

**The Regular Board Meeting of the Town Board of the Town of Brighton was held on Thursday, April 10, 2003, at 7:00 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:**

**PRESENT:** Supervisor Robert Tebbutt  
Council Members: Linda Dobson  
John Quenell  
Steve Tucker

**ABSENT:** Council Member Alicia Bodmer

**OTHERS PRESENT:** Elaine Sater-Town Clerk, Nik Santagate- Justice, Amber McKernan-Tax Collector, and Tom Willis-Historian

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

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

***APPROVAL OF MINUTES***

**Motion made** by Linda Dobson **to accept the Minutes of the Regular Town of Brighton Board Meeting on March 13, 2003, as written**, second by John Quenell, Aye 3, Abstain 1 (Tebbutt), Absent 1 (Bodmer)

**PRESENTATION:** A Certificate of Appreciation was presented to Barbara Marshall for her work with the Brighton Food Pantry

***TOWN CLERK REPORT***

**Total Revenue to Supervisor as of March 31, 2003, was \$45.30**

- 1 Registrar Fee for a Certified Copy
- 2 Dog Licenses Renewed
- 3 Fees from Dog Impoundments in 2001
- 1. Received Notice from Adirondack Park Agency dated April 7, 2003, Re: Incomplete Permit Application; need more information to process Application for New Garage/Administrative Building. Copies given to Supervisor Robert Tebbutt, Council Member John Quenell, and Superintendent of Highways, Don Oliver
- 2. Will be attending the Town Clerk's Association Conference in Buffalo from April 26 to 30; Town Clerk's Office will be closed Tuesday April 29 and Thursday May 1.
- 3. Town Hall Schedule: No Requests
- 4. Park Use: No Requests

***SUPERVISOR REPORT***

**1. FINANCIAL:**

- a. Expenditures are tracking normally for March year-to-date, except for heating fuel purchases. The cost of heating the highway Garage has been exceptional this winter; the furnace burned 948 gallons of oil from January 13 to February 11 at a cost of \$1,348. Both cold temperatures and higher fuel prices are affecting the Town; oil now at \$1.42 a gallon. A Tracking Report for a record of town fuel is attached.
- b. Fund Balance Status:
  - (1) As of April 1, 2003, balance of the General Fund, including both checking account and CLASS investments was \$426,997. Highway Fund was \$290,583.
  - (2) The Landfill Project checking account was at \$229,523, but will be reduced by \$199,758 when as the check to Environmental Facilities Corporation clears the account. A check was also written for \$41,114 from the General Fund at the same time and has not been returned for deposit yet.
  - (3) The Fire District Fund Balance has dropped to \$7,336, reflecting the \$58,352 full-year payment made to Paul Smiths Gabriels Volunteer Fire Department. We are trying to determine the source of the remaining balance in the fund so that we can clear the account.
  - (4) The Garage Project Fund, which was set up with a \$20,000 loan from General Fund is now at \$17,540 due to project-related costs having been charged against the fund.
- c. Funds Movement: On March 24, \$40,000 was moved from the General Fund MBIA-CLASS account to replenish the MBT Bank checking account

**2. HIGHWAY GARAGE PROJECT:**

- a. Preliminary plans for the project are prepared. The principal elements are: the new garage itself, construction of a new salt pad and shed, relocation of the fuel shed, a mining plan, construction of a parking area, and construction of a vegetation zone along County Road 31
- b. On the basis of a circulated preliminary floor plan for the town office section of the garage building, several suggestions have been received for improving the plan and have incorporated into the latest sketch.  
The current plan provides for a private office for the justice, a common office for all other town functions, including the clerk, a secure storage vault, a general storage room, a cleaning closet, a bathroom, and a meeting and court room. A storage area on the second floor is also planned. The present Town Hall has 704 square feet devoted to office, record storage and meeting room use. In the proposed new space 1,620 square feet would be available, well more than twice the space.

The plan also calls for relocation of the Food Pantry to the new garage. The back of Bay #5, a wash bay, will be partitioned off into a 20'x20' room for the Food Pantry refrigerator, freezer and food storage. The food distribution performed two afternoons a month would be held in the front part of the bay, a space 40'x20'. This will afford the Food Pantry a total of 1,200 square feet for operations and storage, compared to the 450 square feet presently available to them. It will also be safer because there are no stairs for the volunteers and consumers to negotiate, especially considering they are usually carrying boxes of food. This month alone 4500 pounds of food was handled on one day.

- c. Many people have asked, if the offices move to the new garage, what would the Town do with the existing Town Hall. Basically the vision is to make the present building into a community center.

Years ago many local groups met in the Town Hall but over the years they have been "crowded out" by the competing need for space by the town government. Examples of such groups are the 4-H Club, the Boy Scouts, the Cub Scouts, and the Brighton Seniors. Conference Services at Paul Smiths College has suggested that some organizations that presently meet at the College would like to use the Town Hall for meetings, such as Life Flight, Comlinks, Pius X Center Youth Group, Emergency Food and Shelter Board, Franklin County Historians, Literacy Volunteers of America, Crisis Hotline of Malone, DEC, and the Industrial Development Agency.

Other suggested uses for such a community center would be art exhibits, craft classes, musical programs with local artists, self-help support group meetings, book club meetings, children's holiday parties, a small town library, children's theater-in-the-round, CPR classes, youth boating safety classes, poetry readings, town history displays, and shows by local photographers. A letter dated March 27 from Pat and Tom Willis, Brighton Architectural Heritage Committee Coordinators, was sent to board members on this subject.

The Town Hall is also a good candidate for restoration grant money. This is an architecturally and historically significant building and should be a natural source of community pride.

- d. Adirondack Park Agency (APA) Application: The application for the Garage Project was submitted on Monday March 24. The application was logged in effective March 25. A letter from the APA was received April 7 requesting additional information such as details on the mining plan, storm water runoff, and parking. The information will be provided to the APA in the next two weeks.

Once the APA has all the information they have 90 days to approve the permit. Based on discussions with the APA so far there is no reason to believe they will not wish to approve the project. However the timing is very tight. For example, if they take the full 90 days to approve the project once the application is complete and this date is May 1, we could not begin construction until August 1, which is probably too late to finish the project this year. If the application is completed by April 21 and it only takes 60 days to be approved then construction could start the fourth week of June.

- e. Responses to the letter sent to residents on March 3 have been favorable. About 30 written, telephone and email responses were received.
- f. The Engineer for the Project, North Woods Engineering, plans to put the project out to bid on April 18. The bids should be received within 30 days. The Town Board will need to make some key decisions such as proceeding with the project, selecting a bid, and financing. At this point there is no comprehensive set of cost estimates on the project. Once estimates are available then *pro-forma* budgets for the next five years will be constructed, incorporating debt service payments for the project, to better understand the affordability question.

3. **STATE PAVING PROJCT FOR ROUTE 86:** Letter was sent to the Department of Transportation answering questions asked by the State regarding items the Town would like done when the highway is reconstructed. An Olympic size ice rink was one of the items requested.

**OLD BUSINESS:**

1. **NEW SOURCE REVIEW (ACID RAIN) RESOLUTION:** Pat Willis asked the Board to support opposing the repealing of the New Source Review regulations of the Clean Air Act. John Quenell introduced the following:

**RESOLUTION# 40**

**OPPOSING REVISION OF THE CLEAN AIR ACT NEW SOURCE REVIEW REGULATIONS**

**WHEREAS**, the Federal Clean Air Act enacted in 1990 had as one of its prime objectives the reduction of air pollution by fossil fuel-burning facilities such as old power plants, oil refineries and chemical plants, and

**WHEREAS**, the Environmental Protection Agency, which administers the Clean Air Act, proposed in December 2002 certain rule changes to its "New Source Review" procedures that would permit older, polluting plants to avoid source review procedures by reclassifying repair and upgrading activities as "routine maintenance," thus in effect evading the original intent of the Clean Air Act, and

**WHEREAS**, old industrial plants have continued to produce 84% of the nitrogen oxides and almost 90% of the sulfur dioxides of all produced, and

**WHEREAS**, numerous studies over the past two decades have catalogued environmental damage from acid rain caused by pollution, for example: 41% of Adirondack lakes are now critically acidified resulting in fish die-off; another 1,000 lakes are projected to be acidified soon given current trends; in the forests more than one half of the large red spruce in the Adirondacks and Green Mountains have died; and

**WHEREAS**, pollution from industrial plants has not only caused acid rain but has also caused an increase in asthma and emphysema resulting in hospitalizations and deaths, and

**WHEREAS**, the Town of Brighton is located in the north of the Adirondacks and is thus affected by acid rain with the die-off of red spruce; the possible deterioration of local sugar maples and maple sugar production which is already occurring in other areas; the need for local potato farmers to lime their fields to offset the effects of acid rain; and the concern by residents for the quality of the Adirondack environment which affects not only residents directly, but the attractiveness of our area to tourists who are a significant part of the Adirondack economy,

**NOW THEREFORE BE IT RESOLVED** by the Town of Brighton, in Franklin County, New York, that the Town recommends to the US Environmental Protection Agency that there be no repeal or weakening of the New Source Review regulations of the Clean Air Act. Specifically, no maintenance procedures or “like kind replacements” should be allowed in plants unless up-to-date pollution controls are also installed. There is much yet that needs to be done to decrease pollution from these plants in order to decrease acid rain. Some of the most important tools to accomplish this are contained in the New Source Review regulations.

**Motion made by John Quenell, second by Linda Dobson, Aye 4, Absent 1**

**Roll Call Vote:**

Supervisor Robert Tebbutt	Aye
Council Members: Alicia Bodmer	Absent
Linda Dobson	Aye
John Quenell	Aye
Steve Tucker	Aye

**Resolution #40 declared duly adopted.**

**2. ADELPHIA CABLE STATUS:** Al Sutphen, Adelphia Cable, advises that the new CEO and COO are on board at Adelphia and regional reorganization has begun. He is optimistic that Adelphia will emerge successfully from Chapter 11 bankruptcy. The current local service contract with the Town has been extended until June 13, 2003. It will probably be automatically extended beyond that point if necessary.

**NEW BUSINESS: None**

**REPORTS**

1. **COURT (Santagate):**
  - a. There were 40 cases disposed and \$2,325 was sent to the State Comptroller. There were 90 cases initiated during March. Court was closed on March 5 and 12.
  - b. Attended Justice School in Malone on March 20 and in Saranac Lake on April 5
2. **HIGHWAY COMMITTEE (Quenell/Oliver):**
  - a. Don Oliver is out sick with a sore back
  - b. Continue to do a lot of plowing and hope there won't be much more snow this season
  - c. Working on cutting back roadside snow banks where needed
  - d. Working on equipment maintenance
  - e. Forrest Pennington is steadily recovering and should be back to work in a few weeks
3. **INSURANCE/INVESTMENTS (Quenell/Dobson):** Nothing to report for Insurance. Balances as of March 31, 2003, for CLASS accounts are \$320,000.62 for General and \$265,648.15 for Highway. Interest rate is .97%
4. **DOG CONTROL OFFICER (Crary):** Nothing to Report
5. **ASSESSOR (Tichenor):** Board of Assessment Review (BAR) Training will be on May 1 at the Franklin County Court House in Malone. Members of the BAR are Jerome “Buster” Samburgh, Robert Byno, Sr, and E. Phillip Delarm
6. **TAX COLLECTOR (McKernan):**
  - a. During March tax bill payments continued to come in, collected \$17,150.50. Received payments on 738 parcels, leaving 116 still outstanding. Compared to 2002 figures at this time received payment from 38 fewer parcels and compared to 2001 received 9 fewer parcels. To date collected \$874,467.64
  - b. On March 27 issued check #387 in the amount of \$.67 as a refund for an overpayment, on March 31 issued Check #388 in the amount of \$1.11 as a refund for an overpayment. On April 10 issued Check #389 in the amount of \$362.38 to Supervisor Robert Tebbutt for penalties collected from March 13 to date. Check #390 was issued on April 10 to Bryan A Varin, Franklin County Treasurer in the amount of \$20,000, the third payment to the County, bringing the total sent to the county from this Town to \$365,000.
  - c. Since March 13 to date sent 2 faxes and answered several calls regarding outstanding taxes
  - d. The March bank statement was received and reconciled
  - e. Will be preparing 116 tax bills for the second mailing, which will go out April 15
7. **CODE ENFORCEMENT OFFICER (Lagree): No Report**
8. **CEMETERY (Dobson):** Nothing to Report
9. **PARKS AND RECREATION (Tucker):**

- a. Lacrosse goals were ordered and received. They were primed and painted and are at the Field House.
- b. No skaters lately because of lack of ice
- c. Kids are using the Field House to play pool and foosball
- d. Dan Spenser is out of town this week, Monday April 7<sup>th</sup> to Friday April 11.

10. **HISTORIAN (Willis):**

- a. NY State Historic Register: The application has been reviewed and information requested was submitted. The board meets in June 2003 and hopefully the application will be approved at that meeting. The NYS Parks, Recreation, and Historical Preservation Office will forward the application on to the National Historic Register for their approval
- b. Brighton History Day is on July 20, 2003, at Asplin Tree Farm. Asplin will be renovating the Gift Shop so the space for History Day exhibits will be smaller.
- c. Historic Note: Ben Muncil was not the low bidder for construction of the Town Hall, even though he drew the plans. The low bidder had to back out when he could not get bonded so the next low bidder was Muncil. The cost of the building was \$3,500 and the safe was \$450 extra.

