

The Regular Meeting of the Town Board of the Town of Brighton was held Thursday, April 11, 2002 at 7:00 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:

PRESENT: Deputy Supervisor Alicia Bodmer
Council Members: Linda Dobson
John Quenell
Steve Tucker

ABSENT: None

VACANT: Supervisor

OTHERS PRESENT: Elaine Sater-Town Clerk, Donald Oliver-Superintendent of Highways, Nik Santagate-Justice, Amber McKernan-Tax Collector, Tom Willis-Historian

RESIDENTS: There were several residents present.

GUESTS: Mr. Al Sutphen-Aldelphia Cable and Mr. Alton Knapp-Knapp Associates

Meeting was Called to Order by Deputy Supervisor Alicia Bodmer **at 7:03 p.m.**

APPROVAL OF MINUTES:

Motion made by Deputy Supervisor Alicia Bodmer **to accept the minutes of the Regular Monthly Meeting for the Town of Brighton Board dated March 14, 2002 as written**, second by Linda Dobson, Aye 4, Vacant 1(Supervisor)

Motion made by Deputy Supervisor Alicia Bodmer **to accept the minutes of the Special Meeting of the Town of Brighton Board dated March 21, 2002 as written**, second by John Quenell, Aye 4, Vacant 1 (Supervisor)

Rouse Fountain asked if the minutes could be read. The board said in consideration of time that Mr. Fountain could read the minutes himself and the Town Clerk gave him a copy.

TOWN CLERK REPORT

Total Revenue to Deputy Supervisor as of March 31, 2002 was \$1,535.30

2 Building Permit BRI2002-04 and 05

2 Dog Licenses Renewed

1. Attended the NYS Town Clerk's Association Executive Committee Meeting in Albany, NY, March 23 & 24. The new DEC sport license system will be installed in July 2002. Need to have a phone hookup (Can use fax line) and a place for three feet of equipment; need to move HUD files into main room. Also was briefed by Richard Dinolfo, State Comptroller's Office concerning items that should be recorded in the minutes concerning Budget Amendments (i.e., when town receives money over and above taxes the budget should be amended to show receipt and expenditures, Capital Project funds, grants, donations, etc)
2. Received Audit from Office of the State Comptroller and distributed to Town Departments and Board Members. Posted legal notice concerning Audit. Date for response to be filed by Town Board is July 10, 2002.
3. Will be attending the Town Clerk's Association Conference in Saratoga Springs from April 21 to 24, Town Clerk's Office will be closed from Friday April 19 to Monday, April 29 and reopen on Tuesday April 30, 2002. Voucher for room and food has been submitted for audit.
4. Would like the Board to support a resolution concerning the State Archives, a proposal has been made to separate the State Archives and other offices from the Education Office and incorporate them into a new Institute for Cultural Education and increase the fee (from \$5.00 to \$20.00) collected by the County Clerk for recording and indexing documents. This money is currently used to provide grant money to the Towns for records management. By separating the Offices into a separate entity the funds would not be available for grants but would be used to run the new department. This resolution would oppose the proposal.
5. Town Hall Schedule: Saturday April 27, 2002, Moody 12 noon to 4 pm
6. Park Use: Sunday, April 14, 2-4 pm, Woodward

RESOLUTION #42

OPPOSITION TO INCREASING THE LGRM IMPROVEMENT FUND

WHEREAS, the Governor has proposed to remove certain offices overseeing Cultural Education from the New York State Education Department, incorporating these in an entirely new Institute for Cultural Education; and

WHEREAS, in order to fund this Institute; including the State Archives, State Library, State Museum and State Office for Public Broadcasting, New York State will need to raise millions of dollars in capital investment and plans to do this by quadrupling the present five dollars collected by all County Clerks and the Register of the City of New York on all recorded, indexed and entered documents to twenty dollars, effective July 1, 2002; and

WHEREAS, the Local Government Records Management Improvement Fund was created in 1989 to support grants and technical assistance to local governments to improve and enhance the management of their records and information, and

WHEREAS, said fee increase would provide no improvement in service for the taxpayers paying the fee, nor any additional benefits to the local governments that must collect said fee increase; and

WHEREAS, no demonstrated benefit has been identified in the relocation of these functions to the proposed Institute, in contrast to the highly effective and beneficial relationship that local governments now enjoy with the New York State Education Department; now be it hereby

RESOLVED, by the Town of Brighton, Franklin County, that this body stands firmly opposed to this proposal; and be it further

RESOLVED, that a copy of this resolution be delivered to the Governor, the New York State Legislature and all others deemed necessary and proper, and we urge them to likewise oppose this proposal.

