

**The Regular Meeting of the Town Board of the Town of Brighton was held Thursday, May 9, 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, Nik Santagate-Justice, Amber McKernan-Tax Collector, Tom Willis-Historian

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

**GUESTS:** None

**Meeting was Called to Order** by Deputy Supervisor Alicia Bodmer **at 7:04 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 April 11, 2002 with the following addition: Page 3, Old Business, Para 10, Line 6 at end, Add “A letter was also received from Robert Tebbutt.”** second by Linda Dobson, Aye 4, Vacant 1(Supervisor)

**TOWN CLERK REPORT**

Total Revenue to Supervisor as of APRIL 30, 2002 was \$ 628.50

- 4 Certified Copies
- 8 Dog License Renewed
- 5 Building Permit (BRI2002-06 through 10)
- 1 Copy on the Copier
- Town Hall Use Donation

1. April 16, 2002, Faxed Public Notice to the Adirondack Daily Enterprise, Re: Town Clerk’s Office closed on April 23 & 2, it was published Friday, April 19, 2002
2. Attended NYS Town Clerk’s Association Annual Conference April 21 to 24 in Saratoga Springs, does the Town get Sales Tax from the County? Deputy Supervisor Alicia Bodmer will contact county and ask.
3. Training Classes available: Schedule of Live, Interactive Satellite Teleconferences for May and October was received and distributed to Town Officials
4. Received letter dated April 23, 2002, from the Department of Environmental Conservation, Re: Clean Water Act 30<sup>th</sup> Anniversary Celebration for Oct 2002, does the Town of Brighton plan to participate? Information sheets are available
5. May 1 received Tentative Roll from Assessor Doug Tichenor
6. May 2, 2002 received letter dated May 1, 2002, from Northbrook Lodge, Re: Renewal of Summer Liquor License for 2002
7. Rabies Clinic will be held Wednesday, June 5, 2002, at the Town Garage from 5 to 6 pm
8. Park Use Schedule: None, however the Saranac Lake Women’s Softball would like to use the fields on Monday, Wednesday, and Fridays during June and July
9. Town Hall Schedule: Assessor will sit at the Town Hall: Tuesday, May 14 (9 am to 1 pm) and Saturday, May 25 (9 am to 1 pm), Board of Assessment Review will meet Thursday, June 6, 2002, from 5 to 9 pm, Food Pantry will be held Thursday, May 16 and June 6 from 3:30 to 4:30 pm.

**SUPERVISOR’S REPORT AND CORRESPONDENCE**

***FINANCIAL BUSINESS AT HAND:***

**1. Budget Amendment #4**

**RESOLUTION #49**

**AUTHORIZATION TO AMEND GENERAL FUND BUDGET FOR 2002( #4)**

**Motion made** by John Quenell **to authorize Budget Amendment #4 to the 2002 Budget General Fund as follows: Transfer \$850 from A1990.4 (Contingent) to A1355.4 (Assessor CE) to cover the Board of Assessment Review Expenses and the Assessor’s telephone for the remainder of the year,** second by Steve Tucker, 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 #49 declared duly adopted.**

2. **Highway Garage-**Has two requests for purchases: New Hacksaw and Logs for wood stove, and one request for advertising for bids

**RESOLUTION #50**

**AUTHORIZATION TO PURCHASE NEW BANDSAW FOR TOWN GARAGE**

**Motion made by John Quenell to authorize Superintendent of Highways, Donald Oliver, to purchase a Industrial Size Band Saw for \$749.50 from M.I.S. Inc. of Malone, 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 #50 declared duly adopted.**

**RESOLUTION #51**

**AUTHORIZATION TO PURCHASE LOGS FOR TOWN GARAGE WOOD STOVE**

**Motion made by John Quenell to authorize Superintendent of Highways, Donald Oliver, to purchase a load of logs NOT TO EXCEED \$500 for the Town Garage wood stove, 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 #51 declared duly adopted.**

**RESOLUTION #52**

**AUTHORIZATION TO ADVERTISE FOR BIDS TO SELL 9-TON TANDEM TRAILER**

**Motion made by John Quenell to authorize Superintendent of Highways, Donald Oliver, to advertise for bids to sell a 9-ton tandem trailer that the Town Highway can no longer use, 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 #52 declared duly adopted.**

**NEW BUSINESS**

**1. Draft Response to NYS Comptroller's Audit:** A draft response has been prepared and addresses the following issues:

- a. Bonding of employees, specifically the Tax Collector and Supervisor. Bonding the total amount of the tax warrant will cost \$675 a year. The Insurance Committee will review this proposal to determine if covering the full amount of the total warrant is necessary.
- b. Written Investment Policy: Linda Dobson and John Quenell are the Investment Committee and they will draft something to cover this item
- c. Fixed Asset Review: The board will designate a Fixed Asset Manager and investigate a database setup for managing the program. Don Oliver, Alicia Bodmer and Steve Tucker will look into this issue.

**2. Jet Ski Signage:** Tabled until resident with questions is in attendance

**3. ATV Signage:** Received request to post signs at the Town Line on Keese Mills Road showing that ATV's are not authorized on the town roads in the Town of Brighton.

**RESOLUTION #53**

**AUTHORIZATION TO POST ATV SIGNAGE FOR KEESE MILLS ROAD**

**Motion made by Deputy Supervisor Alicia Bodmer to authorize the Town Highway Department to post standard state signs stating "ATV are not allowed beyond this point" at the Brighton Town Line and at the New York State Route 30 end of the Keese Mills Road to warn ATVer's who may not be familiar with the area, 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 #53 declared duly adopted.**

**4. Technical Assistance in Traffic Engineering and Transportation Planning for Localities:** Grants are available from the Department of Transportation from 2002-2003. Steve Tucker and Don Oliver will look package over and determine if it can be applied to the Town.

*OLD BUSINESS*

**1. Appointment of Supervisor:**

**RESOLUTION #54**

**APPOINTMENT OF SUPERVISOR**

**Motion made by Steve Tucker to appoint Art Leavitt as Supervisor of the Town of Brighton, second by Alicia Bodmer, Aye 2 (Bodmer & Tucker), Abstain 2 (Dobson & Quenell), Vacant 1 (Supervisor)**

**Roll Call Vote:**

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

**Resolution #54 Not Adopted**

**2. Evergreen Update:** Nothing to report

**3. Brighten Brighton-Final Report:** Linda Dobson received a phone call about the final report for the Grant to the Town from the Adirondack North Country Community Enhancement Program. The final report was never turned in when the work was completed. Since the grant was not used up by October 2001 an amendment has to be made to the original contract to cover the fencing for the park. Vouchers, copies of checks, and photos were gathered up to attach to the report and will be submitted. Deputy Supervisor Alicia Bodmer must be authorized to sign the Final Report.

**RESOLUTION #55**

**AUTHORIZATION TO RECEIVE GRANT FUNDS FROM DEPARTMENT OF HOUSING & COMMUNITY RENEWAL**

**WHERE AS,** the Town of Brighton has successfully applied for grant funds from the Adirondack North Country Community Enhancement Program as administered by the New York State Department of Housing and Community Renewal, and

**WHERE AS,** the Town of Brighton has conducted a town-wide clean-up initiative called “Brighten Brighton” and encouraged residents to rid themselves of stock piled debris, **NOW BE IT HEREBY**

**RESOLVED by the Board on behalf of the Town of Brighton to enter into contractual agreement with the New York State Department of Housing and Community Renewal to receive said grant funds, AND BE IT FURTHER**

**RESOLVED, to authorize Alicia Bodmer, Deputy Supervisor, to sign a contract and/or any other necessary official documents on behalf of the Town of Brighton.**

**Motion made by Linda Dobson, 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 #55 declared duly adopted**

**4. ALDELPHIA FRANCHISE UPDATE-John Quenell:** Second draft has been received, items have been changed as follows: Change contract to 10 years only, remove items that prevent other companies from coming into the Town, and make the franchise fee zero (0). Will send the draft on to the Department of Public Services for their review. Public Hearing is next step.

