

**The Regular Board Meeting for the Town of Brighton, Franklin County, New York, was held on Thursday, June 9, 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 several residents present

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

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

Motion made by John Quenell, second by David Knapp, to adopt the minutes of the Regular Town Board Meeting held on May 12, 2005 as written.

Roll Call Vote: Aye 5 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), Nay 0

Motion made by John Quenell, second by Steve Tucker, to adopt the minutes of the Special Town Board Meeting held on May 16, 2005 with the following changes: 1) Page 1, Resolution #64-2005 (Amended), Change Total to "\$200,000", 2) Page 2, Discussion, Lydia Wright, Add: Quote from Bernadette Castro letter, "Funds for your project must be expended within a specific time period, which in no case extends beyond August 31, 2005. Do not assume they carry over into the next year."

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

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

**Total Revenue to Supervisor as of May 31, 2005 was \$ 824.05**

3 Dog License Renewals and 1 New License

5 Building Permit (#05-08 to 12)

2 FOIL Requests

1. May 26 attended Department of Environmental Conservation training for DECALS, hunting licenses go on sale August 15, no increase in fees this year.
2. No report of the Presence of Wild Animals in the Town of Brighton was received per General Municipal Law, Chapter 680, Section 209-cc.
3. June 2 faxed Resolution #64-2004 (Amended) to the Attorney for the Town for review. Received reply by fax and distributed to the Board on June 9.
4. TOWN HALL REQUESTS: Brighton History Day Committee - Tuesday, June 14, 1-3 p.m.
5. TOWN PARK REQUESTS: Saranac Lake Baseball Youth Association - Tuesdays and Thursdays 5:45 to 8 p.m. until July 14, Mountaineers Rugby - Saturday, June 4 and 18, Noon to 5 p.m., Woodward Family - Sunday, June 12, 10 am to 1 p.m.
6. RECORDS MANAGEMENT: Records that need to be kept by the Town have been moved from the old Town Garage to the Town Hall storage closet. The Assessor reviewed four boxes of old assessor files and determined that they could be destroyed.

#### ***SUPERVISOR REPORT***

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

- a. **Monthly Budget Report:** Report for the period ending May 31, 2005 was distributed to the Board on June 8. If there are any questions contact the Supervisor.
- b. **Budget Amendment** is needed for the Town Clerk's Account (A1410.4).

#### **RESOLUTION #60**

##### **BUDGET AMENDMENT FOR GENERAL FUND #3-2005**

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

**RESOLVED, that Budget Amendment #3 for the 2005 General Fund be authorized and the following amount**

**be and the same hereby is transferred: \$150 from General Account No. A1990 (Contingency) as follows: \$150 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), **Nay0**  
**Resolution #60 declared duly adopted.**

**2. HIGHWAY GARAGE PROJECT:**

- a. **Status:** Furnace air vents are still an issue. Everything else is finished. Received a letter from the Attorney from the Town concerning this issue. Would like to go into Executive Session at the end of the meeting to discuss the letter.
- b. **Salt Shed:**
  - i. **DEC Grant Application:** On June 3 distributed to Board members a proposed submission of documents to DEC that will enable the Town to received a contract providing state funds which have previously been granted (up to \$30,000) for construction of a salt shed. This grant will provide \$15,000 up front. David Knapp and Lydia Wright asked for more details on the salt shed plan. Supervisor Robert Tebbutt said he will provide more information after this resolution is approved. John Quenell said he did not understand why they were asking questions when the resolutions were circulated before the meeting.

**RESOLUTION #61**

**AUTHORIZATION TO SIGN PROPOSED SUBMISSION FOR A DEC SALT SHED GRANT CONTRACT**

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

**WHEREAS**, the New York Department of Environmental Conservation (DEC) has approved a grant of up to \$30,000 to the Town of Brighton for construction of a salt shed, and

**WHEREAS**, it is necessary for the Town to prepare various detailed plans and other materials and submit same to the DEC in order to release the grant money,

**NOW THEREFORE BE IT RESOLVED**, that the Supervisor is authorized to sign and deliver to the Department of Environmental Conservation the proposed submission (Attached) presented to the Board at this meeting.

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

**Resolution #61 declared duly adopted.**

- ii. **Salt Shed Design Change:** Designed a salt shed that is different from the original APA Permit application. This will be submitted for APA approval.
- iii. **Bids for Walls and Roof:** Quotes were solicited from various sources for construction of a 40'X30' footprint with 8 foot concrete walls and an arched steel top, the siding will be in coca brown. John Quenell showed pictures of various examples of salt sheds with steel roofing. Discussion was held concerning the different aspects of the designs presented. David Knapp said he had put up one of the buildings and he was not impressed with the construction. John Quenell said town forces will provide 50% of the work cost keep the cost down. Lydia Wright asked when the decision was made to ask for quotes to start the construction of the salt shed, she did not remember the Board making this decision. She asked if all the bids had come in since the last meeting. Supervisor Robert Tebbutt said that due to cancellations by other companies the Town was getting a special price and the Board had 30 days to accept these prices given by the contractors. John Quenell said that the salt shed has been mentioned at the last six or seven meetings by the Supervisor.

**RESOLUTION #62**

**AUTHORIZATION TO ACCEPT BID FOR CONSTRUCTION OF FOOTERS AND WALLS OF SALT SHED**

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

**WHEREAS**, quotes were solicited from concrete companies for footer and walls (walls to be 10 inches thick standing on 1 X 2 foot footers) and two were received as follows:

Brockways of Moira: \$9,080

Quades of Lake Placid: \$8,200

**RESOLVED**, that the \$8,200 bid by Quades Concrete for construction of footer and walls for the new highway department salt shed is hereby accepted, subject to approval of the revised shed design by the Adirondack Park

**Agency.**

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

**Resolution #62 declared duly adopted.**

**RESOLUTION #63**

**AUTHORIZATION TO ACCEPT BID FOR CONSTRUCTION OF ROOF OF SALT SHED**

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

**WHEREAS**, quotes were solicited from roofing companies and the following were received:

Coverall Building Systems: \$12,263

American Straight Steel: \$8,000

**RESOLVED**, that the **\$8,000 bid by American Straight Steel for a steel arch roof for the new highway department salt shed is hereby accepted, subject to approval of the revised shed design by the Adirondack Park Agency.**

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

**Resolution #63 declared duly adopted.**

- iv. **Loan from General Fund:** Need funding up-front to start the salt shed construction. Lydia Wright said if the construction of the salt shed was contingent upon the approval by the new design by the APA then the moving of the funds should wait until the plan is approved. Supervisor Robert Tebbutt said he wanted this done now.

**RESOLUTION #64**

**AUTHORIZATION TO BORROW FUNDS FROM THE GENERAL FUND**

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

**WHEREAS**, the Highway Garage Project Capital Fund does not have enough funds to cover the cost of construction of the Salt Shed until the DEC grant funds are received,

**RESOLVED**, that a temporary loan of **\$15,000 from the General Fund to the Highway Garage Project Capital Fund to assist with initial construction expenses of the salt shed is hereby authorized.**

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

**Resolution #64 declared duly adopted.**

- v. **Old Garage Status:** Asbestos inspection is needed, as per letter to Board dated May 25, quotes were solicited and two were received.

**RESOLUTION #65**

**AUTHORIZATION TO ACCEPT BIDS FOR TESTING OF ASBESTOS AT THE TOWN GARAGE**

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

**WHEREAS**, an asbestos inspection is required before the old garage building can be demolished, and

**WHEREAS**, the Town has received two quotes for the work from qualified inspectors, one from Atlantic Testing for \$2,800 and one from A.E. Knapp Engineering for \$1,300,

**BE IT RESOLVED**, that the **Town accepts the bid from A.E. Knapp Engineering to perform the asbestos inspection of the old highway garage for \$1,300.**

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

**Resolution #65 declared duly adopted.**

- vi. **Financial Report as of June 8** was distributed to Board Members for all expenses as of May 31, 2005. Invoices for the month are from Conroy and Conroy, Garso, and Hogan Refrigeration. Only LaPlant's invoice is left to pay and it will be discussed later.

- 3. **TOWN HALL LAND STATUS:** Draft APA permit application was distributed to the Board members on June 3. This is in connection with the transfer to title of the land under the Town Hall from Paul Smith's College to the Town. The APA has informed the Town that a permit will be required in order for the subdivision of land to go forward. The Town is taking the lead in preparing the permit since this benefits the Town.

**RESOLUTION #66**

**AUTHORIZATION TO SIGN PROPOSED APPLICATION FOR PURCHASE OF TOWN HALL LAND**

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

**WHEREAS**, the Adirondack Park Agency has advised that it will be necessary to obtain a permit for a two-lot subdivision in order to proceed with the transfer of title to the land under the town hall from Paul Smith's College to the Town, and

**WHEREAS**, a permit application has been prepared and submitted to the town board for review,

**NOW THEREFORE BE IT RESOLVED**, that the Supervisor is authorized to sign and deliver to Paul Smith's College the proposed Application for Minor Project Permit presented to the board at this meeting.

**Roll Call Vote: Aye 5** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay 0**  
**Resolution #66 declared duly adopted.**

- 4. NEW TENTATIVE EQUALIZATION RATE:** Received notification of a tentative equalization rate from change from 79.24% to 72.66% from the State Board of Real Property Services. Assessor Doug Tichenor recommends the Town Board accept this new rate without objection, he said it could have been lower.
- 5. MEMORANDUM OF UNDERSTANDING (MOU) FOR ASSESSMENT IMPROVEMENT PROCESS:** MOU was distributed to the Board on June 5, requested by Office of Real Property Services for conducting a reassessment of property values in the Town. The Assessor recommends the Town sign the MOU.

**RESOLUTION #67**

**AUTHORIZATION TO SIGN MOU WITH ORPS FOR REASSESSMENT OF PROPERTY VALUES**

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

**WHEREAS**, the Town Assessor has requested the Town conduct a town-wide reassessment of property values in the Town of Brighton,

**RESOLVED**, the Supervisor is authorized to sign the Memorandum of Understanding, dated May 27, 2005, regarding the planned assessment update and submitted to the town by the State of New York Office of Real Property Services.

**Roll Call Vote: Aye 5** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay 0**  
**Resolution #67 declared duly adopted.**

- 6. STATUS OF STANDING WATER IN GABRIELS:** At the last meeting Chris Leifheit asked about the standing water on both sides of State Route 86 in Gabriels. Supervisor Robert Tebbutt talked to Mr. Maroun at the site office and he said they are concerned about it also and are looking into the problem. Supervisor Robert Tebbutt did not write a letter to DOT in Watertown since the site engineer is already addressing the issue.
- 7. APPROVAL OF FREMSA PAYMENT FOR 2005 SERVICES:** Received a bill from FREMSA for services during 2005 and need approval to pay it.

**RESOLUTION #68**

**AUTHORIZATION TO PAY FREMSA FOR 2005 SERVICES**

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

**WHEREAS**, the Town of Brighton board approved a three-year contract with the First Responder Emergency Medical Services Association (FREMSA) on January 8, 2004 (RESOLUTION #24-2004),

**RESOLVED**, that the Supervisor is authorized to pay the \$1,250 annual fee to FREMSA for services during 2005.

**Roll Call Vote: Aye 5** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay 0**  
**Resolution #68 declared duly adopted.**

**OLD BUSINESS**

- 1. ROAD LITTER (Knapp, Wright):** David Knapp distributed guidelines for picking up litter on State highways. He has not been able to get county guidelines yet. He said he noticed the State was out picking up litter on the State highway during the past month. Organizations can "Adopt-A-Highway" following the guidelines. Discussion was held concerning how to go about getting the litter picked-up off the road. Different people in the Town have picked up litter on different roads in the town.  
**Supervisor Robert Tebbutt** said County Road 31 is one road that has a lot of litter on it with no residents to clean it up. He asked for volunteers to help the Town Board pick-up litter.

**Rouse Fountain** asked who would pick up the trash bags after the clean-up.

**Supervisor Robert Tebbutt** said the Highway Department would provide the trash bags and pick them up after they are full. He asked the committee to pick a date so people can know when to show up to help clean up the roads.

**Lydia Wright** said insurance will be issue if this is a Town activity as opposed to people just picking-up the litter as volunteers. People can pick up litter on their own. They can pick up bags at the Highway Garage at any time they are open.

**Rouse Fountain** asked the Board to write a letter to the DOT concerning the dead trees on State Route 86 by Church Pond. **Supervisor Robert Tebbutt** said he would write a letter.

2. **HUD MORTGAGE DISCHARGE (Quenell):** Received a request from a resident to discharge two old mortgages that are eligible for discharge.

**RESOLUTION #69**

**AUTHORIZATION TO DISCHARGE MORTGAGE FOR \$12,500 FOR HUD PROJECT #94-03**

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

**WHEREAS**, the Town of Brighton secured by mortgage dated April 21, 1995 a Town of Brighton Housing Rehabilitation Program loan in the amount of \$12,500 and such mortgage was recorded in Liber 466 of Mortgages at page 286 in the Office of the Clerk of the County of Franklin, and

**WHEREAS**, the mortgage contains a provision that at the end of five years the lender's rights to the loaned amount end without repayment, and

**WHEREAS**, more than ten years have passed since the mortgage was made,

**NOW THEREFORE, BE IT RESOLVED, that the Supervisor of the Town is authorized to sign and issue a Discharge of Mortgage for HUD Project #94-03 concerning said mortgage.**

**Roll Call Vote: Aye 5 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), Nay 0 Resolution #69 declared duly adopted.**

**RESOLUTION #70**

**AUTHORIZATION TO DISCHARGE MORTGAGE FOR \$19,423 FOR HUD PROJECT #94-03**

**Motion made by John Quenell, Second by Steve Tucker, To Wit:**

**WHEREAS**, the Town of Brighton secured by mortgage dated October 2, 1998 a Town of Brighton Housing Rehabilitation Program loan in the amount of \$19,423 and such mortgage was recorded in Liber 595 of Mortgages at page 022 in the Office of the Clerk of the County of Franklin, and

**WHEREAS**, the mortgage contains a provision that at the end of five years the lender's rights to the loaned amount end without repayment, and

**WHEREAS**, more than six years have passed since the mortgage was made,

**NOW THEREFORE, BE IT RESOLVED, that the Supervisor of the Town is authorized to sign and issue a Discharge of Mortgage for HUD Project #94-03 concerning said mortgage.**

**Roll Call Vote: Aye 5 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), Nay 0 Resolution #70 declared duly adopted.**

3. **VOUCHER AMENDMENT (RESOLUTION #51-2005) (Quenell):** At the April meeting a purchase for flags and markers was authorized (Resolution #51-2005) to be paid from the Veteran's Fund (\$483.71) and the Cemetery Account in the General Fund (\$146.29). The Bookkeeper was not able to find a Veteran's Fund checking account to pay for this purchase. The fund shows on the books but John Quenell said he thinks the fund was exhausted years ago and this was just carried from bookkeeper to bookkeeper over the past several years. The flags and markers were purchased and need to be paid from the Cemetery Account.

**RESOLUTION #51-2005 (AMENDED):**

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

**Motion made by John Quenell, Second by Steve Tucker, to Wit:**

**WHEREAS**, the Veteran's Fund checking account cannot be located, and

**WHEREAS**, the flags and markers were already purchased,

**RESOLVED that Resolution #51-2005, entitled "Authorization to Purchase Flags and Grave Markers for the Cemeteries" is hereby amended to make the entire \$630.00 charge payable from General Fund Account #A8810.4 (Cemetery - Contractual).**

**Roll Call Vote: Aye 5 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), Nay 0 Resolution #51-2005 declared duly amended.**

- 4. AUDIT OF FISCAL OFFICER RECORDS (Knapp, Wright):** David Knapp and Lydia Wright reviewed the Supervisor's fiscal records using the checklist from the Comptroller's Office. They said it was difficult to determine if certain items were actually available because of names used. A "Cash Receipt Book" was not found by that name. Deposits could be followed from documents found in the files. Checks were not all accounted for, if checks were voided they were not available. David Knapp recommended that due to the changes of bookkeepers over the past three years and the fact that an audit has not been performed recently the Town should request an audit from the Comptroller's Office to determine if the books are being maintained properly. The Supervisor did not know if the Comptroller Office would do such an audit. Lydia Wright addressed more items from the checklist. Bank reconciliations were not found by monthly basis. This was also a concern of the last audit from 2000. Fixed asset information was not available. Not all payroll time sheets were available. The ones found were prior to March 2004. Not all time sheets found were certified by the appropriate person. David Knapp said that the Financial Report given to the Board this month had a Cash Account Record. This was not provided for in past reports, but was in the records prior to March 2004 when the bookkeeper changed.
- Supervisor Robert Tebbutt** said he would ask the Bookkeeper about the list of missing checks and any other question provided to him.
- David Knapp** will contact the Comptroller's Office to determine the process to request an audit.
- 5. TOWN HALL RESTORATION PROJECT:** Kevan Moss and Lydia Wright met with Carl Stearns on Wednesday, June 1, to review the final drawings for the Town Hall Project. Carl Stearns took more field measurements and re-looked at the front stairs and piers. Deterioration of the piers appears to be critical. The in-progress plans were updated. Bid package can be prepared by Crawford and Stearns (C&S). Ceiling and floors could be taken back to original wood as an option. The asbestos survey will have to be done. This could be done at the same time as the inspection of the old garage to save funds. C&S can provide additional services to do the bid phase and shop drawings since additional funds are left from the grant. A "Clerk-of-the-Works" would be needed for 1 hour every other day for 1 to 2 months to oversee the work. The furnace is sufficient for the addition as well as the current building. The water heater could be replaced by "on-demand" hot water at the sinks. The steps and porch need immediate attention. C&S gave a \$45,000 estimate for the addition because of the escalation of material costs. The bid package and drawings should be ready by the end of the month. Discussion was held concerning who to have for the "Clerk-of-the-Works". This would be a paid position not volunteer. The position was budgeted for \$2,150. Jan Kibben was mentioned as one who worked on the Saranac Lake Free Library construction project. In light of the discussion with Carl Stearns and the critical nature of the steps and porch work, Lydia Wright requested that Resolution #64-2004 be rescinded as amended on May 16, 2005 and the project be put back to Phase 1 so work can begin on the stairs immediately. The funds are already available for repairs so a referendum vote would not be needed at this time. Discussion was held as to the pros and cons of having a special election on July 15. The citizens were allowed to express their opinions also.

**RESOLUTION #64-2005 AMENDED (RESCINDED)**

**RESCIND AMENDMENTS OF RESOLUTION #64-2004**

**Motion made** by Lydia Wright, **Second** by David Knapp, **To Wit:**

**WHEREAS**, Crawford and Stearns, hired by the Town of Brighton to complete plans for repairing, restoring, and building an addition to the Town Hall, recommend that the front stairs and porch are critical and in need repair immediately, and

**WHEREAS**, the member item funding (\$40,000 from Senator Betty Little) will not be jeopardized if not requested by August 30, 2005, and

**WHEREAS**, the Town of Brighton already has the funding to do the repairs to the Town Hall,

**NOW THEREFORE, BE IT RESOLVED, that the Amendments approved on May 16, 2005 to Resolution #64-2004 be rescinded and return the Resolution back to its original form as Town Hall Project, Phase 1 for \$25,000.**

**Roll Call Vote: Aye 3** (David Knapp, Steve Tucker, Lydia Wright), **Nay 2** (Supervisor Robert Tebbutt, John Quenell)  
**Resolution #64-2004 as Amended declared duly rescinded.**

- 6. REPAIRS TO STEPS AND PIERS ON TOWN HALL(Knapp):** Drawings are available for the step repairs, and already discussed with Crawford and Stearns. The stairs and piers plan can be extracted from the whole bid document and used on its own. David Knapp will request quotes from contractors as soon as possible.
- 7. CLASS ACCOUNTS (Wright):** Received a report from John Quenell that did not have all the information she requested. There were no balances of accounts or authorizations or transfers listed. She contacted MBIA for this information and was faxed all the transaction confirmations for the year. She has asked the Town Clerk to up-date

the CLASS book kept at the Town Hall. Lydia Wright asked why the reports were no longer faxed to the Town Hall. MBIA said they are being emailed to the Town Supervisor instead. She asked if they could be copied and kept in the Town Hall book. MBIA will not both fax and email the reports. The Town Clerk received a Statement Summary by fax but not the transaction information.

**Supervisor Robert Tebbutt** said he was not aware they were not also being faxed to the Town Hall.

### **NEW BUSINESS**

**CAMP REGIS - APPLEJACK:** Mike Humes sent the following fax to the John Quenell:

“June 2005, The Humes Family is celebrating its’ 60<sup>th</sup> year of providing quality camping experiences for children at Camp Regis-Applejack in the Town of Brighton. In recognition of this milestone, we would like to offer opportunities for local, year round Brighton residents to send their children (age 6 to 15) to camp at no cost for the three week period starting July 25<sup>th</sup> (either overnight or day). Space is limited so applications for consideration will need to be submitted by July 4<sup>th</sup>. For questions, or to receive materials and applications, please call 327-3117. Sincerely, Mike Humes, Director”

**Discussion** was held on how to notify the residents of this opportunity. The Town Clerk will post a notice on the bulletin board and John Quenell will put an article in the Brighton Bulletin.. Barb Marshall at the food pantry will be notified also.

**Motion made** by David Knapp, **second** by Lydia Wright, **authorizing the Supervisor to write a “thank you” note to Mike Humes.**

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

### **REPORTS**

#### **1. JUSTICE (Santagate):**

- a. There were 47 cases disposed during May. A check for \$3,900.00 was given to the Supervisor
- b. Ballast on lights need to be replaced in the Town Hall.

**John Quenell** said he would repair the light.

- c. School is scheduled for Saturday, June 11

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

- a. Raked dirt roads
- b. Mowed both cemeteries and Town Hall lawn, borrowed a mower to complete work
- c. Checked beaver work in culverts
- d. Picked up tree limbs from severe wind storm
- e. Landscaped front of new garage
- f. Worked with county doing shoulder work
- g. Request for new riding lawn mower to mow the garage, cemetery, and town hall lawns
- h. Red Cross would like to use the new garage as a mass care shelter.

**David Knapp** asked about insurance coverage. Supervisor Robert Tebbutt said they have their own liability insurance.

### **RESOLUTION #71**

#### **AUTHORIZATION TO PURCHASE RIDING LAWN MOWER**

**Motion made** by John Quenell, **Second** by Steve Tucker, **To Wit:**

**WHEREAS**, a maintenance person is not available to mow the lawns, and

**WHEREAS**, the Highway Department has volunteered to mow the lawns at the town cemeteries and town hall, and

**WHEREAS**, a second mower is needed to accomplish the work quickly, and

**WHEREAS**, quotes were received from several companies,

**BE IT RESOLVED**, that the Highway Superintendent is hereby authorized to purchase a John Deer Model 16HP LT160 42-inch deck riding mower for \$2,150 per quote from Giroux Brothers in Malone, with the expense to be shared equally between General Fund Account #A8810.4 (Cemeteries - Contractual) and Highway Fund Account DA5130.21 (Machinery - Light Equipment).

**Roll Call Vote: Aye 5** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay0**  
**Resolution #71 declared duly adopted**

**RESOLUTION #72**

**AUTHORIZATION FOR RED CROSS TO USE TOWN GARAGE AS MASS CARE SHELTER**

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

**WHEREAS**, at the invitation of the town Highway Department a representative of the American Red Cross has visited the new highway garage for the purpose of determining its suitability as a mass care shelter, and

**WHEREAS**, the town has subsequently received a proposed Statement of Agreement from the Red Cross reciting roles to be played by each in using the garage as a mass care shelter,

**NOW THEREFORE, BE IT RESOLVED, that the Supervisor and Highway Superintendent are hereby authorized to sign the proposed Statement of Agreement, as amended (below), on behalf of the Town of Brighton.**

**STATEMENT OF AGREEMENT  
CONCERNING THE USE OF FACILITIES AS MASS CARE SHELTERS  
BY THE AMERICAN RED CROSS**

This agreement is made and entered into between the governing Board of Brighton, Franklin County, New York, and the North Country Chapter of the American Red Cross, hereinafter referred to as "Red Cross".

**RECITALS**

Pursuant to the terms of Federal Statutes, the Red Cross provides emergency services on behalf of the individuals and family of victims of disaster.

Highway Superintendent is the person authorized to permit Red Cross to use facility buildings, grounds and equipment for mass care shelters required in the conduct of the Red Cross Disaster Relief activities and wishes to cooperate with the Red Cross for such purposes.

The parties hereto mutually desire to reach an understanding that will result in making the aforesaid facilities of the Brighton Town Garage, available to the Red Cross for aforesaid use.

Now, Therefore, it is mutually agreed between the parties as follows:

1. Brighton agrees that after meeting its responsibilities, it will permit, to the extent of its ability, and upon the request by the Red Cross, the use of the Highway Garage as mass care shelters for victims of natural or man-made disasters.
2. Red Cross agrees that it shall exercise reasonable care in the conduct of its activities in such facilities and further agree to replace or reimburse the Town of Brighton for any food or supplies used in said mass shelter.

In witness thereof, the governing Board of Brighton, Superintendent of Highways, and the Red Cross has caused this agreement to be executed by the North Country Chapter with said agreement to become effective and operative upon the fixing of the last signature hereto.

**Roll Call Vote: Aye 5** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay 0**  
**Resolution #72 declared duly adopted.**

3. **INSURANCE AND INVESTMENTS (Quenell):** Discussion was held concerning the bonding of Town Officials. John Quenell distributed a table of comparison for four alternatives showing different limits of Theft Insurance from present coverage of \$50,000 for all employees, \$400,000 for Supervisor and Tax Collector, \$500 deductible for all and no coverage for Bookkeeper as an "agent" to \$500,000 for all employees, \$1,000,000 for Supervisor and Deputy, and \$2,000,000 for Tax Collector, \$500,000 for Bookkeeper, with \$5,000 deductible for all. Premium range from \$652 to \$1,551. The current year is not yet paid so a voucher has been submitted.

**Lydia Wright** asked why the Town had to bond for the Bookkeeper since the position was changed from an employee to a contracted position. She asked if the bookkeeper carried his own insurance.

**John Quenell** did not know if the Bookkeeper carried his own insurance.

**Kevan Moss** said that as an independent business owner she carries her own insurance as should the bookkeeper.

**John Quenell** said he spoke to several people and they said the bookkeeper as an "agent" for the Town should be covered by the Town. He said he recommends the Tax Collector not be bonded for the total tax warrant. He has spoken to the Comptroller's Office and they do not endorse what is written in the audit (2002M-12) concerning the bonding of the Tax Collector. The town was to review the current employee blanket bond coverage with the insurance agent and insure that all of the required employees and officials were bonded and that the level of bonding is sufficient. He has spoken to several other people ( insurance agents, other town supervisors) concerning this issue and he does not accept the Tax Collector's position that she needs to be bonded for the full amount of the warrant.

**Lydia Wright** read from the Report of Examination 2002M-12, page 12-13: "Employee Bonding. The public employee bonds secured for the town supervisor and tax collector were insufficient to protect the town's cash resources and investments. To provide adequate protection for a municipality's cash resources, Public Officer Law requires that the



individuals responsible for the assets provide the local government with individual bonds. As an alternative to the individual bonds the local government may procure a blanket bond covering its officers and employees. To comply with this requirement, the town board secured a blanket bond providing coverage up to \$50,000 for each employee and an additional \$700,000 for the tax collector. At December 31, 2000, the town reported total cash and cash investments in excess of \$400,000. Bond coverage for the town supervisor was approximately 13% (\$50,000/\$400,000) of cash balances at December 31, 2000. Additionally, the Tax Collector collected a total of \$987,33 for the town and county taxes during 2001. The \$750,000 bonding represents approximately 76% (\$750,000/\$937,373) of total tax receipts. The present level of bonding is insufficient and subjects the town to possible uninsured exposure. The town board should review the current employee blanket bond coverage with the town attorney and insurance agent and ensure that all of the required employees and officials are bonded and that the level of bonding is sufficient.” She said the Town reduced the amount of the bonding for the Tax Collector (\$750,000 to \$450,000) instead of increasing it and the amount of taxes collected has increased. The Tax Collector is uncomfortable with the reduction and would like to be covered for the total warrant.

**John Quenell** said the town does not need to cover the tax collector for the full amount, he has reviewed the policy with the insurance agent (not the Attorney for the Town) and he gets a different answer. He said he asked the Tax Collector two meetings ago to provide him with a day-by-day bank balance of her account to understand the exposure and he has not seen it yet. He would like to pick up the bookkeeper to be covered and sign up for alternative 3 (limits of \$25,000 for employees, Supervisor and Deputy for \$525,000, tax collector for \$1,525,000 and Bookkeeper for \$25,000 all with deductible for \$500 with a premium of \$1,482).

**Lydia Wright** asked why the Town changed bookkeepers from a firm to an individual.

**John Quenell** said the individual worked for the firm, then left the firm; the Town stayed with the firm for the remainder of the year. At the end of the year the firm said it would be increasing its fees substantially. The Town contacted the individual to see if he was still in business and would he pick-up the books for the Town. The individual agreed to do the books for a smaller fee than the firm.

**Lydia Wright** asked if whoever contacted the individual did not check to see if he had insurance already.

**John Quenell** said that was correct, he did not check if the individual already had insurance.

**David Knapp** said that the first step would be to check and see if the individual carried their own insurance since they are an independent contractor.

**John Quenell** said he would check with the individual.

**David Knapp** asked about the alternatives, if they were “a la carte” or progressive.

**John Quenell** said each alternative stands alone. He had nothing further to report.

4. **ASSESSOR (Tichenor):** Supervisor Robert Tebbutt said that the Assessor reported that no one showed up for Grievance Day (June 2)
5. **TAX COLLECTOR (McKernan):**
  - a. During May received 10 calls regarding tax matters and sent out 2 faxes. It is now much more convenient for people requesting 2005 tax receipts, information is available through the tax collecting software. It is no longer necessary to call the Franklin County Treasurer’s Office.
  - b. Received the 31 May bank statement, which was reconciled. There is a balance of \$168.12, which is from 4 uncashed checks. Mailed the two most recent refund checks at the end of May. They should be cashed shortly. Will wait for the other two checks to age out to the proscribed 6 months before they are deemed void and will give those funds to the Town Supervisor.
  - c. Would be happy to bring in the bank statements for the board to review. She did not realize John Quenell had made a direct request. At the same time the Board could audit the 2005 books since they are closed for the year and it should only take half an hour.
6. **CODE ENFORCEMENT (Lagree):** Issued 12 building permits as of May 3, 2005; 21 still open for 2004, 9 open from 2003, 6 open from 2002; and 1 open from 2001.
7. **CEMETERY (Tucker):** Dan Spencer mowed Mountain View Cemetery before Memorial Day Weekend . The Highway Department mowed both McColloms and Mountain View cemeteries last week. A trailer should be purchased to move the mowers with since two riding mowers will not fit in the back of the pick-up truck. This can go in next year’s budget.
8. **PARKS AND RECREATION (Tucker):**
  - a. Camp Gabriels made 5 handicap accessible picnic tables and three small child size tables. Three large tables

are at the park, one at the Town Hall and one at the Town Garage. Two child size tables are at the Park and one at the Town Hall. The small ones should be chained down so they don't get taken. They are not stained yet because the wood is wet. Will contact Gamp Gabriels to remove the piles of pine needles from the park with the Highway Department. Camp Gabriels will rebuild the fireplaces at the park when they have the materials.

- b. The electricity needs to be put in to the pavilion and the memorial sign on State Route 86.
- c. Dan Spencer has been mowing the fields.
- d. Will contact Suburban Petroleum concerning the heater for possible replacement
- e. David Knapp said he has the breaker for the hot water heater from the old garage. He just needs access to the building to install it.

### ***CITIZENS' COMMENTS***

**Tracy Santagate - McColloms:** Asked what the grounds were for going into "Executive Session".

**Supervisor Robert Tebbutt** said the board had a legal opinion from the Attorney for the Town that they had to discuss.

**John Quenell** said the action was pending litigation.

**Tracie Santagate** asked why the action was "pending".

**John Quenell** said it was because someone said they were going to sue the Town.

Discussion was held whether this was a threat or "pending litigation".

**Tracie Santagate** said the issue was whether the Town was violating the "Open Meeting Law" by going into "Executive Session".

**John Quenell** said the plan was to discuss legal strategy to protect the Town from a lawsuit that has been stated by a person who is going to sue the town.

**Supervisor Robert Tebbutt** said the person has told him on more than one occasion that he was going to sue the Town.

**Tracie Santagate** said this is not "pending litigation" so it is not grounds for going into "executive session". Nothing has begun for a law suit. "Pending" means "begun but not yet completed".

**Supervisor Robert Tebbutt** said the board needs to respond to the legal opinion and the discussion of it needs to be done so the person suing the town does not have access to the information provided by the Attorney for the Town.

Discussion was held on whether this was a violation of the "Public Officer Law" or not.

**John Quenell** said the Attorney for the Town recommended the Board discuss his opinion in "Executive Session".

**Tracie Santagate** said the Attorney has been wrong before.

**John Quenell** said that she is real sweet and that this is just her opinion.

**Tracie Santagate** said it wasn't an opinion and she had the reasons for going into "executive session" in front of her and "pending litigation" was listed as a reason.

**Lydia Wright** said the Supervisor should not be allowing John Quenell to continue his behavior of addressing people in the manner that he has been, swearing and telling people to shut up. He is condoning the behavior but not saying anything to stop it.

**Supervisor Robert Tebbutt** said he is not condoning his behavior and would like to know what the Board feels about going into Executive Session.

**David Knapp** said he would like to confirm the guidelines before entering into Executive Session since they are unclear to him and he doesn't want to break the law.

**Lydia Wright** said they were wrong the last time.

**John Quenell** said that the Citizens Comments should be continued and the Board audit the vouchers.

**Peter Martin - County Route 60:** He was amused that the stated reason for not postponing the special election was to get the Town's opinion on the Town Hall Project but yet board members are being nasty and taking things personal when people are asking questions during Citizens Comments. On the Town Hall Project, he had a discussion with an individual who is willing to donate up to \$20,000 to the project. He told the individual he would not put his name behind this money until the Town decides what it is going to do for the project. When several people voiced their opinion on the new Town Garage at board meetings they had to force a vote. Now, on the Town Hall project there was no opposition at the public hearing, and all of a sudden the Supervisor has mentioned he has had phone calls from some people and the Board makes the project go to a special election right away. The Town needs to come up with a plan before the individual will give the funds. Now a person can't talk at a board meeting without getting yelled at or sworn at by certain board members. It is pretty poor of a board member to be taking things personally. He would not have sat there like the Supervisor did and not taken care of the problem.

**Supervisor Robert Tebbutt** said he tries to give everyone the chance to express their thoughts at meetings. He cannot get into personalities at this time.

**Tom Willis - Garondah Road:**

- a. Balance in account for the Town Hall Restoration Project Fund is \$15,215. A pledge of \$500 is still outstanding. The mailing to organizations, professionals and businesses in Saranac Lake is complete. Solicitation to the same in Brighton will go out later this month.
- b. The mailing for Brighton History Day will include information on the fund. Would like permission to use the copier to copy information for Brighton History Day as in the past 10 years.
- c. If the highway department is getting a riding lawn mower to use on the cemeteries the Town should sell the lawn mowers sitting in the cemetery shed.

**Supervisor Robert Tebbutt** said he thought selling the mowers were a good idea. He said permission was granted to use the copier if no one objected.