Motion made by John Quenell, second by Alicia Bodmer, Aye 4, Vacant 1 (Supervisor)

Roll Call Vote:

Supervisor	Vacant
Council Members: Alicia Bodmer	Aye
Linda Dobson	Aye
John Quenell	Aye
Steve Tucker	Aye

Resolution #42 declared duly adopted.

SUPERVISOR’S REPORT AND CORRESPONDENCE

FINANCIAL BUSINESS AT HAND: Highway Truck Purchase

RESOLUTION #43

AUTHORIZATION FOR PAYMENT OF HIGHWAY FUNDS OF \$129,703 FOR SNOWPLOW

Motion made by Deputy Supervisor Alicia Bodmer to authorize the payment of \$129,703.00 (\$29,703 from Budget, \$100,000 from Bond Anticipation Note) from Highway Fund Account # DA5130.2 (Machinery EQ) to MA Jerry Company, Inc, of Plattsburgh for the 2002 International Snow Plow, second by John Quenell, Aye 4, Vacant 1 (Supervisor)

Roll Call Vote:

Supervisor	Vacant
Council Members: Alicia Bodmer	Aye
Linda Dobson	Aye
John Quenell	Aye
Steve Tucker	Aye

Resolution #43 declared duly adopted.

OLD BUSINESS

1. Landfill Post-Closure Monitoring

RESOLUTION #44

AUTHORIZATION TO SIGN CONTRACT WITH FX BROWNE FOR POST CLOSURE MONITORING OF LANDFILL

WHEREAS, the Board received only one quote and accepted the quote from FX Browne, Inc of Saranac Lake, for the Post Closure Monitoring for the Landfill at the Special Meeting on March 21, 2002, therefore let it be

RESOLVED that the Board authorizes Deputy Supervisor Alicia Bodmer to sign a contract with FX Browne for a period of one year from April 11, 2002 to April 10, 2003 for the purpose of Post Closure Monitoring of the landfill in accordance with the NYSDEC-approved Post-Closure Monitoring and Maintenance Operations Manual and 6 NYCRR Part 360

Motion made by John Quenell, second by Linda Dobson, Aye 4, Vacant 1 (Supervisor)

Roll Call Vote:

Supervisor	Vacant
Council Members: Alicia Bodmer	Aye
Linda Dobson	Aye
John Quenell	Aye
Steve Tucker	Aye

Resolution #44 declared duly adopted.

2. ALDELPHIA FRANCHISE UPDATE: Mr. Al Sutphen from Adelphia Cable was asked to speak to the Town concerning the renewal of the franchise agreement with the Town that expires in January 2003. He outlined the process of the renewal agreement and asked the Town to accept the contract before July so it could be in place by January 2003. John Quenell has been working with Mr. Sutphen and sent him a list of concerns and questions. Mr. Sutphen responded on December 14, 2001 by letter. A new rule has allowed for a 15 years renewal and Adelphia will ask for this term. He needs to know if the Town wants to collect Franchise fees. Adelphia will allow two access channels. For service to be provided with no extra charge to install a line it requires 15 houses per mile. There will be a Public Hearing after the Town determines the contract is acceptable.

3. HIGHWAY GARAGE UPDATE: Mr. Alton Knapp of Knapp Associates briefed the Board on his findings from ground water tests done at the Garage.

- a. He took a total of six water samples and all showed salt contamination. Containing the salt run-off from the Highway Garage can clear this up over time. A concrete pad needs to be put down and the salt covered to prevent further run-off. The time needed to clear up the water depends on how deep the contamination runs.
- b. He also noticed a sheen in the soil and has determined a potential petroleum contamination problem that must be checked into further. He has notified NYS Department of Environmental Conservation as is required by law. The Town needs to check out this problem and voluntarily clean it up. There have been no underground storage tanks near the garage; all the fuel tanks have been above ground. It’s possible the contamination is from spills from the past. Clean-up can be done on site with microbes; the soil can be reused after its clean. Need to run test holes to determine the limits of the site.

RESOLUTION #45

AUTHORIZATION FOR KNAPP ASSOCIATES TO DETERMINE EXTENT OF SOIL CONTAMINATION AT HIGHWAY GARAGE

Motion made by Deputy Supervisor Alicia Bodmer **to authorize Knapp Associates to determine the extent of the potential soil contamination at the Highway Garage and lesion between NYS Department of Environmental Conservation and the Town of Brighton**, second by John Quenell, Aye 4, Vacant 1 (Supervisor)

Roll Call Vote:

Supervisor	Vacant
Council Members: Alicia Bodmer	Aye
Linda Dobson	Aye
John Quenell	Aye
Steve Tucker	Aye

Resolution #45 declared duly adopted

4. EASY STREET JUNKYARD: John Quenell provided the Attorney for the Town, Scott Goldie, with the Deed to the property in question. Mr. Goldie noted that there are two owners so the accusatory instrument should be issued to both the owners.

5. HUD UPDATE: HUD from Buffalo has requested documentation from the Town. John Quenell will get with the Attorney for the Town, Scott Goldie, to see if a settlement can be reached with the party involved instead of going to litigation. Deputy Supervisor Alicia Bodmer will contact Janet Bliss and Friends of the North Country for their information on this case.

6. EVERGREEN MOBILE HOME PARK UPDATE: John Quenell met with the Evergreen Trailer Park residents at the Town Hall on Tuesday, April 2, 2002. They discussed lot rent and water rates, which they have not been paying. They created a proposal for the water owner, Paula Lavoy. She did not accept all the terms of the proposal and would like to make a counter proposal. Mrs. Lavoy started to turn off water to residents before she received the proposal. The Legal Aid Attorney was at the meeting.

7. NIAGARA MOHAWK: Deputy Supervisor Alicia Bodmer wrote a letter to Niagara Mohawk concerning their policy of allowing ATV's on their property; she requested a written copy of their policy

8. TOWN AUDIT: Board members need to review the report of Audit and respond to Deputy Supervisor Alicia Bodmer before the next meeting

9. LANDFILL CLOSURE REIMBURSEMENT REQUEST: Voucher to request the second installment of the reimbursement for expenses of \$283,323.70 to close the Landfill is ready for signing. Town can request 90% or \$254,991.31.

RESOLUTION #46

AUTHORIZATION TO SIGN THE REIMBURSEMENT VOUCHER REQUEST FOR LANDFILL

Motion made by John Quenell **to authorize Deputy Supervisor Alicia Bodmer to sign the voucher requesting the second installment for reimbursement for expenses of \$254,991.31 for closing the landfill from NYS Department of Environmental Conservation**, second by Linda Dobson, Aye 4, Vacant 1 (Supervisor)

Roll Call Vote:

Supervisor	Vacant
Council Members: Alicia Bodmer	Aye
Linda Dobson	Aye
John Quenell	Aye
Steve Tucker	Aye

Resolution #46 declared duly adopted

10. APPOINTMENT OF SUPERVISOR: Board members need more time to determine who they want to appointment as Supervisor

Motion made by Deputy Supervisor Alicia Bodmer **to table the discussion on appointment of Supervisor**, second by John Quenell, Aye 4, Vacant 1 (Supervisor)

Citizen Comments were allowed. The consensus of the citizens is they want to see five members on the board. Art Leavitt is the only person who submitted a letter saying he was interested in the position. Several of the citizens were in favor of seeing Art Leavitt appointed to the position. Alicia Bodmer said she was also interested in the position but was waiting for her supervisor at her full time job with NYS Department of Environmental Conservation to give approval for her to be appointed to the position. She said a Special Board Meeting would be scheduled as soon as she hears from her supervisor. She said the Supervisor should have a financial background and have the time to deal with all the issues facing the Town and that the person should have served on the Board first before taking the position as Supervisor. The citizens did not want the Town Board to wait for another month before appointing someone to the position of Supervisor.

COMMITTEE REPORTS:

1. COURT- Nik Santagate:

- a. Disposed 45 cases in March and sent \$1,910 to the State Comptroller, so far in April there has been 47 tickets issued for traffic violations in Brighton
- b. A non-jury trial is scheduled for Friday, May 3 at the Town Hall

- c. The Audit recommended that the Town Board close the bank account from the old judge and send the money (\$5,280) to the Office of the State Comptroller. When a judge leaves a position their books become the board's responsibility and not the new judge.

2. HIGHWAY – Don Oliver:

- a. Plowed and sanded 17 days in March
- b. Met with Assemblymen in Plattsburgh
- c. Worked on vehicle and equipment maintenance
- d. New plow truck was delivered
- e. Attended a Clinton County Highway meeting in Plattsburgh on April 9

3. INSURANCE - John Quenell:

- a. Reviewed the new CSEA vision and dental coverage contract and it appears to be in order and ready for signing. The rate increases are small over the next two years

RESOLUTION #47

AUTHORIZATION TO ACCEPT CSEA EMPLOYEE BENEFITS CONTRACT

Motion made by John Quenell to authorize Deputy Supervisor Alicia Bodmer to sign the CSEA Employee Benefits Renewal Agreement for monthly dental and vision coverage per Town employee for the period January 1, 2001 to June 30, 2004 as follows:

Dutchess Dental Plan: January 1, 2001 to June 30, 2001 \$60.69, July 1, 2001 to June 30, 2002 \$61.02, July 1, 2002 to June 30, 2003 \$61.38 and July 1, 2003 to June 30, 2004 \$61.71

Silver 12 Vision Plan: January 1, 2001 to June 30, 2001 \$13.51, July 1, 2001 to June 30, 2002 \$13.92, July 1, 2002 to June 30, 2003 \$14.34 and July 1, 2003 to June 30, 2004 \$14.77

Additional changes were also made to the agreement as follows:

1. Article, I, Section 3 changed to read: 3. Eligible employee shall mean every public sector employee validly appearing on the employer's payroll who is (a) not assigned to a collective bargaining unit represented by a union that competes with CSEA and (b) not eligible to be unionized under applicable laws.

2. Article III, Section 2 changed to read: 2. Every employee validly appearing on the employer's payroll who is (a) not assigned to a collective bargaining unit represented by a union that competes with CSEA and (b) not eligible to be unionized under applicable laws is eligible for coverage.

3. Article IV, Section 2 is changed to read: 2. In addition, the employer may cover other eligible persons (such as part-time or management confidential employees) validly appearing on the employer's payroll for the benefits described in Article II hereof or in Paragraph 2 of any Renewal Agreement for so long as the employees described in Paragraph 1 of this Article IV are covered;

4. Article IV, Section 3 is changed to read: 3. No full-time or part-time employee who is (a) a member of a collective bargaining unit represented by a union that compete with CSEA or (b) eligible to be unionized under applicable laws may be covered under the Plans

Second by Alicia Bodmer, Aye 4, Vacant 1 (Supervisor)

Roll Call Vote:

Supervisor	Vacant
Council Members: Alicia Bodmer	Aye
Linda Dobson	Aye
John Quenell	Aye
Steve Tucker	Aye

Resolution #47 declared duly adopted

- b. The new international highway truck has been added to the Town automobile policy
- c. The previous insurer for the Town (Reliable) is in liquidation and needs information on any outstanding claims or potential claims. The claim must be filed with the liquidating agency by December 31, 2002. The Attorney for the Town, Scott Goldie, needs to get involved with this to ensure the Town is protected as is has a potential claim for the next 12 years

4. ASSESSOR-Doug Tichenor- No Report

5. TAX COLLECTOR- Amber McKernan

- a. March has been steadily busy. Received the extension for Tax Collection until May 31, 2002. This needs to be corrected in the Brighton Bulletin where is showed May 1 not 31.
- b. Received payments of 774 parcels with 91 still outstanding. Received notification that the State and various utilities have made payments to the Franklin County Treasurer
- c. Total Collected for the month was \$69,981.19; to date a total of \$794,511.02 has been collected.
- d. Two checks were issued to Deputy Supervisor Alicia Bodmer: #358 for \$816.10 and #360 for \$647.67 both for penalties collected.
- e. Two checks were issued to the Franklin County Treasurer: #357 for \$19,000 and #359 for \$50,000, total to date to Franklin Treasurer is \$304,000
- f. Two vouchers have been submitted, one for NYS Association of Tax Collectors and Receivers annual dues of \$20.00 and one for the Annual Tax Collectors and Receivers Seminar in Lake Placid June 912 for registration fee of \$75.00
- g. Second billings will be mailed on Monday, April 15, 2002, with a \$2.00 charge added.

6. CODE ENFORCEMENT-Ed Lagree: As of February 28, 2002, tracking 37 building permits from 2001, 7 were completed. Issued 3 building permits for 2002.

7. CEMETERY – Linda Dobson:

- a. Informed Stacy Allot of Geomatics Land Surveying that the job of building a map file showing the layout and subscription of the cemetery was hers. She plans to visit the Town Hall on Friday, April 12, 2002, to look at the maps and commence work next week weather permitting.
- b. Linda Dobson and Elaine Sater, Town Clerk, spent another 2 hours filling in the blanks on the maps.

8. PARKS & RECREATION-Steve Tucker:

- a. Ice is out
- b. Dan Spencer, Park Attendant, has been cleaning up around the Park

9. COMPENSATION-Linda Dobson (Report given by Tom Willis):

- a. Survey were mailed to 36 communities, received 14 back so far, deadline is the end of April. Would like to receive at least 25 responses
- b. Tom Willis will follow up on those who do not respond by the end of the month

CITIZENS COMMENTS:

Phil Delarm: Why will it take another week to determine whom the board will appoint as supervisor? Deputy Supervisor Alicia Bodmer said she is waiting for her supervisor to return to work so she can get an answer from him to determine if she can be appointed to the position. She hopes to hold a special meeting as soon as she knows the answer, which could take up to two weeks.

Tom Willis-Garondah Road:

a. Brighton 2000 Project: Color books have gone to print and should be ready by end of month. Six copies are being printed, four are going to area libraries and two will be at the Town Hall. Black and White copies are available for \$12.00. Twenty-five have been printed and sold; twenty more are being copied. If anyone wants one the price is the cost to print, information could be printed in the Brighton Bulletin.

b. National Register: Albany has received the application for the Town Hall to be put on the National and State Registers

Nik Santagate-McColloms: Has a concern about Board Members copying parts of the Audit and sending them out to people with personal interpretations attached. Is this a common practice of the board? Deputy Supervisor Alicia Bodmer stated the Audit Report was available to the public. Nik Santagate's point is that the whole report should be given out not just parts with personal interpretations attached. He would not want someone sending out the part of the report about his area (Court) and not include the whole report.

Tracie Santagate-McCollum's: She received a letter from a board member with only one page of the 23-page Audit. She was very offended since the letter was an interpretation from a board member on an issue she thought had been resolved at the last board meeting. She is capable of interpreting an Audit report for herself and would like to receive the whole report not just one page with someone else's interpretation.

Justin Taylor-Camp Gabriels: Would like to introduce himself as the new Superintendent of Camp Gabriels. Camp Gabriels wants to continue to be a good neighbor and would like to continue supporting the Town through the Work Crews that help out the Town. He is Board Member for Clayton in Jefferson County where he lives. He also is in the Fire Department and is active in his church. He has asked residents of the Town to be on a Community Advisory Board. He spoke to Christopher Leifheit and John Quenell about being members.

RESOLUTION #48

AUTHORIZATION TO PAY ALL VOUCHERS LISTED ON ABSTRACTS

Motion made by Deputy Supervisor Alicia Bodmer **to disperse funds for all the vouchers audited by the Town Board and listed on the abstracts attached to these minutes as follows:**

ABSTRACT #4-General Fund: Voucher #83 through and including Voucher #113: \$33,054.66

ABSTRACT #4-Highway Fund: Voucher #43 through and including Voucher #50: \$130,872.62

ABSTRACT #3-Street Light District: Voucher #3: \$49.60

Second by John Quenell, Aye 4, Vacant 1 (Supervisor)

Roll Call Vote:

Supervisor	Vacant
Council Members:	Alicia Bodmer Aye
	Linda Dobson Aye, except General Vouchers #94 & 110, Town should not pay
	John Quenell Aye
	Steve Tucker Aye

Resolution #48 declared duly adopted.

Motion made by John Quenell **to adjourn the Regular Town Board Meeting at 8:45 p.m.,** second by Alicia Bodmer, Aye 4, Vacant 1 (Supervisor)

Respectfully submitted,

Elaine W. Sater
Brighton Town Clerk