11. **IRS SECTION 125 ADMINISTRATOR (Willis): Nothing to Report**

**CITIZENS COMMENTS:**

**Tom McKernan-Gabriels:** Opposes the use of outside speakers at the Town Park. There was a noise problem a few years ago with car radios being played too loud. If the speakers are going to put up anyway can they be directed away from the houses and toward the woods? The Board responded that the speakers were for ice skating music and would be turned off when the Park closed at 8 p.m.

**Barb Ryan-Gabriels:** Would like to have a response to her letter to the Department of Transportation in Watertown concerning her yard during the reconstruction of State Route 86. Invited someone from the DOT office to come and talk to her about how they are going to protect her well, would like to see curbs put in to control the drainage from the road, would like to know how the fence in her yard will be affected. No one has showed up to talk to her. Speeding traffic needs to be controlled better, would like to see the 55 mph sign moved to the south side of the Hobart Road. Supervisor Robert Tebbutt will be meeting with the engineers from DOT and will ask about her concerns. John Quenell asked for a copy of her letter to be given to the Town Board.

**Lydia Wright-Keese Mills Road:** How have the plans to the Town Garage been changed and are they available for the Town residents to see? What is the cost of this project? Supervisor Robert Tebbutt said the plans are available for the residents to see and the website is being updated for people to follow the progress of the project. The cost is not available yet because the plans keep changing. The estimate now is \$500,000 and hopefully will be that when the bids are received. The project will be financed through a bond. The \$500,000 is not the cap for the project but right now is the best time to get contractors and the cheapest financing; the cost of the building will determine what the final project looks like.

**Steve Horne-McColloms:** What is the process for keeping the Town informed of the Garage Project and when will the final decision be accomplished? Supervisor Robert Tebbutt said the Town is being informed through the website (townofbrighton.net) under "Diary" and he sent a letter to the Town residents. In approximately 5 weeks the bids for construction will be in and a decision will be made then. Didn't realize the project was as far along as it was since the letter didn't give this impression. John Quenell said that the APA application needed to get in right away since it has a 90-day window and the Town wanted to get the garage started this summer. Supervisor Robert Tebbutt said the building has to be ordered and delivery could take a long time, there is a tight time schedule to meet. The Town Hall cannot be built onto because the property around the building is not owned by the Town, but by the Department of Transportation and Paul Smith College. The College land has a conservation easement and cannot be sold to the Town

**Willie Sheridan-Wardner Road:** If the bids are too high is there an alternative plan to use the Town Hall for the Town Clerk and the Court? Supervisor Robert Tebbutt said if the Town can't afford it then we won't do it. There is no alternative plan.

**Kevan Moss-McColloms:** This is the best public building in the Town and probably the area; will the Town Hall be maintained in the future? Knowing that Town's budgets are pretty tight, the Town should plan for maintaining the building in the future so it doesn't go the way of the other old buildings in the area such as the College Store that was demolished. A line item in the budget should be set up just for the Town Hall. Several older buildings in the area have been let go and restorative costs were very high (train stations). The Historical Register doesn't preserve a building from being destroyed. Supervisor Robert Tebbutt said that nobody in the Town wants to see the Town Hall deteriorate. Heating costs savings alone on the new garage will pay for the heating of the Town Hall.

**Tom Willis-Garondah Road:**

The Town Garage Project is a 50-year project and it should be done right the first time and not put off. Funds of \$50,000 were budgeted for a loader and the loader is not being purchased, this is good. The money can be put toward the new garage project. The budget will not increase a lot over the years to fund the new garage project.

**OTHER BUSINESS:**

**RESOLUTION #41**

**AUTHORIZATION TO PAY VOUCHERS**

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

**GENERAL FUND: Abstract #4 for Voucher #96 through and including #123 for 2003 GENERAL funds in the amount of \$9,300.11 and TRUST & AGENCY Funds for \$723.47**

**HIGHWAY FUND: Abstract #4 for Voucher #34 through and including #44 for 2003 HIGHWAY funds in the amount of \$5,465.18**

**STREET LIGHTING: Abstract #4 for Voucher #4 for 2003 funds in the amount of \$53.67**

Second by John Quenell, Aye 4, Absent 1

**Roll Call Vote:**

Supervisor Robert Tebbutt	Aye
Council Members: Alicia Bodmer	Absent
Linda Dobson	Aye
John Quenell	Aye
Steve Tucker	Aye

**Resolution #41 declared duly adopted.**

**Motion made** by Linda Dobson **to Adjourn the Regular Board Meeting at 8:45 p.m.**, second by John Quenell, Aye 4, Absent 1 (Bodmer)

Respectfully submitted,

Elaine W. Sater  
Brighton Town Clerk