

The Regular Meeting of the Town Board of the Town of Brighton was held Thursday, August 10, 2000 at 7:00 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:

PRESENT: Supervisor Christopher Leifheit
Council Members: Linda Dobson
John Quenell
Roger Smith
Vacant

ABSENT: None

OTHERS PRESENT: Elaine Sater-Town Clerk, Arlene Hogan-Tax Collector, Nik Santagate-Justice, Tom & Pat Willis-Historians

RESIDENTS: There were several residents present.

GUESTS: None

Meeting was Called to Order by Supervisor Leifheit at 7:02 p.m.

APPROVAL OF MINUTES:

Motion made by Linda Dobson to accept the minutes of the Regular Town of Brighton Meeting on July 13, 2000, with the following change: Page 2, Supervisor's Report and Correspondence, Para 6, Line 4, "picked on" change to "picked up"; second by Roger Smith; Aye 4, Vacant 1

Motion made by Supervisor Leifheit to accept the minutes of the Public Hearing (Fire Contract) held on July 13, 2000, with the following change: Page 2, Paragraph 1, Delete last sentence. Second by John Quenell, Aye 4, Vacant 1

TOWN CLERK REPORT

Total Revenue to Supervisor as of JULY 31, 2000 was \$ 108.33

2 DEC Sport License
1 Certified Copy
2 Notary Fee
9 Dog Licenses
2 Building Permits (BRI2000-16 through 17)
1 Freedom of Information Law (FOIL) request
7 Copier Use

1. August 1, 2000 sent Sport Licenses to Department of Environmental Conservation by Certified Mail, received notice of receipt on August 8, 2000.
2. Received letter dated July 18, 2000 from the Office of the State Comptroller, Re: Fourth Notice for Annual Financial Report being late, copies sent to Board Members.
3. August 3, 2000 sent letter to Supervisor and Board Members, Re: Resolution for Postage for NYSTCA Director for District 9, from July 1, 1999 to June 30, 2000 used \$17.55, Requesting \$50 for 2000/2001

RESOLUTION #68

AUTHORIZATION FOR TOWN CLERK TO EXPEND \$50 FOR NYSTCA DIRECTOR DUTIES

Motion made by Supervisor Leifheit to authorize Town Clerk, Elaine Sater, to expend funds Not to Exceed \$ 50.00 for postage, copier and fax machine use to accomplish her duties as Director of District 9 (Franklin, Clinton, & Essex counties) for the New York State Town Clerk's Association for the period July 1, 2000 to June 30, 2001. Second by John Quenell, Aye 4, Vacant 1

Roll Call Vote:

Supervisor Christopher Leifheit	Aye
Council Members: Linda Dobson	Aye
John Quenell	Aye
Roger Smith	Aye
VACANT	

Resolution #68 declared duly adopted.

4. August 3, 2000 gave copy of Food Pantry contract to Barbara Marshall, expired on June 30, 2000. Insurance papers are available and Fr. Flynn of St. Paul's Catholic Church in Bloomingdale has signed the contract.

RESOLUTION #69

AUTHORIZATION TO SIGN FOOD PANTRY AGREEMENT WITH ST. PAUL'S/ASSUMPTION

Motion made by Roger Smith to authorize Supervisor Chris Leifheit to sign the Food Pantry Agreement with St. Paul's/Assumption Church for the period of 1 year (July 1, 2000 to June 30, 2001) (attached), second by Supervisor Leifheit, Aye 4, Vacant 1

Roll Call Vote:

Supervisor Christopher Leifheit	Aye
Council Members: Linda Dobson	Aye
John Quenell	Aye
Roger Smith	Aye
VACANT	

Resolution #69 declared duly adopted.

5. August 24, 2000 I will be attending a class in Malone for Indexing of Minutes from 9 to 1 p.m., will open up Clerk's Office when I get back at 1:30 p.m.

Town Hall Schedule: Rainbow Lake Association, Inc.- Saturday, August 12, 9-12 noon.
Park Use: Relyea Family Picnic, August 15, 2000

SUPERVISOR'S REPORT AND CORRESPONDENCE:

BUSINESS AT HAND

1. **TOWN BOARD VACANCY:** Three letters of application have been received for the position of Town Council Member. Supervisor Leifheit opened the floor for nominations for the position until December 31, 2000 from the Town Board. The position will be on the November Election Ballot open to any one who qualifies.

NOMINATIONS made were for Alicia Bodmer, Steven Tucker, and Dora J. Mose.

Chris Leifheit Closed the Nominations.

An oral vote was taken from the Board. Each Board Member can vote for one nominee. Three votes determine the winner.

John Quenell voted for Alicia Bodmer.

Linda Dobson voted for Alicia Bodmer.

Roger Smith voted for Alicia Bodmer.

Chris Leifheit voted for Alicia Bodmer.

Alicia Bodmer is appointed as Town Council Member for the term of August 10 to December 31, 2000.

A brief recess was taken at 7:20 p.m. for Alicia Bodmer to be sworn in by Judge Santagate.

Meeting resumed at 7:25 p.m.

2. **LANDFILL CLOSURE** Project Status:
- a. Agreement with landowner has been signed and sent to the Environmental Facilities Corporation (EFC) and Griffin International. All funding documents have been submitted. Closure date is August 24, 2000 for funding the construction of the cap.
 - b. Bid packages are ready to be sent out by Griffin International.
 - c. Received a letter dated August 8, 2000 from Janet Bliss, Re: Litigation for Town, sent a draft letter dated August 24, 2000 for EFC stating there is no litigation against the Town that would affect the loan.
 - d. Received letter dated August 8, 2000 from Walsh & Walsh, Re: Funding Documents for Loan, signed by Supervisor Leifheit and notarized by Town Clerk: Original Note, Project Financing and Loan Agreement, and Certificate of Determination. Town is responsible to pay \$18,600.00 if the short-term note is still outstanding after two years.
3. **HUD** Project Status:
- a. 1994 HUD GRANT: Thirteen applications were completed, thirteen were approved, four are under construction and nine are closed out.
 - b. Scott Campbell of Friends of the North Country made a site visit to Project BRI-T6-94; progress has been made on framing and electrical work. Called client about a Notice of Cancellation effective 9/1/00 on his insurance policy for the rental property, no response received.
 - c. Mortgage Discharge: Indenture of Mortgage is paid on HUD Project BRI-25-94
 - d. Received voucher for July 2000 monthly charges, payment has not been made on several past vouchers from the HOME account. Roger Smith said he received a letter to certify Debra Meyer and he removed her from the list. Another person needs to be added to certify Roger Smith on the account. There was a recent change to the funding for the HUD HOME program so the account was not accessible for a period of time. Supervisor Leifheit will look further into this matter.

RESOLUTION #70

AUTHORIZATION TO EXPEND HOME FUNDS OF \$764.64 FOR HUD ADMINISTRATION

Motion made by Supervisor Leifheit to approve the expenditure of HUD HOME funds of \$764.64 to Friends of the North Country to pay for Administration Costs for the month of July 2000, second by John Quenell, All Ayes.

Roll Call Vote:

Supervisor Christopher Leifheit	Aye
Council Members: Linda Dobson	Aye
John Quenell	Aye
Roger Smith	Aye
Alicia Bodmer	Aye

Resolution #70 declared duly adopted.

