

The Regular Meeting of the Town Board of the Town of Brighton was held Thursday, June 13, 2002 at 7:00 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:

PRESENT: Council Members: Alicia Bodmer (Deputy Supervisor)
Linda Dobson
John Quenell
Steve Tucker

ABSENT: Supervisor (Vacant)

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

RESIDENTS: There were several residents present.

GUESTS: Mr. Alton Knapp, Knapp Associates, Inc

Meeting was Called to Order by Deputy Supervisor Alicia Bodmer **at 7:04 p.m.**

APPROVAL OF MINUTES:

Motion made by John Quenell **to accept the minutes of the Regular Monthly Meeting for the Town of Brighton Board dated May 9, 2002 as written**, second by Steve Tucker, Aye 4, Vacant 1(Supervisor)

TOWN CLERK REPORT

Total Revenue to Supervisor as of MAY 31, 2002 was \$ 134.40

- 1 Marriage License
- 2 Certified Copies
- 2 Sport Licenses
- 10 Dog Licenses
- 2 Building Permit (BRI2002-11&12)

1. Faxed request on May 14, 2002, to Adirondack Daily Enterprise, Re: Public Notice for Bids on Sale of Tandem Trailer, deadline is June 13, 2002, at 6:00 pm, received two bids
2. Received notification on May 16, 2002, from St Regis Restaurant, Re: Application for Liquor License Renewal
3. Faxed request on May 23, 2002, to Adirondack Daily Enterprise, Re: Legal Notice for 2001 Annual Financial Report, published on May 30, 2002
4. Faxed request on May 23, 2002, to Adirondack Daily Enterprise, Re: Public Hearing for Adelpia Cable Contract, for 6:30 pm on June 13, 2002, published on May 30, 2002.
5. Park Use Schedule: Park will be closed on June 28 and 29, 2002, Dan Spencer, Park Attendant, will be attending a family event, Troop 12 Gabriels Boy Scouts-June 9
6. Town Hall Schedule: Brighton Architecture Heritage Committee-June 13 from 1-3 pm, Rainbow Lake Water Association July 13 and August 10 from 8:30 am to 12:00 noon

SUPERVISOR'S REPORT AND CORRESPONDENCE

FINANCIAL BUSINESS AT HAND:

General Fund Budget Amendment #3 (#4 was used in May and #3 was skipped)

RESOLUTION #62

AUTHORIZATION TO AMEND GENERAL FUND BUDGET FOR 2002 (#3)

Motion made by John Quenell **to authorize Budget Amendment #3 to the 2002 Budget General Fund as follows: Transfer \$9,972.00 from A1990.4 (Contingent) to A8160.4 (Landfill CE) to cover the payment to Environmental Facilities Corporation for the Bond Anticipation Note to cap the Landfill**, second by John Quenell, Aye 4, Vacant 1 (Supervisor)

Roll Call Vote:

Supervisor	Vacant
Council Members: Alicia Bodmer	Aye
Linda Dobson	Aye
John Quenell	Aye
Steve Tucker	Aye

Resolution #62 declared duly adopted.

NEW BUSINESS

1. HIGHWAY GARAGE-Mr. Alton Knapp, Knapp Associates:

- a. **Petroleum Contamination.** Took six water samples and found minimal contamination from petroleum at the Highway Garage. Steve McLean at Department of Environmental Conservation has been notified. Need to immediately seal the drains in the floor of the garage. Clean up can be done on site with the exception of the testing. A biocell can be created and the soil can be decontaminated on site. Soil can be used again after 2 or 3 years. Cost estimate is about \$100 a ton or about \$10,000. Should be less than 100 yards affected. Do not need to go below the ground water. Four tests should be taken at the Town Hall area to make sure there is no contamination at the Town Hall or in the stream. Funding is probably available from the state. Decision on the new building should be made to determine how the clean up would proceed.

RESOLUTION #63

AUTHORIZATION TO TEST WATER AT THE TOWN HALL

Motion made by Deputy Supervisor Alicia Bodmer **to authorize Mr. Knapp of Knapp Associates to test four (4) samples of water at the Town Hall to determine the extent of the contamination NOT TO EXCEED \$1,200**, second by John Quenell, Aye 4, Vacant 1 (Supervisor).

Roll Call Vote:

Supervisor	Vacant
Council Members: Alicia Bodmer	Aye
Linda Dobson	Aye
John Quenell	Aye
Steve Tucker	Aye

Resolution #63 declared duly adopted.

- b. **Salt Shed:** Deputy Supervisor Alicia Bodmer proposed a letter to be sent to Franklin County Water Quality Coordinating Committee, Re: Request for assistance to obtain a Salt Shed. She will include the results of the water tests from the garage. Mr. Knapp provided a picture of a salt shed built in another town.

Motion made by Deputy Supervisor Alicia Bodmer **to send a letter to the Franklin County Water Quality Coordinating Committee asking for assistance in obtaining a salt shed**, second by Linda Dobson, Aye 4, Vacant 1 (Supervisor)

2. JET SKI SIGNAGE: Betty Scott sent a letter dated May 15, 2002, Re: Signage on Osgood Pond boat launches for Jet Skies (PWCs); received information from DEC on size of signs and suggestion to put them in the highway right-of-way instead of within the DEC launch area since that takes a formal approval process. Deputy Supervisor Alicia Bodmer said that the process to get the approval will take weeks but it should be done so the signs can be with the DEC signs. A two-sided sign is needed. An application must be submitted.

Motion made by Deputy Supervisor Alicia Bodmer **to authorize Deputy Supervisor Alicia Bodmer to sign the application for placing signs at the Department of Environmental Conservation boat launches to warn people that personal watercraft and specialty prop-craft (PWCs) are prohibited**, second by John Quenell, Aye 4, Vacant 1 (Supervisor)

3. SARANAC LAKE CIVIC CENTER- President Nancy Health asked if the Town would support them applying for a grant

RESOLUTION #64

AUTHORIZATON TO APPLY FOR GRANT FOR SARANAC LAKE CIVIC CENTER

WHEREAS, the Saranac Lake Civic Center, Inc., is applying to the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund or Clean Water/Clean Air Bond Act for a park project to be located on Ampersand Avenue, Saranac Lake, New York, a site located within the territorial jurisdiction of this Board; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located",

NOW THEREFORE, be it resolved by this august body that the Board of the Town of Brighton hereby does approve and endorse the application of the Saranac Lake Civic Center, Inc, for a grant under the Environmental Protection Fund or Clean Water/Clean Air Bond for a park project know as Capital Improvement Project (construction of a warming room and two new locker rooms), and located within this community.

Motion made by Deputy Supervisor Alicia Bodmer, **Second** by John Quenell, Aye 4, Vacant 1 (Supervisor)

Roll Call Vote:

Supervisor	Vacant
Council Members: Alicia Bodmer	Aye
Linda Dobson	Aye
John Quenell	Aye
Steve Tucker	Aye

Resolution #64 declared duly adopted.

4. SARANAC LAKE YOUTH PROGRAM- Intermunicipal Agreement has been received for signature

RESOLUTION #65

AUTHORIZATION TO SIGN THE SARANAC LAKE YOUTH PROGRAM INTERMUNICIPAL AGREEMENT

Motion made by Deputy Supervisor Alicia Bodmer **to authorize Deputy Supervisor Alicia Bodmer to sign the Intermunicipal Agreement between the Saranac Lake Central School District, the Village of Saranac Lake, the Town of North Elba, the Town of Harrietstown, and the Town of Brighton for the Saranac Lake Youth Program (attached)**, second by John Quenell, Aye 4, Vacant 1 (Supervisor)

Roll Call Vote:

Supervisor	Vacant
Council Members: Alicia Bodmer	Aye
Linda Dobson	Aye
John Quenell	Aye
Steve Tucker	Aye

Resolution #65 declared duly adopted.

5. BRIGHTON PARK WATER QUALITY-Steve Tucker: Dan Spencer reported that the water at the park smells bad and he would like it tested. He has not hooked up the outside water fountain because of the smell. Paul Smiths College can test the water

Motion made by Deputy Supervisor Alicia Bodmer **to authorize Dan Spencer to get the water tested at the Park Field House using Paul Smith's College or the Water Treatment Plant in Saranac Lake,** second by John Quenell, Aye 4, Vacant 1 (Supervisor)

OLD BUSINESS

1. DRAFT RESPONSE TO NYS COMPTROLLER'S AUDIT: Board members have responded with the following:

- a. **Bonding of employees:** Amber McKernan asked the attorney for the Association of Tax Receivers and Collectors about bonding amounts. He said she only needs to be bonded for the amount she has access to which would be \$250,000 to \$275,000. The current insurance bonds employees at \$50,000. Recommendation is for all employees to be bonded at \$10,000 except for tax collector, supervisor, and second check signer who should be bonded at \$100,000 to \$200,000. John Quenell will draft a policy to have a second signature on checks over \$5,000.
- b. **Written Investment Policy:** Linda Dobson received a sample policy from the Association of Towns to review. The four areas considered are management, security, liquidity, return on funds
- c. **Fixed Asset Review:** Alicia Bodmer is looking at costs for different data base management programs for inventory control of fixed assets.
- d. **Procurement Policy:** A new policy with more in depth information has been drafted

RESOLUTION #66

AUTHORIZATION TO APPROVE PROCUREMENT POLICY

WHEREAS, Section 104-b of the General Municipal Law, (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML §103 or any other law; and

WHEREAS, comments have been solicited from those officers of the town involved with procurement;

NOW THEREFORE, be it RESOLVED: That the Town of Brighton does hereby adopt the following procurement policies and procedures:

Guideline 1.

Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML §103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2.

All purchases of a) supplies or equipment which will exceed \$10,000 in the fiscal year or b) public works contracts over \$20,000 shall be formally bid pursuant to GML §103.

Guideline 3.

Purchases, which require prior town board approval: All estimated purchases of:

-Less than \$10,000 but greater than \$5,000 require a written request for a proposal (RFP) and written/fax quotes from three vendors.

-Less than \$5,000 but greater than \$1,000 require an oral request for the goods and oral/fax quotes from two vendors.

-Less than \$1,000 but greater than \$250 are left to discretion of the Purchaser.

All estimated public works contracts of:

-Less than \$20,000 but greater than \$10,000 require a written RFP and fax/proposals from three contractors.

-Less than \$10,000 but greater than \$3,000 require a written RFP and fax/proposals from two contractors.

-Less than \$3,000 but greater than \$500 are left to the discretion of the Purchaser.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 4.

The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. [For example, the second low bidder is a business in town, paying town property taxes, and their quote was within 5% of the low bidder which is an out-of-state business or supplier.] If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Guideline 5.

A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 6.

Except when directed by the town board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- a) Acquisition of professional services;

- b) Emergencies;
- c) Sole source situations;
- d) Goods purchased from agencies for the blind or severely handicapped;
- e) Goods purchased from correctional facilities;
- f) Goods purchased from another governmental agency;
- g) Goods purchased at auction;
- h) Goods purchased for less than \$250;
- i) Public works contracts for less than \$500.

Guideline 7.

This policy shall be reviewed annually by the town board at its organizational meeting or as soon thereafter as is reasonably practicable.

Motion made by Deputy Supervisor Alicia Bodmer to accept the procurement policy, second by John Quenell, Aye 4, Vacant 1 (Supervisor)

Roll Call Vote:

Supervisor	Vacant
Council Members: Alicia Bodmer	Aye
Linda Dobson	Aye
John Quenell	Aye
Steve Tucker	Aye

Resolution #66 declared duly adopted.

2. LANDFILL ACCESS ROAD: John Quenell said the contract with Helms for access to the landfill for construction of cap and monitoring does not include access across Asplin Tree Farms (Trails End Enterprises) land. There is a deed from 1988 that states the Town can use the road for “landfill operations”. John Quenell would like a legal opinion on what these words actually mean. There is a question as to whether landfill post-closure monitoring is included in this phrase. Steve Tucker said currently Asplin owners verbally agree that the Town can use the road to access the landfill as long as they notify Asplin when they are using it. At this point in time they have “no problem” with the Town using the road. John Quenell’s concern is that he was told by the owners the Town has “no right” to use the road. He feels this issue needs to be resolved before there is a problem.

Motion made by John Quenell to authorize contacting Scott Goldie, Attorney for the Town, for a legal opinion on what the words “landfill operations” means under the existing deed and the contractual agreement with Helms for access to the capped landfill for post-closure monitoring and testing, second by Alicia Bodmer.

Motion made by Deputy Supervisor Alicia Bodmer to table the above motion until next meeting to give the owners of the road a chance to talk to the Board, second by Steve Tucker, Aye 4, Vacant 1 (Supervisor)

3. ATV SIGNS: Sent a letter dated May 24, 2002, to Camp Gabriels, Re: Request for ATV’s Signs, would like four signs made notifying users that ATV’s are not authorized on the town roads in the Town of Brighton.

4. LANDFILL REIMBURSEMENT REQUEST: Received letter from New York State Department of Environmental Conservation dated May 28, 2002, Re: Landfill Closure Assistance Program Reimbursement Request Review, the road that was built around the landfill cap is not eligible for reimbursement in the amount of \$7,256.20. This road was not included as part of the approved closure plan. This reduces the amount of the request to \$276,067.50.

5. HUD UPDATE-John Quenell:

- a. Discharge of Mortgage was filed for HUD Project 94-T3
- b. Income guidelines from HUD use the numbers from 1990 Census and are brought forward. The average income for a family of four is available from the 2000 Census for the state but not for the county. This is the number we need for determining if renters are eligible for HUD homes, not 1990 numbers that have been brought forward.
- c. Some HUD homeowners have let their insurance lapse. Deputy Supervisor Alicia Bodmer contacted Friends of the North Country to see if they had heard from these homeowners and they had not. FONC suggested the town contact the homeowners directly.

Motion made by Alicia Bodmer for John Quenell to draft letters to notify homeowners that their insurance has been cancelled and to let the town know if they have changed carriers, second by Linda Dobson, Aye 4, Vacant (1) Supervisor

6. AMENDMENT TO RESOLUTION #51:

Motion made by John Quenell for Resolution #51-2002 to be amended to read NOT TO EXCEED “\$600” instead of “\$500” for logs, second by Deputy Supervisor Alicia Bodmer, Aye 4, Vacant 1 (Supervisor)

Roll Call Vote:

Supervisor	Vacant
Council Members: Alicia Bodmer	Aye
Linda Dobson	Aye
John Quenell	Aye
Steve Tucker	Aye

Resolution #51 declared duly amended.

7. BID OPENING: Two bids were received for the tandem trailer and opened. The bids were for the exact same amount.

Motion made by John Quenell **to table the decision on who gets the bid until a determination is made on what to do with a tie**, second by Deputy Supervisor Alicia Bodmer, Aye 4, Vacant 1 (Supervisor)

COMMITTEE REPORTS:

1. COURT- Nik Santagate:

- a. Disposed 76 cases in May and sent \$4,887 to the State Comptroller's Office
- b. Comparisons to Previous years: 1997 Jan to May - 153 Cases \$7,900 to Comptroller
Previous Record Year: 1995 Jan to May -213 Cases \$11, 795 to Comptroller
New record this year: 2002 Jan to May-245 cases \$14,000 to Comptroller

2. HIGHWAY –John Quenell:

- a. Experienced several washouts on road from heavy rains. Raked dirt roads twice in two weeks
- b. Worked on Schwartau Road (North Brook Lodge) moving stumps and cutting trees left from last year's windstorm
- c. Assisted Alton Knapp in taking new groundwater samples at the garage
- d. Replaced a helper spring on the L9000 Ford Truck
- e. Should the Oshkosh truck go out to bid? Would like to hold on to it in case it's needed in as a backup truck. Will be able to store it in the new garage.
- f. Would like to pave another mile of the White Pine Road

RESOLUTION #67

AUTHORIZATION TO EXPEND HIGHWAY FUNDS TO PAVE WHITE PINE ROAD

Motion made by Deputy Supervisor Alicia Bodmer **to authorize Don Oliver, Superintendent of Highways, to expend Highway funds to pave another mile of the White Pine Road**, second by John Quenell, Aye 4, Vacant 1 (Supervisor)

Roll Call Vote:

Supervisor	Vacant
Council Members: Alicia Bodmer	Aye
Linda Dobson	Aye
John Quenell	Aye
Steve Tucker	Aye

Resolution #67 declared duly adopted.

3. INSURANCE - John Quenell: Roger Smith sent a letter saying he will no longer be buying insurance under the COBRA option as of June 1, 2002.

4. ASSESSOR-Doug Tichenor (Report given by Elaine Sater):

The Board of Assessment Review met on June 6 and received 14 complaints and 3 corrections to the records. They completed determinations on June 10 and mailed their replies to the landowners.

5. TAX COLLECTOR- Amber McKernan

- a. May and June were fairly busy. Taxes continued to come in on a regular basis until the end of May collection deadline
- b. Collected \$12, 270.21 in May. The total tax collected this year was \$812,384.09. There were 802 completed tax payments and 64 uncollected bills were sent to the Franklin County Treasurer of which 1 was from New York State.
- c. The May 31 bank statement was received and reconciled
- d. On June 5 turned in tax books to Franklin County Treasurer and received notification that they balanced to the penny
- e. On June 13 received the Franklin County Treasurer's Tax Reconciliation form to be signed, notarized, and returned with the final payment of \$15,618.39 (Check #374)
- f. Check #375 for \$282.12 was issued to Deputy Supervisor Alicia Bodmer for the balance of penalties and fees collected this 2002 tax year.
- g. On June 10-12 attended the NYS Association of Tax Receivers and Collectors seminar in Lake Placid. It covered a variety of topics of interest to tax collectors and was of great benefit.

6. CODE ENFORCEMENT-Ed Lagree: As of May 31, 2002, 29 building permits from 2001 still open, 8 are completed. Issued 11 building permits for 2002, 3 are completed

7. CEMETERY – Linda Dobson:

- a. Geomatics Land Surveying has completed and delivered a preliminary map of Section 3. They are waiting for feedback from us about what else should be added to the map for it to be useful.
- b. Elaine Sater and Linda Dobson reviewed the map on June 10 and made up a list of ideas for Stacy at Geomatics
- c. On June 12 Elaine Sater and Linda Dobson met again to combine the information from the existing map and the new map.
- d. When asked about some sort of marking of sections, Stacy said for an additional cost of \$200-\$250, she could put up lath as temporary markers, these would need to be replaced with permanent markers that would cost much more money. Stacey suggested we might

be better off marking areas that remain available for burials so they could be more easily found when needed. Unfortunately they could easily be knocked down when the cemetery is mowed or during severe weather making them useless.

- e. The preliminary map will be left at the Town Hall so board members may have the opportunity to look at it and make further suggestions before getting back to Stacy at Geomatics in a week.
- f. An old file of cemetery receipts was found and may have helpful information

8. PARKS & RECREATION-Steve Tucker:

- a. Would like signs posted to tell people the pavilion can be reserved and no glass bottles are allowed
- b. Fencing needs to be replaced near the parking lot. The Highway Department already has some fencing and will install it.
- c. Rugby Tournament is being held at Park on June 22

RESOLUTION #68

AUTHORIZATION TO CONTACT CAMP GABRIELS FOR SIGNS AT THE PARK

Motion made by Steve Tucker to contact Camp Gabriels to request signs for the Park stating “Pavilion can be reserved” and “No glass bottles allowed”, NOT TO EXCEED \$50.00, second by Deputy Supervisor Alicia Bodmer, Aye 4, Vacant 1 (Supervisor)

Roll Call Vote:

Supervisor	Vacant
Council Members: Alicia Bodmer	Aye
Linda Dobson	Aye
John Quenell	Aye
Steve Tucker	Aye

Resolution #68 declared duly adopted.

9. COMPENSATION-Linda Dobson (Report given by Tom Willis):

- a. Received replies from 26 (72%) of the Towns in Franklin and Essex Counties
- b. Duplicated the replies and sent them to the 26 towns.
- c. Salaries will use towns by budget size over \$500,000 and less than \$1,000,000
- d. Health Care will use all 26 towns
- e. Will compile information into a book and call a committee together to review recommendations, final report should be completed by August

10. MAINTENANCE-Bob Byno (Report given by John Quenell): Inmate work crews from Camp Gabriels mowed two cemeteries; flowers were planted at the Town Hall.

CITIZENS COMMENTS:

Tom McKernan-Gabriels: Would like the Board to move on appointing someone to fill the Supervisor’s position and get the board back to five members

Tom Willis-Garondah Road:

- a. **Brighton 2000 Project:** Is almost completed, 65 copies of the black and white book have been requested.
- b. **Brighton History Day:** Scheduled for Sunday, July 21 from 1-4 pm, will be setting up exhibits before hand for people to review on Thursday and Friday July 18 and 19 from 1-4 pm. Would like to use copier to make copies to mail out announcement. Topic is “TB Curing” and there are 20 new exhibits available so not all the exhibits will be up, they will have to be rotated each year.

Phil Delarm-Paul Smiths: Has the board progressed at all with the Supervisor’s position? Deputy Supervisor Alicia Bodmer said nothing has been done. Mr. Delarm would also like to urge the board to go forward and select someone to fill the position.

RESOLUTION #69

AUTHORIZATION TO PAY ALL VOUCHERS LISTED ON ABSTRACTS

Motion made by Deputy Supervisor Alicia Bodmer to disperse funds for all the vouchers audited by the Town Board and listed on the abstracts attached to theses minutes as follows:

ABSTRACT #2-PrePaid: Voucher #6A through and including Voucher #6F: General Fund for \$1,331.65 (including Street Lights for \$48.47) and Highway Fund for \$2,379.51

ABSTRACT #6-General Fund: Voucher #135 through and including Voucher #165: \$17,650.98

ABSTRACT #6-Highway Fund: Voucher #63 through and including Voucher #74: \$ 4,460.11

Second by John Quenell, Aye 4, Vacant 1 (Supervisor)

Roll Call Vote:

Supervisor	Vacant
Council Members: Alicia Bodmer	Aye
Linda Dobson	Aye
John Quenell	Aye
Steve Tucker	Aye

Resolution #69 declared duly adopted.

Motion made by Linda Dobson to adjourn the Regular Town Board Meeting at 9:21 p.m., second by Deputy Supervisor Alicia Bodmer, Aye 4, Vacant 1 (Supervisor)

Respectfully submitted,

Elaine W. Sater, Brighton Town Clerk