

The Regular Board Meeting for the Town of Brighton, Franklin County, New York, was held on Thursday, May 12, 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: Amber McKernan - Tax Collector, Donald Oliver - Superintendent of Highways, Nik Santagate - Justice and Elaine Sater - Town Clerk

RESIDENTS: There were six residents present

Called to Order by Supervisor Robert Tebbutt at 7:00 p.m.

ADOPTION OF MINUTES

Motion made by John Quenell, **second** by Supervisor Robert Tebbutt, **to adopt the minutes of the Regular Town Board Meeting held on April 14, 2005 as written.**

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

Motion made by John Quenell, **second** by David Knapp, **to adopt the minutes of the Special Meeting held on April 29, 2005 as written.**

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

Motion made by John Quenell, **second** by David Knapp, **to adopt the minutes of the Special Meeting held on May 9, 2005 as written.**

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

TOWN CLERK REPORT

Total Revenue to Supervisor as of April 30, 2005 was \$ 986.55

1 Certified Copy
5 Sport Licenses
3 Dog License Renewals and 1 New License
5 Building Permits (#05-03 to 07)
1 FOIL Request

1. April 16 - 20 attended Town Clerk's Conference in Buffalo. Voucher has been submitted. No word yet on new voting machines.
2. Will be attending Department of Environmental Conservation Refresher Training for DECALs on Thursday, May 26, from 1 to 4 p.m. in Ray Brook. Town Clerk's Office will be closed..
3. Richard Jones of National Circulating Co, Inc, will be in the area with a crew of solicitors from May 2 to 13. A list of names is on file.
4. TOWN HALL REQUESTS: Rainbow Lake Water District - Monday, May 23, at 1 p.m.
5. TOWN PARK REQUESTS: May 21 - Volz Family from 1 to 7 p.m., May 22 - Lester Family from 1 to 4 p.m., and June 12 - Boy Scout Troop 12 from 1 to 6 p.m.
6. RECORDS MANAGEMENT:
 - a. A definition of "**Records**": The Freedom of Information Law (FOIL) defines "records" as "any information kept, held, filed, produced or reproduced by, with or for an agency (i.e., local government) or the State Legislature, in any physical form whatsoever..." - Section 86(3). The law further states that all records are accessible (to the public), except records or portions of records that fall within one of nine categories of deniable records - Section 87(2). The Town Board appointed the Town Clerk as Records Access Officer on January 13. Requests for records are to be in writing. The Town Board is designated to hear appeals for any denials. The FOIL has recently changed to require agencies to reply to requesters within 20 business days and specify the date that records will be available if the request was approved or delayed.
 - b. The Town Board also appointed the Town Clerk as Records Management Officer on January 13. If departments are finished with inactive or archival records they should be turned over to the Clerk for storage or destruction.

SUPERVISOR REPORT

1. FINANCIAL:

- a. **Monthly Budget Report:** Report for the period ending April 30, 2005 was distributed to the Board on May 12. If there are any questions contact the Supervisor.

David Knapp asked for a balance on the CLASS accounts. Discussion was held as to why the information was no longer kept up-to-date in the CLASS books at the Town Hall and why the monthly report was no longer given out to board members. Supervisor Robert Tebbutt was not aware that MBIA was no longer sending reports to the Town Hall. The Town Clerk said that no reports had been received since September 2004. Supervisor Robert Tebbutt said he would ask why MBIA stopped faxing the reports to the Town Hall. John Quenell said he could get a history of the transactions from MBIA's website for the Board.

- b. **Budget Amendment** is needed for the Town Clerk's Account (A1410.4).

Town Clerk said this was due to additional expense of \$350.00 to go to the Association of Towns training in New York with Council Member Lydia Wright.

RESOLUTION #56

BUDGET AMENDMENT FOR GENERAL FUND #2-2005

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

RESOLVED, that **Budget Amendment #2 for the 2005 General Fund be authorized and the following amount be and the same hereby is transferred: \$200 from General Account No. A1990 (Contingency) as follows: \$200 to General Fund Account No. A1410.4 (Town Clerk - Contractual).**

Roll Call Vote: Aye 5 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay 0**
Resolution #56 declared duly adopted.

2. HIGHWAY GARAGE:

- a. **Status:** There is one major item still outstanding: the boiler make-up air. A Special Board meeting was held to discuss the Towns options for dealing with this issue. Relative documents were mailed to the Attorney for the Town, Scott Goldie, for his review and opinion. No reply has been received as of this meeting.
- b. **Boiler and "make-up air":** David Knapp said he would like to answer the question "what is meant by 'make-up air' for the boiler". He spoke to Joe Garso to determine the extent of the problem. This is not a direct air duct to the boiler. There are two choices the Town has: 1) The quote from J Hogan for \$1,700 is for a mechanical exterior louver to vent outside air into the room. 2) Cut four registers into the door of the fire proof room, two low and two high, and use inside air. This option will cause the room to lose its fire rating but the rating is not mandatory since the B.T.U. rating of the boiler is under 400. Supervisor Robert Tebbutt said North Woods Engineering recommends that the Town with hold the funds from the original contractor, LaPlant, and do the work according to the manufacturer's instructions. The contractor told Supervisor Robert Tebbutt he would not do the second option but wanted his money and would charge the Town extra for the first option. A decision will be made after a legal opinion is received.
- c. **Salt Shed:** Have plans for a 40'X30' footprint with 8 foot concrete walls and an arched steel top that should be within the budget. Town forces will provide a substantial amount of the work. Cost quotes are being requested. Have met with DEC to apply for the grant funds. Will call a special meeting to discuss the project when enough information has been gathered for a decision.
- d. **Old Garage Status:** Need an asbestos inspection before removal of the old garage, have two quotes of \$2,800 and \$1,300 for inspections only. Still looking for more quotes. Also, pursuing quotes for removing the garage. Different methods are being researched for the best method.
- e. **Project Financial Report:** Distributed an updated report as of April 29, 2005. Lydia Wright asked about the cost associated with the hours for Town Forces. David Knapp said this will be needed for appraisal purposes. John Quenell said the price out for the septic installation would be \$469 for labor (24 hours) and \$600 for the equipment (12 hours).

3. **TOWN HALL LAND STATUS:** Received a letter dated May 9, 2005 from the Department of Environmental Conservation, Re: Parking; "The continued historical use of the Paul Smith's College property, behind the Town Hall, along Jones Pond Road, as additional parking for the Town of Brighton is consistent with the purpose and intent of the Conservation Easement held by the People of the State of New York." A copy of this letter was sent to Paul Smiths College with a letter from the Supervisor, dated May 11, 2005, asking for their response.

- 4. FRANKLIN COUNTY REQUEST REGARDING ASSESSMENTS:** Received a letter dated May 5, 2005 from the Franklin County Real Property Office asking if the Town would use services from the county, in an advisory capacity, in the area of Data Collection, Assessment Updates, Exemption Administration, or completely take over the entire assessment function on a contract basis. The cost would be charged back to the Town. The Board referred the letter to the Assessor, Doug Tichenor, for his input.

OLD BUSINESS

- 1. TOWN HALL CITIZENS COMMITTEE (Lydia Wright, Kevan Moss):** Committee met on May 10, 2005 to discuss the Town Hall Project and has four recommendations for the Board:
- Acquire the deed to the Town Hall property. This is a top priority since it is needed to apply for the grant from Senator Betty Little. According to a letter received from the Office of Parks, Recreation and Historic Preservation (OPRHP) dated November 8, 2004 and addressed to Patricia Willis: guidelines were sent to apply for the grant funds, a proposal must be sent to OPRHP for the project, a contract is prepared, and the funds must be expended not later than August 31, 2005; the Town cannot assume they carry over into the next year.
 - Change the name of the Capital Project Fund to remove the words "Phase I" and provide additional funding of \$25,000 plus \$7,500 toward the Town Hall repairs. An amendment to Resolution #64-2004 stating both recommendations is being drafted in conjunction with the Office of the State Comptroller.
 - Transfer a total of \$57,500 from the Town's surplus funds to the dedicated bank account for the Town Hall Restoration and Addition Capital Project Fund. The additional \$7,500 would be used to repay the Town's contingency from General Fund as per Resolution #65-2004.
 - Pass a resolution to agree to proceed immediately with the building of the addition to the Town Hall and the Town Hall Restoration and Addition Project in its entirety.
 - Let bids for the Town Hall Restoration and Addition Capital Project go out as soon as possible after the final construction drawings arrive. Crawford and Stearns will have the final construction drawings ready by May 31, 2005.

Kevan Moss said that the architect, Crawford and Stearns, submitted an invoice for completing the drawings of the project, they charged an extra \$954 for the design on the front steps hand rail and parking lot requested by Pat Willis.

Pat Willis said the parking lot design was requested because the handicapped parking area would have to move to make room for the proposed drainage around the building mentioned during the Public Hearing.

John Quenell asked about the consistency with the Use and Occupancy Permit from the Department of State.

Discussion was held concerning the possibility of a permissive referendum. Only funding from contingency (current taxes) is subject to permissive referendum; using surplus funds is not subject.

Supervisor Robert Tebbutt requested a Special Meeting to further discuss a financing resolution for the Town Hall Restoration and Addition Project to be held on Monday, May 16, 2005 at 6 p.m.

Kevan Moss read a list of justifications for building an addition to the Town Hall:

- Provide a place to work and hold court while repairs are made to interior of historic building.
- Provide for a place to store chairs, desks, equipment, and etc. while repairs are made to interior of historic building.
- Provide private room for Executive Sessions of Town Board
- Provide private room for Assessor meetings
- Provide private room for Judges Chambers to facilitate meetings with lawyers, clients and Youthful Offender actions which, by law, are required to take place in private.
- Provide a separate, quite, private, office area for work when Town Hall is open for business or court is in session
- Provide working space and a storage area for Supervisor, Tax Assessor, and perhaps Tax Collector in the future.
- Improves the Town Hall Meeting space by removing clutter (file cabinets, extraneous equipment and etc.)
- Remove clutter and restores the Town Hall to its former historic character
- Provides secure storage for working/current/ open Town Records/ files, especially Court Records
- Allows for future expansion needs
- Money is in had for the addition and may not be in the future
- Provide possible future source of income through rental of space

David Knapp said another reason for starting the addition is that deferred maintenance is not seen. The funding from

Betty Little should be used on the addition so people can see where the funding is going.

Supervisor Robert Tebbutt asked if the grant funding would be compromised if the financing resolution was changed.

Kevan Moss said the letter concerning the Betty Little funding has a deadline in it and it already been held for too long. The deed is still needed to obtain the grant.

Lydia Wright said she would contact Paul Smith's College to see if they received the Town's letter concerning the land issue.

2. **MAINTENANCE(David Knapp):** Ad for a maintenance laborer was published four times in the Adirondack Daily Enterprise, received only one reply. Resume was distributed to the Board for review. Rate-of-pay needs to be determined for this position. This will be discussed at the next Board meeting.
3. **AUDIT OF SUPERVISOR'S RECORDS (David Knapp):** Asked for an appointment with the Supervisor to look at the Town Financial Records. **Supervisor Robert Tebbutt** set a time for Thursday, May 19 at 4:30 p.m. **Lydia Wright** said she would come also at the same time.
4. **LITTER LAW REVIEW (Local Law #3-2001)(Lydia Wright and David Knapp):** **David Knapp** contracted the Code Enforcement Officer (CEO) and he said the District Attorney's (DA's) Office had not contacted him yet. **Lydia Wright** called the DA's Office and they are very busy with several cases but would be contacting the CEO in the future.
5. **BONDING OF TOWN OFFICIALS (Lydia Wright):** Asked for an update on the questions of bonding for Town Officials. **John Quenell** said he heard from the Town's insurance agent. Quotes are being sought for \$1.5 million for the Tax Collector, \$500,000 for the Supervisor, Deputy Supervisor, and Bookkeeper, and \$50,000 for all other officials. The agent has contacted several companies but has not provided any more information. This agent was recommended by NYMIR, the Town's main insurance carrier. **Lydia Wright** asked what other towns in the area do for bonding insurance. **John Quenell** said he had not obtained that information.
6. **SECOND SIGNATURE ON CHECKS OVER \$5,000 (Lydia Wright):** Asked about the Town's policy to have checks over \$5,000 signed by a second person. According to previous minutes Steve Tucker was appointed but could not legally sign; asked if the Board had appointed someone else to sign the checks. **John Quenell** said that the Supervisor and Deputy Supervisor are the two people authorized to sign checks. The Board did not appoint another person to sign checks over \$5000. This policy was recommended by the insurance company.
7. **FOOD PANTRY MOVING TO NEW GARAGE (Lydia Wright):** At the previous meeting when Tom Willis asked about the Food Pantry moving into the new garage; the answer was "there was an insurance issue to be resolved before they could move", was this issue resolved. **Supervisor Robert Tebbutt** said the Food Pantry has already moved to the new garage. The **Town Clerk** said the Food Pantry had its own insurance.
8. **BACK-UP OF RECORDS (Lydia Wright):** A question on back-up of information was asked at a previous meeting. Supervisor Robert Tebbutt had said the bookkeeper backs-up records on a disk and keeps it separate from his work place. The question asked was "How does the Supervisor back-up his records?". **Supervisor Robert Tebbutt** said all his records are in paper form and at the Town Hall in a locked file cabinet. Between the bookkeeper and himself all the records are backed-up in some fashion.