4. **SPECIAL EVENTS PERMIT:** At the July Board Meeting the Ruffrider's Club petitioned the Town Of Brighton for a special events permit for Saturday September 9, 2000 to allow the ATV Ruffrider's Club permission to cross the Keese Mills Road in the Town Of Brighton from 12:00 noon to 5 p.m. A map was requested and received showing the complete trail for the event. Supervisor Leifheit gave an overview of the situation. Keese Mills is not a legal road for ATV's to use for travel but could be opened for a Special Event. A "Special Event" as it pertains to ATV's is: "an organized

rally, race, exhibition or demonstration of limited duration which is conducted according to a prearranged schedule and in which general public interest is manifested. (Vehicle and Traffic Law, Section 2401 Para 6). A survey of residents on the Keese Mills Road was conducted to determine “general public interest”. The results of the survey were: 17% FOR the Special Event, 75% AGAINST the Special Event, and 8% No Opinion. John Quenell asked Roger Smith if he would recuse himself from voting since the Paul Smiths-Gabriel’s Volunteer Department would benefit from the special event. Roger Smith stated he would make a statement when the vote is taken.

RESOLUTION #71**AUTHORIZATION TO ALLOW A SPECIAL EVENT PERMIT TO THE ATV RUFFRIDER’S CLUB**

WHERE AS, the ATV Ruffrider’s Club located out of the The Red Tavern on the Red Tavern Road, in the town of Santa Clara is hereby petitioning the Town Board of Brighton to allow a Club sponsored fund raiser/ride permission to cross the Keesemills Road in the Town of Brighton from 12:00 noon to 5 p.m. during the afternoon of September 9, 2000 according to the Vehicle and Traffic Law, Section 2408, Para 2, and

WHEREAS, a “Special Event” is defined as “an organized rally, race, exhibition or demonstration of limited duration which is conducted according to a prearranged schedule and in which general public interest is manifested.” (Vehicle and Traffic Law, Section 2401 Para 6), and

WHEREAS, a survey of residents on the Keese Mills Road was conducted to determine “general public interest” and the results of the survey were: 17% FOR the Special Event Permit, 75% AGAINST the Special Event Permit, and 8% No Opinion,

THEREFORE a motion was made by Supervisor Christopher Leifheit to **grant the request by the ATV Ruffrider’s Club to stage a special event on the Keese Mills Road on Saturday, September 9, 2000 from the hours of 12 noon to 5:00 p.m.;** second by Roger Smith, Nays 4, Abstain 1 (Smith)

Roll Call Vote:

Supervisor Christopher Leifheit	Nay
Council Members: Linda Dobson	Nay
John Quenell	Nay
Roger Smith	Abstain (Fire Chief, Fire Department would benefit from this event)
Alicia Bodmer	Nay

Resolution #71 NOT Adopted

5. **FIRE DEPARTMENT CONTRACT:** A Public Hearing was held to discuss the Fire Contract, Insurance Liability was questioned. Janet Bliss, attorney for the Town , submitted an Addendum to the Fire Contract for the Board’s approval

RESOLUTION #72**AUTHORATION TO APPROVE THE FIRE PROTECTION CONTRACT**

WHERE AS, the Office of the State Comptroller sent a letter dated April 8, 2000 requesting the Town Of Brighton advertise for another hearing for the Fire Protection Contract because the first public notice was not published at least 10 days before the hearing and the notice did not include the general terms of the proposed contract, and

WHEREAS, a public notice was published “at least 10 days before the hearing and the notice included the general terms of the proposed contract” and the public hearing was held on July 13, 2000, and

WHERE AS, the fourth paragraph of the Fire Protection Contract concerning Liability Insurance was changed from the previous contract by removing the Town Of Brighton “as an additional insured party, in all the said policies, to provide certificates of all said insurance showing compliance...” and

WHERE AS, an addendum to include the Town Of Brighton as an additional insured party to the Fire Protection Contract was drawn up by the attorney for the Town Of Brighton, therefore

LET IT BE RESOLVED that Supervisor Christopher Leifheit be authorized to sign the Fire Protection Contract and the Addendum (attached) to the Fire Protection Contract for the period January 1, 2000 to December 31, 2004, providing the Paul Smith-Gabriel’s Fire Department accepts the addendum, second by Linda Dobson, Aye 4, Abstain 1 (Smith)

