

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

July 10, 2014

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, July 10, 2014, at 7:00 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:

CALL TO ORDER:

Meeting was Called to Order by Supervisor Peter Shrope at 7:01 p.m.

The "Pledge of Allegiance" to the flag was recited.

ROLL CALL OF OFFICERS

PRESENT: Supervisor Peter Shrope

Council Members: Brian McDonnell, Amber McKernan, Steve Tucker and Lydia Wright

ABSENT: None

OTHERS PRESENT: Andy Crary-Superintendent of Highways, Paul Blaine – Code Enforcement Officer, and Elaine Sater-Town Clerk

RESIDENTS: There were no residents present

GUESTS: None

NOTICE OF MEETING:

Notice of this meeting was posted on the Town Clerk's Sign Board.

DEPARTMENT REPORTS

1. HIGHWAY – Superintendent of Highways Andy Crary: Report submitted prior to meeting

- a. Mowed the Park
- b. Mowed and trimmed cemeteries
- c. Worked on shoulders of roads: Keese Mills, Clark-Wardner and Wardner (washout)
- d. Pull up old sign from in front of Town Hall, got black dirt to fill in lawn and fixed driveway
- e. Took tractors to park for new laborer to use

Supervisor Peter Shrope thanked Andy Crary for getting mowers ready for Park, flail mower does a nice job on the park fields and is quicker than the riding mower

- f. Road raked the dirt roads
- g. Mowed County roads per contract
- h. Cleaned up tree on Tebbutt Road
- i. Hauled tar for Town of Duane
- j. Cut and chipped back entrance to Mt View Cemetery
- k. Mowed the land fill
- l. Trimmed road entrances
- m. Started mowing Town roads
- n. Highway Committee looked at old trucks, they need to be replaced and a new truck is affordable with trade in of two old trucks, new truck needs to be ordered now so it is ready by December, first payment will be in January 2015

RESOLUTION #58-2014

PURCHASE OF 2015 DUMP TRUCK WITH NEW PLOW FOR \$124,621 FROM CLARK'S TRUCK CENTER

Motion made by Supervisor Peter Shrope, second by Lydia Wright,

WHEREAS the two older snow plow trucks can be traded in for \$30,000 and

WHEREAS a single axel truck is available on State Contract

NOW THEREFORE BE IT RESOLVED that the Town be authorized to purchase a 2015 International 7400 4x2 single axel dump truck with plow using State Contract through Clark's Truck Center of Plattsburgh, in the amount of \$124,621 less \$30,000 trade-in value for the 2002 Paystar and the 1997 Ford LT9000 with financing through Kansas State Bank, and

BE IT FURTHER RESOLVED that the details of the financing of the new truck will be determined by the Supervisor and Superintendent of Highways.

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ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0
Resolution #58 declared duly adopted.

RESOLUTION #59

TURN OVER 1997 FORD DUMP TRUCK TO CLARK'S TRUCK CENTER

Motion made by Supervisor Peter Shrope, second by Amber McKernan

RESOLVED that the 1997 Ford LT9000 be turned over immediately as collateral to Clark's Truck Center of Plattsburgh in anticipation of purchasing a new 2015 International Dump Truck so that Clark's can find a purchaser for the truck.

ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0
Resolution #59 declared duly adopted.

2. TOWN CLERK-Elaine Sater: Report submitted prior to meeting.
 - a. Total Revenue to Supervisor as of June 30, 2014 was \$115.28, from 1 Sport License, 7 Dog Licenses renewed, and 1 donation for Park use
 - b. Returned from vacation on July 8
 - c. TOWN HALL REQUEST: None
 - d. TOWN PARK REQUEST: Camp Hamachane did not open this summer so their reservation during July and August is cancelled; National Grid Saranac Lake, Saturday, July 26, 1 to 5 p.m.; Hathaway Family, Sunday August 17 1-4 p.m.; Lake Placid Curling Club, Sunday August 24, 1 to 4 p.m.
 - e. RECORDS MANAGEMENT: Received one FOIL request for a list of employees, job titles, and wages, mailed information the Town submits to the Franklin County Self Insurance Office at no charge since the cost of postage to mail a request for payment and a receipt (.49 for each, .98) would be more than triple the amount collected (.25).
3. TAX COLLECTOR – Holly Huber: Report submitted prior to meeting
 - a. Report: Responded to or redirected, any requests, or inquiries about payoff amounts or payment plans, receipts for the most recent or past years' payments, information contained on property tax records, mailing address changes, school taxes, STAR exemptions, and "self-help" accessing of tax information on other properties
 - b. Supervisor Peter Shrope set a date of August 14 at 6 p.m. for the audit of the Tax Collector's financial records
4. JUSTICE – Nik Santagate: Report submitted prior to meeting
Supervisor Peter Shrope received a June report showing 28 cases disposed and a check in the amount of \$3,754
5. CODE ENFORCEMENT OFFICER-Paul Blaine: Report submitted prior to meeting
 - a. Issued one Building Permit (BP #14-008)
 - b. Two property owners have not responded to requests to clean up their properties, Rouse Fountain has not responded to any phone calls and Doug Martin has not been seen in the area, contact will be tried again before any action is taken
6. ASSESSOR- Doug Tichenor: No Report received
7. TOWN PARK-Supervisor Peter Shrope:
 - a. A broken window was repaired in the garage,
 - b. New seasonal employee, Ben Tucker, has started mowing the park fields, the flail mower works great. His title is laborer because the Town does not have a Grounds Maintenance position and would have to go through Franklin County Civil Service to create it.

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- c. The trimmer was replaced; it is locked up in the garage to prevent theft.
 - d. Painting of the pavilion roof will start the week of July 14
8. FOOD PANTRY- Barbara Marshall: Report received prior to meeting
- a. During June served 494 people
 - b. A group would like to hold a fund raiser at the Park for the local Food Pantries
9. HISTORIAN- Mary Ellen Salls: No report received
Supervisor Peter Shrope is getting materials from the Willis as they are moving from the area
10. ANIMAL CONTROL- Tri Lake Humane Society: No report received
11. SUPERVISOR – Peter Shrope:
- a. Town Hall Sign was replaced with a new sign, Highway Department installed it, has Velcro attachments for the dates of Town Board meetings
 - b. Monday, July 14 meeting with Tom Leitz, Franklin County Manager, at Town Hall to discuss shared services
 - c. Received a letter from Harrietstown concerning another meeting on the proposed Fire District, still no interest in Town or from the Fire Chief Tom Tucker
 - d. Adirondack Association of Towns and Villages (AATV) has a website portal for Towns to put information about recreational activities and businesses
 - e. Budget: Distributed Monthly Budget report as of June 30, 2014
 - i. Expenses are down due to having only a seasonal worker at Park, the electric usage is high at the Park due to the food pantry and the water pump running to keep water out of the building
 - ii. Revenues received: \$3,754 from Justice, \$115.28 from Town Clerk, and a refund of \$9.43 from Dick Blick Art Supply
 - iii. NYCLASS interest: \$2.44 from General, Total \$85,276.30 and \$1.20 from Highway, total \$40,113.62

APPROVAL/AMENDMENT OF MINUTES

- Regular Board – June 12, 2014

Motion made by Brian McDonnell, second by Supervisor Peter Shrope, to accept the minutes of the Regular Board meeting of June 12, 2014, with the following changes: Correct spelling errors on Page 3 and Page 4, Citizen's Comments, 2nd Paragraph, change "Brain" to "Brian" and "destination tourism group" to "tourism destination plan" Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

CITIZENS COMMENTS: None

BUSINESS

- 1. **Saranac Lake Area Youth Program (SLAYP) Agreement:** Paul Leahy brought the agreement for the SLAYP for 2014, there are 200 registered children and about 154 attend on a regular basis; he did not know how many were from the Town of Brighton

RESOLUTION #60

SARANAC LAKE AREA YOUTH PROGRAM AGREEMENT

Motion made by Supervisor Peter Shrope, second by Lydia Wright,

WHEREAS the local Towns and Village support an area youth recreational program during the summer,

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and

WHEREAS Town of Brighton's residents participate in the program,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes Supervisor Peter Shrope to sign an Intermunicipal Agreement with the Towns of North Elba and Harrietstown, the Village of Saranac Lake and the Saranac Lake Central School District, in support of the Saranac Lake Area Youth Program (SLAYP) for 2014 and

BE IT FURTHER RESOLVED that the Town agrees to provide funds in the amount of \$1,000 towards SLAYP payable to the Village of Saranac Lake.

ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

Resolution #60 declared duly adopted

2. **Games of Chance – Supervisor Peter Shrope:** Reviewed the draft Local Law for Games of Chance from the Attorney for the Town.

PROPOSED LOCAL LAW #1 for the Year 2014

Motion made by Supervisor Peter Shrope, second by Amber McKernan,

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BRIGHTON as follows:

1. TITLE: This Local Law shall be known as "Games of Chance Law."
2. PURPOSE: The Town Board has found and determined that the raising of funds by games of chance for the promotion of bona-fide charitable, educational, scientific, health, religious and patriotic causes and undertakings is in the public interest and in the interest of town residents.
3. AUTHORITY: The Town of Brighton enacts this local law in accordance with the authority granted to it under New York State General Municipal Law Sections 187, 188 and 188-a and under New York State Municipal Home Rule Law.
4. DEFINITIONS:
 - a. AUTHORIZED ORGANIZATION - any bona-fide religious or charitable organization or bona-fide educational, fraternal or service organization or bona-fide organization of veterans or volunteer firemen, which by its charter, certificate of incorporation, constitution, or act of the legislature, shall have as its dominant purposes one or more of the lawful purposes as defined in New York State General Municipal Law Article 9-A, provided that each shall operate without profit to its members, and provided that each such organization has engaged in serving one or more of the lawful purposes as defined in General Municipal Law Article 9-A for a period of three years immediately prior to applying for a license. No organization shall be deemed an authorized organization which is formed primarily for the purpose of conducting games of chance and which does not devote at least 75% of its activities to other than conducting games of chance.
 - b. GAMES OF CHANCE - shall mean and include only the games set forth in General Municipal Law Sections 186(3), 186(3-a), 186(3-b), 186(3-c), 186(3-d), and 186(3-e). Such games as above defined shall include, but are not necessarily limited to raffles, bell jars, merchandise wheels, coin boards, seal cards, and merchandise boards.
 - c. TOWN - the Town of Brighton
The Definitions for all other necessary terms can be found in New York General Municipal Law Section 186.
5. LICENSED ACTIVITIES: Authorized Organizations may, upon obtaining a license from the Clerk of the Town of Brighton conduct games of chance within the Town of Brighton, as provided in Article 9-A of the New York State General Municipal Law and as provided further in this chapter and other applicable laws and regulations of the State of New York. Such games of chance shall be conducted in accordance with the general State Law, and with the rules and regulations of the New York State Racing and Wagering Board and this chapter.
6. RESTRICTIONS:
 - a. No person, firm, association, corporation or organization, other than a licensee shall conduct such games of chance or lease or otherwise make available for conducting games of chance a hall or other premises for such consideration whatsoever, direct or indirect, except as provided in New

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York State General Municipal Law Section 190 and 190-a.

- b. No game of chance shall be held, operated or conducted on or within any leased premises if rental under such lease it to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.
 - c. No authorized organization licensed under the provisions of this local law shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of games of chance from other than a supplier licensed by the New York State Racing and Wagering Board or from another authorized organization.
 - d. The entire net proceeds of any game of chance and of any rental shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.
 - e. No person, except a bona-fide member of any such organization, its auxiliary or affiliated organization, shall participate in the management or operation of such game, as set forth in New York State General Municipal Law Section 195.
 - f. No person shall receive any remuneration for participating in a management or operation of any such game.
 - g. The unauthorized conduct of a game of chance shall constitute a civil violation subject to a fine to be determined by the Town of Brighton Justice in an amount not less than \$25.00 (twenty five) and not to exceed \$250.00 (two hundred fifty)
 - h. All mandatory restrictions contained in the New York State General Municipal Law are hereby incorporated by reference.
7. AGE RESTRICTION: No person under the age of 18 shall be permitted to play, operate or assist in any games of chance or raffles.
 8. CONDUCT OF GAMES ON SUNDAY: Games of chance may be conducted on Sunday pursuant to this Local Law. However, no games of chance or raffles shall be conducted on Easter Sunday, Christmas Day or New Years Eve.
 9. ENFORCEMENT: The Chief Law Enforcement Officer of Franklin County, New York, shall exercise control over and supervision of all games of chance conducted under duly authorized license. The Chief Law Enforcement Officer of Franklin County shall have all the powers and duties set forth in and for the enforcement of General Municipal Law Article 9-A, and incident thereto, all fees provided for by the General Municipal Law Section 195-f shall be remitted to the Chief Fiscal Officer of the County of Franklin, or other person designated by the Town Board of the Town of Brighton.
 10. DENIAL OF LICENSE: Nothing in this section shall create any obligation by the Town of Brighton to issue such license, and the Town may, at its discretion, deny such application. An application for a license from the Town of Brighton may be sought from the Town Clerk in the form as the Town Board may prescribe.
 11. RESPONSIBILITY: The Town shall bear no responsibility or liability to any person, entity, or party for any claim arising out of the issuance of such license or the conduct of any licensed games of chance.
 12. WHEN EFFECTIVE: This Local Law shall take effect immediately upon filing with the Secretary of State's office following its approval at referendum by majority of qualified voters voting thereon at the General Election to be held in November 2014.

ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

Proposed Local Law #1 for the Year 2014 duly enacted.

RESOLUTION #61-2014

PUBLIC HEARING FOR LOCAL LAW #1 for the Year 2014

Motion made by Supervisor Peter Shrope, second by Steve Tucker,

RESOLVED that the Town Board will hold a Public Hearing on Thursday, July 31, at 6 p.m. at the Brighton Town Hall for public input on the proposed Local Law #1 for the Year 2014 entitled "Games of Chance".

ROLL CALL VOTE: Aye 4 (McKernan, Shrope, Tucker, Wright), Nay 0, Abstain 1 (McDonnell)

Resolution #61 is duly adopted.

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3. **Camp Hamachane – Supervisor Peter Shrope:** The Camp is not going to open this summer, the property sale did not go through yet. The Adirondack Park Agency (APA) had an application on their agenda for July, but the property owner pulled the application. The APA has to change the land classification from “State Administration” to something else for someone to purchase it. There is no hurry for the APA application to be approved as the Camp is not opening this year.

COMMITTEES:

1. **Highway – Steve Tucker, Brian McDonnell:** Nothing to Report
2. **Adirondack Regional Airport – Amber and Tom McKernan:** The Citizens Committee met twice to discuss ways to get more general aviation customers at the airport; they would like to have a “fly-in”. Military planes have been using the airport for training.
3. **Park & Recreation – Steve Tucker, Supervisor Peter Shrope:** The swing that has a broken chain still needs attention; Supervisor Peter Shrope has it on his list. There is firewood available at Paul Smith’s College for people in need, the College can no longer deliver it to people’s homes, the people at the Food Pantry have been notified. Amber McKernan mentioned that there are a lot of people using the park; people keep parking on the basketball court. The sign for “No motorized vehicles beyond this point” was in the bushes and needs to be put up again. Steve Tucker said he will look into getting a port-a-potty with hand sanitizer in it.
4. **Cemeteries/Town Buildings – Amber McKernan, Steve Tucker:** Steve Tucker said there were two burials in Mt View and a sale of two plots in McColloms.
5. **Town Hall Project/Open House – Supervisor Peter Shrope, Lydia Wright:** The Paul Smith’s College Stage Coach will be at the event. Tents will be set up for inclement weather. Food will be provided by the Paul Smith-Gabriels Volunteer Fire Department. Posters are up around Town. Information from the minutes of the building of the Town Hall showed it cost \$3000 to build.
6. **Assessment - Brian McDonnell, Lydia Wright:** Nothing to Report
7. **Salaries/Benefits Admin- Brian McDonnell, Peter Shrope:** Nothing to Report

CITIZENS COMMENTS: None

EXECUTIVE SESSION

Motion made by Supervisor Peter Shrope **TO GO INTO EXECUTIVE SESSION** at 9:15 p.m. in accordance with Public Officer’s Law, Article 7, Section 105d, to discuss “Humes vs Brighton”, second by Lydia Wright, Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

Motion made by Amber McKernan **TO GO OUT OF EXECUTIVE SESSION** at 9:20 p.m. second by Lydia Wright, Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

AUDIT OF VOUCHERS

RESOLUTION #62-2014

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Amber McKernan, second by Lydia Wright,

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

GENERAL FUND: Abstract #7 for Voucher #136 through and including #168 for 2014 funds in the amount of \$11,116.68 and STREET LIGHTING FUNDS from Voucher #158 in the amount of \$47.03.

HIGHWAY FUND: Abstract #7 for Voucher #63 through and including #69 for 2014 funds in the amount of \$5,097.47

ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

Resolution #62 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 9:25 p.m. made by Lydia Wright, Second by Amber McKernan, Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

Respectfully Submitted,

Elaine W. Sater, RMC,
Brighton Town Clerk