**RESOLUTION #56**

**AUTHORIZATION FOR A PUBLIC HEARING ON ADELPHIA FRANCHISE CONTRACT**

**Motion made by Deputy Supervisor Alicia Bodmer to hold a Public Hearing on Thursday, June 13, 2002, at 6:30 p.m. for the Purpose of public input on the Adelphia Franchise Contract with the Town of Brighton, second by Steve Tucker, 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 #56 declared duly adopted.**

**5. EASY STREET JUNKYARD:** Nothing to report

**6. HIGHWAY GARAGE UPDATE-Ground Water Testing-John Quenell:** Received a quote from Alton Knapp of Knapp Associates for testing the potential water contamination at the Town Garage

**RESOLUTION #57**

**AUTHORIZATION FOR KNAPP ASSOCIATES TO TEST WATER FOR PETROLEUM CONTAMINATION AT HIGHWAY GARAGE**

**Motion made** by Deputy Supervisor Alicia Bodmer **to authorize the expenditure of \$1,708.00 for Knapp Associates to test the water for possible petroleum contamination at the Highway Garage,** 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 #57 declared duly adopted**

**7. LANDFILL CAPPING UPDATE:** The second voucher for reimbursement has been sent to the State. A principal payment is due before July 1, 2002, to Environmental Facilities Corporation for the bond

**8. ANNUAL FISCAL REPORT:** Joan Sturick, Bookkeeper, is working with State Comptroller's Office to get the Annual Report for 2001 completed. She needs only two pieces of information before it is completed and filed. A survey was completed on the Auditor; he did a super job.

**COMMITTEE REPORTS:**

**1. COURT- Nik Santagate:**

- Disposed 58 cases in April and sent \$2,260 to the State Comptroller's Office
- Was account cleared from last month? Bookkeeper just received information to do it.
- The non-jury trial was postponed on Friday, May 3; no new date set
- Town Justice training is on Saturday May 11 recommends that the other Town Officials take advantage of training available to them. It is a good reminder of why we are doing what we do as Town Officials: To serve the people.

**2. HIGHWAY –John Quenell:**

- Swept paved roads and raked dirt roads
- Prepared trucks for summer use
- Rabies Clinic Scheduled for June 4 has changed to June 5
- Should the Oshkosh truck go out to bid? Tabled until Don Oliver can answer questions
- An informal contract has been made with Alton Knapp to provide advice on a salt storage facility; research for grant funds will be conducted

**3. INSURANCE - John Quenell:** Nothing to report

**4. ASSESSOR-Alicia Bodmer:**

- The assessor will be Hearing Complaints on Tuesday, May 14 and Saturday, May 25 at the Town Hall from 9 am to 1 pm.
- Grievance Day is scheduled for Thursday, June 6, 2002 from 5 to 9 pm
- A publication containing procedures for contesting an assessment is available at the Assessor's Office or the Franklin County Real Property Tax Services in Malone

**5. TAX COLLECTOR- Amber McKernan**

- Twelve Deposits were made in the amount of \$19,792.65 from 26 parcels, 792 parcels are paid, 73 are outstanding. Collected to date: \$803,921.33
- Second mailing was sent out on 89 parcels on Monday April 15. A spreadsheet was created to calculate the penalties for payments after April 1 and April 30, which were not printed on this year's tax bill. A \$2.00 second mailing fee was added to those amounts and printed for sending with the second tax bill. An amended notice was sent out in error at no cost to the taxpayer. This added an additional \$2.00 to the bill. The figures on the original tax bills were correct; the error was in the format. Refunds were sent back to people who paid from the incorrect tax bill. (Check #'s 361, 362, 363, 365, 366, 367, and 369 for \$2.00 each)
- A refund for \$4.89 was issued (Check #364)
- Fifth payment to Franklin County Treasurer (FCT) of \$26,000 (Check #368), total to FCT to date is \$330,000
- Penalties and fees collected and paid to Deputy Supervisor Alicia Bodmer are \$335.40 (Check #370)
- Bank statements for April were received and balanced
- Membership fee for NYS Association of Tax Collectors and Receivers was paid

