

**The Regular Board Meeting for the Town of Brighton, Franklin County, New York, was held on Thursday, April 14, 2005 at 7 p.m. at the Brighton Town Hall, 12 County Road 31, Paul Smiths, NY, with the following:**

**PRESENT:** Supervisor Robert Tebbutt

Council Members: David Knapp, John Quenell, Steve Tucker, and Lydia Wright

**ABSENT:** None

**OTHERS PRESENT:** Doug Tichenor - Assessor, Amber McKernan - Tax Collector, Nik Santagate - Justice and Elaine Sater - Town Clerk

**RESIDENTS:** There were several residents present

Called to Order by Supervisor Robert Tebbutt at 7:01 p.m.

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

**Motion made by John Quenell, second by David Knapp, to adopt the minutes of the Regular Town Board Meeting on March 10, 2005, with the following change: Page 3, Supervisor Report, Para 5. Code Violation Status: Add after first line "(Lydia Wright refused to take a copy of the letter.)"**

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

**NOTE:** The date of the meeting minutes stated at the meeting and on the agenda was March 14, 2005, which is incorrect. The minutes Lydia Wright referred to were from the March 10, 2005 Regular Board meeting.

**Motion made by David Knapp, second by John Quenell, to adopt the minutes of the Public Hearing for the Fire Protection Contract on March 31, 2005 as written.**

**Roll Call Vote: Aye 4** (David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay0, Abstain 1** (Supervisor Robert Tebbutt)

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

**Total Revenue to Supervisor as of March 31, 2005 was \$ 150.25**

1 Certified Copies

3 Genealogical Searches

5 Dog License Renewals, 1 New License and 1 Replacement Tag

1 Building Permit (#05-02)

2 FOIL Requests

2 Copier Requests

1. March 15 faxed a notice to the Adirondack Daily Enterprise, Re: Public Hearing on Fire Protection Contract, published on March 18, 2005. Notices were posted on March 17 at three post offices, in local businesses, and on the Town Clerk's sign board.
2. March 17 spoke with the Bookkeeper concerning overpayment of wages for 2004. Resolution #112-2004 needs to be amended to show that the Town Clerk was actually paid \$216.57 for Registrar of Vital Records (Account #A4020.1) instead of the \$200 authorized by Board.
3. April 10 faxed notice to the Adirondack Daily Enterprise, Re: Town Clerk's Office will be closed on Tuesday, April 19, for training. Notice was published on April 14. Notices were posted on April 12 in three post offices, at local businesses, and on the Town Clerk's sign board.
4. **Town Hall Requests:** Town Hall Citizens Committee Tuesday, April 12 at 6 p.m.
5. **Records Management:**
  - a. There were 15 rolls of microfilm of the Tax Records books from 1874 to 1970 at \$15.00 each for a total of \$180.00 that will be sent directly from the film producer.
  - b. April 1 attended a training class in Malone on "Managing Electronic Records. Any records maintained electronically are subject to the same laws as paper records. The Town has approved the use of the "MU-1" to determine the length of time records are to be maintained.

#### ***ASSESSOR REPORT (Doug Tichenor)***

Will be updating property values during 2005. Gave a brief summary of how information to determine property values is obtained. A Real Property Transfer Report is provided to him by the County Real Property Tax Services Office when property is sold in the Town. He uses this information to determine the value of property. He divides the property into

4 general categories: Vacant Non-waterfront, Vacant Waterfront, Improved (with buildings) Non-Waterfront, and Improved Waterfront. Since the previous update in 2001 property has sold at different values for these categories. Vacant Non-waterfront sold on average 20% higher than the assessed value. Vacant Waterfront sold on average 4% higher than the assessed value. Improved Non-waterfront sold on average 20% higher than assessed value. Improved Waterfront sold on average 50% higher than assessed values. During this update the improved waterfront will be increased more than the rest of the Town. When individual properties are assessed he uses only the information from that area not the general information from the whole town (i.e., McColloms area, Rainbow Lake area, and Split Rock area are valued differently). He would like to meet with the Board before he sends out information to the property owners to discuss the affect this update will have on the aged property owners especially on the improved waterfront. He knows the aged people cannot afford more taxes on their property. He has discussed this problem with legislatures and they have no answer but are looking at alternatives. The real estate market is showing "irrational exuberance" in this region and values should level off eventually. The State Office of Real Property has determined the Equalization Rate for the Town to be 70% for 2005. The other towns in the area have the same problem. People have been moving to northern towns in Franklin County where values are cheaper. Those towns are increasing in value now. He offered to speak at any lake association meeting to addresses this update. It is his responsibility to value the property correctly for the Town. If he doesn't the State will use the Equalization Rate to keep the Town in line with the rest of the County. He has been accused of "low balling" the values on property but the Equalization Rate controls the value anyway if he does. He advised people to get a current appraisal on their property and know what it is worth. For the Update a mailer will be sent during the summer to all property owners to review, full disclosure notices will be sent in Feb 2006. This new value will first affect the school taxes in 2006. A public information meeting will be held in the summer.

### ***SUPERVISOR REPORT***

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

- a. **Monthly Budget Report:** Report for the period ending March 31, 2005 was distributed to the Board on April 10. If there are any questions contact the Supervisor.
- b. **Budget Amendment** is needed for the Supervisor Account (A1220.4)

#### **RESOLUTION #43**

##### **BUDGET AMENDMENT FOR GENERAL FUND #1-2005**

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

**RESOLVED, that Budget Amendment #1 for the 2005 General Fund be authorized and the following amount be and the same hereby is transferred: \$200 from General Account # A1990 (Contingency) as follows: \$200 to General Fund Account No. A1220.4 (Supervisor - Contractual).**

**Roll Call Vote: Aye 5** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay 0**  
**Resolution #43 declared duly adopted.**

- c. **Financial Records Availability:** The 2004 and 2005 financial records are available at the Town Hall, anyone who would like to see them must see Supervisor Tebbutt for access.
- d. **Back up of Data:** The bookkeeper backs up the financial records every two days on a CD and keeps it in his briefcase in his car so it is out of the building.
- e. **Annual Audit of Financial Records:** Lydia Wright asked if the Supervisor found out about the requirement for the Town's books to be audited annually.

**Supervisor Robert Tebbutt** said he talked with the Comptroller's Office and he is making the financial records that were asked for available.

**Lydia Wright** asked if he found out if the 2003 and 2004 records were subject to audit. She referred to the discussion at the last board meeting where he said he was going to be in touch with the Comptroller's Office and determine if the records were subject to audit or not. She asked if he had determined the answer yet.

**Supervisor Robert Tebbutt** said he determined that he had to produce the AUD every year to give to the Clerk and if anyone wants to see the records that he used to produce the AUD they can see them anytime they want.

**Lydia Wright** said he was not answering the question if his books were subject to the annual audit process.

**Supervisor Robert Tebbutt** said he did not know the answer.

**John Quenell** said he would like to speak for the Supervisor.

**Lydia Wright** said she would like to hear the answer from the Chief Fiscal Officer of the Town.

**Supervisor Robert Tebbutt** said he would like to hear what John Quenell had to say.

**John Quenell** said that if a board member requests to see the records then the Supervisor is required to show them.

**Lydia Wright** said he is not answering the question. She asked if the Board will be auditing the Supervisor's books. She said that it's the Board's responsibility to audit them.

**John Quenell** said he suggests that Lydia Wright and anyone she wants can look through them. He said he had looked through them already.

**Lydia Wright** said that she has not been privy to the same books.

**John Quenell** told Lydia Wright to shut up.

**David Knapp** said that John Quenell has no right to use that language.

**Lydia Wright** said that John Quenell was "out of order"

**John Quenell** said that Lydia Wright can look at the books and then she can ask questions of the Supervisor. She can have him call a special meeting with the bookkeeper to answer all her questions.

**Lydia Wright** she would just like the Supervisor to admit that he is subject to the annual audit by law.

**John Quenell** said the Supervisor did answer the question.

**Lydia Wright** disagreed and said the Supervisor was present and said he did not know if he was subject to the annual audit.

**Supervisor Robert Tebbutt** said he had an extensive conversation with the Comptroller's Office and misunderstood the difference between "books" and "records". He thought that what people were asking for was the AUD and not the records he used to produce the AUD. The records are now in the Town Hall and are available for anyone to look at whether for an audit or just if they want to look at them.

**Gould Hoyt** asked the Supervisor if there was a line item in the budget for auditing the Town's books.

**John Quenell** said if he meant for an independent audit, no there was not.

**Gould Hoyt** asked why not.

**Lydia Wright** said the Town had chosen to do the audit on their own. When the annual audit took place the board was not privy to certain books. She said perhaps the Town should consider an independent audit now.

**John Quenell** said it is a very expensive process costing about \$1000.

**Tracie Santagate** said she did not understand why the Supervisor questioned his books being audited when the Tax Collector, Town Clerk and Justice all produced the same type of books for audit.

**Supervisor Robert Tebbutt** said there was a questions because he did not understand what the books were that people were talking about. He said the financial records are now available in the Town Hall.