**John Quenell** said he had no objection.

**Pat Willis - Garondah Road:** Asked for a verification that the bank balance for the Town Hall Project Capital Fund was \$32,000.

**Supervisor Robert Tebbutt** said that sounded correct.

**Thomas McKernan - County Route 60:** On several occasions when people reserve the park the bathrooms have not been available. The Park Attendant is at the park many time when no one is using it. He asked if the Park Attendant's schedule could be rearranged so that when people are using the park he can be there to open up the bathrooms.

**Steve Tucker** said he has told the park attendant to arrange his schedule to be at the park when people have reserved it. He will speak to him again.

**Thomas McKernan** said if the attendant is not going to be there during the posted hours then the Town should arrange to have a "port-a-potty" available for people who reserve the park.

**Rouse Fountain - State Route 86:** The Town should check the septic system at the park. It is a 500 gallon tank and with all the large groups using the park it probably needs pumping out. It is in a very hard place to get to if repairs are needed or it has to be replaced.

**Tracie Santagate** asked how many push mowers the town has and shouldn't they sell them.

**Supervisor Robert Tebbutt** said there are several mowers from when Bob Byno was having Camp Gabriels work crews use them. Several are worn out but there are two or three of them in good shape that the Town should get good money for when sold.

**Kevan Moss - State Route 30:** Would like to go on record saying that when the Town hires contractors they should provide the Town with proof of insurance to protect the Town. She personally does not do business with people without proper insurance.

**There were no further citizens comments.**

**EXECUTIVE SESSION:**

**David Knapp** read "When can a meeting be closed?" (Your Right to Know, New York State's Open government Laws, Page 13): "The law provides for closed or 'executive' sessions under the circumstances prescribed in the law. It is important to emphasize that an executive session is not separate from an open meeting, but rather is defined as a portion of an open meeting during which the public may be excluded.

"To close a meeting for executive session, the law requires that a public body (the "town board") take several procedural steps. First, a motion must be made during an open meeting to enter into executive session; second, the motion must identify "the general area or areas of the subject or subjects to be considered;" and third, the motion must be carried by a majority vote of the total membership of a public body.

"Further, a public body cannot close its doors to the public to discuss the subject of its choice, for the law specifies and limits the subject matter that may appropriately be discussed in executive session. The eight subjects that may be discussed behind closed doors include: (a) matters which will imperil the public safety if disclosed; (b) any matter which may disclose the identity of a law enforcement agency or informer; (c) information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed; (d) discussion regarding proposed, pending or current litigation; (e) collective negotiations pursuant to Article 14 of Civil Service Law (the Taylor Law); (f) the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation; (g) the preparation, grading or administration of examinations; and (h)

the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

“These are the only subjects that may be discussed behind closed doors; all other deliberation must be conducted during open meetings.

“It is important to point out that a public body can never vote to appropriate public monies during a closed session. Therefore, although most public bodies may vote during a properly convened executive session, any vote to appropriate public moneys must be taken in public.

“The law also states that an executive session can be attended by members of the public body and any other persons authorized by the public body.”

**David Knapp** said the only item “d” would pertain to this issue. The board has not yet made the motion to go into “executive session”. The public has the right to hear the decision of the board so the executive session should be held before the vouchers are audited.

**Motion made** by John Quenell, **Second** by Supervisor Robert Tebbutt, **to GO INTO “Executive Session” at 9:55 p.m. to discuss a letter from the Attorney from the Town, Re: “Information Concerning Potential Litigation”, under Public Officers Law, Article 7, Open Meetings Law, Section 105 (d), discussion regarding proposed, pending, or current litigation.**

Discussion was held on whether this was the correct thing to do. Lydia Wright silently read the letter from the Attorney for the Town and said there was no information in it that was not already discussed during a previous meeting so there is no need to discuss it in “executive” session. She said Supervisor Robert Tebbutt and John Quenell had already read the letter so Steve Tucker and David Knapp should be allowed to read the letter also. There was no deadline to answer this letter.

**Motion made** by John Quenell to **Rescind the above motion**, **Second** by Supervisor Robert Tebbutt.

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

**Motion made** by John Quenell, **second** by Supervisor Robert Tebbutt, **to audit the vouchers.**

**Roll Call Vote: Aye 5** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay 0**

#### **RESOLUTION #73**

##### **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 #4 for Voucher #4A through and including #4C for General Funds in the amount of \$733.52 and Street Lighting Funds in the amount of \$45.39**

**GENERAL FUND: Abstract #6 for Voucher #147 through and including #173 for funds in the amount of \$17,571.83 and Justice Funds of \$4,055.00.**

**HIGHWAY FUND: Abstract #6 for Voucher #46 through and including #54 for funds in the amount of \$5,951.22**

**CAPITAL PROJECT (HIGHWAY GARAGE) FUND: Abstract #15 for Vouchers #58 through and including #61 in the amount of \$7,476.87.**

**Roll Call Vote: Aye 5** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay 0**  
**Resolution # 73 declared duly adopted.**

#### ***ADJOURNMENT***

**Motion to Adjourn made at 10:25 p.m** by John Quenell, **Second** by Supervisor Robert Tebbutt, **Aye 5**

Respectfully Submitted,

Elaine Sater  
Brighton Town Clerk