

The Regular Meeting of the Town Board of the Town of Brighton was held Thursday, July 11, 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, Thomas McKernan-Deputy Tax Collector, and Donald Oliver- Superintendent of Highways

RESIDENTS: There were 4 residents present

GUESTS: Mr. Alton Knapp, Knapp Associates, Inc

Meeting was Called to Order by Deputy Supervisor Alicia Bodmer at 7:03 p.m.

APPROVAL OF MINUTES:

Motion made by Linda Dobson **to accept the minutes of the Regular Monthly Meeting for the Town of Brighton Board dated June 13, 2002, as written**, second by Steve Tucker, Aye 4, Vacant 1(Supervisor)

Motion made by John Quenell **to accept the minutes of the Public Hearing for the Adelpia Cable Contract dated June 13, 2002, as written**, second by Linda Dobson, Aye 4, Vacant 1 (Supervisor)

TOWN CLERK REPORT

Total Revenue to Supervisor as of JUNE 30, 2002 was \$1,000.80 from:

- 3 DEC Sport License
- 12 Dog Licenses
- 8 Building Permits (BRI2002-17 through 24)
- 2 Copier Use

- 1. June 25: Faxed to Adirondack Daily Enterprise Public Notice for Highway Mine Permit, published on June 28, 2002 and Proof of Publication mailed to Department of Environmental Conservation on July 9, 2002. Deadline for comments is July 26, 2002.
- 2. July 1: Received completed Assessment Role for 2002 from Assessor, Public Notice was published in Adirondack Daily Enterprise on July 1, 2002
- 3. Town Hall Schedule: Van Cott, APA Presentation, Thursday, July 18, 2002, 7-9 pm
- 4. Park Use: Several requests but only one in writing, Allen on Sunday July 14.

SUPERVISOR’S REPORT AND CORRESPONDENCE

FINANCIAL BUSINESS AT HAND:

- 1. **LANDFILL CLOSURE:** Received reimbursement #2 from Environmental Facilities Corporation (EFC) for landfill capping
- 2. **GENERAL FUND:** Budget Amendment #5

RESOLUTION #70

AUTHORIZATION TO AMEND GENERAL FUND BUDGET FOR 2002 (#5)

Motion made by Alicia Bodmer **to authorize Budget Amendment #5 to the 2002 Budget General Fund as follows: Transfer \$105.00 from Account A1990.4 (Contingent) to A1310.4 (Bookkeeper CE) to cover the cost of checks for the Trust & Agency Account**, second by Linda Dobson, 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 #70 declared duly adopted.

NEW BUSINESS

1. **RESPONSE TO NYS COMPTROLLER’S AUDIT:** Final letter of response to the 2002M-12 Audit by the Office of the State Comptroller dated July 10, 2002, was presented to the board. This letter will be mailed to the Comptroller’s Office. (See attachment)
2. **PARK WATER TESTS:** Water samples were taken to Paul Smiths College for testing due to smell of water. Results have been received and results are negative to sewage. Another sample test needs to be taken for drink ability of water.
Motion made by Steve Tucker **to allow Dan Spencer to send another water sample from the Park for testing of its drink ability to Paul Smith’s College**, second by Alicia Bodmer, Aye 4, Vacant 1 (Supervisor)
3. **DATE CHANGE FOR NEXT BOARD MEETING:** Deputy Supervisor Alicia Bodmer will be out of town on August 8 and would like to change the date of the meeting to August 1, 2002.

RESOLUTION #71

AUTHORIZATION TO CHANGE DATE OF AUGUST REGULAR MONTHLY MEETING

Motion made by Alicia Bodmer **to authorize changing the date of the regular monthly board meeting from August 8 to August 1, 2002**, second by Linda Dobson, 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 #71 declared duly adopted.

4. **ADELPHIA CABLE CONTRACT RENEWAL:** John Quenell contacted Mr Al Sutphen of Adelphia Cable to schedule another Public Hearing to answer questions.

RESOLUTION #72

AUTHORIZATION TO HOLD A PUBLIC HEARING FOR ADELPHIA CABLE CONTRACT

Motion made by John Quenell **to authorize scheduling a Public Hearing for public input on the Adelphia Cable Renewal Contract on August 1, 2002, at 6:30 pm**, second by Linda Dobson, 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 #72 declared duly adopted.

5. **VESID EMPLOYEE FOR HIGHWAY DEPARTMENT:** The Office of Vocational and Educational Services for Individuals with Disabilities (VESID) will reimburse (except for Worker’s Compensation and Social Security Insurance) the Highway Department for employing a student from BOCES during the summer. The Highway Department has a place for an individual to work doing environmental tasks such as brush removal and log splitting.

RESOLUTION #73

AUTHORIZATION TO HIRE A BOCES STUDENT TO WORK UNDER THE VESID PROGRAM

Motion made by Alicia Bodmer **to authorize the Highway Department to hire Tanner Crary, a BOCES student, for \$7.00 per hour for 40 hours a week from July 15 until**

school starts in September 2002 to accomplish environmental tasks such as brush removal and log splitting. He will work under the Supervision of Don Oliver, Superintendent of Highways. The Highway Department will receive reimbursement for wages (not Worker’s Compensation or Social Security Insurance) through the Vocational and Educational Services for Individuals with Disabilities (VESID) Program under the Department of Education, second by Linda Dobson, 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 #73 declared duly adopted.

*OLD BUSINESS:***1. LANDFILL ACCESS ROAD:**

Motion made by John Quenell to take the following motion off the table from the June 13, 2002, regular board meeting: “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”, second by Alicia Bodmer, Aye 4, Vacant 1 (Supervisor)

Two individuals representing Asplin Tree Farms (Adirondack Timber Enterprises), Barbara Tallman and Craig Catalano, asked the Town to return the key they had given John Quenell for the gate on the road that is on Asplin Tree Farms property but gives access to the property where the landfill is located. When the key was given to the Town (John Quenell) it was with the understanding that the Town would only use the road for Town business. The gate is across the access road to keep unauthorized persons off Asplin Tree Farms property. If people have a legitimate reason for using the road they can come and ask at Asplin Tree Farms for access. Ms Tallman and Mr Catalano stated that John Quenell took an unauthorized person on the access road for purposes other than Town business. John Quenell stated he took Mrs. Helms on the access road to her property to see the landfill and he felt it was Town business. The key was given back to Asplin Tree Farms. John Quenell read from a deed from 1988 and asked Ms Tallman and Mr Catalano if the company was from Ohio. Ms Tallman said no, the company was from New York “doing business as” Asplin Tree Farms. John Quenell asked if the “access rights” mentioned in the deed were still considered in effect by Asplin Tree Farms. Ms Tallman and Mr Catalano said no the deed was an old one and no longer in effect. John Quenell asked if Ms Tallman or Mr Catalano were Directors or Officers of the Corporation. They said no. John Quenell asked for the name of a Director or Officer of the corporation. Ms Tallman said Thomas Bell was the President of the corporation and they were acting on his behalf. John Quenell said he would like to get a legal opinion to determine if the deed the Town had was still legal to allow the Town the right to use the access road for access to the land where the landfill is located. Steve Tucker said he didn’t think the Town needed to get the attorney involved at this time because Asplin Tree Farms was giving oral permission for the Town to use the access road and the Town just needed to notify Asplin Tree Farms when access was needed to get to the landfill. John Quenell was concerned about the future and would like to get the question resolved now instead of later in case a problem arises. Mr Catalano did not understand why the property was sold to Helms with a landfill on it. He stated Helms has no right-of-way over Asplin Tree Farms property to the land. Alicia Bodmer stated her concern for the Town not having clear access in the future and what rights the Town has in the deed. The Town has a legal obligation to test the wells on the capped landfill for the next 20 years. Tracie Santagate stated the town should be able to deal directly with the owners and not have to involve legal counsel and spend \$110 an hour. Ms Tallman stated that the Asplin Tree Farms lawyer would request liability insurance for the Town to have a right a

way over their land. Alicia Bodmer thanked Ms Tallman and Mr Catalano for coming before the Town Board.

RESOLUTION #74

AUTHORIZATION TO CONTACT ATTORNERY FOR THE TOWN, RE: LANDFILL ACCESS

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, Aye 3, Nay 1 (Tucker), Vacant 1 (Supervisor)

Roll Call Vote:

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

Resolution #74 declared duly adopted.

2. HIGHWAY GARAGE- Mr Alton Knapp-Knapp & Associates:

- a. **WATER TESTING:** Took three additional water samples (North, Central, and South) on the Town Hall side of the road. Center test hole shows a high concentration of petroleum in a flow of water running from the Town Garage. Salt contaminates are probably in the same flow of water. Have not had time to talk to DEC about the test results since they were just received today. Cleaning soil on the Garage side of the road should clear up the water flow, but need to determine this with DEC.
- b. **SALT SHED:** Adirondack Park Agency has to issue the permit for the building and they have a 90-day time frame for approving a permit once the application is completed. Application information is the same for a salt shed as it is for the new garage, need a deed for the property, a survey, and a full site plan. Building must be 200 feet from the stream. Foundation must be considered based on the unstable soil underneath. Total contents of building should hold 600 tons. Bid openings could be in September. Construction of the building and paving the pad are two separate bids. Construction may be late in fall. Deputy Supervisor Alicia Bodmer has had no word on funding. Mr Knapp would like to get his information lined up then have a meeting with the Town Board to determine the next step.

3. **CHECK SIGNING POLICY:** Based on dishonesty insurance recommendations, checks issued by the Town over \$5,000 should be signed by two individuals, not just the Supervisor.

RESOLUTION #75

POLICY FOR SECOND SIGNATURE ON CHECKS OF \$5,000 AND HIGHER

Motion made by John Quenell to authorize a policy that checks issued by the Town of Brighton in the amount of \$5,000 and higher require, in addition to the Supervisor, a second signature by an individual designated by the Board, second by 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 #75 declared duly adopted.

RESOLUTION #76

AUTHORIZATION TO SIGN CHECKS OF \$5,000 AND HIGHER

Motion made by John Quenell to designate Steve Tucker as the individual authorized as the second signature for checks issued by the Town of Brighton in the amount of

\$5,000 and higher, second Alicia Bodmer, Aye 3, Abstain 1 (Tucker), Vacant 1 (Supervisor)

Roll Call Vote:

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

Resolution #76 declared duly adopted.

4. **EVERGREEN UPDATE-John Quenell:** The chlorination unit on the water supply failed and the Department of Health has issued a Boil Order for water again. Charlies' will probably be fined. The individual responsible for the water supply has not been maintaining the water supply. The park residents are taking over this responsibility for the time being. There is no further action on selling the property.

5. **EASY STREET JUNKYARD-John Quenell:** Spoke to Scott Goldie, Attorney for the Town; he said a trial has been set for Friday, August 23, 2002

6. **JET SKI SIGNAGE:** Language for signs is at DEC

7. **HUD UPDATE:** Letters were sent to individuals whose fire insurance had been canceled and no response has been received

8. **BRIGHTON 2000 UPDATE:** Randy Lewis, a resident, is writing an article for the Adirondack Daily Enterprise July 20 issue about the project

9. SALARY FOR DEPUTY SUPERVIOR:

RESOLUTION #77

AUTHORIZATION TO PAY SUPERVISOR'S SALARY TO DEPUTY SUPERVISOR

WHEREAS, the Town of Brighton Board has not appointed a Supervisor to replace the elected Supervisor who resigned as of midnight on February 22, 2002, and

WHEREAS, the Deputy Supervisor Alicia Bodmer has been responsible for the duties of the Supervisor since February 23, 2002,

THEREFORE BE IT RESOLVED, that the Town of Brighton Board authorizes Deputy Supervisor Alicia Bodmer to receive the salary of the Supervisor from General Fund Account #1220.1 (Town Supervisor PS) retroactive to February 23, 2002, through December 31, 2002.

Motion made by Steve Tucker, second by John Quenell, Aye 3, Abstain 1 (Bodmer), Vacant 1 (Supervisor)

Roll Call Vote:

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

Resolution #77 declared duly adopted.

COMMITTEE REPORTS:

1. **COURT- Nik Santagate:** Disposed 55 cases during June and sent \$2,868.00 to the State Comptroller

2. **HIGHWAY –John Quenell:**

- a. Raked dirt roads again
- b. Repaired flail mower to prepare for mowing roadsides
- c. Getting ready to blacktop White Pine Road in August
- d. Repaired more washouts on dirt roads caused by heavy rains
- e. Placed blacktop on new culvert on Keese Mill's Road

- f. Don Oliver would like to attend Highway School in Monticello in September

RESOLUTION #78

AUTHORIZATION TO ATTEND HIGHWAY SCHOOL

Motion made by John Quenell to authorize Don Oliver, Superintendent of Highways, to attend Highway School in Monticello in September, second by Linda Dobson, Aye 4, Vacant 1 (Supervisor)

Roll Call Vote:

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

Resolution #78 declared duly adopted.

3. INSURANCE - John Quenell: Nothing to Report

4. ASSESSOR-Doug Tichenor: No report

5. TAX COLLECTOR- Amber McKernan (given by Deputy Tax Collector Thomas McKernan):

- a. Receiving requests for information regarding tax receipts for 2002 tax year.
- b. June bank statement was received and balanced. There are three outstanding checks, one to a taxpayer for a refund. The other two were written to the Supervisor for penalty payments issued in May and the final penalty check issued in June.
- c. Tax Collector will be away for two weeks, Deputy Tax Collector will return calls after 5 pm in the evening and faxes can be sent at any time.

6. CODE ENFORCEMENT-Ed Lagree: As of June 30, 2002, 29 building permits from 2001 are still open, 8 are completed. Issued 25 building permits for 2002, 3 are completed

7. CEMETERY – Linda Dobson:

- a. Maps were left at town hall for input by board members
- b. The file of old receipts was interesting by not useful
- c. Elaine Sater and Linda Dobson will take a field trip on July 24, 2002, to the cemetery to ascertain any additional question/comments for Stacy at Geomatics
- d. There will be a burial on July 12, 2002 and another burial, of cremains, is pending

8. PARKS & RECREATION-Steve Tucker:

- a. Water Test has already been discussed (See New Business Para 2)
- b. Rugby tournament was held with little problem on June 22

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

- a. Analysis completed and draft recommendations prepared.
- b. Committee formed: Jack Burke, VP Finance at Paul Smiths College and Nancy Rich, ComLinks-Community Action Agency. Members will review study and recommendations. Target for completed report to Town Board is August 1.

10. INVESTMENT POLICY-Linda Dobson: Received a sample investment policy from the Association of Towns. John Quenell and Linda Dobson studied it and gathered together questions. John Quenell called the Comptroller's Office in an attempt to arrange a 15-30 minute meeting with Gary Gifford. Were advised to send the questions to the office, which was done on July 1, 2002 by letter. Waiting a reply before the policy is prepared as the answers are vital to the policy.

11. OTHER-Report written by Tom Willis:

- a. **BRIGHTON YEAR 2000 PROJECT:** Black and white copies of book and CD were delivered to Wead Library and Franklin County Historical Society, both in

Malone. Twenty additional copies of B/W book were made, 18 are already spoken for.

- b. BRIGHTON HISTORY DAY:** Sunday July 21, 2002, from 1 to 5 pm at Asplin Tree Farms on route 86 in Gabriels. Theme this year is “Curing in Brighton”. Many new displays on Gabriels, Sanatorium, Rainbow Sanatorium, plus Stony Wold Sanatorium in Town of Franklin. Special display on two famous architects who designed buildings at Gabriels San. Exhibits can be previewed on Friday and Saturday, July 19 & 20 from 1 to 4 pm.
- c. TOWN HALL NOMINATION TO NATIONAL REGISTER:** A representative of the State Department of Parks, Recreation, and Historical Preservation will meet with Pat and Tom Willis on July 15 or 16 to review submission and to visit the Town Hall
- d. PAVING WHITE PINE ROAD:** Make sure Lynn Witte at White Pine Camp (327-3030) is aware of timing for paving as guests need to make plans to avoid project

CITIZENS COMMENTS:

TOM McKERNAN-Happy the board is compensating Alicia Bodmer for performing Supervisor duties.

OTHER: **ATV signs on Rainbow Lake Road:** Alicia Bodmer talked to Bob Cook, he did not realize that the signs were still up on the road. Jeff Smith knows the signs are still up and needs to get the signs from the State. Bob Cook will pursue this further.

RESOLUTION #79

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 these minutes as follows:**

ABSTRACT #3-PrePaid: Voucher #7A through and including Voucher #7D: General Fund for \$492.46 (including Street Lights for \$43.38)

ABSTRACT #7-General Fund: Voucher #166 through and including Voucher #182: \$9,897.44

ABSTRACT #7- Trust & Agency Fund: General Voucher #168: \$655.09 (New Abstract, up to June 13 on General Fund Abstracts)

ABSTRACT #7-Highway Fund: Voucher #75 through and including Voucher #85: \$2,503.28

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 #79 declared duly adopted.

Motion made by Linda Dobson to **Adjourn the Regular Town Board Meeting at 8:44 p.m.**, second by John Quenell, Aye 4, Vacant 1 (Supervisor)

Respectfully submitted,

Elaine W. Sater
Brighton Town Clerk