

The Regular Meeting of the Town Board of the Town of Brighton was held on Thursday, June 10, 2004, at 7:00 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:

PRESENT: Supervisor Robert Tebbutt

Council Members: David Knapp, Steve Tucker, Lydia Wright, and John Quenell

ABSENT: None

OTHERS PRESENT: Elaine Sater - Town Clerk, Amber McKernan - Tax Collector, Don Oliver - Superintendent of Highways, Nik Santagate - Town Justice, and Pat and Tom Willis - Historians

RESIDENTS: There were several residents present.

GUESTS: None

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

APPROVAL OF MINUTES

Motion made by Supervisor Robert Tebbutt **to accept the Minutes of the Regular Town Board Meeting of May 13, 2004, with the following changes:** 1) Page 2, Special Election, Line 8: Add “and Robert Tebbutt” after “Lydia Wright” and delete “said she” 2) Page 4, Para #13: Add “(Town Clerk)” after “PREPAID VOUCHERS” 3) Page 5, Old Business, Para 1, Town Hall Citizen’s Committee, Line 6: Delete “Steve Tucker” 4) Page 5, New Business, Para 1, (David Knapp noted that the letter from John Quenell read to the board by Robert Tebbutt did not have John Quenell’s name on it anywhere. Supervisor Tebbutt said that was because of the way he copied it from his e-mail), second by Lydia Wright

Roll Call Vote: Aye 4 (Knapp, Tebbutt, Tucker, Wright), Abstain 1(Quenell), Nay 0

Motion made by John Quenell **to accept the Minutes of the Special Town Board Meeting of May 19, 2004, as written.** (Lydia Wright noted that the meeting was not properly posted for the public.), second by Steve Tucker.

Roll Call Vote: Aye 5 (Tebbutt, Knapp, Quenell, Tucker, Wright), Abstain 0, Nay 0

Motion made by John Quenell **to accept the Minutes of the Special Town Board Meeting of May 25, 2004, as written,** second by Steve Tucker.

Roll Call Vote: Aye 5 (Knapp, Tebbutt, Tucker, Quenell, Wright), Abstain 0, Nay 0

TOWN CLERK REPORT

Total Revenue to Supervisor as of May 31, 2004 was \$759.30

1 Sport Licenses

8 Dog Licenses

8 Building Permit (04-08 through and including 15)

16 Copies on the Copier

1. Faxed request on May 20 to Adirondack Daily Enterprise, Re: Notice of Special Meeting for May 25, 2004. Notices were posted in three Post Offices, on Town Clerk’s Sign Board, and in local businesses on May 20.
2. Received letter dated May 23, 2004, from St. Regis Restaurant, Re: Notice of liquor license renewal.
3. May 25 emailed Resolution #70-2004 (Records Grant Funds Support) to Ann Marie Przybyla, Senator Bruno and Assembly Member Ron Canestrari and mailed a copy to Roy McDonald. Received an email from Ann Marie Przybyla and she said to say, “thank you to the Board for their support”.
4. Faxed request on June 3, 2004, to Adirondack Daily Enterprise, Re: Town Clerk’s Office closed on June 8, 2004, published on June 7. Posted in three Post Offices, on Town Clerk Sign Board, and in local businesses on June 3.
5. Attended SARA training in Malone on June 2, 2004, Re: E-mail as Town Records, learned that the metadata (from, to, date sent, subject, etc.) needs to be on e-mails retained as Town Records.
6. Attended DECALS training in Ray Brook on June 8, 2004, from 8:30 a.m. to 4:30 p.m. Sport Licenses will go on sale Monday, August 16, for 2004/05 hunting season.

7. Park Use Schedule: May 20 to July 1, 2004, Tuesday and Thursday evenings 5:45 to 7:15 p.m. – Saranac Lake Youth Baseball Association baseball practice, insurance has been provided; May 30, 12:30 to 5:30 p.m. - Fisk Family; June 12, 3 to 8 p.m. - Cantwell Family, June 20, 12 to 8 p.m.- Mosher Family; September 12, 10 a.m. to 2 p.m. – St. Luke’s Episcopal Church
8. Town Hall Schedule: June 10, 8:45 to 10 a.m. and 4 to 5:30 p.m. - Brighton Conspiracy; June 19, 9 a.m. to 12 Noon - Garondah Road Residents, June 29, 5:45 p.m. - Town Hall Citizens’ Committee

SUPERVISOR’S REPORT

1. **FINANCIAL REPORT:** A copy for period ending May 31, 2004, was given to each Board member.
2. **BUDGET AMENDMENT #2:** Lydia Wright passed out a fax dated April 8, 2004, from Mitch Crevar, Office of the State Comptroller, showing the information on the transfer of funds from Contingency to Cap Projects for the Town Hall Capital Project.

RESOLUTION # 76

AUTHORIZATION FOR BUDGET AMENDMENT #2 TO 2004 BUDGET – GENERAL FUND

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

RESOLVED, that Budget Amendment #2 to the 2004 Budget, General Fund, be authorized as follows: the following amount be and the same hereby is transferred \$7,500 from Account No. A1990 Contingency as follows: \$7,500 to Account No. A9950.9 Appropriations Transfer

Roll Call Vote: Roll Call Vote: Aye 5 (Tebbutt, Knapp, Quenell, Tucker, Wright), Abstain 0, Nay 0

Resolution #76 declared duly adopted.

3. **BUILDING VARIANCE REQUEST – ROW ON KEESE MILLS ROAD:** Received a letter and a phone call from the resident on Keese Mills Road to temporarily retract the request for a variance for a building permit in the highway right-of-way.
4. **2004 EQUALIZATION RATE:** Received notice of equalization rate from the State of New York Real Property Office. The 2005 tentative Equalization Rate for the Town will be 79.24%. John Quenell explained that this affects the county and school tax contribution from the Town taxpayers. The Town can challenge this number. He contacted the Assessor Doug Tichenor who said it would not do any good to challenge the equalization rate this year. The Assessor plans to do a re-evaluation of assessments in 2006.
5. **STATE ROUTE 86 CONSTRUCTION PROJECT:** Project was supposed to start on June 1, but it didn’t; asked if anyone had heard anything. Several people made comments but no one knew when it construction would start.
6. **APA PERMITS:** Received two APA Permits for Douglas Kipping (2000-85A) and Rouse Fountain, Sr. (2004-6); gave to the Town Clerk for filing.
7. **TOWN HALL FENCE:** Gave permission to Bob Byno to stain the fence in front of the Town Hall.
8. **CHIPS FUNDING:** According to State Senator Elizabeth Little 80% of CHIPS funding was passed. She will try to get more. The Town budgeted for \$23,000 and \$18,800 was approved.
9. **EASY STREET (STATE ROUTE 86) NO-PASSING ZONE:** John Quenell met with State Senator Elizabeth Little concerning the no-passing zone petition. She will follow up with the Transportation Department to pursue this concern.
10. **HIGHWAY GARAGE PROJECT:** Reviewed the time line for the Project: Bids to go out by July 1, Town Board will review plans before bid goes out. Bids should be back by Jul 28 and award made around Aug 4. Construction might start on September 1 and be completed by January 2005. The design will be a four-bay garage with heated floor and one cold storage bay; one bay will be a wash bay. There will be black top around the building and a gravity flow septic system. The permits are not approved yet. The Attorney for the Town is working on the land purchase. The Town Hall land has

been included in this request. Still waiting for the salt shed plan to be finalized; using the same plan as Town of Franklin salt shed. There has been no word on the grant for the salt shed yet. Bid alternates have not been decided yet.

OLD BUSINESS:

Justice Nik Santagate left the meeting.

1. **LITTER LAW:** The Code Enforcement Officer sent a letter to the Supervisor listing 5 property owners that seem to be in violation with the Town's "Litter Law". One resident on Easy Street (State Route 86) has already taken care of the summons they received and can be removed from the list so there are only four that need to be addressed.

RESOLUTION #77

ISSUE OF NOTICES OF VIOLATION FOR LOCAL LAW #3-2001 "LITTER LAW"

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

RESOLVED that the Code Enforcement Officer, Ed Lagree, is directed to issue Notices of Violation to Local Law #3-2001 "Litter Law" to four property owners in accordance with his June 3, 2004, letter (attached).

Roll Call Vote: Aye 5 (Tebbutt, Knapp, Quenell, Tucker, Wright), Abstain 0, Nay 0

Resolution #77 declared duly adopted

Justice Santagate returned to the meeting.

2. **REQUEST FOR SHPO GRANT- Lydia Wright:** Resolution #72-2004 for a State Historic Preservation Office (SHPO) grant was tabled at the May 13, 2004, meeting because of concerns raised in a letter read by Supervisor Robert Tebbutt from John Quenell that needed to be addressed. Lydia Wright said other citizens might have the same concerns so she felt it necessary to address the concerns about the resolution.

RESOLUTION #72 (Tabled on May 13, 2004)

AUTHORIZATION TO APPLY FOR A GRANT FROM NYSOPRHP FOR THE TOWN HALL

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

WHEREAS, the Town Board of the Town of Brighton (the "Town") has determined that the Brighton Town Hall (currently listed on the New York State and National Registers of Historic Places) is in need of repairs and restoration, and

WHEREAS, these repairs and restoration are planned to be designed and overseen by the preservation architects Crawford and Stearns, and

WHEREAS, an appropriate addition designed by the preservation architects Crawford and Stearns is planned for the rear of the building to accommodate current and future Town business, and

BE IT THEREFORE RESOLVED, that Lydia Wright, as Councilperson of the Town of Brighton, Franklin County, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provision of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$100,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to this Town of Brighton for the Brighton Town Hall Restoration and Addition Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

Motion made by Robert Tebbutt to table the motion until the June 10th meeting unless a special meeting to discuss it is scheduled, second by Steve Tucker

Roll Call Vote: Aye 3 (Tebbutt, Knapp, Tucker), Abstain 1 (Wright), Nay 0, Absent 1 (Quenell)

Resolution #72 declared tabled.

Lydia Wright read a letter from Mr. Quenell concerning this resolution and addressed each issue as follows:

Mr. Quenell's letter: "The following is my reaction to the proposed town hall project resolution circulated by Pat Willis for discussion in tonight's board meeting. I would like to share my views with you here because I will not be able to attend the meeting. My understandings of town hall project activities to date are:

1. A committee was appointed by the town board to develop plans for the town hall
2. To help, the town board approved the expenditure of about \$600 in support of a preliminary architectural study
3. The committee handed out detailed information concerning their plans for maintenance, restoration and building expansion at the April 2004 regular board meeting
4. Also at the April meeting, the board agreed to pass a resolution authorizing the expenditure of \$7,500 as an anticipated 50% share of a more serious architectural study. The board was advised by the committee that not even simple maintenance items could be undertaken without first having such a study performed."

Lydia Wright would like to add a #5. "At the March 2004 meeting, the Board approved Resolution #53 authorizing to apply for grants in general for Town Hall restoration; the Town Board passed that unanimously."

Mr. Quenell's letter: " Early in March 2004 council members Lydia Wright and John Quenell contacted Mitch Crevar of the Glens Fall office of the State Comptroller to ask for advice on how to proceed with the project."

Lydia Wright said she would like to add that she contacted Mr. Crevar of the State Comptroller Office, because as a member of the Town Hall Citizens Committee she felt it was her duty to find out the proper procedure for developing the plan for the Town Hall. She wanted to make sure she was not in violation of any Town finance laws and she asked for his guidance.

Mr. Quenell's letter: "By memo dated March 11, Mr. Crevar advised that 'when both the context of the project and the source of funding is determined I suggest that you meet with your legal counsel to ensure that the project is an activity that the Town should be undertaking. Ensuring that all of the legal requirements from the inception of the project are met will help to minimize any possible future problems.' *We have not done this.*"

Lydia Wright pointed out that the memo started out "A few thoughts and suggestions for the town hall project..." His words are not law; they are just that "thoughts and suggestions". After receiving this memo, she said she decided it would be in the Committee's and Town's best interest if she met with Mr. Crevar face-to-face in order to work out the details of setting-up a capital project fund for the Town Hall Restoration and Addition Project. On April 5, she and David Knapp met with Mr. Crevar in his Glens Falls Office to review the project with him and to get his input as to how to proceed.

Mr. Quenell's letter: "Mr. Crevar goes on to say, 'if the Town goes forward with the project it will have to adopt a Capital Project resolution. The resolution functions as the budget for the project and gives the town the authority to receive and disburse funds in conjunction with the improvements. The resolution must contain three primary elements:

- What is to be acquired or constructed
- The maximum authorized cost
- The financial plan for financing the project.'

We have not done this".

Lydia Wright said this was done by Resolution #64 passed unanimously by the Board on April 8, 2004. The resolution delineates the three components in question as indicated by Section 1, 2 and 3. The wording of the resolution came directly from Mr. Crevar, she said she did not write the resolution by herself. Resolution #64, Section 1, addressed the question "What is to be acquired or constructed." Section 1 states "A Capital Project known as 'Town Hall Restoration Phase 1' be established. The project represents the initial phase of a three-phase restoration and addition plan proposed for the Brighton Town Hall (See attachment A)." She said that Attachment A is the color-coded estimate as well as the billeted document that shows what each of the phases consist of. Section 2 addresses "the maximum authorized cost." and it states, "The estimated maximum cost of the 'Town Hall Restoration Phase 1' Capital Project is \$25,000.00. Section 3 addresses the third element, and it states, "It is hereby determined that the plan for financing the aforesaid Capital Project shall be by Budgetary Appropriation of the Town's General Fund." She said that Mr. Crevar suggested that wording because he knew the Town was going to try to get donations and grants, that was how the Town was hoping to finance the project.

Mr. Quenell's letter: "As you know, Mr. Crevar's memo goes on to discuss further aspects of how to proceed with proper authorization and review of the project. I am concerned that instead of following Mr. Crevar's advice as to process, we seem to be rushing forward with grant applications and obligating the town to spend further funds."

Lydia Wright said that the Town is actually following Mr. Crevar's advice as per the meeting with her, David Knapp, and Mr. Crevar on April 5. She said Mr. Crevar was filled-in on all that had been done to date: the Crawford and Sterns assessment, the estimate by Jan Kibben of Kibben Construction Management which was based on the Crawford and Sterns assessment, as well as the three-phase project plan. He was shown copies of all the documents to review. All of these documents have been in board members' possession for two months. She said to date only one grant application has been submitted and the board unanimously passed Resolution #52 on March 11, 2004, for that application. She said this could hardly be called rushing into grant applications. Three of the five board members have been involved with the Town Hall project since its inception. Initially the Supervisor attended meetings as well. Each time the Committee has met, and meets, minutes of the meeting are prepared and submitted to the Board. In addition, a Committee report is given at each Town Board meeting. The reports have been outlined in detail for all activities and plans of the Town Hall Citizens Committee. She said ultimately the project would be paid for by grants, donations, and surplus funds from the Town's budget. The Committee has a three-phase plan designed for implementation over several years. As funds become available the project will move forward, if funds do not become available the project will not move forward.

Mr. Quenell's letter: "I definitely cannot support any further resolutions that say or imply that the town board has approved the proposed project, such as the Pat Willis resolution."

Lydia Wright said he has already approved resolutions that show that he approves the project. He is only one of five and he has the right to vote the way he chooses.

Mr. Quenell's letter: "In my view, we need to go back the fundamental steps outlined by Mitch Crevar and proceed accordingly."

Lydia Wright said that the memo Mr. Quenell refers to is dated March 11. She and David Knapp sat with Mr. Crevar for an hour and a half on April 8; she believes that meeting supersedes the March 11 memo.

Mr. Quenell's letter: "(Besides my generic objection to the Willis resolution, I specifically object to the final paragraph, which would authorize one of our council members to 1) 'file an application for funds from the New York Office of Parks,' 2) 'to execute a project agreement with the State for such financial assistance,' and 3) 'to negotiate a conservation easement/preservation covenant to the deed of the assisted property.' I sincerely doubt that the requested delegation of authority for any of the above activities is legal, but even if it is, I still object on the grounds that each of the listed actions should receive board consideration and approval. The board must not hand off its authority *carte blanche* to any one individual in the manner proposed by the Willis resolution.)"

Lydia Wright said to please read Resolution #53, unanimously adopted by the Board on March 11, 2004, which gives the Town Hall Citizens Committee (THCC) the authority to apply for grants for the Town Hall. She said funds from the New York State Office of Parks are known as a SHPO grant; grants in and of themselves are financial assistance. The THCC has the authority to apply for this SHPO grant as per Resolution #53. The resolution by Pat Willis was brought before the board in an effort to increase the Town's chances of being awarded a SHPO grant. As for #3 'to negotiate a conservation easement/preservation covenant to the deed of the assisted property' during the May 13, 2004, board meeting Pat Willis explained that particular statement to the board. Lydia Wright said the THCC understands well that they do not have the authority to enter into such an agreement with the State; only the Town Board has that authority.

Mr. Quenell's letter: "Please do all in your power to defeat this proposed resolution and convince those who are earnestly advocating the town hall project to return to the road map laid out for us by Mitch Crevar."

Again Lydia Wright pointed out the Mr. Crevar's memo started out "A few thoughts and suggestions..." She said again the memo wasn't law; the meeting on April 8 between herself, David Knapp, and Mr. Crevar superseded it.

Mr. Quenell's letter: "As you know, I have always admired the architecture of our town hall and I have always felt that the building should be carefully preserved and that some of the "improvements" made by previous town boards should be reversed, in effect restoring the building to the original Ben Muncil design. As for expanding the building, I am not persuaded that is

necessary or desirable. The very notion of putting an extension onto such a building seems to fly in the face of preserving it.”

Lydia Wright said that this is why the Town hired Crawford and Sterns Architects and Preservation Planners: to design and appropriate the addition to the Town Hall. This is why the New York State Council on the Arts (NYSCA) is even considering the Town’s application for an architecture planning and design grant. She said if they didn’t think it was appropriate they would not have even considered doing this.

Mr. Quenell’s letter: “Nevertheless, maybe I could be persuaded that the benefits of expansion outweigh the esthetic problems of altering the profile of the building, but I would have to see a convincing list of what those benefits are, together with a realistic artistic representation of that the expanded building would look like, together with an agreed-to price tag. I would like to see a ‘return on investment’ scenario, i.e., if we do not expand the building, what benefits will we forgo and how much would it cost to obtain those benefits in some other way? For example, we seem to have committed to place a new ground-level document storage room in the new highway garage, and doesn’t that take away some of the expressed need for an addition to the town hall? We seem to have committed to move the Food Pantry to the new garage, and doesn’t that free up a large amount of space presently taken by Pantry storage in the town hall?”

Lydia Wright said her reply to that was that the Town Board has agreed to place a new ground-level document storage room in the new highway garage and the Board has committed to move the Food Pantry to the new garage. She read from a letter dated March 3, 2003, from Supervisor Tebbutt addressed to “My Fellow Town of Brighton Residents.”

It states on page 2: “Some thoughts about town offices As part of my ‘education’ over the past two months I have visited many other towns in the region to see what they have done to upgrade their highway garage facilities. Besides learning about garage design and construction, I have been impressed by the fact that many towns have outgrown their town office buildings and are solving the problem by making room for town offices in their new highway buildings. Economically this make sense because once you decide to put up a high-way garage, to make it a little larger to accommodate other town offices is very economical.

Here in Brighton, our overcrowded one-room town hall houses the *supervisor, code enforcement officer, town clerk, town justice, tax collector, and assessor*. There are no separate offices, but there should be – especially for the clerk, judge, tax collector and assessor. This limited open space that remains after allowing for desks, tables, filing cabinets and office equipment has to serve as the system that pumps non-drinkable water. Architecturally, the town hall is a fine building and one that we should be proud of, but I believe that as part of our planning for a new highway garage we need to also consider transferring some or all of our town office functions to the new building.”

Lydia Wright said her response is that with a historical appropriate designed addition the concerns of the Supervisor can be addressed. The Food Pantry accounts for only a small portion of the clutter in the Town Hall. As per the supervisor there are many other things to consider.

John Quenell said that Resolution #64 was only for Phase One, not Phase Two or Phase Three. The Board has not done a resolution for Phase Two or Phase Three.

David Knapp said the same process has to be followed for each Phase.

Lydia Wright said that unless there are funds available the THCC would not proceed with the Phases. The Committee has no authority to commit the Town to any debt whatsoever.

The Town Hall Citizen’s Committee has asked for Resolution #72 to be withdrawn until the next grant cycle.

3. ATV SIGNS - Lydia Wright: Alicia Bodmer, a previous Board member, gave her signs for putting up on the Keese Mills Road that it wasn’t open to ATVs. She asked who puts up the signs on the Keese Mills Road.

Don Oliver said the Highway Department only puts up legal signs on the road. He said the ATV signs were not legal signs and it was not legal to post them. He said the signs have to be approved through the County and State Department of Transportation.

Tracie Santagate said the signs were a courtesy to the ATV riders so people from out of the area will know the Keese Mills Road is not a legal ATV trail. The board passed a resolution to put up the signs.

Lydia Wright will contact the county and state transportation departments to get the signs approved and put up legally.

NEW BUSINESS:

HIGHWAY GARAGE PLANNING MEETINGS - David Knapp: Would like the Board to set up a second meeting each month until the Highway Garage Project is completed to discuss the Project specifically. Board members could plan on it instead of trying to figure out the best time for special meetings. He will contact Joe Garso of Northwoods Engineering to determine a time and day before the next monthly meeting.

REPORTS

1. COURT (Santagate):

- a. Would like to have the record show he left the meeting during discussion of the “Litter Law”.
- b. 46 cases were disposed and \$3,440.00 was sent to the State Comptroller’s Office

2. HIGHWAY COMMITTEE (Quenell/Oliver):

- a. Worked with the County cleaning sand off the roadside shoulders
- b. Working 10 hours days and will take off June 11, 2004
- c. Filled the hole in the Keese Mills Road washed out from the rain
- d. Raked side roads, borrowed broom from the Town of Franklin

3. INSURANCE/INVESTMENTS (Quenell): Nothing to Report

4. ASSESSOR (Tichenor): No Report

5. TAX COLLECTOR (McKernan):

- a. Month has been quiet. Received 18 phone calls requesting tax information and sent out 2 faxes.
- b. On June 7 received May 31-bank statement and reconciled it. All check issues in May have cleared. The account balance stands at zero as required by law.
- c. Would like to know who is authorized to sign vouchers for the different departments. She is receiving the phone bill for her phone line now and she asked if she was required to authorize the phone bill voucher.

Supervisor Robert Tebbutt said he would discuss this with her after the meeting. He would like to prepay the phone bills to prevent finance charges from occurring.

6. ANIMAL CONTROL OFFICER (Crary): No Report

7. CODE ENFORCEMENT OFFICER (Lagree): As of May 31, 2004, there are 15 new building permits, 19 are still outstanding from 2003 and 3 completed, 10 are outstanding from 2002 and 1 completed; and 5 are outstanding from 2001 and two was closed.

8. CEMETERY (Tucker): Nothing to report.

9. PARKS AND RECREATION (Tucker):

- a. Dan Spencer has been doing the spring raking and mowing. He repaired the baseball backstop that had a tear in it.
- b. There are enough kids to have a little league team in the Town this year. They have been practicing for the last couple of weeks at the Park.
- c. Dan Spenser ordered the parts to build the railings for the bleachers and will install them when the parts come in.

10. HISTORIAN (Willis): Eleventh Annual Brighton History Day is Sunday, July 18, from 1 to 5 p.m.; the preview days are Friday and Saturday, July 16 & 17. Would like permission to use the copier.

Lydia Wright said that the Brighton Town Hall is mentioned as being a recent listing on State and National Registers on page 21 of the New York State Preservationist, Spring/Summer 2004 issue.

RESOLUTION #78

AUTHORIZATION TO USE COPIER WITHOUT CHARGE FOR 2004 HISTORY DAY

Motion made by Lydia Wright, second by Supervisor Robert Tebbutt, to Wit:

RESOLVED, that the Historians Pat and Tom Willis be authorized to use the copier without charge to make copies for the 2004 Brighton History Day mailing.

Roll Call Vote: Aye 5 (Tebbutt, Knapp, Quenell, Tucker, Wright), Abstain 0, Nay 0

Resolution #78 declared duly adopted

11. COMPENSATION AND BENEFITS (T. Willis): Will be doing another study in the spring.

12. TOWN HALL CITIZENS' COMMITTEE (P. Willis): The grants administrator for the SHPO grant recommended the Town not submit for the grant this year but wait another year to see if any matching funds can be collected first. Crawford and Stearns can help put the grant together. A Capital Funds Drive will be launched this summer to ask for private donations from the public. The kick-off will be on Brighton History Day with a special exhibit on the Town Hall. There will be a mailing sent to people who are on the History Day mailing list. Certain people will be approached for "high end donations". Attended a meeting to learn more about fund raising, will contact people who have done this sort of thing in the past for the Tupper Lake Natural History Museum and the Saranac Lake Free Library. Member Item Funding has been requested from Senator Elizabeth Little and Assemblyman Chris Ortloff. The state budget has not passed yet and is holding up everything. Carl Stearns of Crawford and Stearns would like to finish the needs assessment in July. He would like to meet with town people to discuss the design of the interior. She drafted a letter addressed to the Attorney for the Town to explain the Town Hall Project; copies of the letter were given to the Board for review. Lydia Wright said the Town Hall Citizens Committee should review the letter first. The attorney at the Comptroller's Office should review it first also.

Motion made by Supervisor Robert Tebbutt, second by John Quenell, to authorize the Attorney for the Town to review the letter submitted by Pat Willis explaining the Town Hall Project.

Motion made by Supervisor Robert Tebbutt, second by Lydia Wright, to table the above motion until the Town Hall Citizens Committee reviews the letter.

Roll Call Vote: Aye 5 (Tebbutt, Knapp, Quenell, Tucker, Wright), Abstain 0, Nay 0

Motion declared tabled.

CITIZENS COMMENTS:

Justice Santagate left the meeting.

William Stebbins – Easy Street (State Route 86): Said one property on Easy Street was cleaned up; he asked when the other properties on Easy Street were going to be cleaned up. He was concerned that one house was a fire hazard. He asked if that homeowner was fined for a previous violation or settled out-of-court. He said another homeowner lost another sale on his home because the property on Easy Street is devaluing other properties around it.

Supervisor Tebbutt said the Code Enforcement Officer would send the Notices of Violation as soon as he was notified of the Board decision. A process has to be followed.

John Quenell read the penalties from Local Law #3-2001. He said that the particular case in question was prosecuted but settled before the trial, the homeowner agreed to clean up certain things, but the property didn't stay cleaned up for long.

George Oehler – Easy Street: Asked when the notices were going to be issued and what would happen after the 30-day period if nothing was done. He asked who decides for the Town if the person was in compliance after the notice is given.

Supervisor Robert Tebbutt said the resident could ask for an extension if more time was needed as long as work to clean up had already started. The Code Enforcement Officer makes the decision about compliance.

Tracie Santagate – McCollom's: Wanted it to be clear that the prior case never came before the court.

Lydia Wright read from the May 13, 2004, minutes where the Justice addressed this issue.

Lisa Muscatello – Easy Street: Asked about the “junk car law” for this town. She said the Town seemed to accept a substandard answer to the violation, since the junk was just moved around the yard. There are more than two cars in the yard. She said there are other issues such as the leakage of oil and fuel and rodents need to be addressed.

John Quenell read from the Local Law #3-2001 that addresses the types of “junk” that is covered by that law. The law only covers the front yard. He said he was present when the Attorney for the Town and the Code Enforcement Officer met with the property owner and they made lists of where the junk could go. The Code Enforcement Officer was satisfied with what was done and he was the compliance authority on the local law. The number of cars was not addressed but they have to be out of sight. There is a State law concerning the number of cars and that is up to the Town to enforce also.

Michelle Oehler – Easy Street: Said she had spoken to Supervisor Tebbutt concerning the number of vehicles. She asked if anyone had contacted the State Police to run the plates on the 10 vehicles on the property in question to see if they are all legally registered.

John Quenell said the Attorney for the Town would have that done if the Town has to prosecute a case.

Supervisor Robert Tebbutt said that the Board is united in trying to solve this problem. The past cannot be changed.

John Quenell said he was on the Board when the first Notice of Violation sent and that this Board seems to have a much stronger will to pursue this issue.

George Oehler asked if this would be considered a first or second offense if a case is pursued.

John Quenell said since it never went to court and the resident wasn't convicted, so it would have to be a first offense.

Lydia Wright asked if anyone else could verify the number of vehicles on the property.

Margaret Pierce – Easy Street: Said that her daughter sent the Board pictures of the yard with all the cars on the property, she asked if the Board received the pictures.

Peter Martin – County Route 60: Asked if the prior board member were aware of the Attorney for the Town's decision to settle the case out-of-court with the Code Enforcement Officer and the resident. He said if the Town is paying the Attorney of the Town to represent the Town then the Board should approve the decision before it is final. If the Attorney for the Town keeps settling out-of-court this will never be resolved. He said he lived next to a “junk car lot” and the State Police told him the cars have to be licensable. The property owner has to put up a fence so the cars can't be seen.

Supervisor Robert Tebbutt said he agreed that the Board should approve the decision before it is final.

John Quenell said the prior board made the decision to prosecute and the case was settled before it went to court. The case was settled between the Attorney, the Code Enforcement Officer, and the resident. The board was not involved.

Lisa Muscatello asked why was only one person selected to receive a Notice this time and not other people that should have been.

Supervisor Robert Tebbutt said that many complaints were received but that one person was more actively pursued than others.

Margaret Pierce said it was her house that was complained about because of tires in the yard. The tires were put there for a purpose but she couldn't finish putting them the way she wanted. During the winter a woman lost control of a car and hit those tires instead of Margaret Pierce's house. She was sitting near the window that was protected by the tires at that time. Her neighbor has a problem with her daughter and had his son pursue the issue of tires in her yard to earn a merit badge of Boy Scouts. A complaint was filed with the Board and the tires are now gone. There is still a double standard. The other resident go off on a technicality because his wife's name was not on the Notice of Violation. Margaret Pierce could have used the same excuse because her daughter is listed as owner on her property as well, but the Notice was only addressed to her. She said she is a better person then that and cleaned up the tires. If two women can clean up their yard then others can. It's been going on for five years. She is trying to sell her house also and

people don't want to pay the taxes and have to live near a "junk yard". She would like some action on this issue.

Supervisor Robert Tebbutt said he understands what she is saying and the Board will pursue this issue.

Lydia Wright asked what was the procedure to pursue this issue now.

Supervisor Robert Tebbutt said he has to notify the Code Enforcement Officer to issue the summons, the residents have 30 days to respond to the summons, if nothing is done it will come back before the Board and they will decide what to do.

Lydia Wright asked how soon the Code Enforcement Officer would act on this.

Supervisor Robert Tebbutt said the letter has to be sent by certified mail so they should get it by Monday if he mails them Saturday.

George Oehler asked how specific the summons would be and who determines what has to be done; does the Code Enforcement Officer decide. The one resident on Easy Street will only do what is specifically noted.

Supervisor Robert Tebbutt said the Code Enforcement Officer is anxious to do what he has to do to address this issue. Whatever happened before was not pursued with enthusiasm; this time it will be.

David Knapp said the letter from the Code Enforcement Officer seems to address specific items for each residents listed.

George Oehler asked about the meeting between John Quenell and Senator Elizabeth Little concerning the speed limit and the no-passing zone on Easy Street; was there any time frame discussed.

John Quenell said she didn't give a time frame but she did write everything down and will have to meet with the Department of Transportation to discuss it.

Steve Tucker asked about the speed sign the Town is supposed to get for two weeks to monitor speed on the highways.

John Quenell said the sign would be available during July or August.

Justice Santagate returned to the meeting.

Tom Willis – Garondah Road: Asked when the \$500,000 bond for the Highway Garage Project would be issued and where the Town was in the process.

John Quenell said the bids have to go out first, when the cash is needed an Bond Anticipation Note will be done for a year then serial bonds will be issued.

Peter Martin said that he was at the Cemetery for Memorial Day with his mother and they were not impressed with the look of it. The mowing was done but the edges were not trimmed. He said the park looked like a golf course but the cemetery looked bad. He asked why the cemetery couldn't look as nice as the park. He also had a question about an article in the newspaper concerning an incident that happened during the referendum election. He said the names of the Election Inspectors were mentioned in the article and asked if they were aware that their names would be mentioned during a meeting or in the paper.

Supervisor Robert Tebbutt said he would have to ask the reporter, Laurie Besanceney.

Laurie Besanceney said the names were read out at the public meeting.

Peter Martin said he appoints two of the election inspectors and he has a problem with someone putting their names in the paper. He said if there was a problem with an election or the inspectors he appoints then he should have been notified as the Chairman of the Republican Party. He will take care of any problems. He said he has a problem with people using the election inspectors' names without notifying them of what is going on. He said he didn't know what actually happened but he has done some research on this incident. A statement was made in the paper that "...the room was clear of any other voters..." He said he is aware of at least one other voter that was in the room at the time, so that statement is a lie. If people are going to make such statements, the reporter who wrote the article should make sure such statements are correct before putting them into the paper. He said he would discuss this issue further with the Board as he continues to investigate this issue. He said the reporter should have the facts from all sides before putting an article in the paper. He said that people quoted at Board meetings should have the opportunity to decide if their statements go into the paper. He did not know if this opportunity was given to them or not.

Lydia Wright asked the reporter if she spoke with anyone who she quoted or mentioned in the article.

Laurie Besancency said all her information came from the meeting. She said she contacted John Quenell after the meeting to get the correct spelling of the names of the Election Inspectors. She knew he had them since he said them out loud at the meeting.

Lydia Wright asked the reporter if she spoke only with John Quenell concerning the incident.

Laurie Besancency said she covers the meetings and she just covered what was said at that meeting.

Lydia Wright said the article in the paper and the minutes state "...electioneering had allegedly occurred in a previous referendum vote." They also say that board members decided not to prosecute or make a deal of this issue. She said she was not on the board at the time and wanted to know if the decision to not prosecute was made during a public meeting. She asked if there was any documentation about the allegation or the decision made by the board members.

John Quenell said the decision to not prosecute was not decided at a public meeting and it is correct that there is no documentation about the allegation or the decision made by the board members.

Lydia Wright said she didn't understand then why this allegation was put in the newspaper article except that the reporter heard it at a Board meeting. If there was no proof of electioneering then the statement was only innuendo and allegation. She said the statement makes it look like the Election Inspectors let something go on illegally at the referendum vote in October. She asked if they did, why wasn't it brought to the Board in a public forum. She said she didn't understand how the board could make a decision not to prosecute if they didn't meet as a board and have it duly recorded in the minutes by the Town Clerk.

John Quenell said in his opinion it should have been prosecuted, but it wasn't brought up at a Town Board meeting.

Lydia Wright said in her opinion it makes the Town look really bad to say that there are concerns of election fraud at another vote and she wondered if election boards higher up would look at this and ask what is going on in Brighton.

David Knapp said his biggest fear was now people would look at the legitimacy of elections in the Town, the door has been opened to speculation.

Margaret Pierce said she was an Election Inspector for many years and there were always two people representing each party when questions come up for the Election Inspectors. This should have been applied here also. She said she was not aware of John Quenell's stand on the Highway Garage Bond vote, but if he was asking questions there should have been someone from the opposing side there also. There has never been a problem with this in the past because the Election Inspector's go by the book.

Amber McKernan – County Route 60: Asked where the funds would come from to pay for the work to be completed on the Town Hall if the SHPO grant was approved and before reimbursement is received. She said if other grants are used then the Town will make a profit from the reimbursement.

Pat Willis said that other grants, Member Item funding, and private donations would be used as match funds. She would discuss this further with her after the meeting.

Nik Santagate – McCollom's: Attached to the minutes of the May 25, 2004, Board meeting there is a letter dated 5/19/04, addressed "To Whom it May Concern" from John Quenell. It concerns an incident with the Election Inspectors on Tuesday May 11, during the Special Town Election. He asked if the letter was a synopsis of what occurred during the Special Election.

John Quenell said yes it was.

Nik Santagate read the next to the last paragraph aloud which states: "In conclusion, I said that electioneering is a serious violation of the state's election law and under the law would have to be investigated by the District Attorney." He asked where John Quenell got that information.

John Quenell said the Attorney for the Town advised him of that.

Nik Santagate said he hoped the Town didn't pay for that advice because it was not good advice; it was incorrect. He said according to his sources the District Attorney does not investigate the Election Law or electioneering. The Board of Elections investigates electioneering and if they feel the violation is serious enough then it is presented to the District Attorney for prosecution. He asked why John Quenell wrote this in his letter.

John Quenell said the Town was not billed for that advice because the conservation took place during some business that did not concern the Town. He wrote it because it was true. He said he understood that

the Town Board was the Board of Elections in effect because it was a special election and they were only one step away from the District Attorney. The Attorney told him this. He asked if he should change his letter to say “prosecute” instead.

Nik Santagate said the District Attorney does not investigate electioneering or Election Law violations. He couldn't suggest anything for John Quenell to write in his letter or to change his letter. He asked him what did he tell the Election Inspectors. He said he was thinking of the four Election Inspectors and what they must think if John Quenell told them that the District Attorney would investigate them.

John Quenell said that is not what he said and that is not what the letter said. He said the letter said that the violation is a serious matter that could be investigated by the District Attorney. He wasn't telling the Election Inspectors that they were going to be investigated by the District Attorney and Nik Santagate knows that.

Nik Santagate said that the statement reads, “...would have to be investigated...” He doesn't know what was said because he wasn't at the incident and he can only go by what the letter attached to the minutes states. That statement would be a little scary for some people and he said he couldn't understand the purpose of bringing the District Attorney into that. If in fact there were a criminal offense he would have to hear it. That statement was incorrectly said to the Election Inspectors and he is concerned about them.

John Quenell thanked Nik Santagate.

There were no further comments from the citizens.

AUDIT OF VOUCHERS:

RESOLUTION #79

AUTHORIZATION TO PAY VOUCHERS

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

RESOLVED to authorize the Supervisor to pay the vouchers as listed on the Abstracts as follows:

PREPAID – ALL FUNDS: Abstract #3 for Vouchers 3A through and including 3E as follows: General Fund \$634.88 and Street Light District: \$45.23

GENERAL FUND: Abstract #8 for Voucher #152 through and including #174 for funds in the amount of \$ 2,039.66.

HIGHWAY FUND: Abstract #5 for Voucher #54 through and including #66 for funds in the amount of \$5,795.15.

CAPTIAL PROJECT HIGHWAY FUND: Abstract #4 for Voucher #8 in the amount of \$44.00.

Roll Call Vote: Aye 5 (Tebbutt, Knapp, Quenell, Tucker, Wright), Abstain 0, Nay 0

Resolution #79 declared duly adopted.

Motion made by John Quenell **to Adjourn the Regular Board Meeting at 9:35 p.m.**, second by Steve Tucker, Aye 5 (Tebbutt, Knapp, Quenell Tucker, Wright), Abstain 0, Nay 0

Respectfully submitted,

Elaine W. Sater
Brighton Town Clerk