NEW BUSINESS:

1. **PAULSMITH'S - GABRIEL'S VOLUNTEER FIRE DEPARTMENT INC REQUEST FOR AID:** Supervisor Robert Tebbutt received a letter from the Paul Smith's-Gabriels Volunteer Fire Department, Inc. (PSGVFD) dated May 10, 2005, Re: Assistance in Transporting and Spreading Grindings from Airport. The PSGVFD is asking for the Highway Department to help them obtain the grindings from the airport. **Steve Tucker** said the grindings may not be available since the Town of Harrietstown is using them for their projects. **Don Oliver, Superintendent of Highways**, said his crew may not be available due to all the work for the new garage.
2. **ADDITION OF WASTEWATER PROVISIONS:** Supervisor Robert Tebbutt said he distributed a letter to Board members from the Code Enforcement Officer dated March 5, 2005 concerning a permit application to supplement the Building Permit for wastewater treatment systems.

RESOLUTION #57

AUTHORIZATION FOR WASTEWATER TREATMENT SYSTEM PERMIT APPLICATION

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

WHEREAS, the Code Enforcement Officer recommends that the Town of Brighton Board approve the use of a wastewater treatment system permit in addition to the building permit,

THEREFORE, BE IT RESOLVED, that the Code Enforcement Officer be authorized to require a supplement to the Building Permit Application for wastewater treatment systems and is authorized to use a Wastewater Treatment System Permit Application as an addition to the Building Permit Application.

Roll Call Vote: Aye 5 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay 0**
Resolution #57 declared duly adopted.

REPORTS

1. JUSTICE (Santagate):

a. There were 76 cases disposed during April. A check for \$6,625.00 was given to the Supervisor.

Supervisor Robert Tebbutt said he received a bill for March from the Comptroller's Officer for \$6,118.00.

b. Had a midnight arraignment for a fugitive from justice.

2. HIGHWAY (Quenell, Tucker, Oliver):

a. Raked and rolled dirt roads

b. Had Morrisonville Septic pump out old septic and then filled it in with sand

c. Used broom on roads

d. Turned off heat and water in old garage

e. Sent two truck loads of junk to landfill

f. Ordered new pick-up truck, 4-6 weeks delivery

3. INSURANCE AND INVESTMENTS (Quenell): Nothing to report

David Knapp asked if the liability insurance would cover the maintenance person, and would he use a town vehicle or his own private vehicle. He asked if the Park Attendant used his own vehicle to remove trash from the park.

Steve Trucker said Bob Byno moved the mowers with his private vehicle.

John Quenell said he would research these questions.

Chris Leifheit asked if the old pickup truck could be used by the park or maintenance person.

4. TAX COLLECTOR:

a. During April collected \$43,286.36. Received two payments that are overpayments; holding the refunds until the checks clear since one is over by \$166.00. It should take another week to be sure they cleared.

b. Closed out books and prepared the reconciliation sheet for the county. Turned in 60 unpaid parcels which is 30 less than last year. Will be receiving a check from the Franklin County Treasurer's Office for \$120.00 to cover the second mailing fees.

c. On May 4 turned over books to the county. They audited the figures and approved the reconciliation report. Check #736 in the amount of \$71,125.67 was sent to the county once the approval was received. On May 11 returned to sign the notarized reconciliation report and daily worksheets; balance was zero.

d. There are still four outstanding refunds checks.

e. May 12 issued Check #737 to Supervisor Robert Tebbutt in the amount of \$792.10, the balance of penalties and second mailing fees. Also returned the \$50.00 petty cash fund as required by resolution.

f. Posted 814 parcels and collected \$1,213,831.86 of which \$2,217.41 was in penalties for the 2005 tax season.

g. Received 18 phone calls regarding tax matters and have sent 3 faxes. Received an e-mail inquiry as to the tax rates by someone investigating the possibility of purchasing land and building in this Town.

5. CODE ENFORCEMENT (Ed Lagree): Issued 6 building permits as of April 30, 2005; 24 still open for 2004, 10 open from 2003, 6 open from 2002; and 1 open, 1 closed and 1 completed from 2001.

6. CEMETERY (Tucker): Signed up with the Career Development Center for the Town to be supplied with manpower to mow the cemeteries. There have been no candidates as of yet. Someone will be needed to supervise the person, possibly the maintenance person. Cemeteries need to be mowed before Memorial Day, will get a Camp Gabriel's crew or Dan Spencer to do it.

7. PARKS AND RECREATION (Tucker):

- a. Asked Camp Gabriels to provide a crew to rake the needles up; they showed up Wednesday.
- b. Camp Gabriels will make the handicap accessible picnic tables as soon as they get the lumber
- c. Contacted Don Oliver concerning the dead tree at the park, he said it was too close to the wires for them to remove. Contacted Niagara Mohawk in Syracuse concerning the dead tree at the park. They were not too concerned since the tree will not take out any primary lines if it falls. They will send someone to look at the tree and let Steve Tucker know what to do about it. The only line the tree will fall on is to the McKernan house. Will try to speak with someone at the Saranac Lake office.
- d. Rugby teams showed up at the park over the weekend and a family was using the pavilion for a picnic. Reminded them they should reserve the field or pavilion ahead of time so there are no conflicts.

Supervisor Robert Tebbutt asked about getting electricity into the pavilion and for a tree during the winter.

David Knapp said the electricity should go to the trees around the sign in the park. There were three trees planted near the road by the State Highway Department. Discussion was held on how to go about getting the electricity installed. This will be discussed more at future meetings.

David Knapp asked about the hot water heater from the old garage to be used at the park. **Steve Tucker** said he would help him install it.

- 8. ROAD TRASH PICKUP: Supervisor Robert Tebbutt** would like the Town to address the problem of trash along the roadway with a program to get the trash picked-up. Discussion was held concerning what would be entailed to get this done. The Highway Department can pick up the bags after they are filled up. The County may have guideline for their roads. David Knapp and Lydia Wright were appointed to be a Committee to determine what the Town can do.

CITIZENS' COMMENTS

Amber McKernan - County Route 60: There are two large areas of standing water near the County Road 60 and State Route 86 from the new road construction. There is no drainage for this water and it is a mosquito breeding ground.

Chris Leifheit - State Route 86: The Supervisor should write to Mike Fayette of the Department of Transportation in Watertown and ask for a justification of design for this drainage area especially with the threat of insect borne diseases in the state. The local highway contractor, Tom Maroun, should be notified that a letter is being sent

Tom Willis - Garondah Road: The Town Hall Restoration Fund now has \$14,565 in the bank. Received a check for \$100 and a pledge for \$500 today. This makes the total \$15,165. Over the past two months contacted the headquarters of companies who do business in the Town and in Saranac Lake. Contacting 218 businesses and organizations in the Tri-Lakes area, there are about 75 more to be sent letters. Forty-four foundations have been contacted; three have given gifts totaling \$7000, two will be applied to later, received nos from 19 and no reply from 20. The next group of businesses to be contacted will be in the Town of Brighton. The local residents will be contracted during the summer.

Pat Willis - Garondah Road: Will be attending a State Historic and Preservation Office (SHPO) grant workshop on Friday in Watertown. For the grant the Town needs to provide a deed and the APA Permit for the addition. The addition is less than 25% of the original structure so the APA does not have jurisdiction but they must sign a permit saying this. A SEQR is needed and other permits might be needed as well. The Town needs to have an Equal Employment Opportunity Policy. The Town will have to agree to sign a covenant to not make any changes over the next 5 years to the Town Hall since it is an historic building. The approval of the governing body of the town is needed as well as authorization to apply for the grant. Ground disturbance information is needed. Schematics and architect plans will be used from Crawford and Stearns. Will provide more information after the workshop.

Kevan Moss - State Route 30: The Betty Little Grant will need the same items as mentioned by Pat Willis.

There were no further citizens comments.

AUDIT OF VOUCHERS

RESOLUTION #58

AUTHORIZATION TO PAY THE AUDITED VOUCHERS

Motion made by John Quenell, second by Lydia Wright, To Wit:

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

PRE-PAID: Abstract #3 for Voucher #3A through and including #3C for General Funds in the amount of \$803.04 and Street Lighting Funds in the amount of \$49.51

GENERAL FUND: Abstract #5 for Voucher #123 through and including #146 for funds in the amount of \$5,559.93, Veteran's Funds of \$483.71, and Justice Funds of \$6,118.00.

HIGHWAY FUND: Abstract #5 for Voucher #36 through and including #45 for funds in the amount of \$5,899.41

CAPITAL PROJECT (TOWN HALL RESTORATION) FUND: Abstract #3 for Voucher #4 for funds in the amount of \$4,301.61.

CAPITAL PROJECT (HIGHWAY GARAGE) FUND: Abstract #14 for Vouchers #55 through and including #57 in the amount of \$717.30.

**Roll Call Vote: Aye 5 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), Nay 0
Resolution # 58 declared duly adopted.**

ADJOURNMENT

Motion to Adjourn made at 9:11 p.m by John Quenell, Second by David Knapp, Aye 5

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk