

TOWN OF BRIGHTON – REGULAR BOARD MEETING – APRIL 8, 2004

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The Regular Meeting of the Town Board of the Town of Brighton was held on Thursday, April 8, 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 three residents present.

GUESTS: There was one guest present: Lisa Muscatello (254 State Route 86 - Easy Street)

Meeting was Called to Order by Supervisor Robert Tebbutt at 7:02 p.m.

APPROVAL OF MINUTES

Motion made by David Knapp **to accept the Minutes of the Regular Town Board Meeting of March 11, 2004, as written**, second by Supervisor Robert Tebbutt.

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

Motion made by John Quenell **to accept the Minutes of the Special Town Board Meeting of March 18, 2004, as written**, second by Steve Tucker

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

Motion made by John Quenell **to accept the Minutes of the Special Town Board Meeting of March 22, 2004 with the following change: Page 2, First line, Calculation should be reversed: Change to “(\$33,458 divided by \$117,578,354)”**, second by Robert Tebbutt

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

Motion made by Steve Tucker **to accept the Minutes of the Public Hearing of April 1, 2004, with the following changes: 1) Page 1, Statement Read by Supervisor Robert Tebbutt, Line 2, Change “February 11” to “February 12” and Line 3, Change “March 12” to “March 11”; Page 8, Fourth Paragraph, John Quenell: Change the sentence to read “John Quenell said the recommended minimum reserve was 25% of the Town’s appropriations for the year.”** Second by David Knapp

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

Lydia Wright asked for a clarification on an item in the March 18, 2004, minutes since she was not at the meeting. On Page 3, Item #3, Town Hall Project, she asked if this was the Board’s unanimous concern or was it only the Supervisor’s personal opinion; was there any other discussion on this; was there a Board vote on this?

Supervisor Robert Tebbutt said there was no other discussion. There was no vote on this. The minutes reflect what was discussed.

Lydia Wright said she did not think the Supervisor should be asking other board members to pass on his opinions; he should do this himself.

John Quenell said this should be discussed at a different part of the meeting, since the Board was approving minutes at this time.

TOWN CLERK REPORT

Total Revenue to Supervisor as of March 31, 2004, was \$122.60

- 1 Registrar Fee for Certified Copy
- 6 Dog Licenses
- 8 Copies on the Copier
- 1 Donation for Park Use

1. The HUD Project File for the Subordination of Mortgage (Resolution #56-2004) is missing from the HUD file so there is no file number to put in the resolution.
2. Received a letter from the Office of the State Comptroller dated March 19, 2004, Re: Update for Addresses of Town Officials, returned updated information on March 30, 2004.
3. Will be attending the Town Clerk's Association Conference in Saratoga Springs, from April 18 to 21; Town Clerk's Office will be closed Tuesday, April 20.
4. Sent letter to the Board of Elections notifying them of the Special Election on May 11, 2004. Requested using the Voting Machine for this election and a Poll Book of Registered Voters.
5. Town Hall Schedule: No requests
6. Park Use: May 1 – Mountaineers Rugby from Noon to 5 p.m. Proof of insurance has been received.

SUPERVISOR'S REPORT

1. **FINANCIAL REPORT:** Distributed Financial Report to Board members on April 6, 2004. The new bookkeeper gave the report in a different format. Balance Sheets are attached to these minutes.
2. **GENERAL FUND BUDGET AMENDMENT #1:** The Bookkeeper salary is being moved to contractual to pay for bookkeeper services.

RESOLUTION #61

AUTHORIZATION FOR GENERAL FUND BUDGET AMENDMENT #1

Motion made by Supervisor Robert Tebbutt **to Resolve that the following amount be and the same hereby is transferred \$6,900 from Account No. A1310.1 Finance – Personal Services as follows: \$6,900 to Account No. A 1310.4 Finance – Contractual**, second by Steve Tucker

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

Resolution #61 declared duly adopted

3. **DISPOSITION OF LAPTOP COMPUTERS:** The bookkeeper turned in a laptop when she resigned and the Tax Collector will see if she is can use it. There will be an extra laptop available. Supervisor Robert Tebbutt asked the Town Clerk to check with the computer administrator to see if this can replace the Town Hall computer that was purchased in 1999.
4. **FLAGS FOR CEMETERIES:** Bob Byno needs to order flags for Memorial Day for the cemeteries.

RESOLUTION #62

AUTHORIZATION TO PURCHASE SUPPLIES FOR CEMETERIES

Motion made by Supervisor Robert Tebbutt **to authorize Bob Byno, Maintenance, to purchase flags, markers, and epoxy for the cemeteries as needed not to exceed \$300.00**, second by John Quenell

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

Resolution #62 declared duly adopted

5. **AIRPLANE CRASH:** There was a tragedy on the border of the Town at the airport on Friday, April 2. Two people were killed in an airplane crash. Two people approached the Supervisor and told him it was good that the volunteer rescue and fire fighters were here to help with the situation. He asked Steve Tucker to please pass this on to the Paul Smiths-Gabriels Volunteer Fire Department.
6. **TIRES ON EASY STREET:** Received a letter dated April 8, 2004, RE: Tires causing fire and health hazards from Charles Francis Fisk (twelve years old). The letter was read to the Board:
"This letter is about some tires at the bottom of Easy Street hill (across {from} the town hall and as your {you are} going up the hill it will be the first house on the right). The tires will be a breeding {breeding} area for mosquitoes and other animals. It is also a fire hazard.
First of all, the mosquitoes could carry a deadly virus; which is called the West Nile virus. This virus can kill animals and people, or make them very ill (sick). The tires will, also, attract more than mosquitoes, such as snakes, mice, squirrels, raccoons, etc.
The tires are also a fire hazard to the environment. If the tires catch on fire, they are going to be very hard to put it out, and it will release toxic fumes, and it could make you very ill, if not KILL YOU."

The reason I wrote this letter, is because I think the tires are dangerous and a health hazard. I think that the board members should think about it, look into it, and do something about it right away. I hope you give me an answer soon. Sincerely, Charles Francis Fisk”

Discussion was held on what to do about this situation.

Pat Willis said the tires were put by the house to keep the State snowplows from breaking the house windows when they plow during the winter.

Supervisor Robert Tebbutt will speak to the resident about the situation.

OLD BUSINESS:

1. **EASY STREET PASSING/NO-PASSING ZONE - Lisa Muscatello:** Gave a brief history of her dealings with traveling and living on Easy Street hill (NY State Route 86). She contacted John Quenell and learned that the Board has approached the NYS Department of Transportation in the past concerning the passing on the hill. The reply was that the line-of-sight on the hill is appropriate for a passing zone and the speeding is a law enforcement issue. She wrote a letter to the 30 residents on the hill and received back more than 50% response. She drafted a petition for a no-passing zone for the four-tenths of a mile where the passing zone is currently. Some of the responses she received were: There is increased traffic over the years; the college students have to travel to get to the hotel in Saranac Lake for classes, there have been several “near misses” when people turn into their driveways. There is a stop sign within nine-tenths of a mile from the end of the passing zone at the college so people have to slow down anyway. There will be a meeting for residences on Easy Street at the Town Garage on Tuesday, April 13, to sign the petition. She would like to get this petition to the representatives in Albany for their action. She would like the board to support the residences in their effort to change the passing zone to a no-passing zone

RESOLUTION #63

REQUEST FOR CHANGE FOR NO-PASSING ZONE ON EASY STREET (NYS ROUTE 86)

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

WHEREAS, the length of New York State Route 86 in the Town of Brighton known as Easy Street hill is a heavily populated area with at least 30 residences located along both sides of the road over a distance of 0.4 miles, and

WHEREAS, a speed reduction zone of 40 miles per hour has been posted for many years on Easy Street by the New York State Department of Transportation, apparently in recognition of the concentration of residences there, and

WHEREAS, although posted for reduced speed, passing is still permitted on Easy Street, and

WHEREAS, the act of passing vehicles on Easy Street, except in rare circumstances of very slow-moving vehicles, creates a dangerous situation for the many children and adults who live on Easy Street and for vehicles entering and exiting driveways there, and

WHEREAS, adequate alternative passing zones exist on State Route 86 both above and below Easy Street hill, and

WHEREAS, Robert G. Tebbutt, our town supervisor, has asked the New York State Department of Transportation to reconsider the passing zone on Easy Street and they have replied, under date of October 31, 2003, that “the existing pavement markings are the most appropriate at this location, at this time,”

NOW THEREFORE BE IT RESOLVED, that despite the position of the New York Department of Transportation in the matter the town board of the Town of Brighton remains concerned about the safety of the passing zone on Easy Street hill and requests that all appropriate actions be taken to effect a change of Easy Street to a no-passing zone, including by not limited to direct representations from the town supervisor to State Assemblyman Chris Ortloff and State Senator Betty Little.

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

Resolution #63 declared duly adopted.

2. **TOWN HALL CITIZENS COMMITTEE – Lydia Wright:** The Committee applied for a grant through the NYS Council for the Arts (NYSCA) (Resolution #51-2004). There is a meeting with Ann Van Ingen, Director of NYSCA, concerning the grant on May 5 and the Committee would like to show her that the Town Board supports this project. The Committee would like to see the Town put aside

funds of \$7,500 to show good faith toward maintaining the Town Hall. Met with Mitch Crevar from the Comptroller's Office to discuss how the Town can do this.

Discussion was held about the importance of the Town showing good faith so the Town has a better chance of getting this grant. This first grant is the most important as it can lead to other grants. Several professionals have already donated time to this project. If the Town Board is not interested in supporting the Town Hall Citizens Committee's work-to-date then the committee should be disbanded and people should stop wasting their time. The Town has no business asking for grants if the Town Board is not willing to pay for some of the costs. There are funds in the budget that can be used for maintenance on the building. Supervisor Robert Tebbutt said he appreciates all the hard work the Town Hall Citizens Committee has done.

RESOLUTION #64

AUTHORIZATION TO ESTABLISH A CAPITAL PROJECT FUND FOR TOWN HALL PHASE I

Motion made by Lydia Wright, second by David Knapp, to wit:

WHEREAS, the Town Board of the Town of Brighton, New York, (the "Town"), has determined that the Brighton Town Hall (currently listed on the New York State and National Registers of Historic Places) is in need of numerous repairs, deferred maintenance, and restoration in an effort to prevent further deterioration of the building, and,

WHEREAS, it is now desired by the Town Board to make the necessary improvements;

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

Section 1. A Capital Project known as "Town Hall Restoration Phase 1" be established. The project represents the initial phase of a three-phase restoration and addition plan proposed for the Brighton Town Hall (See attachment A).

Section 2. The estimated maximum cost of the "Town Hall Restoration Phase 1" Capital Project is \$25,000.00.

Section 3. It is hereby determined that the plan for financing the aforesaid Capital Project shall be by Budgetary Appropriation of the Town's General Fund.

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

Resolution #64 declared duly adopted.

RESOLUTION #65

AUTHORIZATION FOR GENERAL FUND BUDGET AMENDMENT #2

Motion made by Lydia Wright, second by John Quenell, to wit:

RESOLVED that the Town authorizes 2004 General Fund Budget Amendment #2 as follows: The following amount be and the same hereby is transferred \$7,500 from Account No. A1990 (Contingency) as follows: \$7,500 to Appropriations Transfer Account No. A 9950.9, and FURTHER RESOLVE to set up a dedicated bank account for the Town Hall Restoration and Addition Capital Project Fund.

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

Resolution #65 declared duly adopted.

RESOLUTION #66

AUTHORIZATION TO CONTRACT FOR HISTORIC ARCHITECT SERVICES

Motion made by Lydia Wright, second by John Quenell, to wit:

WHEREAS, Supervisor Robert Tebbutt of the Town of Brighton, Franklin County, New York, ("the Town"), appointed Wilhelmina Sheridan and Pat Willis Co-Chairs of a Citizens Committee charged with the task of organizing interested town citizens for the purpose of assessing the needs of the Brighton Town Hall in regards to recommendations for maintenance and (historic) restoration, and

WHEREAS, on behalf of the Town, the Town Hall Citizens Committee hired Crawford & Stearns, Architects and Preservation Planners (through a matching grant from the New York State Council on the Arts Technical Assistance Program) on October 6, 2003, to perform an architectural feasibility study/conditions assessment of the Town Hall in order to make recommendations for restoration and preservation, as well as provide designs for a compatible addition to the building, and

WHEREAS, on behalf of the Town, the Town Hall Citizens Committee appointed Jan Kibben, Kibben Construction Management, to provide a cost estimate for the Town Hall Restoration and Addition Project based on the Crawford & Stearns study, and

WHEREAS, on behalf of the Town, the Town Hall Citizens Committee called for Requests for Proposals (RFP's) on February 6, 2004, from several architectural firms including Crawford & Stearns (Syracuse), Janet Mellor (Lake Placid), Nils Luderowski (Keene Valley), James W. Hotaling (Saranac Lake), Michael Bird (Saranac Lake), and Ron Delair (Saranac Lake) for the purpose of receiving proposals for services including: final plan and construction documents for the existing Town Hall, a Town Hall addition, construction supervision, and bids assistance, and

WHEREAS, after reviewing the RFP's submitted by James W. Hotaling, AIA, (\$24,000); Wareham-DeLair Architects (\$22,500), and Crawford & Stearns, Architects and Preservation Planners (\$14,500), the Citizens Committee recommends that the Town Board hire Crawford & Stearns for the preparation of construction drawings and constructions documents,

THEREFORE, BE IT HEREBY RESOLVED, that the Town Board of the Town of Brighton accept the Proposal of Services for \$14,500 from Crawford & Stearns, Architects and Preservation Planners, with the understanding that they be reimbursed as funds become available.

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

Resolution #66 declared duly adopted.

3. MAINTENANCE FOR TOWN HALL

- a. **FURNACE – Supervisor Robert Tebbutt:** Had Agway come in on Tuesday, April 6, to look the furnace to determine what is wrong with it, how to keep it going during the cold spells and how to stop the fuel smell from coming into the Town Hall. Reply from Agway was: There is water in the fuel tank from a broken gauge, an improperly installed burner shut-off timer, and baffles need to be installed on the outside exhaust system to keep the wind out.
- b. **HANDICAP LIFT:** The lift needs to be painted by Mr. Byno. Pat Willis said the architect recommends painting it a dark color to match the building.
- c. **FRONT STEPS:** Lydia Wright and David Knapp will look at the steps and determine what needs to be done.
- d. **SPLIT RAIL FENCE:** Needs replacing or removal where rails are broken.
- e. **FOUNDATION:** Hole in the foundation near where the septic leaves the building needs to be filled to keep animals out of the building.

4. MAINTENANCE AT TOWN GARAGE- David Knapp: Metal roof on garage needs to be replaced.

NEW BUSINESS:

MAILING FOR OPEN HOUSE AT TOWN GARAGE: An Open House will be held on Saturday, April 24, 2004, at the Town Garage from 10 a.m. to 12 Noon for residents to see the Garage and obtain information on the proposed Highway Garage Project. A mailing to town residents will be done on Tuesday, April 13, 2004, at 5 p.m. Lydia Wright read a note to the Board from Debbie McBride concerning the garage project: postcards - make them colored and simple, Garage Open House – serve refreshments, have lists of costs of the project, and costs to maintain the current garage.

A postcard on colored paper will be sent to residents. The wording will be determined over the email. David Knapp will pick up colored paper before the meeting. John Quenell will provide the labels with mailing addresses. Supervisor Robert Tebbutt will get the stamps.

REPORTS

1. COURT (Santagate):

- a. 44 cases were disposed and \$3,120.00 was sent to the State Comptroller's Office
- b. Attended Justice school on Saturday, March 27, at North Country Community College

2. HIGHWAY COMMITTEE (Quenell/Oliver):

- a. Plowed and sanded roads.
- b. Patched holes in road.

- c. Looked at possible replacements for tractor:
 - New Holland – 50 horsepower - \$18,500
 - New Broom - \$7,500

David Knapp asked if the Town owned this equipment now. Is it feasible to rent it so it would not have to be stored over the winter? Don Oliver said the Town borrows from other towns now and it would be hard to rent the equipment since it depends on the weather when the equipment could be used. The price of used versus new will be looked into. This topic was tabled until the next meeting.

- 3. **INSURANCE/INVESTMENTS (Quenell):** Nothing to Report
- 4. **ASSESSOR (Tichenor):** Board of Assessment Review (BAR) training class is scheduled for May 13, 2004, from 6 to 9 p.m. at the Franklin County Court House in Malone.
- 5. **TAX COLLECTOR (McKernan):**
 - a. Tax payments continue to come in at a steady rate. To date, received payments on 769 parcels, with 86 bills still outstanding. To date, collected through this office \$991,014.05 and accounted for \$1,293,876.44.
 - b. During March collected \$48,636,71. Today, April 8, issued check #714 to Supervisor Robert Tebbutt in the amount of \$1,131.05, which represents penalties collected from March 11 to date. The total amount of penalties collected to date is \$1,728.10. Today, also issued check #715 in the amount of \$58,000.00 to Bryan A. Varin, Franklin County Treasurer, as the third payment from this town. Total amount sent to the Country to date is \$468,000.00
 - c. On March 13 and 14 prepared second mailing of 131 tax bills which were sent out on March 15. Because the second mailing has come one month earlier, many taxpayers have neglected to send in the \$2.00 second-mailing fee, which necessitates returning their payments as insufficient.
 - d. Received notification of the extension of the warrant on 30 March, thereby authorizing this office to continue collecting tax payments until 31 April.
 - e. The March bank statements have not yet been received.
 - f. Since the last board meeting sent out three faxes and received 25 phone calls with requests for tax information.
 - g. Received notification of the dates by which the books have to be turned over to the Treasurer's Office in early May, and the notification form by which to settle the accounts with that office.
 - h. Will take laptop computer turned in by bookkeeper and determine if it can be used. Will let the Supervisor know what is determined.
- 6. **ANIMAL CONTROL OFFICER (Crary):** No Report
- 7. **CODE ENFORCEMENT OFFICER (Lagree):** As of February 29, 2004, there are 21 outstanding building permits from 2003, 10 from 2003, and 7 from 2001.
- 8. **CEMETERY (Tucker):** Met with Brendan Keough and he will contact Steve Tucker when the spring burials will be done and file the appropriate paperwork. Mr. Keough would like a copy of the Town's maps, as this will make it easier to find the correct plots to bury bodies. Spring burials will start in May.

Supervisor Robert Tebbutt asked Mr. Byno if he could repair the cemetery building roof. Mr. Byno said he would need to buy shingles and could do the repair.

- 9. **PARKS AND RECREATION (Tucker):**
 - a. Dan Spencer would like to thank the Town's Highway Department for using their loader and removing the snow from the perimeter of the black top area. This seemed to solve the problem of ground water inside the field house. The sump pump was not used this year. The basketball playing area is drying faster than usual.
 - b. Mr. Spencer will begin his spring cleanup of the park as soon as the weather permits. He has a couple of deficiencies to rectify to complete the NYMIR recommendations that were received last fall.

- c. Mr. Byno would like to take the large mower to Sturdy Supply and Services to get the snow blower removed and the mower on and get it serviced.

Supervisor Robert Tebbutt said Dan Spencer should be able to service it himself. Don Oliver said he could bring it to the Town Garage for servicing.

Supervisor Robert Tebbutt said the septic system did not freeze up this winter even though it was colder than usual. The change in the way the area was plowed seemed to help. The Christmas tree needs to be removed. The lights belong to the Town and can be stored in the Park building.

10. HISTORIAN (Willis): Nothing to Report

11. COMPENSATION AND BENEFITS (T. Willis): Reviewed the salaries and benefits survey from North Bangor and gave a summary to John Quenell to review and share with the Board.

12. TOWN HALL CITIZENS' COMMITTEE (P. Willis): Thanked the Board for passing the resolutions for funding the Town Hall Capital Project.

13. HIGHWAY GARAGE CITIZENS' COMMITTEE (Knapp, Fountain): Supervisor Robert Tebbutt said the vote for the bond issue is in the hands of the residents. David Knapp spoke to Rouse Fountain about the Open House at the garage. David Knapp asked Joe Garso if the project could be put out to bid with addendums and he would like the board to support putting out bid alternates if the project goes to bid. The public would like to know this before they vote on the bond.

David Knapp said Mr. Fountain told him he heard from some people on the State Route 86 reconstruction project that the asphalt might not be milled but be taken out by loader and he wanted Supervisor Robert Tebbutt to be aware of this.

CITIZENS COMMENTS:

Tom Willis – Garondah Road: He called everyone on his road and asked him or her to come to the Public Hearing on the Town Garage Project. No one came so he took them the handouts and asked people to call him if they had any questions. No one has called him yet.

How much is the new CPA company changing for bookkeeping services?

Supervisor Robert Tebbutt said \$375 a month, which is a lot less than the bookkeeper was getting.

Tom Willis: In the paper tonight there are two requests for sand mines in the Town of Brighton, one is on the Leavitt property and the other is on the Helms property. The Helms property is near the landfill. Is there any concern about the landfill?

Supervisor Robert Tebbutt said the APA is involved with the permit process.

Pat Willis – Garondah Road: There is still a problem with the Deed for the land under the Town Hall. The Board needs to contact the Attorney for the Town since there seems to be “a disconnect” between the two parties involved.

John Quenell said the two new board members should be aware that there is an understanding that the Board needs to be informed before anyone on the Board contacts the Attorney for the Town since he changes when he picks up the phone. He suggested Supervisor Robert Tebbutt and Pat Willis contact the Attorney for the Town on a conference call concerning the deed for the Town Hall.

AUDIT OF VOUCHERS:

RESOLUTION #67

AUTHORIZATION TO PAY VOUCHERS

Motion made by John Quenell, **second** by Lydia Wright, **to wit:**

RESOLVED to authorize the Supervisor to pay the vouchers as listed on the Abstracts as follows:

GENERAL FUND: Abstract #5 for Voucher #95 through and including #118 for funds in the amount of \$19,722.81

HIGHWAY FUND: Abstract #4 for Voucher #35 through and including #42 for funds in the amount of \$6,185.02

STREET LIGHTING: Abstract #4 for Voucher #4 in the amount of \$57.41

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

Resolution #67 declared duly adopted.

Motion made by John Quenell **to Adjourn the Regular Board Meeting at 10:00 p.m.**, second by David Knapp, Aye 5 (Tebbutt, Knapp, Quenell, Tucker, Wright), Abstain 0, Nay 0

Respectfully submitted,

Elaine W. Sater
Brighton Town Clerk