**6. CODE ENFORCEMENT-Ed Lagree:** As of April 10, 2002, 37 building permits from 2001 still open, 13 are completed. Issued 6 building permits for 2002, one is completed

**7. CEMETERY – Linda Dobson:**

- One burial in Section 1 of Mt View during April, met with Andy Fortune at the cemetery to determine if and where there was enough space for this and future family burials. Thanks to Ruth Woodward and John Quenell for getting the cemetery map when it was needed.
- Survey fieldwork was completed on May 8, 2002. Stacey Allott of Geomatics anticipates delivery of map will occur next week

**8. PARKS & RECREATION-Steve Tucker:**

- a. Dan Spencer, Park Attendant, is completing the raking of needles and leaves
- b. Would like a sign put up on the pavilion saying it can be reserved to prevent people from using it when someone else reserves it. Will ask Camp Gabriels to make one.

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

- a. Survey was mailed to 36 communities, received 26 back so far. Towns closest to us are not very responsive, received more from Essex County than Franklin
- b. Will be compiling the data and establishing a committee in the next month

**CITIZENS COMMENTS:**

**Robert Byno-**

a. **Board of Assessment Review (BAR)** (Robert Byno, “Buster” Samburgh, and Phil Delarm) attended training in Malone on May 2, 2002. Elaine Sater will be the secretary for the BAR on June 6, 2002, Grievance Day.

b. **Camp Gabriels Crew:** Cleaned up the cemeteries and put up new flag at Town Hall. Will be butting up new flags and grave markers before Memorial Day

**Terry Monteau -** Does Town have a policy manual? Town has policies but they are not in a book.

**Tom Willis-Garondah Road:**

a. **Adelphia:** Company is not in good financial condition, does contract have a provision if Adelphia is bought out? John Quenell will ask Mr. Sutphen is this is covered.

b. **Brighton 2000 Project:** Color books are back from bindery, copies are distributed to Libraries in the area. Two copies are available for the Town. One will go in the vault. Forty-five black and white copies have been made. Copies are available; the price is \$12.00 each. The pictures are at the Visitor’s Interpretive Center in Paul Smiths for the month of May. They will be stored in the archive room at Paul Smith Library

c. **National Register:** No new information, waiting approval from State

**Doug Duquette-**Agrees with Nik Santagate’s statement that Town Officials need to serve the people, would like the Town Board to appoint a Supervisor. It is not fair to Deputy Supervisor to expect her to do all the work of the Supervisor for no pay. It is not fair to the Taxpayers. Did the board have someone else in mind? Would like an answer. John Quenell said it is a Board decision to appoint a Supervisor; he has no one else in mind.

**John McBride-Keese Mills Road:** Would like some additional “Children at Play” signage on the Keese Mills Road to slow the cars down

**Tracie Santagate-McCollum’s:**

a. **Supervisor:** Doesn’t make sense to her why a former supervisor is not appointed as Town Supervisor, confused as to the non-communication by Board members as to why they don’t want to fill the vacancy.

b. **Executive Session-** Board cannot go into Executive Session for possible litigation, only for proposed litigation

c. **Comptroller’s Audit-**Board themselves should be auditing books of Town

**Phil Delarm-**Feels the same way as Doug Duquette, has been waiting three months for the Board to appoint a Supervisor, only one person has showed an interest, why doesn’t board appoint him? Would like to board to take another vote.

**Bob Griffin-**Was there another name of someone who was interested in the Supervisor job? Deputy Supervisor Alicia Bodmer said that Robert Tebbutt had submitted a letter but she has not heard from him or seen him at a Town Board meeting, she does not know if he is still interested.

**Tom McKernan-Rainbow Lake Road** –Right now is the reason the Town needs a Supervisor; there is a deadlock on the vote. Steve Tucker said there should be five members on the Board, the people voted for five people to be on the board so the board should appoint the fifth person. John Quenell said he feels they don’t need five people on the board. He said the people can elect the Supervisor in November. The board doesn’t have to appoint a fifth person right now.

**Someone** stated that whoever is appointed must run for election in November anyway.

**Phil Delarm-** Feels the boards needs the five people to vote on issues for the Town. He stated that the Deputy Supervisor said she did not want the Supervisor job. John Quenell said that the board has done a lot a business with four people on the Board and he feels the fifth person doesn’t need to be appointed. Phil Delarm asked if John Quenell would like the job. Alicia Bodmer said she is committed to doing the Deputy Supervisor’s job.

**Tracie Santagate-**Is uncomfortable without a Supervisor appointed. Asked what the decision not to appoint a Supervisor was based on?

**Doug Duquette-**Thinks the reason for not appointing a Supervisor has to do with the issue of a board member’s domicile. Would like to see the board vote again for a Supervisor.

**RESOLUTION #58**

**APPOINTMENT OF SUPERVISOR**

**Motion made** by Steve Tucker **to appoint Art Leavitt as Supervisor of the Town of Brighton**, second by Alicia Bodmer, Aye 2 (Bodmer & Tucker), Abstain 2 (Dobson & Quenell), Vacant 1 (Supervisor)

**Roll Call Vote:**

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

**Resolution #58 Not Adopted**

**Cecil Delarm**-Board members have no reason not to vote for Art Leavitt to be appointed Supervisor. He will only be in until November if he is appointed now.

**Bob Griffin**- Are there major issues in the Town right now that needs a Supervisor's attention? Deputy Supervisor Alicia Bodmer said that the Supervisor is a voting member of the Board and is the Town's Fiscal Officer. Steve Tucker said the board was working on a new Town Garage

**Phil Delarm**-What is the Board going to do now? He has seen nothing done for three months and wants to know where the board is going from here. Alicia Bodmer said the Board would work on issues and if there is not a 3-1 vote then the resolutions will not pass

**Tracie Santagate**-Does not wish to see the board alienate the Town residents

**Motion made** by John Quenell to **GO INTO EXECUTIVE SESSION at 8:45 pm for purposes of discussing proposed litigation according to Open Meeting Law, Public Officers Law, Article 7, Section 105d**, second by Alicia Bodmer, Aye 4, Vacant 1 (Supervisor)

**Motion made** by John Quenell to **GO OUT OF EXECUTIVE SESSION at 8:52 pm**, second by Alicia Bodmer, Aye 4, Vacant 1 (Supervisor)

**RESOLUTION #59**

**AUTHORIZATION TO DISCHARGE MORTGAGE FOR HUD PROJECT 94-T3 PART 1**

**Motion made** by John Quenell to **approve the discharge of a \$15,000 mortgage for Part 1 of the HUD Project 94-T3**, second by Deputy Supervisor 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 #59 declared duly adopted**

**RESOLUTION #60**

**AUTHORIZATION TO SIGN CHECKS FOR TOWN**

**Motion made** by Deputy Supervisor Alicia Bodmer to **authorize Alicia Bodmer and John Quenell to sign checks for the Town of Brighton and remove Christopher Leifheit and Roger Smith from the accounts**, 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 #60 declared duly adopted**

**RESOLUTION #61**

**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 theses minutes as follows:**

**ABSTRACT #5-General Fund: Voucher #114 through and including Voucher #134: \$7,621.87**

**ABSTRACT #5-Highway Fund: Voucher #51 through and including Voucher #62: \$4,378.23**

**ABSTRACT #4-Street Light District: Voucher #4: \$52.55**

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 #61 declared duly adopted.**

**Motion made** by John Quenell to **adjourn the Regular Town Board Meeting at 9:04 p.m.**, second by Alicia Bodmer, Aye 4, Vacant 1 (Supervisor)

Respectfully submitted,

Elaine W. Sater  
Brighton Town Clerk