

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

**June 8, 2006**

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**The Regular Town Board Meeting of the Town of Brighton was held on Thursday, June 8, 2006, at 7:00 p.m. at the Brighton Town Hall, 12 County Road 31, Paul Smiths, NY, as follows:**

**CALL TO ORDER:**

Meeting was Called to Order by Deputy Supervisor David Knapp at 7:03 p.m.

**PLEDGE TO THE FLAG**

**ROLL CALL OF OFFICERS**

**PRESENT:** Deputy Supervisor David Knapp, Council Members: Sheila Delarm and Steve Tucker

**ABSENT:** Supervisor Peter Martin, Sr. and Council Member Lydia Wright

**OTHERS PRESENT:** Tom McKernan – Deputy Tax Collector, Nik Santagate - Justice, Elaine Sater - Town Clerk

**RESIDENTS:** There were 3 residents present

**GUESTS:** None

***APPROVAL OF MINUTES***

**1. Regular Meeting May 11, 2006**

**Motion made** Steve Tucker, **second** by David Knapp, **to accept the minutes of the Regular Town Board meeting held on Thursday, May 11, 2006, as written.**

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

**2. Special Meeting May 23, 2006**

**Motion made** by Steve Tucker, **second** by Sheila Delarm, **to accept the minutes of the Special Town Board meeting held on Tuesday, May 23, 2006, as written.**

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

***TOWN CLERK'S REPORT***

Total Revenue to Supervisor as of May 31, 2006 was \$164.00

- 1 Sport License
- 1 Certified Copy
- 3 Dog License Renewals and 1 New License
- 2 Building Permits (#06-11 and 12)
- 1 FOIL Request (189 pages) and 6 copies

1. No report of the Presence of Wild Animals in the Town of Brighton was received per General Municipal Law, Chapter 680, Section 209-cc.
2. Letter dated June 6, 2006 from Barbara Foley, RE: Application for Liquor License for the Shamrock Inn on County Road 55.
3. TOWN HALL REQUESTS: Brighton History Day Committee - Thursday, June 15, 1-3 p.m.
4. TOWN PARK REQUESTS: Paul Smiths Volunteer Fire Department Reunion - Friday, June 9, 4 - 8 p.m., Spencer Family, Saturday, June 24, 1-5 p.m., Williams Family - Saturday, July 8, 1 - 11 p.m.
5. RECORDS MANAGEMENT: Starting to destroy files from 1998 as per the Municipal Records schedule.

***SUPERVISOR'S CORRESPONDENCE/FINANCIAL REPORT***

**1. FINANCIAL REPORT:**

- a. The Financial Report as of May 31, 2006, was distributed to each Board Member, along with the CLASS Investment balances (GENERAL \$ 319,390.76 and HIGHWAY \$144,930.16) and interest rate schedule.
- b. Rescue Contract Final Payment:

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**RESOLUTION #62**

**AUTHORIZATION TO MAKE FINAL PAYMENT OF \$9,430.48 FOR 2006 RESCUE SERVICES**

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

**RESOLVED, that the Supervisor be authorized to pay the Village of Saranac Lake the amount of \$9,430.48 for the final payment due July 1, 2006, for rescue services as per an "Agreement for Services" approved by the Town Board in Resolution #21-2004 on January 8, 2004.**

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

**Resolution #62 declared duly adopted.**

- c. Budget Amendment #4-2006 for General Fund to increase Supervisor account to cover training and public notices

**GENERAL FUND 2006 BUDGET AMENDMENT #4**

**Motion made by Deputy Supervisor David Knapp, Second by Sheila Delarm, To Wit:**

**To authorize AMENDMENT #4 for the General Fund of the 2006 Budget as follows:**

**Transfer funds of \$500.00 from Account A1990 (Contingency) as follows:**

**\$ 500.00 to Account A1220.4 (Supervisor CE)**

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

**GENERAL FUND 2006 BUDGET AMENDMENT #4 declared duly adopted.**

**2. OTHER:**

- a. Letter from New York State Town Clerks Association, dated May 31, 2006, Re: Town Clerk Elaine Sater was awarded certification as Registered Municipal Clerk.
- b. Received Notice dated 1 June, 2006, from the United States Bankruptcy Court, Re: Notice of Sale of all debtor's (Adelphia) assets to Time Warner NY Cable LLC and Comcast Corporation
- c. Received letter from New York State Department of Environmental Conservation, dated May 10, 2006, RE: Funding is available for Dam Safety Projects.

***DEPARTMENT REPORTS***

1. **ANIMAL CONTROL OFFICER (Andy Crary):** Read by Deputy Supervisor David Knapp
  - a. Picked up 1 stray Husky/Shepard mix dog and took to Humane Society
  - b. Small turnout for the Rabies Clinic, but it went well
2. **ASSESSOR (Doug Tichenor):** No Report
3. **CODE ENFORCEMENT OFFICER (Ed Lagree)** Report given to Board before meeting
  - a. Issued 15 Building Permits for 2006, 1 Building Permit is completed
  - b. 11 Building Permits are completed, 31 permits are still open from 2005
  - c. 2 Building Permits completed, 10 permits are still open from 2004
  - d. 1 Building Permit is completed, 5 permits are still open from 2003
  - e. 1 Building Permit is still open from 2002
4. **TAX COLLECTOR (Amber McKernan)** Read by Deputy Supervisor David Knapp
  - a. Received several phone calls regarding the new assessment. Directed people to other personnel and agencies for answers to questions she was unable to give.
  - b. Sent three faxes regarding tax matters.
  - c. Received May bank statement and balanced account; account is at zero.
  - d. Returned \$50,000 petty cash to Supervisor Peter Martin
  - e. Office will be closed July 4th week from Monday to Thursday
5. **TOWN JUSTICE (Nik Santagate)**
  - a. Disposed of 55 cases and issued a check in the amount of \$4,125 to Supervisor Peter Martin

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- b. Credit Card Machine - processing paperwork for the credit card machine, the Town will lease the machine and it can use the \$450 grant for the payments.
6. **HISTORIAN (Mary Ellen Salls):** Read by Deputy Supervisor David Knapp
- a. History Day is moving right along. It will be held on Saturday and Sunday, July 15th and 16<sup>th</sup>. Don Oliver will bring the bell from the Methodist Church to the Moody Tree Farm for display on Sunday from 12 to 5 p.m. It will be stored at the Highway Garage until the people of the Town decide what to do with it. Mrs. Tector now lives in what was the Methodist Church; she will have a display at history day with this information and will talk to people about the church.
  - b. There will be a talk and slide show on July 5, 2006, at the Adirondack Park Interpretive Center in Paul Smiths by Dr. Frank Pevetta on earthquakes in Northern New York sponsored by the History Day Committee. It will start at 7:30 p.m.; everyone is invited to attend.

**COMMITTEE REPORTS**

1. **HIGHWAY DEPARTMENT -**

- a. **David Knapp** read a report from Superintendent of Highways Don Oliver
  - i. Mowed cemeteries twice
  - ii. Purchased 12 tandem loads of grindings from airport.
  - iii. Did shoulder work on Keese Mills and Hobart Roads with grindings
  - iv. Mowed Town Hall grass twice
  - v. Met with general contractor on Salt Shed Project on June 2<sup>nd</sup>, work to begin soon on salt shed foundation
  - vi. Worked on equipment
- b. Other items from **David Knapp**
  - i. **TOWN ROADS:** Read a letter received by Supervisor Peter Martin from NYS Dept of Environmental Conservation (DEC), dated May 30, 2006, Re: Maintenance of Slush Pond and McColloms Road, requesting the Town maintain these roads so the public will have access to the Forest Preserve lands without damaging public user vehicles. Slush Road and Mountain Pond Road need attention. McColloms Road does not have any developed DEC facilities on it. Superintendent of Highway Don Oliver has asked for assistance from DEC in determining what should be cut back.
  - ii. **SALT SHED:** When the digging was started for the foundation footers, the water level was reached and had to be filled back in again.
  - iii. **BRIDGE ON WHITE PINE ROAD:** Received a notice dated June 1, 2006, from the New York State Department of Transportation, RE: The bridge on White Pine Road over Osgood Pond Outlet has been "Yellow Flagged". This is a Town owned bridge and needs to be repaired. The flag involves severe spalling to deck in the fascia bays.
  - iv. **HOFFMAN ROAD:** Snowplow turnaround on private property, no written response from the Attorney for the Town on this issue yet

2. **PARK & RECREATION - Steve Tucker and Lydia Wright**

- a. Dan Spencer has been mowing and weed wacking the fields
- b. Putting sawdust under the park equipment cited in NYMIR Safety Report from last Fall
- c. "Port-a-potty" has been ordered for July delivery
- d. Raking and picking up fallen limbs in the wooded area
- e. The Little League is using the ball field Monday, Wednesday, and Friday nights
- f. Saranac Lake Area Youth Program will operate from July 5 to August 3 from 9 am to 4 pm from Monday to Friday for children 7 to 13. There will be pre-registration by June 21<sup>st</sup> through the school system. There will be a fee of \$40 per child and \$20 for a second child.
- g. Monkey bars were removed and will be replaced
- h. The fence has been repaired, it was not as damaged as first thought when covered by snow

3. **INSURANCE - Sheila Delarm and Lydia Wright**

- a. An claim from the Hogansburg Fire Department was sent to NYMIR by the Town Clerk.

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- b. A Notice of Claim from the Taylor snowmobiler accident has been filed with the Attorney from the Town and NYMIR. David Knapp read a letter dated May 30, 2006, from the Attorney from the Town concerning this claim. He said to make sure the Town's insurance company be notified immediately of this claim. He said a deposition may be requested
- c. The Town Clerk received an Affidavit from NYMIR Lynn Moore, Senior Claims Examiner, after providing information on contracts the Town has with the Franklin Snowmobilers, Inc. and Franklin County for snow removal and sanding of County Road 60. The claimant and insurance company received copies of the contract, snowmobile ordinance and background information, signage documentation, petitions to reduce speed on County Road 60, contracts for snow removal, and copies of the minutes discussing the road and the snowmobile trail. A copy of the Affidavit was forwarded to the Attorney for the Town for review. He contacted NYMIR to discuss the reason for the Affidavit. This is to give the insurance company support for saying the accident did not happen on Town property. NYMIR also sent a copy of the Notice of Claim to the Franklin Snowmobilers insurance company.

**RESOLUTION #63**

**AUTHORIZATION TO SIGN AFFIDAVIT**

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

**RESOLVED, that the Town Clerk, Elaine Sater, be authorized to sign an Affidavit stating that property of Snowmobile Trail Corridor #7 and County Road 60 (except for snow removal and sanding) in the Town of Brighton is not owned, operated, controlled, managed, maintained, regulated, designed, constructed, inspected, examined, or supervised by the Town in response to the Notice of Claim from Linda Taylor.**

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

**Resolution #63 declared duly adopted.**

- d. Received a letter from Franklin County Self-Insurance Plan, dated June 2, 2006, Re: Change to Local Law for Self- Insurance cost apportionments. Currently Valuation is 75% and Experience is 25%. As of January 2007 Valuation will be 50% and Experience 50%, in 2008 and afterwards Valuation will be 35% and Experience 65%. The Reserve will change from \$250,000 to \$400,000. The Franklin County Legislature has set a public hearing for the Proposed Local Law 2 for 2006 on Thursday, June 15, 2006 at 11 a.m. at the Court House in Malone.
- e. Received a letter from NYMIR, dated May 9, 2006, Re: Accounting Statement for 2005.
- f. Lydia Wright and Sheila Delarm will meet next week to discuss Workmen's Compensation

**4. INVESTMENTS - Sheila Delarm and Lydia Wright** Nothing to Report

**5. CEMETERY - Steve Tucker and David Knapp:**

- a. Robert Byno, Sr. put up the flags and markers for Memorial Day
- b. Highway Department has mowed the grass
- c. No word on survey of fourth section of Mt. View Cemetery

**Sheila Delarm** said she saw a firefighter mowing the lawn at the Mt. View Cemetery earlier today, it wasn't a town employee.

**6. TOWN BUILDINGS - Steve Tucker and David Knapp**

- a. **Town Hall:** Signed architect plans were received from Crawford and Stearns, the bids can now go forward
- b. **Highway Salt Shed** - Prevailing Wage Rate was not included in Quades Concrete's bid. He was asked to recalculate his bid.

**RESOLUTION #56 (AMENDED)**

**AUTHORIZATION TO AMEND RESOLUTION #56-2006**

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

**WHEREAS**, during the reference check for bids submissions it was determined that Quades Concrete did not use the Prevailing Wage Rate to determine his bid, and

**WHEREAS**, Quades Concrete was asked to recalculate his wages based on the prevailing wage rate,

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**NOW THEREFORE, BE IT RESOLVED, that Resolution #56-2006 be AMENDED to change the bid for QUADES CONCRETE, Lake Placid, NY from \$29,268 to \$30,468.00, still the lowest bid.**

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

**Resolution #56 declared duly amended.**

***OLD BUSINESS***

- 1. RETIREMENT HOURS:** Still waiting for written notices of "sample month" of hours worked during February. These need to be turned into the Supervisor, documentation for retirement hours needs to be on file according to the Office of the State Comptroller. Hours for council members are still needed. The Board requested a table showing each position, hours recorded and days recommended per month. Tabled until next meeting.
- 2. DISASTER PLAN:** The Town Clerk sent a draft of the "Disaster Plan" to the Board for their review. It is 42 pages long so it needs to be edited before going to print. Sheila Delarm requested copies of disaster plans from Paul Smith's College and Camp St. Regis.
- 3. GABRIEL'S POND:** Waiting for response from State Department of Transportation.

**Supervisor Peter Martin entered the meeting at 8:20 p.m.**

***NEW BUSINESS: None***

***CITIZEN'S COMMENTS***

**Nik Santagate - McColloms:** What is the down side of not signing the affidavit? Has the Board made any decisions for archival storage of the Town's records.

Discussion was held concerning the affidavit and what the purpose of it was. The Town Clerk said it was to support the insurance company in saying the Town did not own the property where the accident happened. The snowmobile contract was read for public information.

**Nik Santagate:** Complimented the Town Clerk for her award and the work she does for the Town.

**Town Clerk** thanked Justice Santagate for letting her accomplish this work on his time on Tuesday at the Town Hall.

**- There were no other citizens comments**

***AUDIT OF VOUCHERS***

**Motion made** by Deputy Supervisor David Knapp, **Second** by Steve Tucker, **to audit the vouchers, Aye 4, Nay 0, Absent 1 (Wright)**

**RESOLUTION #64**

**AUTHORIZATION TO PAY VOUCHERS LISTED ON THE ABSTRACTS**

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

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

**PREPAID: Abstract #5 for Voucher #5A through and including 5C for General Funds in the amount of \$677.60 and Voucher #5C for Street Lighting Funds in the amount of \$54.97.**

**GENERAL FUND: Abstract #6 for Voucher #154 through and including #173 for funds in the amount of \$15,607.79**

**HIGHWAY FUND: Abstract #6 for Voucher #57 through and including #64 for funds in the amount of \$6,437.88**

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

**Resolution #64 declared duly adopted.**

**ADJOURNMENT**

**Motion to Adjourn** at 8:55 p.m. **made** by Supervisor Peter Martin, **second** by Lydia Wright, **Aye 5, Nay 0**

Respectfully Submitted,

Elaine Sater, Brighton Town Clerk