**David Knapp** said he wanted it stated by resolution now that in January 2006 the books or records would be made available so the Board would not have to go through this again.

**Lydia Wright** disagreed that a resolution was unnecessary. She said it was already stated in law that it was supposed to be done. She would like to state that the Supervisor has been in office for two years now and instead of looking into this last year he chose instead to ridicule her when she asked questions about auditing the Supervisor's books. Tonight she was told to shut up with a finger pointed in her face.

**John Quenell** said he apologized and he was sorry.

**Lydia Wright** said her point is that she has endured this for two years and the Supervisor still will not admit he was wrong. She would like the Supervisor to admit he was wrong and apologize to the town for not fulfilling his duties.

**Rouse Fountain** said that if Supervisor Robert Tebbutt was wrong then he was wrong when he was Supervisor. The Board should move on with the meeting because the discussion was getting out of hand.

#### **RESOLUTION #44**

##### **ANNUAL AUDIT OF THE 2005 BOOKS OR RECORDS OF THE TOWN OFFICIALS**

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

**RESOLVED**, that the 2005 financial books or records of the Supervisor, as well as the Town Justice, Tax Collector, and Town Clerk, will be made available for the Annual Audit before the deadline of January 20, 2006.

**Roll Call Vote:** Aye 4 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker), Nay0, Abstain 1 (Lydia Wright)

**Resolution #44 declared duly adopted.**

#### **f. Amendment to Resolution #112-2004:**

##### **RESOLUTION #112-2004 (AMENDED)**

##### **AUTHORIZATION TO PAY END-OF-YEAR SALARIES**

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

**WHEREAS**, the former bookkeeper for the town, acting on Resolution #112-2004, inadvertently paid the gross amounts listed in the resolution without withholding FICA and subsequently had to make the FICA payments by grossing up the stated salaries,

**THEREFORE BE IT RESOLVED, that the one-time salaries listed in Resolution #112-2004 are changed as follows:**

<b>DEPUTY SUPERVISOR (A1220.1A)</b>	<b>Increase from \$250 to \$270.71</b>
<b>BUDGET OFFICER (A1340.1)</b>	<b>Increase from \$250 to \$270.71</b>
<b>REGISTRAR OF VITAL STATISTICS (A4020.1)</b>	<b>Increase from \$200 to \$216.57</b>
<b>DEPUTY HIGHWAY SUPERINTENDENT (A5010.1)</b>	<b>Increase from \$570 to \$617.22</b>

**And**

**BE IT FURTHER RESOLVED, that at the time the one-time payments are made for the year 2005, offsetting adjustments will be made so that the town will be reimbursed for the \$105.21 additional expense required to make the subject 2004 FICA payments.**

**Roll Call Vote: Aye 5 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), Nay 0 Resolution #112-2004 declared duly amended.**

## **2. HIGHWAY GARAGE:**

- a. **Status:** There are two major items still to be completed: Outside air ducts for intake and manifolds shields for the heating system. There is a "punch list" of minor items to be completed also. Highway will move into the new building next week. Discussion was held on what steps to take if the major items are not completed. There are retainage funds to cover the cost. A temporary Certificate of Occupancy has been issued for 180 days. Three of the four contractors have completed their part.
- b. **Project Financial Report:**
  - i. **Change Order No. 1** for Electrical Service

## **RESOLUTION #45**

### **AUTHORIZATION FOR CHANGE ORDER #1 TO ELECTRIC CONTRACT**

**Motion made by Supervisor Robert Tebbutt, second by David Knapp, To Wit:**

**WHEREAS**, the electrical service in the fuel storage building was not within building code standard, and

**WHEREAS**, the electrical service in the new garage cannot be connected to the fuel storage building until it meets the standard, and

**WHEREAS**, this item was not part of the original contract put out to bid,

**THEREFORE, BE IT RESOLVED, that the Supervisor be authorized to sign Change Order #1 with Bayview Electric, Inc to provide for upgrading to building code standards the electrical service in the fuel storage building in the amount of \$695.00 increasing the contract to \$54,545.00.**

**Roll Call Vote: Aye 5 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), Nay 0 Resolution #45 declared duly adopted.**

- ii. **Project Cost Status:** Distributed a report to show where the Town stands on the Highway Garage Project as of March 15, 2005. Total expenses were \$499,352 with \$70,648 as the Capital Fund checking account balance. Members of the Highway Garage Committee asked for copies of the report.

**Rouse Fountain** thanked the Board for keeping him informed during the winter while he was away. He was concerned with the daylight showing under the garage doors. They are on the "punch list".

**David Knapp** asked about the salvage value of certain items on the old garage, (i.e. overhead doors, new roof, new boiler).

**Supervisor Robert Tebbutt** said the Board members should walk through the new garage.

**David Knapp** said there should be an Open House for the public to see where their money went.

**Lydia Wright** asked for an accounting of the hours used by the Town Forces toward the project.

- c. **Computer:** The Highway Department needs to computerize their department. The computer replaced by the Court computer can be reformatted for their use. A printer can be purchased out of highway funds.

## **RESOLUTION #46**

### **AUTHORIZATION TO REFORMAT COMPUTER FOR HIGHWAY DEPARTMENT USE**

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

**WHEREAS**, the Highway Department needs a computer, and

**WHEREAS**, the Town's computer replaced by the Court's computer can be reformatted,

**THEREFORE BE IT RESOLVED, that the Computer Administrator, John Bray, be authorized to reformat the Town's computer for use by the Highway Department. and**

**BE IT ALSO RESOLVED, that the Computer Administrator be authorized to activate the scanner already purchased for the new Town Hall computer**

**Roll Call Vote: Aye 5** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay0**  
**Resolution #46 declared duly adopted.**

- 3. TOWN HALL LAND STATUS:** APA will not issue a permit for purchase of the land until the encroachment issue is cleared up in the front and the back of the building. The Use and Occupancy Permit for the front of the Building has been issued by the Department of Transportation. For the back of the building, Paul Smith's College is reluctant to issue a letter until DEC has given its approval. Supervisor Robert Tebbutt spoke with DEC and they will be moving forward with their decision soon.
- 4. RESCUE SERVICE CONTRACT:** All the supervisors in the area have been invited to a meeting on Tuesday, April 19 at 6:00 p.m. to discuss the Rescue Service Contract funding with the Village of Saranac Lake. A letter dated March 23 from the Village of Saranac Lake was distributed to the Board concerning this issue.

#### **OLD BUSINESS**

- 1. PAUL SMITHS-GABRIEL'S VOLUNTEER FIRE DEPARTMENT CONTACT (Supervisor Tebbutt):**

#### **RESOLUTION #47**

#### **AUTHORIZATION TO APPROVE CONTRACT WITH PS-GVFD FOR FIRE PROTECTION**

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

**WHEREAS**, a Public Hearing was held on March 31, 2005 for public input on the Paul Smith-Gabriel's Volunteer Fire Department Contract, and

**WHEREAS**, changes proposed at the Public Hearing were incorporated into the contract as follows: The agreement is effective as of January 1, 2005 and the approval of the State Comptroller is no longer required.

**NOW THEREFORE BE IT RESOLVED** that the Supervisor be authorized to sign the contract with the Paul Smiths-Gabriel's Volunteer Fire Department for a five-year period beginning January 1, 2005 and ending December 31, 2009 with the following payment schedule:

2005 - one payment for \$61,905.00

2006 - two payments of \$31,881.50 on February 1 and April 1, 2006 Total of \$63,763.00

2007 - two payments of \$32,838.00 on February 1 and April 1, 2007 Total of \$65,676.00

2008 - two payments of \$33,823.00 on February 1 and April 1, 2008 Total of \$67,646.00

2009 - two payments of \$34,838.00 on February 1 and April 1, 2009 Total of \$69,676.00

**And**

**BE IT RESOLVED**, that the payment of \$61,905.00 for 2005 be made at this time.

**Roll Call Vote: Aye 4** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Lydia Wright), **Nay0, Abstain 1** (Steve Tucker)

**Resolution #47 declared duly adopted.**

- 2. LITTER LAW REVIEW (Local Law #3-2001)(Lydia Wright and David Knapp):** Met with the District Attorney's (DA's) Office on March 18. Asked Jack Delahanty, Assistant DA, about the Town Board's involvement with enforcing the "Litter Law". He said very strongly that the Town Board is to have no involvement with the enforcement of the Litter Law violations. Involvement by the Town Board corrupts the nature of the case. Board Members can be subpoenaed if they have knowledge of the case. The knowledge of who appears to be violating the law is between the Code Enforcement Officer (CEO) and the individual. The CEO is the "police officer" in this case and does the investigation to determine if he needs to bring a charge against the violator. A copy of the violation is filed with the Town Clerk. The DA's Office is willing to educate the CEO. The DA's Office will be contacting the CEO to provide him with guidance for following the law. In regard to the "Litter Law" itself, because it is a misdemeanor, violations are tried before a jury. It provides a higher case of guilt ("beyond the shadow of doubt") if the conviction is upheld. This protects the town from bias of enforcing the law selectively. The DA's Office can appoint the Attorney for the Town to prosecute if they wish but it is their decision. The "Litter Law" is basically a sound law and the problems with it have been procedural.

**Supervisor Tebbutt and John Quenell** asked who pays the fees and what should the board do next.

Discussion was held and who pays the fees was not determined.

**David Knapp** said the Board does nothing. It is up to the CEO to determine if people are violating the "Litter Law" and follow the procedures in the law just like he does with the Building Code.

**John Quenell** asked who was going to tell Ed Lagree that the District Attorney's Office was going to contact him.

**David Knapp** said he will contract the Code Enforcement Officer to determine if the DA's Office contacted him.

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

- a. Maintenance Position:** A description for the maintenance position was distributed to Board members. Wording for the position from County Civil Service for a "laborer" should be kept on file since a "laborer" is already a position within the Town.

**RESOLUTION #48**

**AUTHORIZATION TO ADVERTISE FOR HIRING A LABORER FOR TOWN MAINTENANCE**

**Motion made** by David Knapp, **second** by Supervisor Robert Tebbutt, **to Wit:**

**WHEREAS**, there is not a person available to maintain the Town buildings and grounds since the resignation of the maintenance person, and

**WHEREAS**, the grounds and buildings are required to be maintained and can be done so on a part time basis, and

**WHEREAS**, there are funds in the 2005 Budget for contracted maintenance,

**NOW THEREFORE BE IT HEREBY RESOLVED**, that an advertisement be published in the Adirondack Daily Enterprise as follows: "The Town of Brighton is seeking a hourly laborer on an 'as needed basis'. Typical work activities include maintenance and repairs associated with the Towns facilities; grounds maintenance; general handy man. Candidates should be prompt, organized and capable of working alone. Hourly rate of pay will be dependent upon the candidates experience. Please send resumes along with references to : Town of Brighton, PO Box 260, Paul Smiths, NY 12970"

**Roll Call Vote: Aye 5** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay0**  
**Resolution #48 declared duly adopted.**

- b. FRONT STEPS:** Contacted the Association of Towns to determine the best way to pursue getting the steps repaired. They said to refer to the Town purchasing policy and Attorney for the Town. David Knapp read an email from Scott Goldie addressing the wording of the advertisement. Generally the wording of the ad should be specific to the work to be performed. The detail of the actual work to be performed can be included in the contract. He suggested the applicants be required to provide proof of Workers Compensation Insurance and general liability insurance with their quotes. It should be spelled out who will be responsible for obtaining the necessary permits and supplies. There is a detail drawing available from Crawford and Stearns of the work to be accomplished. David Knapp read the ad he has proposed for this project. He discussed different ways to install a railing on the stairs. Pat Willis requested that the stone piers be repaired while the steps are being repaired. This was put on hold until the next meeting.

- 4. TOWN HALL CITIZENS COMMITTEE: Lydia Wright** asked if she could address the Town Hall Restoration and Addition Project since it was not listed on the agenda under "Reports". She said Kevan Moss has very graciously volunteered to accept the position of Co-Chair for the Town Hall Citizens Committee if the Board would appoint her.

**Supervisor Robert Tebbutt** thanked Kevan Moss for accepting this appointment.

**Kevan Moss** gave a report on the Committee meeting from April 12. The Committee made the following recommendations to the Town Board:

- a.** The Town Board should change the name of the Capital Project Fund to remove "Phase 1". They should provide additional funding of \$39,000 toward Town Hall repairs. There will be about \$351,801 in funds left in the General Fund account at the end of the year that is well above the 25% recommended by the State Comptroller's Office.
- b.** The Town Board should proceed immediately with the building of the addition to the Town Hall. Careful consideration was given to the thorough and find document that Pat and Tom Willis put together, however the committee feels that the money and political capital in hand from Betty Little far outweigh the possibility of receiving a SHPO grant at some future date. The \$40,000 grant from Betty Little could be spent to cover the new addition to the Town Hall including foundation, cap, walls, window and roof. The addition is only 19'X17' or 323 square feet, at \$100 a square foot this is only \$32,200. There is no plumbing needed. The inside does not need to be finished off right away. When people see what the building looks like they will be more willing to donated funds.
- c.** Repairs to the front steps should include repairs to all four cobblestone piers and stone paving. Repairs should be completed as soon as possible. A "Handicapped Parking" sign and painted lines should be put in place next to the lift. Estimate expense for this is \$10,000. It was noted that cars and trucks should not be driving on the cobblestone walkway.

**Peter Martin** said that the funding from Betty Little was intended for the addition and needs to be used in a timely manner if the Town wants her support on future projects.

**Supervisor Robert Tebbutt** said he would like more time to review this information and wait for the building sketches to be sent from the architect before he makes a decision. **He called a special meeting to be held on Thursday, April 28, 2005 at 6 p.m. to further discuss this issue.**

**NEW BUSINESS:**

**ADDITION OF WASTEWATER PROVISIONS:** Supervisor Robert Tebbutt said he distributed a memo to Board members in March concerning adding a wastewater provision to the building permit. Deferred to next meeting since no one had the information.

**REPORTS**

1. **JUSTICE (Santagate):** There were 89 cases disposed during March. A check for \$9088.00 was given to the Supervisor and a receipt was requested.

2. **HIGHWAY (Quenell, Tucker, Oliver):**

- a. Painted rooms in the new garage
- b. Installed the septic system for the new garage
- c. Thawed culverts on Keese Mills Road
- d. Diverted water in several places on the roads
- e. Started landscaping for the new garage
- f. Received a new flail mower for cutting road side grass
- g. Purchased hydraulic kits to attach the sweeper to the new tractor.
- h. Need to purchase a new pick up truck, old one to be put up for sale

**Lydia Wright** asked what the truck was used for and could the purchase be put off another year.

**John Quenell** said the truck was in bad shape and had front end problems

**Steve Tucker** said the truck was used to plow parking lots and the Hobart Road when the blowing snow was a problem.

**David Knapp** asked if small maintenance such as changing light bulbs or shoveling snow could be added to the Highway employees job description. They are currently rated as MEOs.

**Steve Tucker** said the problem with trying to use them for maintenance is that they are not available in the summer due to being on vacation.

**John Quenell** said a job description is not listed but is referred to in the union contract .

Further discussion was deferred to the next meeting.

**RESOLUTION #49**

**AUTHORIZATION TO PURCHASE HYDRAULIC COUPLING KITS FOR TRACTOR/SWEEPER**

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

**WHEREAS**, the new tractor and mower are not compatible, and

**WHEREAS**, two quotes for the same amount were received for the purchase of hydraulic coupling kits to attach the mower to the tractor, and

**WHEREAS**, there are enough funds in the Highway Fund to cover this purchase,

**NOW THEREFORE BE IT RESOLVED, that the Superintendent of Highways is authorized to purchase hydraulic coupling kits from Burke Farm Supply in Burke NY for \$1181.88.**

**Roll Call Vote: Aye 5** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay0**  
**Resolution #49 declared duly adopted.**

**RESOLUTION #50**

**AUTHORIZATION TO PURCHASE NEW PICKUP TRUCK WITH PLOW ON STATE CONTRACT**

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

**WHEREAS**, the pick up truck is five years old and needs to be replaced, and

**WHEREAS**, the funding for a new truck was provided for in the 2005 Highway Budget,

**WHEREAS**, three quotes were received from businesses with State Contracts for a 3/4 ton pickup truck with plow as follows:

**DODGE: \$23,215.00**

**CHEVROLET: \$25,489.00**

**FORD: \$22,193.00**

**NOW THEREFORE BE IT RESOLVED, that the Superintendent of Highways be authorized to purchase a 3/4 ton F250 pick up truck with plow from Van Bortal Ford in Victor, NY, for \$22,193.00 plus delivery.**

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

**Resolution #50 declared duly adopted.**

- 3. INSURANCE AND INVESTMENTS (Quenell):** Employee dishonesty coverage does not cover deputies. Received a new quote from the insurance agent for bonding all employees up to \$100,000 per person and \$500,000 per event regardless of position. An agent rider for the bookkeeper is also available. The annual premium is \$896.00 for all three coverages. The deductible for this policy is \$1000, currently the Town has a \$500 deductible. This company will not bond the Town for over \$500,000.

**Lydia Wright** asked if the Board could have a chance to look at the policy before voting on it.

**Supervisor Robert Tebbutt** said that John Quenell is the Insurance Committee and he has looked into it so the Board should accept his word on it.

**Amber McKernan** said the \$500,000 coverage was not enough for the Tax Collector position, she reminded the Board that the Comptroller's Office recommends the coverage should equal the whole warrant she is required to collect.

**John Quenell** asked if Amber McKernan could provide a day to day bank balance over the four months she collects taxes. He does not believe she needs to be covered for over \$500,000.

**Amber McKernan** said she wrote a check for \$495,000 for the Franklin County Treasurer and still had \$30,000 left in the account to cover bad checks.

**John Quenell** asked her to control her account and not let the amount get over \$500,000 at any one time.

**Amber McKernan** said it depends on who is available to accept checks from her during the time she collects.

**David Knapp** said that if she gets a lot of payments at one time she has to make the deposits.

**Lydia Wright** said there should be other companies that will bond for more than \$500,000.

**John Quenell** said he was only reporting what he was told by the bonding agent. He said Amber McKernan could control the amount in the account to keep from going over the \$500,000 limit.

**Amber McKernan** said that at her training for Tax Collectors there are Towns who deposit over \$1 million a day so there must be companies that bond them.

**John Quenell** said that this company will only bond for \$500,000 based on the size of the Town.

**Supervisor Robert Tebbutt** tabled the discussion until the next meeting.

#### **4. TAX COLLECTOR:**

- a. Posted 832 tax payments to date, which represents 94% collected. This number is over the number of parcels collected from in the past four years. To date collected \$1,141,748.10. The Collection Summary from the BAS computer program shows \$1,188,610.57 collected, \$48,443.78 was paid by various utilities directly to the County Treasurer. Those payments are posted by this office as part of the numbered tax bills sent out.
- b. Issued checks #731 and #732 to tax payers as refunds for overpayments on March 28 and April 5 respectively.
- c. Issued check #733 to Robert G. Tebbutt, Supervisor Town of Brighton, in the amount of \$842.01 which is the amount of penalties and second mailing fees collected since March 10. To date \$1,519.31 in penalties has been received.
- d. March 15 sent out second mailings for 122 unpaid tax bills. Because of the change in format from the other second mailings, several payments had to be returned due to the fact the \$2.00 second mailing fee was not included in the payments.
- e. During March collected \$45,637.42 in tax payments
- f. Received notice of the Extension of the Warrant from the Franklin County Treasurer's Office which allows for continuing to collect taxes beyond the New York State deadline of March 31. Will be collecting until the last day of April. Received the necessary forms and instructions for turning the tax roll over to the county at the end of the collection season.
- g. Sent out 5 faxes and received 19 phone calls regarding tax matters

- 5. CODE ENFORCEMENT (Ed Lagree):** Issued 2 building permits as of March 31, completed 4 and renewed 3 building permits from 2004 with 24 still open, renewed 9 and closed 1 building permit from 2003, renewed 4 building permits from 2002 with 6 still opened, and renewed the 3 building permits still open from 2001.

#### **6. CEMETERY (Tucker):**

- a. **Flags and Grave Markers:** Received a request from Bob Byno to purchase flags and grave markers.



**RESOLUTION #51**

**AUTHORIZATION TO PURCHASE FLAGS AND GRAVE MARKERS FOR THE CEMETERIES**

**Motion made** by Steve Tucker, **Second** by Supervisor Robert Tebbutt, **To Wit:**

**WHEREAS**, the graves for Veterans need flags and grave markers for Memorial Day,

**NOW THEREFORE BE IT RESOLVED**, that Bob Byno be authorized to purchase 100 flags and 16 grave markers for veterans' graves in the amount of \$630.00 using funds from the Veterans's Fund of \$483.71 and from the General Fund Cemetery Account (A8810.4) for \$146.29.

**Roll Call Vote: Aye 5** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay 0**  
**Resolution #51 declared duly adopted.**

- b. **Mowing:** Contacted the Career Development Department in Malone. They have people who repay the county for social services by working for government entities. There are people who are willing to mow and clear weeds but they need a supervisor. Dan Spencer is unable to do this due to his health insurance situation. If the Town was willing to make Dan Spencer a full time employee with health insurance he would be willing to supervise the mowing of the cemeteries. Discussion was held concerning who would supervise these individuals. No determination was made.

**7. PARK (Tucker):**

- a. Received a list of the materials required to make the handicapped picnic tables from Camp Gabriels. This list will be given to Fran McAllister of Paul Smith's College. The sawmill will reopen during the summer school session. Four tables are needed for the park.
- b. Dan Spencer has been raking the needles at the Park. Camp Gabriels has offered a camp work crew to help rake the needles. The crews are smaller than in the past and they are encouraged to be used in the home town of the prison. They will also rebuild the broken fire places.

**Amber McKernan** asked about the dead tree in the park that needs to be taken down. The snow fence also needs to be removed the rest of the way.

***CITIZENS' COMMENTS***

**Bob Byno - Split Rock Road:** Thanked the Town Board for making the cemeteries the best in the area for veteran's. He showed samples of the grave markers he will be purchasing.

**Supervisor Robert Tebbutt** thanked Bob Byno for offering to maintain the flags and grave markers for the Veterans.

**Tracie Santagate - McColloms:** Said she was looking at the budget provided at this meeting for the Highway Garage Project and asked how bound the Board was to keeping to the budget. She is pleased they provided a budget for the Garage Project but she submitted a FOIL request to look at the vouchers for the garage project and up to March 2005 the Town had already spent \$469,000. When she asked for an accounting at previous meetings the Board should have been able to provide this information since a substantial amount had already been spent on the project. She is concerned that more months will go by before another accounting is rendered and the Board may have over spent on this project. For example the destruction of the old garage is estimated at an amount that exceeds the projected budget. The Board is spending a lot of money on the Highway Department for a truck, tractor, mower, and a printer. She asked if the job would stop when the Board hits \$570,000 or will they continue to spend on the new garage.

**John Quenell** said there should be an accounting every month. The Town received a quote for \$17,000 to remove the building and this was rejected. A cheaper method will be determined.

**Lydia Wright** said the Town is bound to the \$570,000.

**Tracie Santagate:** Asked if all board members get a copy of resolutions before the Board meeting starts. She said she finds it embarrassing to see a council member tearing off a resolution to pass around to other board members to see before voting on it. She was surprised that the Supervisor asked to be given time to review information given to him at a board meeting but expects the other board members to vote on resolutions they have not had the opportunity to review. She would have a hard time making a decision on the small amount of information provided during the meeting. She has observed that each board member does not have the same information before them and if she were a board member she would like to have her own copy and not a copy torn off from someone else's notes.

**Lydia Wright** said she finds it demeaning to have to ask for copies of resolutions during a meeting. The Supervisor and Council Member John Quenell have copies of resolutions but the rest of the board does not. She would like the Supervisor to provide copies of resolutions he is going to propose during a meeting before the meeting starts.

**Town Clerk Elaine Sater** also asked to be provided with copies of resolution to aid in the minute taking and preparing.

**Supervisor Robert Tebbutt** said to consider it done.

**Tracie Santagate:** Said she often hears compliments for the Highway Department. She is very impressed with the level of professional of the other Town Officials and their high accountability, especially the Tax Collector, Town Clerk, and Court. Robert Byno always accounts to the penny for what he spends.

**Peter Martin - Rainbow Lake Road:** Asked why the work for Town forces was not noted on the Highway Garage Project. There should be some costs associated with the work they do, especially if they are saving the Town money by doing the work like installing a septic system.

**Supervisor Robert Tebbutt** said he would ask Don Oliver for an accounting of the work done.

**Peter Martin:** Said there was an article in the newspaper concerning the Rescue Service. He asked if this was the Town Board's recommendation, because if it was they underestimated the cost to run a Rescue Service. The Town cannot start a Rescue Service for \$146,000. Used trucks alone are \$60,000 and the equipment is very expensive. The area cannot be covered by one truck. Two EMT's cannot cover the area and the cost to train them is very high. The article led people to believe that this was a start up cost.

**John Quenell** said the \$146,000 was for an ongoing annual average cost not a start up cost.

**Lydia Wright** said that as a Board member she was not privy to the where the dollar amounts came from in the paper. She read the minutes of the March 10 meeting where the Supervisor said alternatives were being looked into by the Paul Smiths Gabriel's Volunteer Department and the Airport. The Town Board did not agree to look into starting a rescue service.

**Supervisor Robert Tebbutt** said this was all very new to him.

**Tom Willis - Garondah Road:** Asked when the Food Pantry would be moving into the new Highway Garage.

**Supervisor Robert Tebbutt** said this has not been discussed yet. They need to look into insurance first.

**John Quenell** said the Highway Department has to get established first before they can move in, but it would be soon.

**Tom Willis:** The Town Hall Restoration Fund is now at \$14,290.

**There were no further citizens comments.**

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

#### **RESOLUTION #52**

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

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

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

**PRE-PAID: Abstract #2 for Voucher #2A through and including #2C for General Funds in the amount of \$727.11 and Street Lighting Funds in the amount of \$57.20**

**GENERAL FUND: Abstract #4 for Voucher #98 through and including #122 for funds in the amount of \$21,514.26**

**HIGHWAY FUND: Abstract #4 for Voucher #28 through and including #35 for funds in the amount of \$7,301.59**

**SPECIAL DISTRICT(Fire Contract): Abstract #1 for Voucher #1 for funds in the amount of \$61,905.**

**CAPITAL PROJECT (HIGHWAY GARAGE) FUND: Abstract #13 for Vouchers #49 through and including #54 in the amount of \$45,726.49.**

**Roll Call Vote: Aye 5 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), Nay 0  
Resolution # 52 declared duly adopted.**

**ADJOURNMENT: Motion to Adjourn made at 10:21 p.m by John Quenell, Second by David Knapp, Aye 5**

Respectfully Submitted,

Elaine Sater  
Brighton Town Clerk