

**The Regular Meeting of the Town Board of the Town of Brighton was held on Thursday, February 12, 2004, 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, Amber McKernan - Tax Collector, Don Oliver - Superintendent of Highways, Nik Santagate - Town Justice, and Pat and Tom Willis - Historians

**RESIDENTS:** There were six residents present.

**Meeting was Called to Order** by Supervisor Robert Tebbutt at 7:00 p.m.

***APPROVAL OF MINUTES***

**Motion made** by Steve Tucker **to accept the Minutes of the Organizational Meeting and the Regular Town Board Meeting of January 8, 2004, with the following change:** Page 3, Resolution #4, Appointment of Committees, Citizens' Committee for Town Hall: Change "Pat Willis, Chair" to "Pat Willis and Willie Sheridan, Co-Chairs"; second by John Quenell, Aye 5 (Tebbutt, Knapp, Quenell, Tucker, Wright), Abstain 0, Nay 0

**Motion made** by David Knapp **to accept the Minutes of the Special Town Board Meeting of January 13, 2004 as written,** second by John Quenell, Aye 3 (Knapp, Quenell, Tucker), Abstain 2 (Tebbutt, Wright), Nay 0

***TOWN CLERK REPORT***

**Total Revenue to Supervisor as of January 31, 2004, was \$12.43**

7 Dog License renewals

2 Copier requests

1. Sent letter dated January 13, 2004, to the Franklin County Clerk, Re: List of Town Officials and Appointments, as well as Oaths of Office from Tax Collector, Town Clerk, and Justice
2. Sent a letter dated January 13, 2004, to the Office of the State Comptroller, Re: List of Town Officials for 2004
3. Sent letter dated January 13, 2004, to the Adirondack Park Agency, Re: List of Town Officials and addresses for 2004
4. Received letter dated January 14, 2004, from Franklin County Treasurer, Re: Payments made to Town of Brighton for 2003. A copy was sent to the Bookkeeper.  
The following Payments were made to the Town and received by the Bookkeeper:  
Dog Payments: \$ 84.84 on 1/7/03  
Mortgage Tax: \$11,830.45 on 5/20/03 and \$20,433.21 on 12/12/03  
Snow & Ice: \$24,234.00 on 7/16/03
5. Received letter dated January 13, 2004, from Franklin County Board of Elections, Re: Vacancies for the 2004 Election. Sent letter dated January 29, 2004, Re: No Vacancies for 2004 General Election
6. Sent to Association of Towns on January 23, 2004, updates of names and addresses of Town Officials per Town Board Resolution #11-2004.
7. Received a letter dated January 30, 2004, from Sodexo Services, Re: Notification of Renewal of Liquor License for Student Union at Paul Smith's College
8. Computer: John Bray added the Tax Collector to the Computer Users. He suggested that the Town Board look into purchasing a new computer soon as this one is five years old and will not be able to be updated. The anti-virus program needs to be renewed also; voucher has been submitted.
9. Need a resolution for Town Clerk business, RE: Postage (\$50.00) and copier use for Franklin County Town Clerks' and Tax Collectors' Association (TCTC2A) for 2004. In 2003 \$19.31 was spent for postage.
10. TOWN HALL SCHEDULE: Brighton Ladies of the Evening: Monday 6-8 pm, Girl Scouts: Friday 3:30 to 5:30 p.m.

11. PARK SCHEDULE: None

**RESOLUTION #30**

**AUTHORIZATION TO EXPEND FUNDS FOR POSTAGE FOR FCTC2A**

**Motion made by John Quenell to authorize Town Clerk, Elaine Sater, to expend funds Not to Exceed \$50 in 2004 for postage, copier and fax machine use in her capacity as President of Franklin County Town Clerks' and Tax Collectors' Association from General Fund Account A1410.4 (Town Clerk's CE), second by Supervisor Robert Tebbutt, Aye 5 (Tebbutt, Knapp, Quenell, Tucker, Wright)**

**Resolution #30 declared duly adopted**

***SUPERVISOR REPORT***

1. **FINANCIAL** – Balances of Bank Accounts as of January 31, 2004, were distributed to the Board and are attached to these minutes. Lydia Wright asked why the Supervisor's books were not audited when the Justice's, Tax Collector's, and Town Clerk's books were audited. She had talked to the Association of Towns and there is a checklist in their handout to cover this audit. John Quenell said he talked to the State Comptroller's Office and was told submitting the Annual Financial Report was sufficient for an audit of the Supervisor's books.
2. **LOGGING TRUCKS ON KEESE MILLS ROAD:** Received letter from LandVest, dated February 4, 2004, RE: Logging on Keese Mills Road, logging will begin again by February 6<sup>th</sup>, and the trucks will not haul before 5:30 a.m. and they will keep to 25 m.p.h. through the residential area on the road.
3. **DONATION OF OLD COPIER TO PSGVFD:** The Town leased a new copier and Lockrows of Plattsburg does not want the old copier back. The Paul Smiths-Gabriels Volunteer Fire Department can use it.

**RESOLUTION #31**

**AUTHORIZATION TO DONATE SHARP SF2027 COPIER TO PSGVFD**

**WHEREAS**, the Town has recently replaced its Sharp SF-2027 copier with a new Kyocera copier, and **WHEREAS**, the Sharp SF2027 copier has been assessed by Lockrows, the copier dealer, as having no value since the manufacturer has stopped providing parts for the unit, and

**WHEREAS**, the Paul Smiths-Gabriels Volunteer Fire Department has indicated a willingness to accept the Sharp SF2027 copier,

**NOW THEREFORE BE IT RESOLVED**, that the Town of Brighton, for a consideration of one dollar (\$1.00), wishes to give the Sharp SF-2027 copier to the Paul Smiths-Gabriels Volunteer Fire Department.

**Motion made by John Quenell, second by Supervisor Robert Tebbutt, Aye 4 (Tebbutt, Knapp, Quenell, Wright), Abstain 1 (Tucker), Nay 0**

**Resolution #31 declared duly adopted.**

**4. HIGHWAY PLOW TRUCK BOND ANTICIPATION NOTE RENEWAL:**

**RESOLUTION #32**

**AUTHORIZING A \$60,000.00 BOND ANTICIPATION NOTE OF THE TOWN OF BRIGHTON, FRANKLIN COUNTY, NEW YORK, TO PAY FOR THE PURCHASE OF A NEW DUMP TRUCK WITH SNOW PLOW ATTACHMENT**

**The following resolution was offered by John Quenell, who moved its adoption; seconded by Lydia Wright, to-wit:**

**WHEREAS**, the Town Board of the Town of Brighton, Franklin County, New York, by Resolution # 91-2001 duly adopted on the 11th day of October, 2001 authorized the Town of Brighton to solicit 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 purchased a new dump truck with snow plow attachment on or about March 1, 2002, and

**WHEREAS**, the Bond Anticipation Note authorized by the Town on February 27, 2003, for the purchase of the new dump truck with snow plow attachment will mature on March 1, 2004, and

**WHEREAS**, it is desired that \$60,000.00 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 snowplow attachment purchased in March 2002. The cost of the new dump truck with snowplow 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. As of February 27, 2003, a sum of \$80,000 was refinanced and \$20,000 plus interest was paid from the Town Highway fund.

**Section 2:** The maturing \$80,000 bond will be paid as follows: a sum of \$60,000.00 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.

**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 \$60,000.00 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, 2004 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 or facsimile signature of the Town Clerk.

**Section 9:** Said bond shall obligate the Town to pay to the registered owner the principal sum of \$60,000.00 and to pay interest on the unpaid balance of such principal sum at the rate of 1.8% 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 effect 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.

**The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:**

	YEA	NAY	ABSENT
<b>Supervisor, Robert Tebbutt</b>	VOTING <u>  X  </u>	_____	_____
<b>David Knapp</b>	VOTING <u>  X  </u>	_____	_____
<b>John Quenell</b>	VOTING <u>  X  </u>	_____	_____
<b>Steven Tucker</b>	VOTING <u>  X  </u>	_____	_____
<b>Lydia Wright</b>	VOTING <u>  X  </u>	_____	_____

**The resolution was thereupon declared duly adopted. (Resolution #32-2004)**

5. **LANDFILL SIGNS:** Rebecca Buerkett of FX Browne recommended placing four signs at the Landfill to ask motorized vehicle operators to keep off the landfill mound.

**RESOLUTION #33**

**AUTHORIZATION TO PLACE “NO MOTORIZED VEHICLE” SIGNS AT LANDFILL**

**WHEREAS,** there is evidence that motorized vehicles are being operated on the cap of the closed Brighton landfill, and

**WHEREAS,** there is a risk that the motorized vehicles will tear up the vegetation on the cap which may cause erosion of the soil and exposure of the membrane to puncture,

**NOW THEREFORE, be it RESOLVED, that Supervisor Robert Tebbutt be authorized to purchase materials Not to Exceed \$100 for the construction of four signs, with the following wording “ Town of Brighton Landfill. Please, no motorized vehicles on the mound. Costly damage to the landfill cap may result. If you have any question please call 327-3201”, to put around the landfill cap. Such sign are to be made by Camp Gabriels at no cost to the Town.**

**Motion made by Supervisor Robert Tebbutt, second by John Quenell, Aye 5 (Tebbutt, Knapp, Tucker, Quenell, Wright), Nay 0**

**Resolution #33 declared duly adopted.**

6. **HIGHWAY DEPARTMENT LABOR CONTRACT 2004-2005:** Received a counter proposal from CSEA, which does not include a change to the standby pay provision (Article X) but does include a change to the Health Insurance clause (Article XIV). The Attorney for the Town has reviewed this contract.

**RESOLUTION #34**

**AUTHORIZATION TO ACCEPT THE CSEA HIGHWAY LABOR CONTRACT 2004-2005**

**WHEREAS,** it is necessary for the Town to contract with the Civil Service Employee Association (CSEA) for the services of the Town Highway Employees, and

**WHEREAS,** the Town and the highway employees have met and discussed the proposed contract in good faith, and

**WHEREAS,** the CSEA has provided a new proposed contract for the period 2004-2005 which is expectable to the Town, incorporating a year-over-year 36-cent per hour wage increase and revised

wording that provides flexibility for alternative health insurance plans that are equal to or better than the current plan provided,

**NOW THEREFORE BE IT RESOLVED**, that the Supervisor Robert Tebbutt be authorized to execute said contract on behalf of the Town.

**Motion made** by Supervisor Robert Tebbutt, second by John Quenell, Aye 5 (Tebbutt, Knapp, Tucker, Quenell, Wright), Nay 0

**Resolution #34 declared duly adopted.**

7. **SARANAC LAKE ADULT CENTER, INC, 2004 CONTRACT:** Included in the budget for the first time.

**RESOLUTION #35**

**AUTHORIZATION FOR 2004 CONTRACT WITH SARANAC LAKE ADULT CENTER**

**Motion made** by Supervisor Robert Tebbutt to **RESOLVE** that Supervisor Robert Tebbutt is authorized to execute an agreement with the Saranac Lake Adult Center, Inc., for the provision of services to Town residents and to pay an annual fee of \$500.00, second by John Quenell, Aye 5 (Tebbutt, Knapp, Tucker, Quenell, Wright), Nay 0

**Resolution #35 declared duly adopted.**

8. **FRANKLIN SNOWMOBILERS, INC 2004 CONTRACT:** Contract was previously distributed to Board, included in the budget.

**RESOLUTION #36**

**AUTHORIZATION FOR 2004 CONTRACT WITH FRANKLIN SNOWMOBILERS, INC**

**Motion made** by Supervisor Robert Tebbutt to **RESOLVE** that Supervisor Robert Tebbutt is authorized to execute an agreement with the Franklin Snowmobiles, Inc., for the benefits provided to the Town residents and to pay the requested annual fee of \$300.00, second by David Knapp, Aye 5 (Tebbutt, Knapp, Tucker, Quenell, Wright), Nay 0

**Resolution #36 declared duly adopted.**

9. **FRANKLIN COUNTY HIGHWAY REQUEST AND HOLD HARMLESS FOR ASSISTANCE:** Franklin County Highway assists the Town Highway Department to blacktop roads during the summer.

**RESOLUTION #37**

**AUTHORIZATION TO REQUEST AND HOLD HARMLESS FOR COUNTY HIGHWAY ASSISTANCE**

**Motion made** by Supervisor Robert Tebbutt to **RESOLVE** that it is hereby requested that the Franklin County Highway Department assist the Highway Department of the Town of Brighton for the purpose of blacktopping town roads. It is agreed that this work is undertaken by the Town Highway Department and the job is totally under the direction and supervision of the Town Highway Department. The Town is required to get necessary agency permits, property owners' agreements, and provide utility notification, and

**BE IT FURTHER RESOLVED**, that the Town of Brighton covenants and agrees to defend, indemnify and hold harmless the Franklin County Highway Department against any claims, actions or judgments arising out of the Town of Brighton's actions involved in, or associated with all highway repairs for which it has requested the assistance of the Franklin County Highway Department.

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

**Resolution #37 declared duly adopted.**

10. **DISCHARGE OF HUD MORTGAGE:** A resident has requested their HUD Mortgage with the Town be discharged.

**RESOLUTION #38**

**AUTHORIZATION TO DISCHARGE HUD MORTGAGE FOR HUD PROJECT #94-11**

**WHEREAS**, the Town of Brighton secured by mortgage dated June 22, 1995, a housing rehabilitation loan under Grant #B-94H-36-0099 in connection with HUD Project #94-11 in the amount of \$12,500, and **WHEREAS**, the mortgage contains a provision that at the end of five years the lender's rights to the loaned amount end without repayment, and

**WHEREAS**, more than eight years have passed since the mortgage was made,

**NOW THEREFORE BE IT RESOLVED**, that the Supervisor Robert Tebbutt is authorized to sign and issue a Discharge of Mortgage concerning said project (HUD Project #94-11).

**Motion made** by John Quenell, second by Robert Tebbutt, Aye 5 (Tebbutt, Knapp, Tucker, Quenell, Wright), Nay 0

**Resolution #38 declared duly adopted.**

**11. PAUL SMITHS-GABRIELS VOLUNTEER FIRE DEPARTMENT PAYMENT:**

**RESOLUTION #39**

**AUTHORIZATION TO PAY ENTIRE \$60,102 FEE FOR 2004 SERVICES TO PSGVD**

**WHEREAS**, the contract with the Paul Smiths–Gabriels Volunteer Fire Department provides for payments of \$60,102 for services in two \$30,051 installments, one due February 1 and one due April 1, and

**WHEREAS**, the town has not paid the February installment yet,

**NOW THEREFORE BE IT RESOLVED** that the payment of the annual fee for services in 2004 to the Paul Smiths–Gabriels Volunteer Fire Department be made by a single check in the amount of **\$60,102.00**.

**Motion made** by Supervisor Robert Tebbutt, second by David Knapp, Aye 4 (Tebbutt, Knapp, Quenell, Wright), Abstain 1 (Tucker), Nay 0

**Resolution #39 declared duly adopted.**

**12. CSEA MEMORANDUM OF AGREEMENT:**

**RESOLUTION #40**

**AUTHORIZATON TO CONTINUE CSEA DENTAL COVERAGE AFTER RETIREMENT**

**Motion made** by Supervisor Robert Tebbutt to **RESOLVE** that the Supervisor Robert Tebbutt be authorized to execute a “Memorandum of Agreement” submitted by the Civil Service Employees Association (CSEA) which provides for the CSEA Benefit Fund to offer continued dental insurance coverage to retiring CSEA members, at members' expense, and that it is understood there is no obligation on the part of the town to pay for coverage under the plan or to perform administrative duties in connection therewith, second by John Quenell, Aye 5, (Tebbutt, Knapp, Tucker, Quenell, Wright), Nay 0

**Resolution #40 declared duly adopted.**

**13. FINAL LANDFILL REPORT:** A final financial report on the landfill closure was distributed to board members. The closure was completed in 2001 for a total cost of \$322,271. New York State reimbursed the Town for \$280,639, and the remaining \$41,632 was paid from General Fund balances. Initial funding was supported by loans from the NYS Environmental Facilities Corporation in the amount of \$278,972. All construction costs and loans have been paid and all reimbursements have been received. The financial records of the capital project account may now be closed.

**RESOLUTION #41**

**AUTHORIZATION TO TRANSFER CAPTIAL PROJECT FUNDS (LANDFILL) TO GENERAL FUNDS AND CLOSE CAPTIAL PROJECT FUND (LANDFILL)**

**WHEREAS**, all fund flows in connection with the closure of the Brighton landfill have been concluded,

**NOW THEREFORE BE IT RESOLVED**, that the Supervisor Robert Tebbutt is hereby authorized to transfer the residual balance of \$1,667.48 from the Capital Project (Landfill) Account to the General Fund and to close the Capital Project (Landfill) Account.

**Motion made** by John Quenell, second by Steve Tucker, Aye 5 (Tebbutt, Knapp, Tucker, Quenell, Wright), Nay 0

**Resolution #41 declared duly adopted.**

- 14. STATE AND FEDERAL POSTING REQUIREMENTS:** Council Member David Knapp contacted Don Oliver and determined that the Town is in compliance with the Labor Law posting requirements.
- 15. STATE DOT ROUTE 86 IMPROVEMENT PROJECT:** Sent a letter to Michael Fayette of the NYS Department of Transportation concerning the condition of State Route 86 in the Town of Brighton. Requested a flashing sign be added to the Highway Project to notify drivers of the hazardous road conditions. There have been several accidents, two fatalities, and twice the road has been closed this winter. Also asked for a response from a previous letter sent regarding items requested to be added to the project in connection with the Highway Garage Project and the Town Park. The letter was read to the Board. A “Letter to the Editor” regarding the road was included with the letter.
- 16. TOWN HALL CITIZENS’ COMMITTEE – Pat Willis, Co-Chair:** Committee has met to review the Crawford and Stearns report. Two sub-committees were formed: one for Grants and one for Capital Fund Drive. A budget is needed to request grants. A Request for Proposal (RFP) was sent to several architects with a deadline of February 28, 2004. Kevan Moss is contacting an individual to get an estimate on the cost of construction for an addition and renovations in the Town Hall. Next meeting will be March 3, 2004, at 5:00 p.m.
- 17. FRANKLIN COUNTY REDISTRICTING LEGISLATION – Rouse Fountain:** The Town of Brighton is being put with Bangor, Duane and a part of Malone in the Legislative Districts that the County Legislature has been mandated to change. Asking for a resolution from the Board to oppose this reapportionment. Brighton would have less representation than it does now with Santa Clara. The towns in the southern part of Franklin County pay more in taxes than the northern towns. The prison population was not included but the college population was included.

**RESOLUTION #42****AUTHORIZATION TO WRITE A LETTER OBJECTING TO THE FC REDISTRICTING PLAN**

**Motion made by John Quenell to RESOLVE that the Supervisor Robert Tebbutt be authorized to write a letter to the Franklin County Legislature with a copy to Judge Demarest, St. Lawrence County, objecting to the redistricting plan it proposed on January 15, 2004, putting the Town of Brighton with the Towns of Duane, Bangor, and a part of Malone, second by David Knapp, Aye 5, (Tebbutt, Knapp, Tucker, Quenell, Wright), Nay 0**

**Resolution #42 declared duly adopted.**

- 18. OMEGA GROUP – Rouse Fountain:** The OMEGA Group will not benefit the Town of Brighton. The increased sales tax to support this group is for administration. The group will not have government oversight.
- 19. HIGHWAY GARAGE CITIZENS’ COMMITTEE – David Knapp, Co-Chair:** Plans have been altered for the Highway Garage Project and are available for viewing at the Town Hall. The roof over the administrative offices has been lowered to one story. The wash bay has been moved in one bay and fifth bay will be an outside cold storage area without a concrete floor. A records room was added with outside access. The exterior walls will be fireproof so only two walls of the room on the inside need to be fireproofed. The interior of the room can be paid for with grants. The in-floor heating will only be in 4 bays with the ability to extend it in the future into the fifth bay. The temperature of the floor is kept constant so there is no need to heat up the floor when it gets very cold. There is insulation to keep the heat from going into the ground. The overall cost of constructing the inside of the building should be reduced. The storage area at the back of the wash bay will be a separate room. The Highway Department has agreed to the changes to the plan. The Adirondack Park Agency (APA) Permit needs to be completed. The insurance company looked at the building again and Supervisor Robert Tebbutt implied that they might no longer insure the old garage. Supervisor Tebbutt thanked the committee for the work it did on this project and asked them to stay with it through completion of the whole project.

20. **FINANCING FOR THE TOWN GARAGE PROJECT:** A financing resolution needs to be passed first before bids go out again, the resolution will have a 30-day period for the petition and a 60-day period before a public vote if a petition is received. The board determined that the reason the bond resolution failed last time was because it was too expensive, it happened too fast, and the building was too large. The committee has looked at the plan and recommended a different plan. The cost has increased and the committee cannot control this. The proposed “Plan B” is a good compromise. Asked for feedback from people who signed the previous petition if the new plan was acceptable. The Supervisor will send a letter to communicate with the Town the changes made and explain how the bond money will be used to cover the purchase of the land, the garage, a salt shed, moving the fuel field, and the sand mine operation, but doesn’t necessarily have to borrow the total amount.

**RESOLUTION #43**

**AUTHORIZATION TO ISSUE UP TO \$500,000 SERIAL BONDS FOR THE GARAGE PROJECT**

**WHEREAS**, the Town Board of the Town of Brighton, New York, (the “Town”), has determined that the existing Town Highway Garage is inadequate, in need of numerous repairs, and is becoming too expensive to heat; and

**WHEREAS**, the Town has determined that a new Highway Garage and Salt Shed are needed to replace the present building; and

**WHEREAS**, the Town had entered into an option to purchase 4.67 acres of land from Paul Smiths College immediately adjacent to the existing Town Highway Garage property; and

**WHEREAS**, a plan prepared by the citizens committee on the Town Highway Garage amending the engineering documents previously prepared by Joseph Garso, P.E., with North Woods Engineering, a competent engineer duly licensed by the State of New York and have been filed in the office of the Town Clerk where they have been available for public inspection; and

**WHEREAS**, all conditions precedent to the financing of this capital project, including compliance with the provision of the State Environmental Quality Review Act to the extent required prior to the adoption of this resolution, have been performed; and

**WHEREAS**, it is now desired to authorize the financing of such capital project;

**NOW, THEREFORE, be it hereby RESOLVED**, by the Town Board of the Town of Brighton, New York, as follows:

**Section 1.** The specific object or purpose for which the obligation to be authorized by this resolution is to be issued is the following: the acquisition of 4.67 acres of vacant land immediately adjacent to the existing Town Highway Garage site on the Jones Pond Road (County Route 31); the payment of the construction costs of a new five-bay Town Highway Garage with ancillary facilities for the Town Highway Department; construction of a Salt Shed; and incidental expenses in connection therewith.

**Section 2.** The estimated maximum cost of the items of the project is stated as follows:

- A. Purchase of property upon which the new highway garage is to be constructed: \$7,000.00
  - B. Highway Garage and Salt Shed construction: \$520,000.00
  - C. Engineering and Legal Fees and Expenses: \$35,000.00
  - D. Contingencies: \$38,000.00
- TOTAL: \$600,000.00

**Section 3.** For the specific object or purpose of paying the cost of the above described project, there are hereby authorized to be issued \$500,000.00 serial bonds of said Town, pursuant to the provision of the Local Finance Law.

**Section 4.** It is hereby determined that the plan for the financing of the aforesaid project shall consist of the issuance of up to \$500,000.00 serial bonds of said Town, authorized to be issued pursuant to this bond resolution, provided, however that the amount of serial bonds ultimately to be issued shall be reduced by any State or Federal aid to be received. The remaining \$100,000.00 will come from the Town’s general reserve fund.

**Section 5.** It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty (30) years (*pursuant to Local Finance Law Section 11.00[a][94]*), as each component of the aforesaid specific object or purpose has a period of probable usefulness of thirty (30) years (*pursuant to Local Finance Law Section 11.00[a][11] and [21]*).

**Section 6.** It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five (5) years.



**Section 7.** 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 serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

**Section 8.** The faith and credit of said Town of Brighton, Franklin County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

**Section 9.** Such bonds shall be in fully registered form and shall be signed in the name of the Town of Brighton by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

**Section 10.** The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obligated to see to the application of the purchase money.

**Section 11.** All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (*and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town*), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the fiscal advantage of the town not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to Local Finance Law Section 70.00(c), no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Local Finance Law Section 52.00 and shall otherwise be in such form and contain such recitals in addition to those required by Local Finance Law Section 52.00, as the Supervisor shall determine.

**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 serial 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 Section 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.** Within ten (10) days after the adoption of this resolution by the Town Board, the Town Clerk shall, as set forth in Town Law, Section 90, post and publish a notice which shall set forth the date of the adoption of this resolution and contain an abstract of this resolution, concisely stating the purpose and effect thereof. Such notice shall specify that such resolution was adopted subject to a permissive referendum.

**Section 16.** This resolution shall take effect immediately, unless a referendum is requested, in which event it shall take effect, if approved at such referendum upon such approval.

**Section 17.** This resolution is adopted subject to a permissive referendum, pursuant to Town Law Section 220.

**Section 18.** The Town Clerk shall also publish a copy of this resolution in full in the official newspaper of the Town of Brighton, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Motion made** by Council Member John Quenell, second by Supervisor Robert Tebbutt, Aye 5, (Tebbutt, Knapp, Tucker, Quenell, Wright), Nay 0

**Resolution #43 declared duly adopted.**

#### **RESOLUTION #44**

##### **AUTHORIZATION TO SEND A LETTER EXPLAINING THE HIGHWAY GARAGE PROJECT**

**Motion made** by Supervisor Robert Tebbutt to **RESOLVE** that the Supervisor Robert Tebbutt is authorized to send a letter to the Town residents concerning the Highway Garage Project, how it is different from last year's proposal and to expend funds from the Capital Project Fund (Highway Garage) for printing, postage and distribution of the letter, second by John Quenell, Aye 5 (Tebbutt, Knapp, Tucker, Quenell, Wright), Nay 0

**Resolution #44 declared duly adopted.**

**OLD BUSINESS: None**

**NEW BUSINESS: None**

#### **REPORTS**

1. **COURT (Santagate):** 52 cases were disposed and \$3,710.00 was sent to the State Comptroller's Office. Changed the format of the monthly report to reflect number of cases by statute and instead of by individual cases. Fines and surcharges have increased, for example the Vehicle and Traffic (V&T) surcharge is now \$55.00.
2. **HIGHWAY COMMITTEE (Quenell/Oliver):**
  - a. January plowed and sanded the roads nearly every day.
  - b. The Garage Committee met on January 20, 2004 and approved the new plans for the Highway Garage Project.
  - c. Sent the 2002 International Plow Truck to Plattsburgh for analysis of loss of power and was repaired.
  - d. Repaired the road grader.
  - e. New shims were put on the pickup.
  - f. Graded Keese Mills Road and County Route 31 to remedy the ice build up.
  - g. Planning to attend the County Highway meeting on February 18; contract for plowing County Road is up for renewal.
3. **INSURANCE/INVESTMENTS (Quenell):** NYMIR inspected the Town; a report is being prepared to answer their concerns. The Town needs to have policies concerning Sexual Discrimination and Sexual Harassment and Against Harassment and Discrimination. Specimen policies were passed out to the Board to review for adoption.
4. **ASSESSOR (Tichenor):** No Report
5. **TAX COLLECTOR (McKernan):**
  - a. Received to date \$892,115.17 from 665 parcels. There are 190 parcels still outstanding in the private sector. Last year on this date received payment from 672 parcels. Total collected for the month of January 2004 was \$744,990.85.
  - b. On January 12, 2004, issued check #703 in the amount of \$50,000 to Supervisor Robert Tebbutt as the second payment to the Town of Brighton. On January 24 issued check #704 in the amount

of \$260,000.00 to Mr. Tebbutt as the third payment. On January 29 issued check #705 in the amount of \$700.00 and check #706 in the amount of \$150,410.00 to Mr. Tebbutt as the final payment to the Town of Brighton. The warrant to the Town of Brighton is paid in full and satisfied.

- c. On February 3 issued check #707 in the amount of \$2.16 as a refund for overpayment. On February 6 issued check #708 in the amount of \$360,000.00 to Bryon A. Varin, Franklin County Treasurer as the first payment of the warrant to the County.
- d. On February 12 issued check #709 in the amount of \$2.77 to Mr. Tebbutt for penalties collected.
- e. Received notification of corporate payments made to the Treasurer's Office and reconciled the report of those monies paid with the tax roll. Five properties remain outstanding on section 3 of the tax roll.
- f. Received January bank statement and notified the bank of an error on the statement. Account was overcharged on check #701. That error will be corrected. Check #705 in the amount of \$700.00 remains outstanding as of January 30.
- g. Faxed out 11 items and received 35 phone call regarding tax matters since the last board meeting.
- h. The laptop computer was delivered to the Town Garage on January 12 and received by this office on January 13. The laptop for the bookkeeper was delivered on January 9. Voucher for payment has been submitted for approval. There is a \$45.00 charge listed that is for shipping and handling. Would like to know what the Town's policy is for approving vouchers that have budget codes from other departments listed on them.
- i. Bonding for Tax Collector - does this cover Deputy also? The records of the office should be covered also, since these records determine if property could be sold at auction.

The Board will look into a policy for approving vouchers. There has been no response from the bonding insurance agent; this applies to the Deputy Supervisor as well.

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

**7. CODE ENFORCEMENT OFFICER (Lagree):** Reports from December 2003 and January 2004 were received. Total Building Permits for 2003 were 34 and total fees collected \$3,531.25. Twelve have been completed and 22 are incomplete. For 2002, 16 were completed, 10 were renewed and 1 is incomplete. For 2001, 7 were completed, 4 were renewed, and 3 are incomplete.

**8. CEMETERY (Tucker):** No activity this month. A letter was received for a request for a cemetery plot. The board will review next meeting. There is a new Body Tracking Law that needs to be addressed by the Board also.

**9. PARKS AND RECREATION (Tucker):**

- a. Dan Spencer reported that the ice is in fine shape. Many children are starting to use the facilities.
- b. Mr. Spencer has adjusted his hours to have the ice cleared off in the early afternoon so the children can use the ice when they get home from school.

**10. HISTORIAN (Willis):** Nothing to Report

**11. COMPENSATION AND BENEFITS (T. Willis):** Nothing to Report

**12. TOWN HALL CITIZENS' COMMITTEE (P. Willis):** See Supervisor's Report, Paragraph 16

**13. HIGHWAY GARAGE CITIZENS' COMMITTEE (Knapp, Fountain):** See Supervisor's Report, Paragraph 19

**CITIZENS COMMENTS:**

**Art Robertson – Split Rock Road:** In regard to the Town Garage Project letter, you need to let the people know the total amount of money does not have to be spent. Thank you to the Highway Department for pushing back the banks and cleaning up the large amount of snow at the end of the driveways.

**Pat Willis – Garondah Road:** In regard to the Town Garage Project letter, the cost of the project will only increase if it is delayed any longer. The bond amount can be reduced by any grants the Town receives, are they any available?

Grant money has been requested for the salt shed, there has been no response. There are grants available for records storage. Moving the fuel field might be covered by grants also. Lydia Wright will look into this.

**AUDIT OF VOUCHERS:**

**Motion made** by Supervisor Robert Tebbutt **to audit the vouchers**, second by Steve Tucker, Aye 5 (Tebbutt, Knapp, Quenell, Tucker, Wright), Nay 0

**RESOLUTION #45**

**AUTHORIZATION TO PAY VOUCHERS**

**Motion made** by John Quenell **to authorize the Supervisor to pay the vouchers as listed on the Abstracts as follows:**

**PREPAID: Abstract #1 for Voucher #1A in the amount of \$190.48 from 2003 GENERAL FUND**

**GENERAL FUND: Abstract #2 for Voucher #31 through and including #63 for 2003 funds in the amount of \$2,103.65 and for 2004 funds in the amount of \$12,219.21; Total \$14,322.86**

**TRUST AND AGENCY: Abstract #1 for General Voucher #42 in the amount of \$29.54**

**HIGHWAY FUND: Abstract #2 for Voucher #9 through and including #22 for 2003 funds in the amount of \$21.67 and for 2004 funds in the amount of \$27,765.10; Total \$27,786.77**

**STREET LIGHTING: Abstract #2 for Voucher #2 in the amount of \$65.34**

**SPECIAL DISTRICT: Abstract #1 for Voucher #1 in the amount of \$60,102.00**

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

**Resolution #45 declared duly adopted.**

**Motion made** by David Knapp **to Adjourn the Regular Board Meeting at 10:10 p.m.**, second by Lydia Wright, Aye 5 (Tebbutt, Knapp, Quenell, Tucker, Wright), Nay 0

Respectfully submitted,

Elaine W. Sater  
Brighton Town Clerk