

**The Town of Brighton Regular Board Meeting was held on Thursday, March 10, 2005 at 7 p.m. at the Brighton Town Hall, 12 County Road 31, 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:** Donald Oliver - Superintendent of Highways, Nik Santagate - Town Justice, and Elaine Sater - Town Clerk

**RESIDENTS:** There were eight residents present

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

#### ***ADOPTION OF MINUTES***

**Motion made** by Supervisor Robert Tebbutt, **second** by John Quenell, **to adopt the minutes of the Public Hearing for Local Law #1-2005 on February 10, 2005 with the following changes: Page 1, "Council Member David Knapp asked...": Delete second line - "No one know..." and add "There was discussion on asking key veterans in town to network the information along to other veterans; putting notices on local bulletin boards; putting an announcement in the Brighton Bulletin; and asking the Adirondack Daily Enterprise to publicize the law." Roll Call Vote: Aye 5** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay0**

Also noted was that this law does not "take affect for the school taxes in 2006" as stated under "Comments from John Quenell". The law takes affect for the town and county taxes in 2006 and does not pertain to school taxes.

**Motion made** by Supervisor Robert Tebbutt, **second** by Steve Tucker, **to adopt the minutes of the Regular Town Board Meeting on February 10, 2005 as written.**

**Roll Call Vote: Aye 5** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay0**

**Motion made** by Supervisor Robert Tebbutt, **second** by Lydia Wright, **to adopt the minutes of the Public Hearing for the Town Hall Project on March 3, 2005 as written.**

**Roll Call Vote: Aye 5** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay0**

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

**Total Revenue to Supervisor as of February 28, 2005 was \$ 187.79**

14 Certified Copies

1 Dog License Renewals and 1 Replacement Tag

1 FOIL Request

1. February 10 faxed notice to the Adirondack Daily Enterprise, Re: Town Clerk's Office was closed on Tuesday, February 22, for training. Notice was published on February 15. Posted Notices in three post offices, at local businesses, and on the Town Clerk's sign board.
2. February 13 mailed Local Law #1-2005, "Veterans Exemptions" to Attorney for the Town. February 24, 2005 received letter from the Attorney from the Town, dated January 6, 2005 that the Local Law was sent to the Department of State for filing.
3. Attended training in New York City from February 20 to 23. Association of Towns provided training in many areas of local government. Sessions were held for questions and answers by the legal staff of the Association of Towns. Attended court sessions as well and brought back information for the Justice on electronic mailing of monthly reports and updates to maintaining cash receipt book for bail.
4. March 1 received copy of the Annual Financial Report for 2004. Legal Notice was published on Thursday, March 3, in the Adirondack Daily Enterprise stating the Report is available for public inspection.
5. March 1 received notice of Warranty Deed for Highway Garage land purchase from Paul Smith's College, filed by Franklin County Clerk on January 18, 2005.
6. TOWN HALL REQUESTS: Adirondack Medical Center - Thursday, May 5 at 7 p.m.
7. RECORDS MANAGEMENT:
  - a. Received 1900 tax receivers book back from Franklin County Records Office, they have finished microfilming the Town of Brighton's book.
  - b. The Town Board never responded to my letter dated October 7, 2004, concerning purchasing

microfilmed copies of the books, therefore I requested copies of the Tax Records from 1872 to 1970 from the Franklin County Records Office at \$15.00 each.

8. Attending SARA Class "Managing Electronic Records" on Friday, April 1, 2005 in Malone

**John Quenell** asked how many microfilms are involved at \$15.00 each.

**The Town Clerk** said she had no idea but probably only one.

### ***SUPERVISOR REPORT***

#### **1. FINANCIAL:**

- a. **Monthly Budget Report:** Report for the period ending February 28, 2005 was distributed to the Board.
- b. **Highway Garage Project Fund Transfer:** General Funds need to be transferred to the Highway Garage Capital Project Fund to pay the bills. Discussion was held concerning the amount of funds to be spent from the General Fund. Lydia Wright said she believed the Resolution stated "up to" \$100,000. John Quenell said the General Funds of \$100,000 should be spent first so the bond could be for less if the project does not cost the full \$570,000.

#### **RESOLUTION # 36**

##### **AUTHORIZATION TO TRANSFER GENERAL FUNDS TO THE HIGHWAY GARAGE PROJECT FUND**

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

**WHEREAS**, in the Financing Resolution for the current Highway Garage project (Resolution #43-2004, Section 4) enacted on February 12, 2004 it was specified that \$100,000 would be contributed toward the project by the General Fund, and

**WHEREAS**, \$9440.46 of that amount was in effect contributed in the form of a residual balance left in the garage fund checking account from the previous 2003 garage project, which had been funded solely by contributions from the General Fund, and

**WHEREAS**, an additional \$1,500.00 transfer was made to the present Garage Project fund from the General Fund by Resolution #88-2004, dated August 8, 2004,

**NOW THEREFORE BE IT RESOLVED**, that a further transfer of \$89,059.54 is hereby authorized from the General Fund to the Highway Garage Project fund, being the \$100,000 total commitment less the two before mentioned contributions.

**Roll Call Vote:** Aye 4 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker), Nay 0, Abstain 1 (Lydia Wright)

**Resolution #36 declared duly adopted.**

**2. HIGHWAY GARAGE STATUS:** Not all construction is completed. Lydia Wright asked for an accounting of what has been spent so far, and what still needed to be completed by the contractors, the date for completion was supposed to be February 28. Discussion was held on what has not been completed for the project: the septic, the salt shed, planting of a screen of trees, and demolition of the building. The contractors have to compete minor items such as shutters on vents and replacing steel sheets on the building. Supervisor Robert Tebbutt said the engineer for the project says the contractors are working well together to complete the project so he sees no reason to continue charging engineer fees to the Town for the construction part of the building. Any additional fees can be charged against the retainage fee. Don Oliver said the leak in the oil/water separator has been fixed. Some items are on backorder so the completion date is not known at this time. Don Oliver invited anyone to contact him to visit the new building.

#### **3. TOWN HALL LAND STATUS**

- a. **Front of Building:** A permit has been received from the Department of Transportation that grants the town permission to maintain the existing gravel parking lot area in front of the Town Hall. The Town Board must approve the permit.

#### **RESOLUTION #37**

##### **AUTHORIZATION TO SIGN AGREEMENT FOR USE AND OCCUPANCY PERMIT**

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

**WHEREAS**, the Department of Transportation of New York State has offered the town a Use and Occupancy permit to continue the Town of Brighton's use of state land in front of the Town Hall as a parking lot,

**BE IT RESOLVED that the Supervisor of the Town of Brighton is hereby authorized to execute subject permit. Roll Call Vote: Aye 5 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), Nay0 Resolution #37 declared duly adopted.**

- b. **Back of Building:** Supervisor Robert Tebbutt has made numerous calls to the attorney for Paul Smith's College in an effort to have the College send a letter expressing no objection to the continued use of the land behind the town hall as a parking lot in the context of the land's Conservation Easement classification. There has been no response from Paul Smith's College. Pat Willis will try to call the attorney for the College and have him forward a letter to the Town. This letter is needed for the Adirondack Park Agency (APA) to issue a permit to subdivide the land so it can be deeded to the Town.

**4. HUD MORTGAGE DISCHARGE:** Sent a letter to board members on March 2<sup>nd</sup>, regarding a \$36,000 HUD related mortgage held by the town on a certain property located in Gabriels (HUD Project #94-T6). The mortgage was engaged on August 1, 1995 and the five-year sunset provision has passed. No comments were received to the March 2nd letter.

#### **RESOLUTION #38**

##### **AUTHORIZATION TO DISCHARGE HUD MORTGAGE FOR HUD PROJECT #94-T6**

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

**RESOLVED, that the Supervisor is hereby authorized to sign a Discharge of Mortgage concerning a \$36,000 HUD related mortgage (HUD PROJECT #94-T6) held by the town dated August 1, 1995 and recorded in the Office of the County Clerk, County of Franklin, at Liber 488 of Mortgages at Page 294, such mortgage being past its five-year sunset provision which provides for discharge without repayment.**

**Roll Call Vote: Aye 5 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), Nay0 Resolution # 38 declared duly adopted.**

**Nik Santagate left the meeting.**

**5. CODE VIOLATION STATUS:** Received a list of names of code violators from the Code Enforcement Officer (CEO), it was distributed to board members. The names on the list are to be kept confidential. A second letter, dated March 10, 2005, was received from the CEO and read into the record. "Relative to the three properties which I feel are in violation of the property maintenance code,...., it is my recommendation that the most prudent course of action at this time is that we wait until Spring when conditions will be more conducive to taking photos and getting detailed descriptions that we need to get this matter resolved."

David Knapp had a concern that the District Attorney asked for any further requests for violations to be sent to their attention and did the Code Enforcement Officer do this before he brought it to the board. Supervisor Robert Tebbutt said this was just the identification stage and no one has been charged with any violation yet. He asked if David Knapp had any report from the Attorney for the Town on this matter, he forwarded the list of names to the Attorney's office. David Knapp said he contacted the Attorney and received information that the CEO has mentioned in his letter. Supervisor Robert Tebbutt said he would like to see a review of Local Law #3-2001 as recommended by Tracie Santagate at the last meeting.

Tracie Santagate said that the Town Board has already violated the law by naming people who are violators before charging them. The Board should not be the ones controlling the names.

Lydia Wright said the law has been compromised because the procedures have not been followed. The law does not say the Board should be interacting with the CEO while this process is going on. The Board is not part of the process. The list of names should be destroyed. The CEO is the policeman in this situation and it's between him and the property owner, nowhere (in the Law) does it mention the Board getting involved. John Quenell said a legal opinion should be rendered to determine if the board should be involved or not. Lydia Wright said the District Attorney should be the one to render the opinion, as he is already being paid by the tax payers to provide such information. John Quenell said David Knapp should contact the District Attorney to review the local law. Lydia Wright volunteered to help and a committee was formed of Lydia Wright and David Knapp to take the local law to the District Attorney's Office for review.

Tracie Santagate said the board has compromised the law by having a list of names of people even before they are cited for violations. She said she is very vocal at meetings and wondered if her name was on the list. The CEO has a particular procedure to follow and he should follow it.

Lydia Wright read "Section 5. Enforcement Procedure" of the Local Law #3-2001 as follows:

"The Code Enforcement Officer of the Town of Brighton shall inspect the property and file a written report of violations

with the Town Clerk. The Enforcement Officer shall prepare a written notice and shall serve such notice upon the owner and/or tenant personally or by certified mail. The notice shall contain the following:

- a) The name of the owner and/or tenant to whom the notice shall be addressed.
- b) The location of the premises involved in the violation.
- c) A statement of the facts which it is alleged violate this law.
- d) A demand that the clutter, litter and debris be removed or placed so as to be in compliance with this law, within thirty (30) days of the service or mailing of the notice.
- e) A statement that a failure to comply with the demand may result in prosecution.
- f) A copy of this law.”

Discussion was held as to what the law means and it was determined that a competent opinion is needed to determine the Board's place in the enforcement process.

Tracie Santagate tried to address the issue again and was told by Supervisor Robert Tebbutt she was “out of order”. Lydia Wright asked if the Supervisor was going to destroy the list of names. Supervisor Robert Tebbutt said she would have to get an opinion on the law first because he did not know if he could just destroy a letter from the CEO. The discussion was tabled until further information was obtained.

**Nik Santagate returned to the meeting.**

**6. RESCUE SERVICE CONTRACT:** Was contacted by the Saranac Lake Village manager in regard to their plan to substantially increase the rescue contract costs. In the past costs were determined by total costs of operation and then allocated to towns based on the number of calls to each area served by the department. Brighton was assessed with 5% of the calls (about 50 per year) and was assessed about 5% of the costs (about \$19,000 presently). The Village manager said they have decided to change the way it assesses the cost to the towns it services by using a property tax assessment basis. The Town of Brighton's share would go up to 12% while the percent of calls remains about 5%. The Village's share would drop to 15% while the percent of calls remains about 60%. The Town's cost appears to be increasing by \$34,000. The current contract is in effect until the end of 2006 and the Village will continue to honor that contract. Informed the Village manager that the increase in cost was not welcome by the Town and Supervisor Robert Tebbutt did not feel the new way of assessing costs was fair. He told the Village manager the Town would have to consider alternative ways to provide quality rescue service to the Town at a reasonable cost. Any comments or suggestions for alternatives are welcome. Lydia Wright asked what the alternatives were for rescue service in the area. Supervisor Robert Tebbutt said he has discussed an idea with the Paul Smiths-Gabriels Volunteer Fire Department (PSGVFD) regarding forming their own rescue service or the airport might support an ambulance service. Discussion was held on what is being done by the PSGVFD and ways the cost are calculated. Many of the rescue calls are for the College, Camp Gabriels, and people driving through; the residents of the Town make up about 10 calls per year. Some ambulance services charge for their service, some insurance policies cover this charge for them. This issue will be discussed more in the future.

**OLD BUSINESS**

**1. PAUL SMITHS-GABRIELS VOLUNTEER FIRE DEPARTMENT CONTACT:** Received the revised contract from the PSGVFD Chief, Roger Smith. A public hearing has been set for Thursday, March 31, 2005, at 7 p.m. for public input on this contract.

**2. MAINTENANCE(David Knapp):**

- a. **Maintenance Position:** Contacted the Association of Towns and was directed to the Franklin County Civil Service for more information. He is waiting for a job classification description from the Civil Service Office.
- b. **Front Steps:** If this contract is for a job \$5000-\$10,000 three written quotes are required. A contract with specifications is needed and should be reviewed by the Attorney for the Town according to the Association of Towns. Proof of insurance should be required from the contractor.

Pat Willis said the estimates should be less than \$5000 according to figures received for the Town Hall Project.

**3. PURCHASE OF SCANNER (David Knapp):** Purchased a scanner for the Town computer from Staples. It will convert to PDF files. The Town did not have a tax exempt account with the business so David Knapp had to use his own funds to purchase it. He will submit a voucher to be reimbursed by the Town.

**4. ANNUAL AUDIT (Lydia Wright):** Read from the minutes of February 10, 2005, as follows:

“**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.”

Lydia Wright said she attended the Association of Towns training with the Town Clerk. There were several workshops for board members to attend. One workshop she attended was called “Question & Answer Period for New Town Officials” run by the legal staff of the Association of Towns which included Lori Mithen, Kevin Crawford, Michael Kenneally, and James Cole. She read for the Board the questions she proposed and the answers she received as follows: Question 1. By Law (Town Law 123) the town board is required to perform the annual audit on or before January 20<sup>th</sup>. During this process, who’s books are subject to being audited, and who’s are not?

Answer by Kevin Crawford was any town employee or officer that receives or disperses moneys for the town must produce their books for the annual audit (except the town Justice, which is covered under a different section of the law) unless the Town has employed the services of an independent Certified Public Accountant (CPA) to preform the annual audit with 60 days after closing the books for the fiscal year or in towns having a comptroller.

Question 2. Under what circumstances would the town supervisor, the chief fiscal officer for the town, be excused from presenting his or her fiscal records or books during the annual audit process?

Answer: In a town having a town comptroller or when the town has engaged the services of an independent CPA to perform the annul audit for the town.

Question 3. The supervisor files an annual report - the Annual Update Document (AUD) with the Comptroller’s Office. Does this excuse the supervisor, his or her fiscal records or books from the annual audit process?

Answer: No. The annual filing of the AUD with the Comptroller’s Office does not take the place of the annual audit.

Question 4. For two years in a row the Supervisor for the Town of Brighton, Franklin County, has refused to present his fiscal records during the annual audit process stating that because he files an annual report with the Office of the State Comptroller he is exempt from presenting his fiscal records for audit by the Town Board. Our Town does not have a town comptroller nor do we hire an independent CPA to perform the annual audit. Is this correct?

Answer: No. If your Town does not have a town comptroller who would be responsible to perform the annual audit or if the board does not hire an independent CPA or PA to perform the audit, the supervisor is required to present all of his or her fiscal records and documents during the annual audit process.

Lydia Wright said she proposed the same questions to the legal council for the Office of the State Comptroller (OSC), Laura Rodolakis and Stacy Marano. They answered the questions the same as Kevin Crawford. Lydia Wright spoke on the phone with Stacy Marano on March 8, 2005, after returning from the Association of Town’s training. Stacy Marano reiterated that the AUD does not take the place of the annual audit of the supervisor’s books. The AUD (Annual Financial Report to the OSC) and the annual audit of departments are two separate entities, one applies to an annual report and the other applies to records pursuant to an annual audit, one does not take the place of the other. Only if the Town has a town comptroller or the town hires an independent CPA to perform the annual audit of departments in the Supervisor excused from providing his books and documents for the annual audit in accordance with Town Law Section 123. Lydia Wright said the Board is responsible to audit the supervisor’s books and she would like to set a date when this can be done. John Quenell said he thought her questions needed to be pursued further since her information conflicted with his. Lydia Wright asked for his information in writing and he said it was not available at this time. John Quenell asked for the information Lydia Wright had in writing and she provided him and the Supervisor with a copy of “Fiscal Oversight Responsibilities for the Supervisor” which states on page 19: “The annual audit and review of the chief fiscal officer’s financial records and the annual financial report, as well as the review of other officer’s records, is a process whereby the board is exercising its responsibility of general management and control of municipal finances.” Lydia Wright said that by the supervisor not providing the town’s books for audit and by the board not auditing the books the board is being irresponsible with the tax payers money of this Town. She does not understand why the Supervisor refuses to let the board see his books and she asked him to comment on why. Supervisor Robert Tebbutt said he was not trying to hide anything by not providing the books, he filed the annual report with the Town Clerk. Lydia Wright said it was not the same thing. Supervisor Robert Tebbutt said he spoke to the Comptroller’s Office back when this issue first came up and they told him the position he has taken. He also asked John Quenell to call the Comptroller’s Office to verify what he had heard was correct. Discussion was held on what the State Comptroller’s Office said versus what the regional Comptroller’s Office said. Lydia Wright said it was the Board’s civic duty to audit the Supervisor’s books and she was not comfortable with the situation. She asked if anyone else was uncomfortable with the situation. David

Knapp asked what the difference was between the regional Comptroller's Office and the State Comptroller's Office. Lydia Wright said the regional office was a local office for this area and they worked under the State Office. Tracie Santagate asked where in the law it says the board does not have to audit the Supervisor's books. She said the Supervisor should be producing something to show he does not have to have the books audited. Lydia Wright read from a letter dated September 16, 2003, from the Office of the State Comptroller, in regards to the OSC Report of Audit dated March 15, 2003, "We also note that the Town has not taken any corrective action in regards to several finding included in our report of examination. Those areas include: Filing of Annual Financial Report...Annual Accounting of Departments..". Lydia Wright said in November 2003 she and David Knapp were voted into office as council members and Robert Tebbutt was voted in as Supervisor. In January 2004 and 2005 Lydia Wright asked to audit the Supervisor's books and was refused both times. She said the Supervisor needs to comply with the law. Supervisor Robert Tebbutt said he is not trying to hide anything but he is working with what the representative from the regional Comptroller's Office told him. All he has to do is file the Annual Financial Report with the Town Clerk and it is open to inspection by all the citizens in the Town not just the Town Board. He is going to look into this very carefully and will do what is required if she is right. Lydia Wright said it didn't matter if she was right or not because according to Chapter 13 of the Local Government Management Guide (page 18) "In addition, the town board, at any time, may require any town officer or employee to submit to the board or to such certified public accountant or public accountant for examination, the officer or employee's books, dockets, records, receipts, warrants, vouchers and cancelled check or check images as authorized by section 99-b of the General Municipal Law". She said she was not saying the supervisor had anything to hide, she would just like to do what she was voted into the office to do. It is all the Board's responsibility to do this. David Knapp said that what the Board audited for the Tax Collector, Justice, and Town Clerk is what the supervisor should be presenting. It is different information from what the Annual Financial Report shows. For example a bill audited by the board should be followed through to see that the process was followed. Supervisor Robert Tebbutt said he has done what he was led to believe was his duty and if in fact it was wrong he will provide the Board with an answer after he looks into it further. Lydia Wright said she is showing him in black and white where the books can be audited at any time regardless of the annual audit. She said that maybe at some point the Supervisor should look into attending training himself. Supervisor Robert Tebbutt said he would need time to respond to her questions and would do so at the next meeting.

**NEW BUSINESS:**

1. **CORRESPONDENCE (Lydia Wright):** Received a copy of a fax dated 1 March 2005 from North Woods Engineering regarding the Town Garage Project. She sent an email to town officials asking if there would be a special board meeting to discuss the topic of the fax which was "Continued Engineering Services After Completion Date". Supervisor Robert Tebbutt replied to the email saying that a meeting would not be necessary. He also said in the email that the letter faxed to the Town Hall was addressed solely to him. Lydai Wright said correspondence from North Woods Engineering in regards to the Town Garage Project is not personal correspondence, but rather correspondence belonging to the Town of Brighton. She said the engineer is hired by the Town and the project is funded by tax payers, therefore any correspondence between the engineer and the town should be faxed to the Town for distribution to the Board. If the Supervisor wanted a copy faxed to his personal fax machine then he could, but the Town should still get a copy. Supervisor Robert Tebbutt said he had not seen the fax yet and that is what he was responding to in the email. A discussion was held on what should be copied and distributed to the board members. Currently faxes, emails or letters addressed to the Town of Brighton or Town Board are copied and distributed to the Town Board by the Town Clerk. Letters addressed to individuals are not opened but put directly into the individuals' mail box. Discussion was held on what was personal correspondence and should not be distributed to board members. Lydia Wright said that anything emailed to her concerning Town business would be forwarded to the Town Clerk's email for the record. She said she thinks the board is violating the Open Meetings Law by discussing issues through email instead of discussing it openly at board meetings. Discussion was held on how board members use the email. David Knapp asked if there was a policy on correspondence. John Quenell said in the Organizational Meeting the mail policy states the Supervisor or the Town Clerk will collect the mail. Discussion was held on creating a new policy to include emails and faxes. John Quenell asked for clarification on whether he had to send a copy of his emails to the Town Clerk and other board members if he discussed business with a board member or the Supervisor. David Knapp said yes that is what the policy was addressing. Steve Tucker said this would eliminate the need for committees. He does not spend a lot of time using email or the phone.

**RESOLUTION #39**

**CORRESPONDENCE POLICY**

**Motion made** by Supervisor Robert Tebbutt, **second** by Lydia Wright, **to Wit:**

**RESOLVED, the following will be the Correspondence Policy for the Town of Brighton:**

- 1. All emails sent concerning town business or items using tax payers money will be copied to the Supervisor, Board Members and the Town Clerk**
- 2. All mail received concerning town business or items using tax payers money will be copied and distributed to the Supervisor and Board members**
- 3. All faxes received at the Town Hall concerning town business or using tax payers money will be copied and distributed to the Supervisor and Board members**

**Roll Call Vote: Aye 2** (David Knapp and Lydia Wright) **Abstain 1**(Supervisor Robert Tebbutt), **Nay 2** (John Quenell and Steve Tucker)

**Resolution # 39 declared duly defeated.**

- 2. INFORMATION SYSTEMS BACK UP (David Knapp):** Based on information he heard during the audit and from personal experience with his own computer, he asked what the Town had for a policy to back-up information. He said the Tax Collector backs up her system and carries a disk around with her. He asked what does the Supervisor do to back up his information since he works at home and does the bookkeeper back up the financial information. Supervisor Robert Tebbutt said he would look into what the bookkeeper does. He said every office has copies of what is given to him such as the Tax Collector and Town Clerk so he did not need to back up his information. David Knapp asked if the Board could recreate his information if something happen at his home. He also said the addition of a Supervisor's Office in the Town Hall will provide a place where the information can be kept right in the building where the business is handled. Supervisor Robert Tebbutt said he would look into this issue and reply at the next meeting.
- 3. INDEMNITY POLICY ( Lydia Wright):** Asked if the Town had a policy of defense and indemnification to protect the town officials if they get sued. John Quenell said the town has Public Officers Liability Insurance through NYMIR.
- 4. BONDING OF PUBLIC OFFICERS (David Knapp):** Asked if the bookkeeper was covered under the same bonding policy as the Supervisor and Tax Collector. John Quenell said he was looking into this and is waiting for an answer. He will address it under the Insurance Report.

#### **REPORTS**

- 1. JUSTICE (Santagate):** Closed 57 cases in February and sent a check to the Comptroller's Office for \$4,550.00. The March funds will paid directly to the Supervisor. The electronic filing for the monthly reports is working correctly.
- 2. HIGHWAY (Quenell, Oliver):** John Quenell quoted Don Oliver by saying "Winter is finally here".
  - a. Plowing and sanding
  - b. Unplugged frozen culverts
  - c. Had water problems on the road when it rained
  - d. Picked up the new road broom in Plattsburgh today
  - e. Working with contractors to finish the new garage
  - f. Town Hall toilet stopped working a few days ago. Today Glen Perrino and Forrest Pennington repaired the problem. The septic system was pumped out. The ground was frozen and remedial work will need to be done when the ground thaws.
  - g. Paving Plan was approved at the last meeting, the agreement requires signatures from the board members as well as the supervisor. This was passed around for signatures.
  - h. Hold harmless contract for the County needs to be approved by the board for paving projects.

#### **RESOLUTION #40**

##### **AUTHORIZATION TO REQUEST ASSISTANCE AND HOLD HARMLESS FOR HIGHWAY PAVING**

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

**RESOLVED 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 and that it is agreed that this work is to be undertaken by the Town Highway Department and the job is totally under the direction and**

supervision of the Town Highway Department, and that 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.

**Roll Call Vote: Aye 5** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay0**  
**Resolution # 40 declared duly adopted.**

3. **INSURANCE AND INVESTMENTS (Quenell):** Quotes were received for increasing the Tax Collector's bonding coverage by \$500,000 and the Deputy Supervisor's bonding by \$450,000; the premium is \$196 higher than current premium of \$652. Coverage for the bookkeeper is also in question and will be looked into for the next meeting.

**Lydia Wright** asked how the bookkeeper is signing the checks. **John Quenell** said the bookkeeper is using a laser printer to sign the Supervisor's name. **Lydia Wright** asked if the Board ever authorized this to be done. Discussion was held concerning this issue. Checks were signed by hand in the past before the bookkeeper took the job in March 2004.

#### **RESOLUTION #41**

##### **AUTHORIZATION TO ALLOW CHECKS SIGNED WITH FACSIMILE SIGNATURE OF SUPERVISOR**

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

**RESOLVED** that the Bookkeeper be authorized to sign Town checks, payable to the person or persons entitled thereto, with a facsimile signature of the Supervisor.

**Roll Call Vote: Aye 5** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay0**  
**Resolution # 41 declared duly adopted.**

4. **CEMETERY (Tucker):** Talked to Gordy Crossman, Franklin County Legislature, about getting financial reimbursement for mowing cemetery through social service, will know more next month.

5. **PARK (Tucker):**

- a. Dan Spencer replaced the blower motor in the heater
- b. Ice is being used by skaters
- c. Met with the Saranac Lake Youth Program Committee. The program is 5 weeks long starting July 5, Monday through Friday, 10 a.m. to 2 p.m. for 7-14 year olds. There are 12 counselors who head various activities at the school. The activities are outside unless it rains, then the school is used. This is the fifth year of the program. The Town has had as many as 12 children in the program. Three towns contribute \$5000 and Town of Brighton contributes \$1000. The next meeting is on March 23.
- d. Camp Gabriels would like the handicapped picnic table request in writing. A picture of what is requested and the size is needed. Paul Smith's College might be able to provide the wood.

**David Knapp** said he would help with the picture of a table if needed.

#### ***CITIZENS' COMMENTS***

**Pat Willis - Garondah Road:** Update on the Town Hall Project - Sent Crawford and Stearns all the ideas presented at the Public Hearing for his review. He will be sending a revised plan for the Board's approval before he starts the construction drawings. Has been invited to present the Town Hall project to the Rotary Club in April.

**Tom Willis - Garondah Road:** Asked if the proposed Fire Contract was a 3% or 3.5% increase.

**Supervisor Robert Tebbutt** said it was a 3% increase.

#### **Tom Willis:**

- a. Brighton Town Hall Restoration Fund is getting a \$1000 from another local family not from the Town. Fund is at \$14,000, half is from people not from the Town.
- b. Brighton History Day will be July 16 & 17 at Asplin Tree Farms, Mary Ellen Salls will be in charge.
- c. March 2, 1859 was the first Town Board meeting. There has been 146 years of this process. They only met once a year in the old days.
- d. Supervisor Tebbutt should ask what are the back up procedures used by the Bookkeeper.



**Tracie Santagate - McColloms:** To reiterate on the code violations, she can't stress enough that the board needs to proceed with caution so they do not jeopardize further cases in the Town. Procedures need to be established so as not to violate the 14<sup>th</sup> Amendment and peoples' privacy. She is glad to see the board is back tracking and using the DA's office to review the Local Law.

**Richard Harrison - Vosburgh Road:** Asked about the plowing schedule, his road is not plowed before the school bus comes through at 6:30 a.m.

**Robert Tummons - Vosburgh Road:** Asked how long it takes to plow the roads.

**Donald Oliver** said the crew starts at 4:30 a.m. and does the main roads first. It takes 5 hours to do the 26 miles of road. He will look at the schedule.

There were no further citizens comments.

### ***AUDIT OF VOUCHERS***

#### **RESOLUTION #42**

#### **AUTHORIZATION TO PAY THE AUDITED VOUCHERS**

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

**RESOLVED, that the Supervisor is authorized to pay the vouchers listed on the abstracts as follows:**

**PRE-PAID: Abstract #1 for Voucher #1A through and including #1C for General Funds in the amount of \$726.01 and Street Lighting Funds in the amount of \$57.08**

**GENERAL FUND: Abstract #3 for Voucher #71 through and including #97 for funds in the amount of \$4,746.87**

**HIGHWAY FUND: Abstract #3 for Voucher #23 through and including #27 for funds in the amount of \$5,588.82**

**CAPITAL PROJECT (HIGHWAY GARAGE) FUND: Abstract #12 for Vouchers #44 through and including #48 in the amount of \$30,112.48.**

**Roll Call Vote: Aye 5 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), Nay 0 Resolution # 42 declared duly adopted.**

**ADJOURNMENT: Motion to Adjourn made at 9:30 p.m by David Knapp, Second by Lydia Wright, Aye 5**

Respectfully Submitted,

Elaine Sater  
Brighton Town Clerk