Country Life Flight in connection with services to be provided in Brighton during 2005, which contract entails the payment of \$1,000 by Brighton to Life Flight, Inc.

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright)

Resolution #18 declared duly adopted.

**10. FRANKLIN SNOWMOBILERS CONTRACT FOR 2005**

**RESOLUTION #19**

**AUTHORIZATION TO CONTRACT WITH FRANKLIN SNOWMOBILERS FOR 2005**

Motion made by Supervisor Robert Tebbutt, Second by Steve Tucker, To Wit:

RESOLVED, that the Town Supervisor is authorized to sign the “Contract for Services” submitted by Franklin Snowmobilers, Inc, in connection with grooming and maintenance of snowmobile trails in Brighton during 2005, which contract entails the payment of \$300 by Brighton to Franklin Snowmobilers.

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright)

Resolution #19 declared duly adopted.

**11. ASSESSMENT UPDATE FOR 2005:** The Town Assessor has submitted a time line for conducting an assessment update during 2005 and 2006 that will affect the 2007 tax bills.

**RESOLUTION #20**

**AUTHORIZATION TO CONDUCT AN ASSESSMENT UPDATE FOR THE TOWN IN 2005**

Motion made by Supervisor Robert Tebbutt, Second by Steve Tucker, To Wit:

WHEREAS, the Assessor of the Town of Brighton, Douglas Tichenor, has indicated the need for updating assessment in the town,

BE IT RESOLVED that the Town Board of the Town of Brighton supports equitable assessment practices and directs the Assessor to take the steps necessary to update property assessments in the Town of Brighton

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright)

Resolution #20 declared duly adopted.

**12. WEBSITE COSTS – ADELPHIA:** The Town was notified by Adelphia that the cost of the website was increasing to \$40. After discussion Adelphia agreed to waive the connection fee and only charge \$20 a month for the Website. Additional drops for cable in the new garage have been requested.

**13. COUNTY ROUTE 60 – STATE ROUTE 86 INTERSECTION:** Received a reply from the Department of Transportation concerning the intersection of County Route 60 and State Route 86, they said people will get used to the intersection over time. Steve Tucker mentioned that Hobart Road intersection has a puddle now where it never had one before. This was tabled until next meeting.

**OLD BUSINESS**

1. **PAUL SMITHS-GABRIELS VOLUNTEER FIRE DEPARTMENT (PSGVFD) CONTRACT:**  
Still waiting to hear from the Fire Department on the contract. Steve Tucker said Chief Roger Smith has to still determine the amount of insurance the department must carry before he can agree to the new contract. This is tabled until next month.
2. **VETERANS EXEMPTION (Quenell):**

**RESOLUTION #21**

**AUTHORIZATION TO HOLD A PUBLIC HEARING FOR PROPOSED LOCAL LAW #1-2005 FOR INCREASING VETERANS TAX EXEMPTIONS**

**Motion made** by John Quenell, **second** by Supervisor Robert Tebbutt, **To Wit:**

**RESOLVED**, that a **Public Hearing** be held on **Thursday, January 27, 2005, at 7 p.m. to allow public comment on a proposed Local Law (#1-2005) entitled, “Increasing the Real Property Tax Exemption for Veterans and Other Qualifying Individuals Residing in the Town of Brighton”**

**Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright)**

**Resolution #21 declared duly adopted.**

3. **MAINTENANCE (Knapp):** David Knapp said he was given some names to contact to repair the Town Hall front steps. Neither person has responded so he will be putting an ad in the paper for bids. John Quenell was contacting the insurance company to see what type of coverage is needed for maintenance workers. David Knapp is pursuing contacting a maintenance person to handle the small repair jobs and mowing the lawns.
4. **UPDATE ON CODE VIOLATIONS:** Lydia Wright asked for an update on the Code Violation cases. Supervisor Robert Tebbutt said the Attorney for the Town was mailing him information on the cases. David Knapp was at Court on Wednesday, January 12 and said the Justice dismissed the four cases of code violations. The District Attorney’s Office sent a letter dated January 7, 2005, that recommended the four cases be dismissed based on the following reasons: 1) the Attorney for the Town does not have jurisdiction for prosecuting “misdemeanors” in the Town Court 2) each of the accusatory instruments were defective on its face as each fails to describe in the factual part with any degree of specificity any facts which constituted the violation of the Local Law (LL) No. 3 of 2001 3) the informations are jurisdictionally defective because to the omission of non-hearsay allegations of fact. The previous Attorney for the Town, Janet Bliss, sent a letter dated February 14, 2001, to the Town concerning prosecuting this local law and recommended the Board contact the District Attorney’s Office before adopting this local law. Lydia Wright clarified that the current Attorney for the Town, Scott Goldie, was not the one who reviewed LL #3-2001. David Knapp said he would like to see a letter of explanation from the Code Enforcement Officer (CEO). He would like to know if the CEO was in contact with the Attorney for the Town when he wrote up the violations and how he chose the people to whom he sent violation notices. Supervisor Robert Tebbutt said this was confusing to him and he needed to contact the Attorney for the Town to discuss what happened, he tabled any more discussion.

**NEW BUSINESS**

**CELL PHONE COMMUNICATIONS:** New York Senator Betty Little is supporting additional cell towers in the Adirondacks for better cell phone communications. Supervisor Robert Tebbutt asked the Board if he could write Betty Little a letter of support for her efforts. No one objected. David Knapp said he has been getting better cell phone reception in the past few days, he asked if a new tower had been installed at Paul Smiths College. No one knew if a tower had been installed.

**REPORTS**

1. **COURT (Santagate):**
  - a. 56 Cases were disposed and \$4,030.00 was sent to the State Comptroller’s Office.

- b. Received notification dated December 15, 2004, that the Vehicle & Traffic (V&T) law from the 2004 State Budget has been repealed. This law would have taken away funds from the Town for fines for V&T tickets.
- c. The computer from the grant for the court has arrived. It will be installed after the program from the Court Administration Office is received.

2. **HIGHWAY COMMITTEE (Quenell/Oliver):** Plowed and sanded the roads. Maintained equipment. Dug water lines for new garage and installed plastic pipes. Salt and sand are getting low but should be enough to make it through the season.

**Supervisor Robert Tebbutt** asked what the sand to salt content was. **Don Oliver** said it was 3% salt to 97% sand. **Supervisor Robert Tebbutt** thanked the highway department for keeping the roads sanded during the bad weather. He had several phone calls about icy roads. **Don Oliver** asked if he should sand the private Beech Hill Camp Road. The people living on it have asked for it to be sanded. The sand truck cannot turn around at the end of the road. **Supervisor Robert Tebbutt** said he would support whatever decision Don Oliver made about sanding private roads.

3. **INSURANCE/INVESTMENTS (Quenell):** Nothing to Report.

4. **ASSESSOR (Tichenor):** See Supervisor's Report, Page 4. Para 11.

5. **TAX COLLECTOR (McKernan):**

- a. On December 22 received the Tax Collection software from BAS and installed it. Received 4 hours of instruction., the Deputy Tax Collector was also trained at the same time.
- b. December 27 – picked up the 2005 tax bills in Malone, sorted, folded, stuffed envelopes and got the bills ready for mailing. On 30 December, returned to Malone to pick up the warrant authorizing the collection of taxes and delivered the bills to the three local post offices.
- c. On 31 December posted the public notice in the three local post offices, in the box outside of the Town Hall and in the Town Hall itself. Faxed a copy of the public notice to the Adirondack Daily Enterprise and it was published on January 5 and 12, 2005.
- d. The warrant for 2005 is in the amount of \$1,555,957.83. The Town of Brighton will receive \$517,045.00 and the County will receive \$1,038,912.83. On January 12, 2005, received a warrant adjustment notice from the Treasurer's Office in the amount of 39 cents bringing the actual warrant to \$1,555,958.22 and the amount paid to the County Treasurer's Office to \$1,038,913.22.
- e. On January 4 received the tax roll disc from BAS and installed the current year's tax information. The software provides a much more efficient and reliable method of posting payments and compiling the information required by the Treasurer's office.
- f. To date received \$176,246.68 with \$1,085,861.24 outstanding. Made 151 postings, received 143 by mail and 8 at home.
- g. Received 38 phone calls regarding tax matters and sent 7 faxes
- h. On January 13 issued Check #719 to Robert Tebbutt, Supervisor, in the amount of \$110,000.00 as the first disbursement to the Town of Brighton. This leaves a balance of \$407,045 due the Town
- i. Would like to ask the Board to approve setting up on-line banking access for the Tax Collector's account at NBT bank. The service will be a basic service with no fees incurred. The advantage to having this access is that it would afford the opportunity to check on the account on a daily basis. Will be able to check the status of account balances and be alerted sooner regarding checks returned for insufficient funds. During the 2004 tax collection season there were two separate incidents where checks were returned for insufficient funds and were denied payment even after re-submitting. Will be able to more accurately determine available balances for disbursement of funds.

**Supervisor Robert Tebbutt** said the on-line banking was a bookkeeping task and the Tax Collector did not need board approval to set it up.

6. **ANIMAL CONTROL OFFICER (Crary):** No Report

7. **CODE ENFORCEMENT OFFICER (Lagree):** No Report

8. **CEMETERY (Tucker):** Nothing to report
9. **PARKS AND RECREATION (Tucker):**
  - a. Not cold enough to make ice
  - b. Lydia Wright said the Rugby Mountaineers would like to volunteer to help work on the park grounds to thank the Town for letting them use the park for games and to provide them with a community service project. They will be sending a letter to the Town concerning this.
  - c. Steve Tucker will get with David Knapp to get a hot water heater installed. Tom McKernan suggested a propane heater instead of electric since there is already propane there.
  - d. Heater in the Park building needs to be replaced soon also.

**CITIZENS COMMENTS:**

**Pat Willis - Garondah Road:** Attended the last Town Hall Citizen's Committee meeting and would like to report to the board about the meeting. The revised plan from Crawford and Stearns is still being reviewed. A copy has been distributed to the board for their review and comment. Ed Lagree, Code Enforcement Officer needs to review it also. Private funds of \$12,775 have been collected to date. Letters were sent to 118 individuals and 9 foundations; replies were received from 34 individuals and 2 foundations. Any money received can be used for a match for the SHPO grant as long as it is spent after the grant is approved. The money from Betty Little's Office should be held to use for matching funds.

**Peter Martin – County Road 60:** The Department of State Code Division has a disc available that explains how to write out the form for "Code" violations. Margaret Pierce had to leave the meeting because she was upset about the cases being dismissed. She complied with the request to clean up her yard and she feels the neighbors should have to also. The Local Law penalty should be changed to a "violation" instead of a "misdemeanor".

**Lydia Wright** asked why the local law asked for the penalty to be a "misdemeanor" in the first place.

**Nik Santagate** said she should read the letter dated February 14, 2001, from the Attorney for the Town concerning the Local Law No. 3 for 2001.

**There were no further Citizens comments.**

**AUDIT OF VOUCHERS:**

**RESOLUTION #22**

**AUTHORIZATION TO PAY VOUCHERS**

**Motion made by John Quenell, second by Lydia Wright, To Wit:**

**RESOLVED, that the Supervisor be authorized to pay the vouchers as listed on the Abstracts as follows:**

**GENERAL FUND: Abstract #1 for Voucher #1 through and including #37 for 2004 funds in the amount of \$6,646.43 and for 2005 funds in the amount of \$66,790.95**

**HIGHWAY FUND: Abstract #1 for Voucher #1 through and including #10 for 2004 funds in the amount of \$2,984.10 and for 2005 funds in the amount of \$18,452.69**

**STREET LIGHTING: Abstract #1 for Voucher #1 for 2004 funds in the amount of \$63.56**

**CAPITAL PROJECT FUND - HIGHWAY GARAGE: Abstract #10 for Vouchers #35 and #36 in the amount of \$888.47.**

**Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright), Nay 0**

**Resolution #22 declared duly adopted.**

**Motion made by John Quenell to Adjourn the Regular Board Meeting at 9:15 p.m., second by David Knapp, Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright)**

Respectfully submitted,  
Elaine W. Sater  
Brighton Town Clerk