

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

May 10, 2007

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The Regular Town Board Meeting of the Town of Brighton was held on Thursday, May 10, 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 7:00 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: Mary Ellen Salls - Historian, Elaine Sater - Town Clerk, and Amber McKernan - Tax Collector

RESIDENTS: None

GUESTS: Carl Perry, Candidate for Franklin County Legislature, and his wife Rosemary

APPROVAL OF MINUTES

- Regular Board April 12, 2007

Motion made by David Knapp, **second** by Steve Tucker, **to approve the minutes of the Regular Town Board meeting held on April 12, 2007 as written.**

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

- Special Board April 23, 2007

Motion made by David Knapp, **second** by Lydia Wright, **to approve the minutes of the Special Town Board meeting held on April 23, 2007 as written.**

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

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of April 30, 2007 was \$ 614.03

7 Dog Licenses: 2 New and 5 Renewal

3 Building Permit (#07-02 thru 04)

2 Sport Licenses

1 Town Hall Use Donation

1. Received notice dated April 24, 2007, from Northbrook Lodge, Re: Renewal of Liquor License for the season.
2. **TOWN HALL REQUESTS:** Brighton CO-OP, Saturday, May 19, 8 a.m. to 1 p.m.
3. **TOWN PARK REQUESTS:** Daisy Scouts, Sunday, June 3 from 12 to 2 p.m.; BSA Troop 12, Sunday, June 10 from 3 to 6:30 p.m.; AMC, Department of Rehabilitation, Friday, June 22, from 11:30 a.m. to 4:30 p.m.; Petrova Kindergarten, Saturday, June 23 from 11 a.m. to 2 p.m.
4. **RECORDS MANAGEMENT:** All old files no longer needed by Town Departments should be turned over the Records Management Officer as soon as possible for storage.

SUPERVISOR'S CORRESPONDENCE/FINANCIAL REPORT

1. Financial Report:

a. Distributed the Financial Report as of April 30, 2007 to Board members. Interest from CLASS investments for April 2007 was \$2,365.42, interest rate is down a bit. Balances of CLASS Accounts are: General \$358,037.41 and Highway \$216,004.96.

b. **LOAN OF GENERAL FUNDS TO CAPITAL PROJECT FUND:** To cover the cost of the salt shed roof

RESOLUTION #49

AUTHORIZATION TO LOAN GENERAL FUNDS OF \$17,500 TO CAPITAL PROJECT FOR SALT SHED

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

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WHEREAS, there are not enough funds in the Capital Project Fund to pay for the completion of the Highway Garage Project, and

WHEREAS, the cost to complete the Salt Shed roof by JT Erectors is \$17,500,

NOW THEREFORE, BE IT RESOLVED that the Town Board authorizes a loan in the amount of \$17,500 from the General Fund to the Capital Project Fund for the Highway Garage Project to complete the salt shed.

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

RESOLUTION #49 declared duly adopted.

2. Correspondence:

- a. Letter from Senator Betty Little, dated April 26, 2007, RE: Conservation easements on private lands, concerned about the purchase by New York State of conservation easements from the Lyme Timber Company in towns that issued local vetoes. Private land in Brighton was included in this purchase.
- b. Letter from APA, dated April 12, 2007, RE: Wetlands Projects from 2000 being monitored; anyone who has requested a wetland or shoreline permit since 2000 is subject to a visit from the APA. Landowners will be sent a letter of introduction from Kathy Regan and her staff.
- c. Letter from State Comptroller, dated March 2007, RE: Meeting in Canton on May 23, 2007 to discuss retirement issues for anyone who would like to attend
- d. Letter from Governor Spitzer, dated April 23, 2007, RE: Executive Order for Commission to look at combining local government services, counties have been tasked with identifying one major merger, consolidation, shared service or smart growth initiative that is either already underway or can be initiated in the year 2007.
- e. Letter from Governor Spitzer, dated April 25, 2007, RE: Code Enforcement Program, the Department of State is purchasing annual membership to the International Code Council (ICC) for the town

GUEST SPEAKER: Carl Perry is running for Franklin County Legislature on the Republican ticket. He congratulated the Paul Smith's College students for the upcoming graduation on Sunday, May 13. He is the youngest of 12 children and grew up on a farm. He retired from FCI Ray Brook in 2001 and works part time as a Court Attendant for Franklin County Court helping Judge Main. His wife Rosemary will be retiring from working for the county later this year. They have two grown children who are twins. He will be visiting the Town residents during the next few months.

DEPARTMENT REPORTS

1. **ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** Report submitted prior to meeting
 - a. Received 12 phone calls concerning dog matters,
 - b. Sent one renewal reminder letter
 - c. Dealt with horses out of the pasture on State Route 86
2. **ASSESSOR (Doug Tichenor):** Report submitted prior to meeting
 - a. Posted a Notice of Completion of Tentative Assessment Roll, on file with Town Clerk until June 7, 2007
 - b. Will be available at the Town Hall to discuss roll with land owners on Tuesday, May 15 from 4 to 9 p.m.
 - c. Board of Assessment Review (BAR) will meet on Thursday, June 7 from 5 p.m to 9 p.m to hear and examine all complaints in relation to assessments
3. **CODE ENFORCEMENT OFFICER (CEO) (Ed Lagree):** Report submitted prior to meeting
 - a. Four building permits have been issued for 2007, a stop-work order was issued to an individual for building without a permit
 - b. Three building permits completed for 2006, issued one Certificate of Occupancy (COO) and one Certificate of Completion (COC), 24 permits still outstanding, issued 3 renewals
 - c. Two building permits completed for 2005, issued one COO, 8 permits renewed and outstanding
 - d. One building permit completed for 2004, issued one COO, one permit closed, 7 permits renewed and outstanding
 - e. There are 2 building permits outstanding for 2003, both have been renewed
 - f. Supervisor Peter Martin spoke with the Attorney for the Town about changing the local law, a review of the proposed law is needed

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4. TAX COLLECTOR (Amber McKernan):

- a. During the month of April collected \$49,627.53, during May collected \$6,513.10 that was postmarked in April
- b. 2 May issued Check #772 in the amount of \$2.00 as a refund of an overpay.
- c. Friday, May 4, turned books over to the Franklin County Treasurer's Office. Books balanced to the penny. Issued a check #773 to Bryan A. Varin in the amount of \$52,235.06 as the final payment of the warrant for the 2007 tax season. Returned 67 unpaid bills; the County will reimbursement the Town \$134.00 for the \$2.00 second mailing fee on those unpaid bills.
- d. 10 May issued check #774 to Supervisor Peter Martin in the amount of \$1275.27, the final payment of penalties and second mailing fees collected.
- e. Total posted for 2007 is \$1,127,699.56. Collected \$1,099,340.95 of that amount \$2,513.23 were penalties and second mailing fees. Taxes of \$84,066.59 are still outstanding and will be billed and collected by the Franklin County Treasurer's Office.
- f. Currently there are 2 checks still outstanding for refunds of overpays
- g. Have received many phone call regarding tax matters and sent 1 fax
- h. Request that the Board audit the 2007 books at their earliest convenience.

Motion made by David Knapp, **second** by Lydia Wright, **to audit the Tax Collector's books at 6:15 p.m. on Thursday, June 14, ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Martin, Tucker, Wright), Nay 0**

5. TOWN JUSTICE (Nik Santagate): Report submitted prior to meeting

Disposed of several cases and issued a check in the amount of \$2,555 to the Supervisor

6. HISTORIAN - Mary Ellen Salls:

- a. Brighton History Day is being planned for two days, Saturday and Sunday, July 7 & 8 at Moody's Farm, (formerly Asplin Tree Farms). Asked if copying and postage for the mailing of Brighton History Day information would be paid for by the Town. The theme is "Town Reunion". There will be a display of old cars and story tellers will be on hand. The Paul Smiths-Gabriels Volunteer Fire Department will set up on Sunday. Lydia Wright will ask if the stage coach can be displayed.
- b. Asked if copying of materiels for the Brighton Hall Restoration Project could be done at the Town Hall and included in the mailing for Brighton History Day.

Discussion was held concerning this request. Copying and mailing of fund raising materiels cannot be done with Town information since it would appear that the Town was asking for donations for the Town Hall Project. The Brighton History Day information can be copied and mailed at Town expense.

COMMITTEE REPORTS

1. HIGHWAY DEPARTMENT - David Knapp and Steve Tucker:

- a. **Report** submitted prior to meeting
 - i. Plowed and sanded road first half of April
 - ii. Made parking area at sugar bush road for college parking (White Pine Road)
 - iii. Raked all dirt roads
 - iv. Swept sand from all town roads
 - v. Would like to put surplus equipment out for bid: International dump truck and roller
 - vi. Salt shed is completed
 - vii. Getting ready to tear down old garage
 - viii. Servicing lawn tractors

RESOLUTION #50

AUTHORIZATION TO ADVERTISE FOR BIDS TO SELL SURPLUS EQUIPMENT

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

WHEREAS, the International Dump Truck needs extensive repairs, and

WHEREAS, the roller is not used by the Town Highway Department,

NOW THEREFORE, BE IT RESOLVED that the Town Board authorizes Superintendent of Highways Donald Oliver to advertise for bids on the following surplus equipment:

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1. **1975 International dump truck, single axle, V-8 engine**

2. **1965 10-12 ton Gallion roller, 4 cylinder Detroit engine**

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

RESOLUTION #50 declared duly adopted.

b. Other issues

i. Highway Garage Project

(1) **Salt Shed Update:** Roof construction is completed

(2) **Removal of old garage building:** The roofing on the old garage will be put out for bid, highway department can remove the roofing for whoever buys it

RESOLUTION #51

AUTHORIZATION TO ADVERTISE TO ACCEPT BIDS FOR ROOFING ON OLD PART OF GARAGE

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

WHEREAS, the old highway garage can be demolished now that the salt shed is completed, and

WHEREAS, the painted metal roofing on the old highway garage can be reused, and

WHEREAS, people have showed an interest in obtaining the roofing,

NOW THEREFORE, BE IT RESOLVED that the Town Board authorizes David Knapp to advertize for bids on the painted metal roofing on the old highway garage.

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

RESOLUTION #51 declared duly adopted.

ii. Town Roads: McColloms Pond needs to be cleared in case fire fighting equipment needs access to the surrounding area.

iii. CSEA Contract: Still waiting for reply from Highway Department

iv. White Pine Road Bridge: Supervisor Peter Martin will contact the Franklin County engineer to see what is happening, CHIPS funds may be available for the repair.

2. PARK & RECREATION - Steve Tucker and Lydia Wright

a. Geo-cashers helped Dan Spencer fold up the ice tarp and put it away.

b. Inmate crews from Camp Gabriel's cleaned up the needles and broken branches, they did a very good job, the highway department helped remove the debris

c. Port-a-potty needs to be rented for the summer

d. Supervisor Peter Martin said the inmate crew's will rebuild the fire pits if the Town purchases the cement and re-bar. Three fire places will be built in the same place as the old ones.

3. INSURANCE/INVESTMENTS - Sheila Delarm and Lydia Wright

a. Received letter dated May 7, 2007, from NYMIR concerning the payment to the St. Regis Fire Department for their claim. There is a \$50 deductible so the amount of the claim paid for the broken valve by NYMIR is \$411.84. They are waiting for a return letter from the fire department before cutting the check. After the letter is received the Town can pay the \$50 deductible.

b. Received an endorsement for the insurance policy for updating the addresses of the Town's buildings

c. Vehicles need to be updated, Highway Department needs to provide information

d. Bookkeeper is covered by his own insurance, does not need to be added to the Town's insurance

4. CEMETERY - Steve Tucker and David Knapp:

a. **Survey:** Contacted Stacy Allott who will begin work on the survey of McColloms Cemetery

b. **Burials:** Had two more burials at Mt View Cemetery

c. Supervisor Peter Martin said the inmate crew's will be straightening the stones in the cemetery

5. TOWN BUILDINGS - Steve Tucker and David Knapp

a. **Town Hall Project:**

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- i. **David Knapp** received an email dated May 10, 2007 from Cate Blakemore at Crawford and Stearns, the bid packages are not ready yet.
- ii. Received a proposal for overseeing the bid and construction phase of the project to be reviewed by the Board for the June meeting
- b. **Furnace at Town Hall:** Will contact Griffith to have furnace serviced

OLD BUSINESS

1. **FIRE ADVISORY BOARD UPDATE (David Knapp):** There has not been a meeting since the last board meeting. Next meeting is May 16 to discuss further items of the agreement. Saranac Lake Volunteer Fire Department invited the FAB to their Annual Banquet on Friday, May 18.
 - a. The Village of Saranac Lake adopted a budget of \$623,084 for fire and rescue service. The Town's share of the budget is 5.5% or \$34,270.
 - b. **Steve Tucker** said the Paul Smith's Gabriels Volunteer Fire Department (PSGVFD) received a bill for dispatch services from the Village of Saranac Lake. Discussion was held on why the PSGVFD would have to pay for this service since there is E-911 service that is paid for through the phone bills with Franklin County. If they only use the Saranac Lake Fire Department (SLVFD) dispatch service, the cost of dispatching is already included in the cost of the Village budget and the Town 's is paying 5.5% of the total cost of the SLVFD not just for rescue services. The PSGVFD should not be paying for a service already paid for by the Town.
2. **EMERGENCY CALL POLICIES:** Board members checked with several organizations to determine what information was available on emergency call policies. Paul Smith's College would like to meet with the fire department to discuss any problems they may be having with emergency calls in early June, the Administration is not aware that there is a problem with emergency alarms.
3. **ALTERNATE RESCUE SERVICES CITIZENS COMMITTEE (Sheila Delarm):** The citizens drafted a request for proposal for rescue services. They would like the Board to review it and see if anyone is interested in providing this service. A Certificate of Need (CON) can be obtained by the Town. If the Town gets a CON the Village of Saranac Lake could drop the Town after the contract expires, the Town would be liable for any service provided by the Town. The neighboring towns are looking at using Tupper Lake for rescue services. Further information will be discussed at the June 14 meeting.
4. **SIGN FOR OSGOOD POND:** **David Knapp** is waiting to hear from Shawn Reynolds at DEC for requirements for the sign for "Jetskis" on Osgood Pond. The Camp Gabriels Sign Shop will make the sign.
5. **TIME WARNER CABLE (TWC):**
 - a. Supervisor Peter Martin received a copy of a franchise agreement. Need to have a Public Hearing: waiting to hear from TWC to set it up. A copy of the franchise will be distributed to the Board.
 - b. Sheila Delarm heard from TWC and they are trying to obtain a cost for installing a line in McColloms. She would like them to provide this as part of the franchise agreement.

CITIZENS COMMENTS:

Mary Ellen Salls: Asked what can be done about the fallen down buildings on State Route 30

Supervisor Peter Martin said she needs to send a written complaint to the Code Enforcement Officer, the Board cannot tell him who to investigate. The District Attorney has to review any cases concerning the Town's local laws if the incident gets that far.

EXECUTIVE SESSION:

Motion made by Supervisor Peter Martin to GO INTO EXECUTIVE SESSION at 8:45 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

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Motion made by David Knapp to GO OUT OF EXECUTIVE SESSION at 8:54 p.m., second by Lydia Wright, Aye 5 (Delarm, Knapp, Martin, Tucker, Wright), Nay 0

NEW BUSINESS

- 1. JUNKYARD LAW:** Supervisor Peter Martin spoke with the Attorney for the Town concerning this local law. Would like to just go with the State Property Maintenance Code. The Attorney advises to keep the current local law and use it. The Code Enforcement Officer should be getting any complaints. Liability might be an issue with the State Law because it covers so much more in detail, such as having only 10 in high grass in the yard. Supervisor Peter Martin would like a more universal law for dealing with this issue where there is no questions about the law. He will contact the District Attorney Office for more information. The State law is available in the Town Hall for review.
- 2. CELL PHONE TOWERS:** Supervisor Peter Martin spoke with Steve McFarland concerning a 100 foot cell tower being installed at Paul Smith's College. **Steve Tucker** said the PSGVFD was contacted about using the land behind the fire house. Cell phone coverage would be to Route 458 in Duane where another tower is being installed.
- 3. DROWNING AT PAUL SMITHS COLLEGE:** There were two deaths due to drowning over the weekend at Paul Smiths College. Supervisor Peter Martin asked for a moment of silence in memory of the two men that drowned. He said there could have been more deaths if the students had not acted as quickly as they did to get the rest of the people out of the freezing water. The funerals will held in Vermont. The Town Clerk sent a letter of condolence in the name of the Town to the family with copies of the death certificates. Paul Smith's College was very impressed with the help they received from the Paul Smiths Gabriel's Volunteer Fire Department during this tragedy.

AUDIT OF VOUCHERS

RESOLUTION #52

AUTHORIZATION TO PAY AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

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

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

PRE-PAID FUNDS: Abstract #5 for Vouchers #5A through #5C for 2007 General Funds in the amount of \$763.76, Voucher #4C for 2007 Street Light Funds in the amount of \$56.33

GENERAL FUND: Abstract #5 for Voucher #125 through and including #144 for 2007 funds in the amount of \$7,013.76

HIGHWAY FUND: Abstract #5 for Vouchers #44 through and including #52 for 2007 funds in the amount of \$7,364.15

CAPITAL PROJECT FUND (HIGHWAY GARAGE): Abstract #28 for Voucher #91 in the amount of \$17,500.00

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

Resolution #52 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 9:08 p.m. made by David Knapp, second by Lydia Wright, Aye 5, Nay 0

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk