

**The Regular Town Board Meeting of the Town of Brighton was held on Thursday, July 10, 2003, at 7:00 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:**

**PRESENT:** Supervisor Robert Tebbutt  
Council Members: Linda Dobson  
John Quenell  
Steve Tucker  
Alicia Bodmer

**ABSENT:** None

**OTHERS PRESENT:** Elaine Sater-Town Clerk, Nik Santagate- Justice, Andy Crary-Deputy Superintendent of Highways, and Amber McKernan-Tax Collector

**RESIDENTS:** There were 5 residents present

**Meeting was Called to Order** by Supervisor Robert Tebbutt at 7:05 p.m.

#### ***APPROVAL OF MINUTES***

**Motion made** by Linda Dobson **to accept the Minutes of the Regular Town of Brighton Board Meeting on June 12, 2003, as written**, second by Steve Tucker, Aye 5

**Motion made** by Linda Dobson **to accept the Minutes of the Public Hearing (Highway Garage) on June 19, 2003, as written**, second by Alicia Bodmer, Aye 4, Abstain 1 (Dobson)

**Motion made** by Linda Dobson **to accept the Minutes of the Special Town of Brighton Board Meeting on June 23, 2003, as written**, second by Alicia Bodmer, Aye 5

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

**Total Revenue to Supervisor as of June 30, 2003, was \$1,019.90**

1 NYSDEC Sport Licenses  
12 Dog Licenses  
4 Building Permit (03-12 through and including 15)  
5 Registrar Fees  
1 Copier Fee  
25 FOIL Requests

1. July 1: Received Final Assessment Role for 2003 from Assessor, Public Notice was published in Adirondack Daily Enterprise on July 3, 2003
2. Received letter dated June 30, 2003, from Franklin County Board of Elections, Re: Notification of Election Inspectors Training on July 15 at the Saranac Lake Adult Center. There will be three elections during the next year, Primary on September 9, General Election on November 4 in 2003 and Presidential Primary on March 2, 2004.
3. Will be attending NYS Department of Environmental Conservation training for Sport Licensing on Wednesday, July 30, 2003, in Ray Brook.
4. Records Management Officer: Town Records from 1996 and earlier were destroyed on July 8, 2003, in accordance with the Records Retention and Disposition Schedule (MU-1). An update (June 2003) to this schedule was received and filed. Andy Crary, Deputy Superintendent of Highways, signed as witness for destruction of documents.
5. Town Hall Schedule: Citizens Committee – July 1, 2003 at 6:00 p.m.
6. Park Use: August 17 - Calderone Family, Society for Creative Anachronism will be using the Park on the 2<sup>nd</sup> Wednesdays of the month as well as the 4<sup>th</sup> Wednesdays.

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

1. **FINANCIAL:** Financial Report as of June 30, 2003, was distributed to Board Members. Balances of accounts are attached to these minutes.

#### **RESOLUTION #58**

##### **AUTHORIZATION TO TRANSFER FUNDS FROM CLASS INVESTMENT ACCOUNTS**

**Motion made** by John Quenell **to authorize Supervisor Robert Tebbutt to transfer \$20,000 from CLASS General Investment Account to General Fund checking account and \$20,000 from CLASS Highway Investment Account to Highway Fund checking account to cover expenses for the Town**, second by Alicia Bodmer, Aye 5

##### **Roll Call Vote:**

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

**Resolution #58 declared duly adopted**

2. **HIGHWAY GARAGE PROJECT:** John Quenell, Linda Dobson, and Don Oliver met with the North Woods Engineering to discuss the bid package and ways to reduce costs. By removing some items from the bid package cost can be reduced by about \$70,000. Steve Tucker and Alicia Bodmer will

form a committee to determine if a wall is needed to protect dry good storage from diesel fumes and dust.

**RESOLUTION #59**

**REJECTION OF BIDS FOR HIGHWAY GARAGE PROJECT**

**Motion made by John Quenell to notify North Woods Engineering to reject all bids received on June 17, 2003, for the Highway Garage Project, second by Linda Dobson, Aye 5**

**Roll Call Vote:**

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

**Resolution #59 declared duly adopted**

**RESOLUTION #60**

**AUTHORIZATION TO SOLICIT NEW BIDS FOR THE HIGHWAY GARAGE PROJECT**

**Motion made by John Quenell to authorize North Woods Engineering to send out a new bid solicitation as soon as possible, specifying alterations from the original project description as follows:**

- **Eliminate Water Well**
- **Eliminate finish painting of highway offices**
- **Change wash bay wall from masonry/steel to all steel**
- **Remove masonry supporting walls and mezzanine concrete floor**
- **Remove wall of dry storage room facing on Bay 4, storage room ceiling and back window**
- **Change testing of soil and concrete from contractor to self-management**
- **Reduce boiler and expansion tank size**
- **Eliminate hot water supply from boiler and install electric hot water heaters for bathroom and kitchen**
- **Replace fixtures in offices with bare fluorescent fixtures**
- **Change exterior fixtures from metal halide to sodium**
- **Resize floor drain system to more appropriate size for building**

Second by Alicia Bodmer, Aye 5

**Roll Call Vote:**

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

**Resolution #60 declared duly adopted**

**RESOLUTION #61**

**AUTHORIZATION TO ISSUE UP TO \$500,000 SERIAL BONDS FOR HIGHWAY GARAGE**

**Motion made by Council Member John Quenell, seconded by Alicia Bodmer, to wit:**

**WHEREAS**, the Town Board of the Town of Brighton, New York (the "Town"), has determined that the existing Town Highway Garage is inadequate, in need of numerous repairs, and is becoming too expensive to heat; and

**WHEREAS**, the Town has determined that a new Highway Garage and Salt Shed are needed to replace the present building; and

**WHEREAS**, the Town had entered into an option to purchase 4.67 acres of land from Paul Smiths College immediately adjacent to the existing Town Highway Garage property; and

**WHEREAS**, a plan, report, and engineering documents have been prepared by Joseph Garso, P.E., with North Woods Engineering, a competent engineer duly licensed by the State of New York and have been filed in the office of the Town Clerk where they have been available for public inspection; and

**WHEREAS**, all conditions precedent to the financing of this capital project, including compliance with the provision of the State Environmental Quality Review Act to the extent required prior to the adoption of this resolution, have been performed; and

**WHEREAS**, it is now desired to authorize the financing of such capital project;

**NOW, THEREFORE, be it hereby RESOLVED**, by the Town Board of the Town of Brighton, New York, as follows:

**Section 1.** The specific object or purpose for which the obligation to be authorized by this resolution is to be issued is the following: the acquisition of 4.67 acre of vacant land immediately adjacent to the existing Town Highway Garage site on the Jones Pond Road (County Route 31); the payment of the construction costs of a new five bay Town Highway Garage with ancillary facilities for the Town Highway Department; construction of a Salt Shed; and incidental expenses in connection therewith.

**Section 2.** The estimated maximum cost of the items of the project is stated as follows:

- A. Purchase of property upon which the new highway garage is to be constructed: \$7,000.00
  - B. Highway Garage and Salt Shed construction: \$520,000.00
  - C. Engineering and Legal Fees and Expenses: \$35,000.00
  - D. Contingencies: \$38,000.00
- TOTAL \$600,000.00

**Section 3.** For the specific object or purpose of paying the cost of the above described project, there are hereby authorized to be issued \$500,000.00 serial bonds of said Town, pursuant to the provision of the Local Finance Law.

**Section 4.** It is hereby determined that the plan for the financing of the aforesaid project shall consist of the issuance of up to \$500,000.00 serial bonds of said Town, authorized to be issued pursuant to this bond resolution, provided, however that the amount of serial bonds ultimately to be issued shall be reduced by any State or Federal aid to be received. The remaining \$100,000.00 will come from the Town's general reserve fund.

**Section 5.** It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty (30) years (*pursuant to Local Finance Law Section 11.00[a][94]*), as each component of the aforesaid specific object or purpose has a period of probable usefulness of thirty (30) years (*pursuant to Local Finance Law Section 11.00[a][11] and [21]*).

**Section 6.** It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five (5) years.

**Section 7.** Subject to the provisions of the Local Finance Law; the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

**Section 8.** The faith and credit of said Town of Brighton, Franklin County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

**Section 9.** Such bonds shall be in fully registered form and shall be signed in the name of the Town of Brighton by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

**Section 10.** The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town, provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obligated to see to the application of the purchase money.

**Section 11.** All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (*and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town*), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the fiscal advantage of the town not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to Local Finance Law Section 70.00(c), no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Local Finance Law Section 52.00 and shall otherwise be in such form and contain such recitals in addition to those required by Local Finance Law Section 52.00, as the Supervisor shall determine.

**Section 12.** The intent of this resolution is to give the Town Supervisor sufficient authority to execute those agreements, instruments or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds without resorting to further action of this Town Board.

**Section 13.** This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2(d) and (e). Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

**Section 14.** The validity of such bonds and bond anticipation notes may be contested **only if:**

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money; or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
3. Such obligations are authorized in violation of the provisions of the Constitution.

**Section 15.** Within ten (10) days after the adoption of this resolution by the Town Board, the Town Clerk shall, as set forth in Town Law, Section 90, post and publish a notice which shall set forth the date of the adoption of this resolution and contain an abstract of this resolution, concisely stating the purpose and effect thereof. Such notice shall specify that such resolution was adopted subject to a permissive referendum.

**Section 16.** This resolution shall take effect immediately, unless a referendum is requested, in which event it shall take effect, if approved at such referendum upon such approval.

**Section 17.** This resolution is adopted subject to a permissive referendum, pursuant to Town Law Section 220.

**Section 18.** The Town Clerk shall also publish a copy of this resolution in full in the official newspaper of the Town of Brighton, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Roll Call Vote:**

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

**Resolution #61 declared duly adopted**

**Motion made** by Robert Tebbutt to authorize the mailing of a letter (attached to these minutes) to town residents concerning the new town highway garage project, second by Alicia Bodmer, Aye 5

**OLD BUSINESS:**

- 1. CEO CONTRACT STATUS:** Discussion was held on the Code Enforcement Officer (CEO) Contract with the Town of Santa Clara. An extension was received for 30 days for a decision to be made to accept the contract for the next three years. The current cost is \$13,500 for this year. The revenues for the past 6 months are \$1,200. The revenues do not cover the cost of the contract. Supervisor Robert Tebbutt will meet with Mike Adams next week to discuss the cost of the contract. Alicia Bodmer thinks the current CEO is doing a good job and the contract needs to be renegotiated to reduce the cost. In the past \$9,000 was paid per year but the same service was not received.
- 2. NEW LOADER FOR HIGHWAY:** Funds of \$76,122 (DA5130.2) were appropriated for a new loader in the current budget with a trade-in value of \$22,000 (DA2665). \$11,000 is needed to repair the loader to last another year. The state contract expires on July 31 for the John Deere model and next year the amount will increase for a Hyundai model.

**RESOLUTION#62**

**AUTHORIZATION TO PURCHASE NEW JOHN DEERE LOADER**

**Motion made** by Alicia Bodmer to authorize Superintendent of Highways, Don Oliver, to purchase a new John Deere Loader for \$76,000 from the state contract with Highway Funds, second by Linda Dobson, Aye 5

**Roll Call Vote:**

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

**Resolution #62 declared duly adopted**

**NEW BUSINESS:**

**1. APA LAND USE AMENDMENT**

**RESOLUTION #63**

**SUPPORT OF LAND USE AMENDMENT TO APA MAP**

**Motion made** by Alicia Bodmer to support an Adirondack Park Agency Map Amendment for land use from rural to moderate intensity for the area between the St Regis Restaurant toward Easy Street to Lefler's on both sides of State Route 86 1,300 feet back from the road on private land, second by Robert Tebbutt, Aye 5

**Roll Call Vote:**

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

**Resolution #63 declared duly adopted.**

**2. HUD MORTGAGE DISCHARGE:**

**RESOLUTION #64**

**AUTHORIZATION TO DISCHARGE MORTGAGE FOR HUD PROJECT BRI 92-07**

**Motion made** by John Quenell to authorizes Supervisor Robert Tebbutt to discharge a mortgage for HUD project BRI 92-07 for \$12,500 recorded in the Office of the Clerk of the County of Franklin, New York in Liber 486 of Mortgages at page 125 on the 24<sup>th</sup> day of May, 1995, second by Linda Dobson, Aye 5

**Roll Call Vote:**

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

**Resolution #64 declared duly adopted.**

- 3. SUPPORT OF EMPIRE ZONE:** John Quenell spoke to George Miller, President of Paul Smiths College, concerning an increase in the Empire Zone and the College supports this also.

**RESOLUTION #65**

**SUPPORT AND CONCURRENCE WITH THE FRANKLIN COUNTY EMPIRE ZONE**

**WHEREAS**, New York State has created the Economic Development Zone (now known as Empire Zone) program to encourage industrial and commercial development in selected municipalities across the State, and

**WHEREAS**, Franklin County, as an eligible municipality, received designation of an Empire Zone made up of portions of the Town of Malone, Village of Chateaugay, Town of Harriestown, and Town of Altamont, and

**WHEREAS**, Franklin County intends to revise the County Empire Zone boundaries to include an additional 705.188 acres located in the Towns of Altamont, Bangor, Belmont, Bombay, Brighton, Chateaugay, Constable, Fort Covington, Harriestown, Malone, Moria, Waverly, and Westville, and the Villages of Brushton, Chateaugay, Malone, Saranac Lake, and Tupper Lake, and

**WHEREAS**, the Town of Brighton wishes to support and concur with the Empire Zone revision application,

**NOW THEREFORE, be it RESOLVED** that the Town of Brighton Town Board, in its capacity as governing body of the Town, does hereby support and concur with the Franklin County Empire Zone revision application.

**Motion made** by John Quenell, second by Linda Dobson, Aye 5

**Roll Call Vote:**

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

**Resolution #65 declared duly adopted.**

**4. COMPUTERS FOR TOWN EMPLOYEES:** Alicia Bodmer and Robert Tebbutt will form a committee to look into purchasing computers for the Bookkeeper and Tax Collector

**REPORTS**

**1. COURT (Santagate):**

- a. There were 49 cases disposed of and \$2,540 was sent to the State Comptroller's Office for June
- b. Regular Court Clerk was unable to work last week so the Assistant Court Clerk, Elaine Sater, worked for 3 hours.

**2. HIGHWAY COMMITTEE (Quenell/Oliver):**

- a. Fixed the washout on Keese Mills Road
- b. Work on the well, installed new tank bladder and switch
- c. Put posts in park and put fence up (Robert Tebbutt said they did a "First Class" job and the fence looks wonderful)
- d. Raked the Clark-Wardner and Tebbutt-Vosburgh Roads
- e. Back bladed the North Brook Lodge Road to smooth it out
- f. Checked all the Roads and they are OK
- g. Patched the Wardner and Split Rock Roads
- h. Delivered the tables for Brighton History Day
- i. Did general shop work

**3. ASSESSOR (Tichenor): No Report**

**4. INSURANCE/INVESTMENTS (Quenell/Dobson):** Nothing to report for Insurance. Balances as of June 30, 2003, for CLASS accounts are \$320,759.31 (Interest of \$247.62) for General and \$246,259.89 (Interest of \$190.10) for Highway. Interest rate is .94%

**5. TAX COLLECTOR (McKernan):**

- a. June was fairly quiet, received 8 phone calls requesting tax information. Sent out two faxes.
- b. Received and balanced the June bank statement. Statement showed that check #387 and #391 were not presented for payment within 45 days after issue and remained outstanding. Therefore they are considered void. Issued check #395 in the amount of \$0.74, the total of the two outstanding checks, to Supervisor Robert Tebbutt on July 10, 2003.

**6. DOG CONTROL OFFICER (Crary):**

- a. Had one complaint of a barking dog and spoke to owner
- b. Received information on dog bite at Evergreen Trailer Park

**7. CODE ENFORCEMENT OFFICER (Lagree):**

- a. Issued 16 building permits for 2003, three are completed
- b. Seven building permits from 2002 are completed and 20 are outstanding, four are renewed
- c. There are 14 permits outstanding from 2001, seven are renewed

**8. CEMETERY (Dobson):** Peg from the Department of Transportation in Watertown will meet with Linda Dobson on July 16 at 1:00 p.m. at the Cemetery to discuss the road project.

**9. PARKS AND RECREATION (Tucker):**

- a. Park Attendant, Dan Spencer, planted flowers at the entrance of the Park and built a window flower box for the field house
- b. Painting the Field House brown with red trim, tables and pavilion will be painted as time allows
- c. There have been several reservations for birthday parties, picnics, rugby games, and medieval games
- d. Town Highway Department is to be commended for replacing the wooden fence at the Park
- e. Dan Spencer has had many compliments on the nice appearance of the park this summer
- f. The Flea Market is on Saturday, July 12 from 10 to 5 p.m. to benefit Roger Smith for his medical bills
- g. Electric line to be run cannot be done by Bob Meslin so someone else will have to do it

10. **HISTORIAN (Willis - given by Elaine Sater):** Brighton History Day is on the 20th of July at Asplin Tree Farms

11. **IRS SECTION 125 ADMINISTRATOR (Willis): No Report**

**CITIZENS COMMENTS:**

**Kevan Moss-McColloms:** A new garage and loader will cost a lot of money, computers are peanuts compared to the cost of the garage-they are needed for work and should be purchased for people to use.

**Art Robinson-Split Rock Road:** Bob Byno showed him his Certificate of Appreciation from the Town Board. Bob really appreciated the letter. Would like to complain about the condition of Split Rock Road.

**Amber McKernan-Rainbow Lake Road:** Is there a reason why the Quality-of-Life (QWL) Building at Camp Gabriels can't be used for a Food Pantry? A local Co-op uses the building.

**Peter Martin-Rainbow Lake Road:** There is no storage space in the QWL building and the food would have to be left out in the main room. The Co-op that uses the building clears out their food after each delivery so they don't need storage space.

**Tom McKernan-Rainbow Lake Road:** Should the cost of the land be separate from the Bond Issue since the purchase will go forward even if the Garage is not built? Robert Tebbutt said the Attorney for the Town said to include it in the package.

**Lydia Wright-Keese Mills Road:** Do you have a time line for the bids and when will construction start? Supervisor Robert Tebbutt said the bid notice would go out next week and the bids were due in two weeks. Construction would start in mid-August.

**RESOLUTION #66**

**AUTHORIZATION TO PAY VOUCHERS**

**Motion made by Linda Dobson to authorize the Supervisor to pay the vouchers as listed on the Abstracts as follows:**

**GENERAL FUND: Abstract #8 for Voucher #181 through and including #204 in the amount of \$8,920.48 and TRUST & AGENCY Funds for \$723.47**

**HIGHWAY FUND: Abstract #8 for Voucher #72 through and including #78 in the amount of \$3,800.94**

**STREET LIGHTING FUND: Abstract #7 for Voucher #7 in the amount of \$44.66**

**CAPITAL PROJECT HIGHWAY GARAGE: Abstract #6 for Voucher #12 through and including #14 in the amount of \$2,421.75**

Second by Alicia Bodmer, Aye 5

**Roll Call Vote:**

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

**Resolution #66 declared duly adopted.**

**Motion made by Linda Dobson to Adjourn the Regular Board Meeting at 8:50 p.m., second by John Quenell, Aye 5**

Respectfully submitted,

Elaine W. Sater  
Brighton Town Clerk