

REGULAR BOARD MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

April 12, 2007

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The Regular Town Board Meeting of the Town of Brighton was held on Thursday, April 12, 2007 at 7:00 p.m. at the Brighton Town Hall, 12 County Road 31, Paul Smiths, NY, with the following:

CALL TO ORDER:

Meeting was Called to Order by Supervisor Peter Martin at 7:04 p.m.

“Pledge of Allegiance” to the flag was recited

ROLL CALL OF OFFICERS

PRESENT: Supervisor Peter Martin, Sr.

Council Members: Sheila Delarm, David Knapp, Steve Tucker and Lydia Wright

ABSENT: None

OTHERS PRESENT: Elaine Sater - Town Clerk and Amber McKernan - Tax Collector

RESIDENTS: A representative of the media was present

APPROVAL OF MINUTES

- Regular Board March 8, 2007

Motion made by David Knapp, **second** by Steve Tucker, **to approve the minutes of the Regular Town Board meeting held on March 8, 2007 as written.**

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Martin, Tucker, Wright), Nay 0

- Special Board March 20, 2007

Motion made by David Knapp, **second** by Steve Tucker, **to approve the minutes of the Special Town Board meeting held on March 20, 2007 as written.**

ROLL CALL VOTE: Aye 3 (Delarm, Knapp, Tucker), Nay 0, Abstain 2 (Martin, Wright)

TOWN CLERK'S REPORT

1. Total Revenue to Supervisor as of March 31, 2007 was \$ 60.53

1 Donation for Town Hall Use

7 Dog Licenses, 1 New License and 6 Renewals

5 Copier Requests

2. No “Notice of the Presence of Wild Animals” being owned, possessed, or harbored in the Town was filed as of April 1, 2007 in accordance with Section 209-cc of the General Municipal Law.

Steve Tucker said he saw a large snake in a home when he was following up on a fire call.

3. Attended an information session on Local Update of Census Address (LUCA) training on Tuesday March 13 in Malone. The Census Bureau is interested in obtaining addresses of the physical place where people actually reside. They will only mail out questionnaires to people’s residences for the 2010 Census. They are not interested in Post Office Box Numbers since people don’t live at the location of the PO Box. Several people were not counted in 2000 because they did not return the questionnaires or only gave a PO Box as an address. This led to New York State losing two seats in Congress, ten have been lost over the past 30 years. The 2nd seat was lost by 50,000 housing units not counted. A house with an attached apartment is two housing units. Town has the option to update the city-style addresses listed on the Census if desired. The Town Hall currently has no place to keep information confidential.

4. TOWN HALL REQUEST: Brighton Architectural Heritage Committee - Thursday April 19, 1 to 5 p.m - Paul McGivney has some old pictures of the Town for people to look through.

5. TOWN PARK REQUEST: Northern NY Geocachers will clean up the Park, have a cookout and demonstrate “geocaching” on Saturday April 28, from 11 a.m. to 4 p.m.

SUPERVISOR'S CORRESPONDENCE/FINANCIAL REPORT

1. **Financial Report:** Distributed the Financial Report as of March 31, 2007 to Board members. Interest from CLASS investments for March 2007 was \$2,490.57. Balances of CLASS Accounts are: General \$356,576.55 and Highway \$225,100.40.

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2. Correspondence:

a. Post Office Update:

- i. Received a letter from John M. McHugh, Member of Congress, dated March 12, 2007. He received a letter from Postmaster General John Potter and it was read for the record as follows:

“March 1, 2007

The Honorable John M. McHugh

House of Representatives, Washington D.C. 20515-3223

Dear Congressman McHugh:

This responds to your February 6 and 16 letters on behalf of the Town of Gabriels, New York, regarding the Post Office in that community.

As you know, on January 30 service was suspended at the Gabriels Post Office as the result of fire destroying the building. When a suspension occurs alternate service is provided as quickly as possible and a plan of action for a permanent solution is developed. In this instance service was immediately provided from the Vermontville Post Office. Beginning February 12 our Gabriels customers have been receiving service-Post Office Box and retail-from the Paul Smiths Post Office located about 2 ½ miles from Gabriels. Approximately 160 Post Office Box customers were served by the Gabriels Post Office.

The town of Gabriels can be assured that we would like to return postal operations to Gabriels as soon as possible. At this time Albany district officials are actively exploring alternatives for both temporary and permanent quarters. In a February 22 letter to Brighton Town Supervisor Peter Martin, Real Estate Manager Paul Senk detailed the options currently being considered. For your reference I have enclosed a copy of his letter. However, no final decision has been reached. Local postal managers will monitor service to our Gabriels customers to ensure they continue to receive the level of service to which they are entitled. In addition, Albany district managers will continue to inform local officials and the community of our decision regarding the facility.

Thank you for the opportunity to clarify our position. Please let me know if I can be of further assistance. Sincerely, John E. Potter”

(Paul Senk’s letter can be found in the March 8, 2007 minutes on page 2)

- ii. The distance from Gabriels to Paul Smiths is farther than 2 1/2 miles. There is a temporary trailer in place, the electric and telephone service is in place. A computer is still needed before it can open. It should open next week. A notice will be given to the Box holders when the trailer is open.
 - iii. Mail is being delivered to wrong addresses. Customers can write “Delivered to wrong Address” on the piece of mail and file a complaint with the Post Office.
- b. **Community Advisor Board Meeting:** A meeting will be held at the Ray Brook Federal Prison training center for interested community members on May 10 at noon.
 - c. **Time Warner Franchise:** Received a new franchise proposal, copies were distributed to the Board for their review. Sheila Delarm contacted the local office to discuss cable service to McColloms. The person she was dealing with, Al Sutphen, has retired so she has to find another person to talk with about getting service to the twenty families in McColloms. Time Warner has not been very responsive.
 - d. **St. Regis Falls Fire Department Claim:** Received a bill for a valve (\$461.84) from the St. Regis Fire Department, they broke it while responding to the Gabriels Post Office fire on January 30. Sheila Delarm will submit the claim to NYMIR.
 - e. **Letter from Charles Fisk:** Received a letter, dated April 5, 2007, stating he would not be pursuing the rebuilding of the bridge near the Town Hall for his Eagle Scout project.
 - f. **Work Crew Requests:** Stones at the cemetery need to be straightened. A work crew from Gabriels Correctional Facility will be requested to help with this project.

DEPARTMENT REPORTS

1. **ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** Report submitted prior to meeting
 - a. Received 14 phone calls concerning dog matters, sent one renewal reminder letter, and dealt with a cat bite
 - b. Sent a letter to the Town Board dated March 29, 2007, RE: Would like the Town to respond to a March 3, 2004 letter asking the Town to revise Local Law # 1 of 1993 to allow them to retain the impoundment fees

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(Section 3b). Back in 2004 President Allison Pettys had a voice message from a Council Member stating he would send a letter back with or without the Board's approval for the impoundment fees. They never received such a letter and would like a response. This is tabled until the local law can be reviewed.

2. **ASSESSOR (Doug Tichenor):** Report submitted prior to meeting
 - a. Asked for status of new franchises in Town

Supervisor Peter Martin said there are none

 - b. Preparing Tentative Assessment Roll for filing on May 1
3. **CODE ENFORCEMENT OFFICER (CEO) (Ed Lagree):** Report submitted prior to meeting
 - a. One Building Permit issued for 2007
 - b. Three Building Permits completed for 2006, issued one Certificate of Occupancy (COO) and one Certificate of Completion (COC), 24 permits still outstanding
 - c. One COO issued for 2005, 10 permits renewed and outstanding
 - d. One COO issued for 2004, one permit closed, 9 permits renewed and outstanding
 - e. Supervisor Peter Martin spoke with CEO about changing the local law, a review of the current laws is needed. The State Code covers much more than the local laws.
4. **TAX COLLECTOR (Amber McKernan):**
 - a. To date, posted \$1,086,579.89 with 90% of the warrant collected. During the month of March collected \$56,670.99.
 - b. 16 March mailed out 130 second notices
 - c. 13 March issued Check #769 in the amount of \$2.00 as a refund of an overpay. 12 April issued check #770 to Supervisor Peter Martin in the amount of \$832.02, the balance of penalties and second mailing fees to date. Check #771 was issued to Bryan A. Varin, Franklin County Treasurer in the amount of \$50,000.00 as the third payment to the Treasurer's Office, bringing the total paid to that office to \$502,000.00.
 - d. The extension of the warrant was signed on 21 March and received by this office on 22 March. Will collect taxes until the end of April and will then turn books over to the Treasurer's Office with the final reconciliation in early May.
 - e. Received and balanced the March bank statement and contracted the bank to rectify a posting error on their part
 - f. Sent 3 faxes and received many phone requests for tax information
5. **TOWN JUSTICE (Nik Santagate):** Report submitted prior to meeting
Disposed of several cases and issued a check in the amount of \$3,870 to the Supervisor
6. **HISTORIAN - Mary Ellen Salls:** No Report

COMMITTEE REPORTS

1. **HIGHWAY DEPARTMENT - David Knapp and Steve Tucker:** Report submitted prior to meeting
 - a. Detailed report was received from Superintendent of Highways Don Oliver, he attended the Franklin County Highway Department meeting. The requested rate for reimbursement for Snow Removal for the next three years will increase substantially due the fuel cost increase.
 - b. **Other issues**
 - i. **Letterhead for Highway:** Letterhead was received by the Highway Department
 - ii. **Salt Shed Update:** Quotes were requested from JT Erectors and Conboy & Conboy for finishing the salt shed construction. Discussion was held on what needed to be done to complete the salt shed before the end of June.

RESOLUTION #42

AUTHORIZATION TO ACCEPT QUOTE TO COMPLETE SALT SHED CONSTRUCTION

Motion made by David Knapp, second by Lydia Wright, To Wit:

WHEREAS, a request for bids was posted on December 16, 2006, and

WHEREAS, no bids were received as a result of this notice, and

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WHEREAS, quotes were requested and received as follows:

JT ERECTORS - Malone: \$19,728

CONROY & CONROY- Plattsburgh: \$29,775

NOW THEREFORE, BE IT RESOLVED that the Town Board accepts the quote from JT ERECTORS of Malone to complete the construction of the Salt Shed for \$19,728.00

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Martin, Tucker, Wright), Nay 0

RESOLUTION #42 declared duly adopted.

- iii. **Old Highway Garage:** Before the old building can come down, the newer roof needs to be removed to be used on other Town buildings.
- iv. **New Highway Garage:** The cricket on the roof of the building needs to be replaced. The original cricket was built by one contractor and installed by another, a determination can not be made as to who is at fault. A quote was received from Monahan & Loughlin, Inc. from Plattsburgh who manufactured the roof.

RESOLUTION #43

AUTHORIZATION TO ACCEPT QUOTE TO REPLACE CRICKET ON GARAGE ROOF

Motion made by David Knapp, second by Sheila Delarm, To Wit:

WHEREAS, the cricket on the Highway Garage roof was damaged by heavy snow, and

WHEREAS, the warranty on the new building has expired, and

WHEREAS, quotes were received from Monahan & Loughlin, Inc for \$3,500.00 to remove the damaged cricket and replace it with a new one, and

NOW THEREFORE, BE IT RESOLVED that the Town Board accepts the quote from Monahan & Loughlin, Inc. for \$3,500.00 to remove the damaged cricket on the Highway Garage roof and replace it with a new one.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Martin, Tucker, Wright), Nay 0

RESOLUTION #43 declared duly adopted.

EXECUTIVE SESSION:

Motion made by Supervisor Peter Martin to GO INTO EXECUTIVE SESSION at 8:17 p.m. in accordance with Open Meetings Law, Article 7, Section 105, Para d, discussion relating to litigation, second by David Knapp, Aye 5 (Delarm, Knapp, Martin, Tucker, Wright), Nay 0

Motion made by David Knapp to GO OUT OF EXECUTIVE SESSION at 8:35 p.m., second by Lydia Wright, Aye 5 (Delarm, Knapp, Martin, Tucker, Wright), Nay 0

Council Member Lydia Wright left the meeting at 8:36 p.m.

HIGHWAY DEPARTMENT (Con't)

- v. **Decals for Truck:** Nothing further to report
- vi. **White Pine Road Bridge:** No further action at this time, waiting for the snow to melt
- vii. **CSEA Contract:** Resolution was sent to Andy Crary at the Highway Department, waiting a reply
- viii. **Town Roads:** Slush Pond and Mountain Pond need the brush cut back, Supervisor Peter Martin will request a crew from Camp Gabriels to work on the roads. McColloms Road need to be looked at again.

2. PARK & RECREATION - Steve Tucker and Lydia Wright

- a. Not much going on due to weather
- b. **Steve Tucker** attended a Saranac Lake Area Youth Association (SLAYA) meeting, the middle school and high school cannot be used this summer for the SLAYA program. Summer school is being held in Bloomingdale while work is being done on both schools. The committee is looking at other sites to hold their program but busing the children to an alternate site is a problem. A fee of \$100.00 for 5 weeks per child is being proposed if the Civic Center is used. The Civic Center is asking \$1,000 a week from SLAYA to use it.
- c. **David Knapp** said the electric work has been completed by North Country Electrical Services

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- d. **The Board** requested that Dan Spencer keep track of the number and time people use the Park to get an idea of how to better use the attendant's time
- 3. INSURANCE/INVESTMENTS - Sheila Delarm and Lydia Wright**
- a. Backup of Tax Collector's computer files: The backup should be kept at the Town Hall in the safe. Amber McKernan can leave the backup disks with the Town Clerk for storage.
 - b. Met with Karen Buckley on Apr 3 to review the Town's policy:
 - i. Curling rink needs to be checked for the same coverage as a skating rink
 - ii. Number of vehicles covered by the insurance needs to be verified
 - iii. Paul Smith's College (PSC) insurance requirement for Town Park is correct, a copy of a Certificate of Insurance is needed for PSC
 - iv. Community-wide picnic at Park - coverage is enough to cover such an event
- 4. CEMETERY - Steve Tucker and David Knapp:**
- a. **Burials:** There have been two burials in the past month, Randy Smith and Arlene Muncil
 - b. **Survey:** Waiting for Stacy Allott to give a quote for the McColloms Cemetery survey
- 5. TOWN BUILDINGS - Steve Tucker and David Knapp**
- a. **Town Hall Project:**
 - i. **Letters for Member Item Funding:** Letters have been sent to Assemblywoman Janet Duprey, Congressman John McHugh, and Senator Hillary Clinton for member item funding. Word has been received from Assemblywoman Janet Duprey that \$10,000 has been reserved for the Town Hall project. Congressman McHugh and Senator Clinton offices responded that they received the requests.
 - ii. **Bid Package** is needed to add to Grant application to Senator Betty Little's Office

OLD BUSINESS

1. DISASTER PLAN:

- a. An updated disaster plan was reviewed by the Board. The Coroner's information was received and a Standard Operating Procedure was added for the Coroner.

RESOLUTION #44

AUTHORIZATION TO ACCEPT DISASTER PLAN FOR TOWN USE

Motion made by Supervisor Peter Martin, **second** by Sheila Delarm, **To Wit:**

WHEREAS, the Town of Brighton has updated its Disaster Plan with the help of the Franklin County Emergency Service Office, and

WHEREAS, other agencies have had the opportunity for input into their part of the Plan, and

NOW THEREFORE, BE IT RESOLVED that the Town Board accepts the Disaster Plan dated April 12, 2007 for use by the Town when needed.

ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Martin, Tucker), Nay 0, Absent 1 (Wright)

RESOLUTION #44 declared duly adopted.

- b. **Table Top Exercise:** Discussion was held on having a "table-top" exercise to see how the Plan works. **Steve Tucker** said there is a NIMS 300 Course for "Disaster Exercises"
- c. **Pandemic Flu Presentation:** There will be a community-wide Pandemic Flu presentation by Bob Eckert at Paul Smith's College Freer Hall on May 15 at 7 p.m.
- d. **FIRE ADVISORY BOARD (FAB): David Knapp** attended a FAB meeting and reviewed the Fire Department's line item budget as presented to the Village of Saranac Lake. A Public Hearing was held for the Village's budget. Amounts for fire equipment and reserve for a building have been reduced. The amount for the Town will be available after the Village's budget is passed. The FAB will work on breaking out the rescue (EMT) costs for next year. Next meeting will be on April 26.

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Discussion was held on whether the Saranac Lake Volunteer Fire Department would accept EMTs from the Town of Brighton or surrounding towns.

- e. **ALTERNATE RESCUE SERVICES:** There is a push on to get more EMTs in the Town of Brighton during the day. Discussion was held on the perception of the Saranac Lake Volunteer Fire Department concerning the Town's continued efforts to provide reasonable rescue services to the Town's residents. The Certificate of Need application needs to be reviewed.
2. **SIGN FOR OSGOOD POND: David Knapp** needs more information to procure a sign for "Jetskis" on Osgood Pond. A permit has to be filed every year with the Department of Environmental Conservation (DEC) to keep a sign on state land. David Knapp will contact Shawn Reynolds from the DEC to determine how this sign was installed in the past.

RESOLUTION #45

AUTHORIZATION TO HAVE A SIGN MADE FOR PROHIBITING PWC ON OSGOOD POND

Motion made by David Knapp, **second** by Steve Tucker, **To Wit:**

WHEREAS, the Town established Local Law #4 for the Year 2001 to prohibit personal water craft (PWC) on Osgood Pond and other lakes, and

WHEREAS, a sign was posted at the New York State boat launch on White Pine Road to notify people of this law, and **WHEREAS**, the sign was removed during the last year and the Osgood Pond Association has asked the Town to replace the sign,

NOW THEREFORE, BE IT RESOLVED that David Knapp be authorized to order a new sign from Camp Gabriels to be installed at the New York State boat launch on White Pine Road to notify people that personal water craft are prohibited on Osgood Pond in accordance with Local Law #4-2001.

ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Martin, Tucker), Nay 0, Absent 1 (Wright)

RESOLUTION #45 declared duly adopted.

NEW BUSINESS

1. **FRANKLIN SNOWMOBILERS, INC. CONTRACT:** Received a request from the Franklin Snowmobilers for a contract to maintain the snowmobile trails in the Town for 2007.

RESOLUTION #46

AUTHORIZATION TO CONTRACT WITH FRANKLIN SNOWMOBILERS, INC

Motion made by Supervisor Peter Martin, **second** by David Knapp, **To Wit:**

WHEREAS, in the Town of Brighton there are several snowmobile trails, and

WHEREAS, these trails are maintained for the good and general welfare of the Town residents,

NOW THEREFORE, BE IT RESOLVED that the Town Board authorizes the Supervisor to sign a contract with Franklin Snowmobilers Inc. for 2007 to maintain and groom the snowmobile trails for a fee of \$300.00.

ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Martin, Tucker), Nay 0, Absent 1 (Wright)

RESOLUTION #46 declared duly adopted.

2. **NORTH COUNTY COMMUNITY COLLEGE(NCCC):** The Board of Directors of NCCC is looking into moving NCCC from the Village of Saranac Lake to Lake Placid. The County Legislature Gordy Crossman call Supervisor Peter Martin to ask the Town's opinion of this move. Discussion was held on the opinion of the Town toward moving NCCC campus.

RESOLUTION #47

SUPPORT FOR NCCC TO REMAIN IN SARANAC LAKE

Motion made by Supervisor Peter Martin, **second** by David Knapp, **To Wit:**

WHEREAS, there is a campus of North Country Community College (NCCC) located in the Village of Saranac Lake, and

WHEREAS, the Board of Directors of NCCC is looking into moving this campus to Lake Placid, and

WHEREAS, this move would be an economic hardship on the Town of Brighton residents who travel to attend classes

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at the NCCC campus in the Village of Saranac Lake, and

WHEREAS, this move would be an economic hardship on the businesses in the local area, and

WHEREAS, the Town of Brighton supports funding the expansion and reconstruction of buildings at the current Saranac Lake campus,

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Brighton opposes moving the campus of North Country Community College (NCCC) from where it is currently located in the Village of Saranac Lake to Lake Placid, and

BE IT FURTHER RESOLVED that the Town Board supports the expansion and reconstruction to the buildings at the Saranac Lake campus.

ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Martin, Tucker), Nay 0, Absent 1 (Wright)

RESOLUTION #47 declared duly adopted.

3. **SPECIAL BOARD MEETING: Sheila Delarm** said the Paul Smiths-Gabriels Volunteer Fire Department Financial Committee requested a meeting with the Town Board to discuss numerous alarm activations in the Town of Brighton. Supervisor Peter Martin set up a Special Board meeting for Monday, April 23, 2007 at 7:30 p.m at the fire house.
4. **RESCUE CALLS TO PAUL SMITH'S COLLEGE: Supervisor Peter Martin** has been informed that Paul Smith's College has purchased a breath analyzer and is calling the rescue service to pick up people who have a certain level of activity and transport them to the hospital in Saranac Lake.

CITIZENS COMMENTS: None

AUDIT OF VOUCHERS

RESOLUTION #48

AUTHORIZATION TO PAY AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by David Knapp, second by Steve Tucker, To Wit:

RESOLVED that the Supervisor be authorized to pay the audited vouchers as listed on the abstracts as follows:
PRE-PAID FUNDS: Abstract #4 for Vouchers #4A through #4D for 2007 General Funds in the amount of \$770.95, Voucher #4C for 2007 Street Light Funds in the amount of \$66.77.

GENERAL FUND: Abstract #4 for Voucher #93 through and including #124 for 2007 funds in the amount of \$9,538.95

HIGHWAY FUND: Abstract #4 for Vouchers #30 through and including #43 for 2007 funds in the amount of \$6,251.00

SPECIAL FUND (FIRE PROTECTION DISTRICT): Abstract #2 for Voucher #2 in the amount of \$32,838.00

ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Martin, Tucker), Nay 0, Absent 1 (Wright)

Resolution #48 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 10:35 p.m. made by David Knapp, second by Sheila Delarm, Aye 4, Nay 0, Absent 1

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk