

The Regular Meeting of the Town Board of the Town of Brighton was held on Thursday, February 10, 2005, 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 and Nik Santagate - Town Justice

RESIDENTS: There were five residents present and the media.

Meeting was Called to Order by Supervisor Robert Tebbutt at 7:01 p.m.

APPROVAL OF MINUTES

Motion made by John Quenell, **second** by Supervisor Robert Tebbutt, **to accept the Minutes of the Organizational Meeting of the Town Board on January 13, 2005, as written.**

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, and Wright), Nay 0

David Knapp asked if the Tax Collector was bonded for enough considering the amount of the warrant and if the Deputy Supervisor was bonded for the same amount as the Supervisor.

Lydia Wright asked if there should be a formal appointment for her to be the coordinator for the Highway Department with Employees Assistance Services (EAS).

Motion made by Supervisor Robert Tebbutt, **second** by John Quenell, **to accept the Minutes of the Regular Town Board Meeting of January 13, 2005, with the following change: Page 4, Supervisor's Report, Para 12. Website Costs – Adelpia: First sentence add "and connection fee" after "website".**

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, and Wright), Nay 0

Motion made by Supervisor Robert Tebbutt, **second** by John Quenell, **to accept the Minutes of the Special Town Board Meeting of January 17, 2005, with the following change: Page 1, Para 1, Annual Accounting of Town Offices, Third sentence: Add "for the second year in a row" after "audit".**

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, and Wright), Nay 0

Lydia Wright read a statement from the Comptroller's Office concerning the audit of the Supervisor's books.

John Quenell said the Supervisor has 60 days to complete the Town's annual report and it would be filed with the Comptroller. The books do not need to be audited by the Board and Lydia Wright should contact the Comptroller's Office concerning this.

Lydia Wright said she would be attending the Association of Town's training in a few weeks and she would get more information there concerning this issue.

TOWN CLERK REPORT

Total Revenue to Supervisor as of January 31, 2005 was \$ 30.60

2 Certified Copies

6 Dog License Renewals

1. Faxed notice on January 18 to the Adirondack Daily Enterprise, Re: Public Hearing for proposed Local Law #1-2005 scheduled for January 27, 2005 at 7 p.m. Notice was published on January 20. Posted Notices in three post offices, at local businesses, and on the Town Clerk's sign board.
2. Received notification dated January 20, 2005, from Sodexho Management Inc., Re: Notification of Renewal of Liquor License at the Student Union Paul Smiths College.
3. Faxed notice on January 31 to the Adirondack Daily Enterprise, Re: Public Hearing for proposed Local Law #1-2005 re-scheduled for February 10 at 6:30 p.m. Notice was published on February 3. Posted notices at three post offices, at local businesses, and on the Town Clerk's signboard on Feb 1.
4. Submitted vouchers for NYS Town Clerk's Association Conference in Buffalo, NY, April 17 to 20. Registration fee is \$60 and room and meals is \$350 per night for 3 nights.

5. Received letter dated January 7, 2005, from the Franklin County Board of Elections, Re: Requesting the Board comply with Section 4-104.1 of the state Election Law and designate a polling place for Election District #1 for the Town.
6. RECORDS MANAGEMENT: Records destroyed during 2004 have been recorded. They were destroyed by shredding, burning, or placing in a landfill.
7. Sent letter dated February 3, 2005, to the Board of Elections, Re: Certifying that four positions will be up for election on the November 2005 ballot: Supervisor for 2-year term, Superintendent of Highways for 2-year term, and 2 council members for 4-year terms.
8. Contacted the Association of Towns to correct the phone number published for Council Member David Knapp per Resolution #8-2005.

SUPERVISOR REPORT

1. FINANCIAL REPORT:

- a. **Monthly Budget Report as of January 31, 2005**, was distributed to Board Members on February 10
- b. **AMENDMENTS to Resolution #22 and #13**

RESOLUTION #22 (Amended)

AUTHORIZATION TO PAY VOUCHERS

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

WHEREAS, Resolution #22-2005, General Fund Voucher #37 was approved for the Hilton NY, and,

WHEREAS, the Hilton was already full for the Association of Towns meeting,

THEREFORE BE IT RESOLVED, that the Claimant for General Fund Voucher #37 be hereby changed from “Hilton NY” to “Sheraton” leaving the amount of the voucher the same,

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright), Nay 0

Resolution #22 declared duly amended.

RESOLUTION #13 (Amended)

BUDGET AMENDMENT #2 FOR 2004 HIGHWAY FUND

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

WHEREAS, Resolution #13-2005 for BUDGET AMENDMENT #2 2004 HIGHWAY FUND was approved for transferring funds from DA5132.21 (Machinery –Light Equipment), and

WHEREAS, account number DA5132.21 does not exist in the Town of Brighton 2004 Budget,

THEREFORE BE IT RESOLVED, that the account number DA5132.21 be changed to DA5130.21 (Machinery - light equipment) leaving the amount of the transfer the same.

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright), Nay 0

Resolution #13 declared duly amended.

- c. **Transfer of Funds:**

RESOLUTION #25

AUTHORIZATION TO TRANSFER FUNDS

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

RESOLVED, that the Supervisor is authorized to make a transfer of funds in the amount of \$350 from the General Fund checking account into the Street Lighting Fund.

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright), Nay 0

Resolution #25 declared duly adopted.

- d. **BAN For \$40,000 For Highway Dump Truck and Snowplow 2002**

RESOLUTION #26

AUTHORIZATION FOR A \$40,000 BOND ANTICIPATION NOTE (BAN) FOR DUMP TRUCK AND SNOWPLOW 2002

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

WHEREAS, the Town of Brighton solicited bids for the purchase of a new dump truck with snow plow attachment, and

WHEREAS, following the solicitation and advertising for bids, M.A. Jerry and Company, Inc, submitted the lowest bid of \$129,703.00 and

WHEREAS, the Town Board of the Town of Brighton, Franklin County, New York, by Resolution 23-2002 duly adopted on the 14th of February 2002 authorized the Town to purchase a new dump truck and snow plow attachment and ,

WHEREAS, the Bond Anticipation Note authorized by the Town on February 12, 2004, for the purchase of the new dump truck and snow plow attachment will mature on March 1, 2005, and

WHEREAS, it is desired that \$40,000.00 of such cost be paid from the proceeds of obligations to be issued pursuant to the Local Finance Law.

NOW, THEREFORE, be it hereby

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

Section 1. The specific object or purpose for which obligations are to be issued pursuant to this resolution is to finance the purchase of a new dump truck with snow plow attachment purchased in March 2002. The cost of the new dump truck with snow plow attachment in March of 2002 was \$129,703.00. At that time, a \$100,000 bond was issued with a maturity date of March 1, 2003 and the balance of \$29,703.00 was paid from the Town Highway Fund. On February 27, 2003 a sum of \$80,000 was refinanced and \$20,000 plus interest was paid from the Town Highway Fund. On February 12, 2004 a sum of \$60,000 was refinanced and \$20,000 plus interest was paid from the Town Highway fund (account numbers DA9730.6 and DA9730.7).

Section 2: The maturing \$60,000.00 bond will be paid as follows: a sum of \$40,000.00 will be refinanced by the issuance of a bond pursuant to this resolution; and the remaining \$20,000 plus outstanding interest will be paid from the Town Highway fund (account numbers DA9730.6 and DA9730.7).

Section 3: For the specific object or purpose of paying the cost of the new dump truck with snow plow attachment, there is hereby authorized to be issued a \$40,000.00 bond of said Town in accordance with the plan set forth above, and pursuant to the provisions of the Local Finance Law. Such bond shall be dated approximately as of March 1, 2005 and the power to fix and determine the exact date of such bond is hereby delegated to the Town Supervisor.

Section 4: It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen (15) years for the dump truck with snow plow attachment (pursuant to Section 11.00[a][28] of the Local Finance Law).

Section 5: It is hereby further determined that the maximum maturity of the bond herein authorized will not exceed one (1) year.

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

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

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

Section 9: Said bond shall obligate the Town to pay to the registered owner the principal sum of \$40,000.00 and to pay interest on the unpaid balance of such principal sum at the rate of 2.95% per annum, annually from the date of the bond until it matures.

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

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

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

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

Section 14: The validity of such bonds and bond anticipation notes may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

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

Section 16: This resolution shall take effect immediately.

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright), Nay 0

Resolution # 26 declared duly adopted.

2. **HIGHWAY GARAGE PROJECT:** Furnace has arrived but is not installed. An extension was given to the contractors until February 28, 2005, to complete the project. The contractors will pay for the heating needed to complete the project.
3. **TOWN HALL LAND:** All the things that need to happen are happening. The Department of Transportation has provided the needed documents to proceed. Paul Smiths College still needs to send its letter to allow the Town to continue using the property behind the Town Hall.
4. **VETERAN'S TAX EXEMPTION - LOCAL LAW #1-2005:** Public Hearing was held at 6:30 p.m. on February 10, 2005, for Local Law #1-2005, a local law "Increasing the Real Property Tax Exemption for Veterans and Other Qualifying Individuals Residing in the Town of Brighton". **Supervisor Robert Tebbutt certifies the need to waive the 7-day requirement to have the law in its final form before enacting it because it is important to have this law in place by March 1, 2005.**

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

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BRIGHTON AS FOLLOWS:

SECTION I. MAXIMUM EXEMPTION FROM REAL PROPERTY TAXES.

Pursuant to Subdivision 2(d)(ii) of Section 458-a of the Real Property Tax Law, the maximum allowable exemptions from real property taxes provided for veterans and other qualifying individuals residing in the Town of Brighton under paragraphs (a), (b), and (c) of subdivision 2 of that section shall be increased. to:

1. In the case of paragraph (a), twenty-seven thousand dollars (\$27,000);
2. In the case of paragraph (b), eighteen thousand dollars (\$18,000); and
3. In the case of paragraph (c), ninety thousand dollars (\$90,000).

SECTION II. EFFECTIVE DATE:

This local law shall take effect when it is filed with the Secretary of State, but the exemptions provided herein shall not be available until the proper taxable year, pursuant to Section 458-a of the Real Property Tax Law.

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright), Nay 0

Local Law #1-2005 is duly enacted.

5. **HUD MORTGAGE DISCHARGE:** Received request from Friends of the North Country to discharge a HUD Mortgage for HUD Project #BRI28-99

RESOLUTION #27

AUTHORIZATION TO DISCHARGE A MORTGAGE FOR HUD PROJECT # BRI28-99

Motion made by John Quenell, second by Steve Tucker, To Wit:

WHEREAS, Friends of the North County, Inc. have requested the Town discharge a mortgage in connection with the HUD program (HUD Project BRI28-99), such mortgage recorded at the Franklin County Clerk's Office, as Libre 648, page 313, on November 12, 1999,

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to sign a Discharge of Mortgage for HUD PROJECT #BRI28-99.

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright), Nay 0

Resolution # 27 declared duly adopted.

6. CONTRACT WITH TRI-LAKES HUMANE SOCIETY

RESOLUTION #28

AUTHORIZATION TO CONTRACT WITH TRI-LAKES HUMANE SOCIETY

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

WHEREAS, the Tri-Lakes Humane Society submitted a contract for services for 2005,

NOW THEREFORE, BE IT RESOLVED, that the Supervisor is authorized to sign the contract with the Tri-Lakes Humane Society for shelter services during 2005 and to pay the sum of \$1,150 to the Tri-Lakes Humane Society.

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright), Nay 0

Resolution # 28 declared duly adopted.

- 7. HUD MORTGAGE SUBORDINATION:** A letter dated, January 24, 2005, from TLNBank, was received requesting the Town subordinate two HUD loans one dated 8-1-1995 for \$36,000 and one dated 7-22-1999 for \$78,500 for Mr. David Ploof. Council Member John Quenell sent a letter to Board members dated February 7, 2005, explaining that the Town has subordinated HUD loans in the past for smaller amounts and with less time left on the mortgage. This loan becomes a grant to the land owner in two years time. He states "The intent of the 5-year sunset provision is to ensure that the grant is used as intended at least for a while, in this case, the creation of moderate-income rental units." Discussion was held on what the board should do with this request.

Motion made by John Quenell, **second** by David Knapp, **To Wit:**

Supervisor Robert Tebbutt be authorized to notify Tupper Lake National Bank (TLNBank) that the Board took no action on the request for HUD mortgage subordination dated January 24, 2005.

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright), Nay 0

- 8. DESIGNATION OF POLLING PLACE FOR ELECTION DISTRICT #1:** Franklin County Board of Elections has requested the Town designate the polling place for Election District #1 for the Town.

RESOLUTION #29

DESIGNATION OF POLLING PLACE FOR ELECTION DISTRICT #1

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

WHEREAS, the Election Law, Section 4-104.1 requires the designation of polling places to be filed every year with the county board of elections by town clerks,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Brighton, designate the Town Hall at 12 County Route 31 in Paul Smiths, as the polling place for Election District #1.

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright), Nay 0

Resolution #29 declared duly adopted.

OLD BUSINESS

- 1. PAUL SMITHS-GABRIELS VOLUNTEER FIRE DEPARTMENT (PSGVFD) CONTRACT:** Still need a reply from the Fire Department if they are willing or not to accept the counter proposal. A Public Hearing needs to be held to adopt the contract. The letter of extension has expired. Steve Tucker said Chief Roger Smith checked on the amount of insurance the department carries and it is adequate. Supervisor Robert Tebbutt said he needs something in writing. This is tabled until next month.

2. MAINTENANCE (Knapp):

- a. **Town Hall:** David Knapp said he received information from Pat Willis concerning the repair and replacement of the front steps. He would like to fabricate the steps first then have the rail made by special order so it is not connected to the stone pillars that need to be repaired separately. The railings need to be functional not decorative like the current railings. A temporary railing needs to be added to the repair contract for the steps.
- b. **Maintenance Person:** The Town should consider hiring a maintenance person on an hourly basis to handle the everyday maintenance needs of the Town. John Quenell checked with the insurance holder and they recommended hiring an individual as opposed to contracting out the position. After discussion Supervisor Robert Tebbutt told David Knapp to contract Association of Towns to see what they had to say about hiring versus contracting.

- 3. UPDATE ON CODE VIOLATIONS:** Lydia Wright asked for an update on the Code Violation cases. Supervisor Robert Tebbutt said the Town attempted to deal with the violators in good faith and failed. He will start again by asking the Code Enforcement Officer (CEO) to provide him with a list of violators in the Town. David Knapp said the residents on Easy Street (State Route 86) have filed a complaint concerning a resident there and the Board should acknowledge their complaint. He said the CEO and the Attorney for the Town should be versed in County Law if they are going to work on these cases. Supervisor Robert Tebbutt said the Attorney for the Town sent a letter dated January 14, 2005 to him offering to assist the Town in its continuing efforts to enforce the property maintenance code and its litter law and wishes to donate an appropriate amount of his time toward this case. Lydia Wright said the District Attorney send a letter to the Attorney for the Town, Scott Goldie and copied it to the Town Board, dated February 3, 2005. The letter states that the Attorney for the Town should send all future requests for prosecution (Re: Misd–Code case) directly to the District Attorney’s attention. The Attorney for the Town was at fault for not knowing Franklin County law. There was a letter from the Attorney for the Town, Janet Bliss; dated February 14, 2001, Re: Local Law Regarding “Junk”, addressed to Supervisor Christopher Leifheit, pointing out that prior to approving the local law for litter the Board should contact the District Attorney’s Office concerning this law. John Quenell asked Lydia Wright if anyone else saw the letter. Lydia Wright said she found references to it in minutes of board meetings from April 12 and May of 2001 so at least Alicia Bodmer knew about the letter. Supervisor Robert Tebbutt asked Lydia Wright where she was going with this, he would like to move forward with this issue. Lydia Wright said he should let her speak and she wondered if it’s because she is a woman that he interrupts her whenever she is trying to speak. She asked if a local lawyer should be contacted to represent the town on Code Violations. Supervisor Robert Tebbutt said the Attorney for the Town now knows and will represent the town for free on this issue. David Knapp said he would like an explanation from the CEO and the Attorney. He said nothing was specified in the accusatory instrument or citation to show the residents how they were violating the law. Discussion was held on what the Board should do next. David Knapp said he would like to see progress reports from the Attorney on these cases. He would like to see the Attorney at a few meetings to answer questions. Supervisor Robert Tebbutt gave David Knapp permission to contact the Attorney for the Town to get updates on this issue.

NEW BUSINESS

1. APPOINTMENT OF EAS COORDINATOR

RESOLUTION #30

APPOINTMENT OF EAS POINT OF CONTACT

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

WHEREAS, Lydia Wright is required to attend training in Plattsburgh for the Employee Assistance Services Program, and

WHEREAS, Lydia Wright will have to take a day off from her full time job without pay,

THEREFORE BE IT RESOLVED, that Lydia Wright is hereby appointed to be the Coordinator for Employee Assistance Services (EAS) for the Town of Brighton, and

RESOLVED, that the Town of Brighton will reimburse Lydia Wright for wages lost while she attends training to accept this appointment.

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

Resolution #30 declared duly adopted.

2. **NOTIFICATION OF VETERANS FOR TAX EXEMPTIONS:** Supervisor Robert Tebbutt asked the media to print an article to notify the veterans in the Town about the new local law increasing their maximum tax exemptions. The deadline for filing the exemption request is March 1.
3. **SARANAC LAKE AREA YOUTH PROGRAM (SLAYP):** Supervisor Robert Tebbutt asked Steve Tucker to represent the Town at the next meeting of the SLAYP on February 23, 2005. David Knapp said he would be interested in attending the meetings later in the year.
4. **SCANNER PURCHASE:** Lydia Wright asked that the Town purchase a scanner to allow the Town Clerk to scan in attachments to minutes so they can be viewed on the Website. The Town Clerk said the current copier has the capability to scan documents if the Board would authorize adding it to the contract. There is no room for any additional equipment in the computer room. David Knapp said he could purchase a small multi-use machine for under \$100.

RESOLUTION #31

AUTHORIZATION TO PURCHASE A DOCUMENT SCANNER

Motion made by David Knapp, second by John Quenell, to Wit:

WHEREAS, documents attached to the Town minutes are not accessible on the Website,

BE IT RESOLVED, that Council Member David Knapp is authorized to purchase a document scanner for an amount not to exceed \$100.

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright), Nay 0

Resolution #31 declared duly adopted.

5. **BONDING OF TAX COLLECTOR:** Lydia Wright asked if the bonding issue of the Tax Collector could be addressed again. The Comptroller's Office recommended raising her bond to cover her total warrant and not just the Town's portion. Issue tabled until the Tax Collector could attend a meeting.

REPORTS

1. **COURT (Santagate):**
 - a. 44 Cases were disposed and \$2,880.00 was sent to the State Comptroller's Office.
 - b. New computer from the court grant has been hooked up and the new Court Program installed by John Bray, Computer Administrator. The original printer from 1993 is still being used.
2. **HIGHWAY COMMITTEE (Quenell/Oliver):** Repaired wing on 2002 snowplow, cleaned vehicles, dug power line ditch and septic for new garage, plowed and sanded roads, frozen culvert was cleared on the Keese Mills Road, paving plan for the County needs to be approved, purchase of road broom needs to be approved.

RESOLUTION #32

AUTHORIZATION TO SIGN AGREEMENT FOR EXPENDITURE OF HIGHWAY MONEYS

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

RESOLVED, that the Supervisor and Town Board be authorized to sign the Agreement For the Expenditure of Highway Moneys with Franklin County, pursuant to the provisions of Section 284 of the Highway Law, the Town agrees that money levied and collected in the Town of Brighton for repairs and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. **GENERAL REPAIRS.** The sum of \$35,000 shall be set aside to be expended for primary work and general repairs upon 20.68 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and board walks or the renewals thereof.

2. PERMANENT IMPROVEMENTS. The following sums shall be set aside to be expended for the permanent improvement of town highways:

(a) On the road commencing at Wardner Road and leading to the dead end, a distance of .57 of a mile, there shall be expended funds to blacktop a 18' width of traveled surface with a thickness of 2" and a gravel subbase.

(b) On the road commencing at County Road 60 and leading to Tebbutt/Vosburg Road intersection, a distance of 400', there shall be expended funds to blacktop a 18' width of traveled surface with a 2" thickness.

(c) On the road commencing at Keese Mills Road and leading to the Top Ridge Road there shall be expended funds to cover the build up of the shoulders on the side of the road.

No moneys set aside for such permanent improvements shall be expended nor shall any work be undertaken on such improvements, until the County Superintendent approves the plans, specification, and estimates for such construction.

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright), Nay 0
Resolution #32 declared duly adopted.

RESOLUTION #33

AUTHORIZATION TO PURCHASE A ROAD BROOM

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

WHEREAS, Don Oliver, Superintendent of Highways, received the following quotes for a Model CH6 road broom with 72" width and Dual Motor for the Holland tractor:

Nortrax in Plattsburgh for \$7,635.00
MIS in Malone for \$7,955.55 and
Burke Farm Supply in Burke for \$8,260.00

THEREFORE, BE IT RESOLVED, that the Town Board authorize Don Oliver, Superintendent of Highways, to purchase a Sweepster Model CH6 road broom with 72" width and dual motor from Nortrax of Plattsburgh for the lowest quote of \$7,635.00.

Roll Call Vote: Aye 5(Knapp, Quenell, Tebbutt, Tucker, Wright), Nay 0
Resolution #33 declared duly adopted.

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

4. ASSESSOR (Tichenor): No Report

5. TAX COLLECTOR (McKernan): Report read by Supervisor Robert Tebbutt as follows:

January was, as expected, a very busy month. For the month of January, collected \$902,035.18. As of February 9, collected \$1,039,067.57. Received \$7.78 in overpayments; check #722 in the amount of \$0.10, check #723 in the amount of \$0.30 and check #724 in the amount of \$7.38 were issued as refunds. As of February 9 the amount of taxes collected is \$1,039,059.79.

Received payment on 721 parcels. This is 60 more parcels collected over last year at this time. The percentage of collected now stands at 82%.

Issued the following checks to the supervisor: January 17, check #270 in the amount of \$65,000.00; January 28, check #721 in the amount of \$330,000.00, and on February 4 check #725 in the amount of \$12,045.00. Both checks for \$330,000 and \$12,045 were given to the Deputy Supervisor in the Supervisor's absence.

On February 4 check #726 was issued to Bryan A Varin, Franklin County Treasurer, in the amount of \$495,000.00

Request that the board review the issue of bonding and insure that this office is adequately bonded in light of the significant increase in the warrant this year.

When I received the last check for reimbursement for out-of-pocket expenses, i.e. mileage and long distance phone charges, the funds to replenish the petty cash fund were included in that check. These items should not be disbursed together as one is a personal expense reimbursement and the other is a town fund. Please clarify this point with the accountant.

Respectfully submitted, Amber McKernan, Tax Collector, Town of Brighton

6. ANIMAL CONTROL OFFICER (Crary): No Report

7. **CODE ENFORCEMENT OFFICER (Lagree):** Twenty eight (28) building permits open from 2004, ten (10) open from 2003, six (6) open from 2002, and three (3) open from 2001.
8. **CEMETERY (Tucker):** Franklin County Legislature Gordy Crossman will be contacted concerning the mowing of the grass during the summer.
9. **PARKS AND RECREATION (Tucker):**
Ice was in for a few weeks but it melted when it warmed back up. The blower motor on the heater seized up. Hulberts ordered a new motor. The heater will need to be replaced before next winter. A kerosene monitor would be more expensive to buy but cheaper to run.
Handicapped access picnic tables are needed for the pavilion. Camp Gabriels can make two tables for the cost of the materiel.

CITIZENS COMMENTS:

Tracie Santagate - McColloms: Would like to see the Town use a local attorney who is more familiar with county and town law. Before the Board goes forward concerning the code violations, she would like to see the town board review the local litter law and determine if it is understandable. She would also like to see the Board sit down with the District Attorney's Office to determine if the law is "prosecute-able". If it is not the Board should make it was a sound law. Concerning the letter from the attorneys, she is astounded that the Town clearly paid for advice on this law then paid again for bad advice on this same law. She asked Council Member John Quenell if he saw the letter from the Attorney for the Town, Janet Bliss.

John Quenell said he did not recall seeing the letter.

Tracie Santagate: Since the Board changes as well as the Attorney for the Town then all questions to the Attorney should be in writing and all answers should be in writing and read into the record so the Town doesn't have this situation where tax payer money is used to pay twice for information on the same issue.

The Code Enforcement Officer and the lawyer should be informed of the specific procedures for filling out the accusatory instrument and given a second chance. Even the Dog Control Officer has specific procedures he has to follow. As a tax paying resident she is offended that the Town Board has carelessly done its job. The District Attorney's job is to make sure selected enforcement of criminal laws is not allowed.

Concerning the Highway Garage Project, if the septic system is not installed will a Certificate of Occupancy be issued before the septic system is completed.

David Knapp said the septic system is not completed and a Certificate of Occupancy cannot be issued until it is installed.

Tom Willis - Garondah Road: Asked what happened to the "Town of Brighton" sign that was up on the highway (State Route 86) near Split Rock Road.

Steve Tucker said the signs were in the Town Garage.

Tom Willis: Asked what will happen to the old voting machine when the county replaces it. He asked if the machine was the original one purchase in 1936.

The Town Hall Repair, Restoration, and Addition Project Fund has sent letters to 38 foundations and received funds from 2 of them. He also sent letter to Representative McHugh and Senators Clinton and Schumer. He was contacted by McHugh and Clinton to send more information. Funding chances from Federal sources are very low.

Pat Willis - Garondah Road: Requested funding from International Paper for the Town Hall Restoration Fund and they said they need the Town Board to be a "fiscal conduit" for any funding they provide. The members of the fund committee will do the paper work if the Town will agree to accept the funds. A letter to "Whom It May Concern" is needed for applying for various grants.

RESOLUTION #34

AUTHORIZATION TO ACT A FISCAL CONDUIT FOR TOWN HALL RESTORATION FUND

Motion made by John Quenell, second by Steve Tucker, To Wit:

RESOLVED THAT, the Town of Brighton, Franklin County, New York, will act as fiscal conduit for any grants awarded to the Brighton Town Hall Restoration Fund.

Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright), Nay 0

Resolution #34 declared duly adopted

Pat Willis: The Town Hall Citizens Committee has discussed the Town Hall design presented by Crawford and Stearns. Crawford and Stearns is ready to proceed with the final construction plans. A Public Hearing should be held to allow for public comment on these plans before the Town Board approves them.

Supervisor Robert Tebbutt set a public meeting for Thursday, March 3, at 7 p.m. and Pat Willis will present the information to the public.

Pat Willis: The Board needs to decide on the grant from Betty Little's office. The grant has to be applied for formally. She would like to see the Town use it for Town Hall mechanical repairs such as electrical, plumbing, or heating. She suggests that the Town wait until she applies for a grant through the State Historical Preservation Office (SHPO) before they spend the funds. This will allow the funds to be used as a match against the SHPO grant. Funding from the grant cannot be used on mechanical items. The total project should cost about \$200,000. The results of the SHPO grant request will not be available until the fall of 2005.

There were no further Citizens comments.

AUDIT OF VOUCHERS:

RESOLUTION #35

AUTHORIZATION TO PAY VOUCHERS

Motion made by John Quenell, second by David Knapp, To Wit:

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

GENERAL FUND: Abstract #2 for Voucher #38 through and including #70 for 2005 funds in the amount of \$10,414.92

HIGHWAY FUND: Abstract #2 for Voucher #11 through and including #22 for 2005 funds in the amount of \$36,111.43

STREET LIGHTING: Abstract #2 for Voucher #2 for 2005 funds in the amount of \$61.62

CAPITAL PROJECT FUND - HIGHWAY GARAGE: Abstract #11 for Vouchers #37 through and including #43 in the amount of \$120,205.22.

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

Resolution #35 declared duly adopted.

Motion made by David Knapp to Adjourn the Regular Board Meeting at 10:00 p.m., second by Lydia Wright, Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright)

Respectfully submitted,

Elaine W. Sater
Brighton Town Clerk