Roll Call Vote:

Supervisor Christopher Leifheit	Aye
Council Members: Linda Dobson	Aye
John Quenell	Aye
Roger Smith	Abstain (Fire Chief)
Alicia Bodmer	Aye

Resolution #72 declared duly adopted**NEW BUSINESS**

1. **JUNK YARDS:** Mrs. Caldwell addressed the “junkyards” on Easy Street again, last year a letter was sent to one of the residents and they replied with a “plan”. Nothing has been done with the yard except more “junk” has appeared. She feels this is causing her property to be devalued. John Quenell said a letter was sent to the owner in the past and a reply was received. The Board will check into what laws are in other Town for this situation. Alicia Bodmer will contact Association of Towns for more information.

2. **BRIGHTON ARCHITECTURAL HERITAGE COMMITTEE (BAHC):** Pat and Tom Willis from the BAHC sent a letter to the Town Of Brighton Board dated 7/29/00. The letter thanked the Town for its support for another successful Brighton History Day. Supervisor Leifheit thanked the BAHC for the great show they put on for Brighton History Day 2000.

3. Received letter dated August 2000 from Association of Towns, Re: Request for dues for 2001 budget, deferred to Budget Session.

CITIZENS COMMENTS:

Pat Willis-Rainbow Lake Association: The survey of Rainbow Lake has been completed and no Eurasian Water Milfoil was found. Training will be conducted on Saturday, August 12 then the project for this summer is completed. A report will be submitted to the Town Supervisor to be forwarded with the invoice for \$975 to the Lake Champlain Basin Program for the grant funds (Resolution #54-2000).

COMMITTEE REPORTS:

HIGHWAY:

- a. Ford L9000 is at Bailey Ford being repaired
- b. Oshkosh Plow Truck is at Bob's Truck Repair for repair work
- c. There have been several washouts on road shoulders
- d. Beaver are plugging the culverts on Keese Mills Road
- e. Fire Department cleaned out a culvert on Hoyt Hill using 4,000 gallons of water, Thank You for the help

RESOLUTION #73

AUTHORIZATION TO SPEND FUNDS TO SCREEN SAND

Motion made by Roger Smith to authorize Superintendent of Highways, Don Oliver, to expend Highway Funds to hire Trudeau Sand & Gravel to screen road sand, second by Supervisor Leifheit, All Aye

Roll Call Vote:

Supervisor Christopher Leifheit	Aye
Council Members: Linda Dobson	Aye
John Quenell	Aye
Roger Smith	Aye
Alicia Bodmer	Aye

Resolution #73 declared duly adopted.

RESOLUTION #74

AUTHORIZATION FOR CONTACT PERSON FOR EMPLOYEE ASSISTANCE SERVICE

Motion made by John Quenell to appoint Roger Smith as Point of Contact for Employee Assistance Service (EAS) for drug testing notification, second by Supervisor Leifheit, All Aye

Roll Call Vote:

Supervisor Christopher Leifheit	Aye
Council Members: Linda Dobson	Aye
John Quenell	Aye
Roger Smith	Aye
Alicia Bodmer	Aye

Resolution #74 declared duly adopted.

2. **PARK:** Nothing to report. Dan Spencer will be asked to submit a monthly report; this will be added to his job description.
3. **CODE ENFORCEMENT OFFICER:** Sent a letter dated August 9, 2000 to occupant Ann Callaghan, Re: Code Violations, follow up to site visit to the residence on Route 86 in Gabriel's, NY. Supervisor Leifheit read the letter addressing the Code Violations 900.1(a), 900.1(b) and 1242.8 9(a). The Board would like to see the documentation supporting the occupant's claim that the water is safe to drink and the wastewater treatment is of sufficient size and is capable of handling any effluent disposed of from the premise. The owner of the property who lives in Port Lyden, NY, has never responded to the initial letter from the Code Enforcement Officer. **Supervisor Leifheit will send a letter to the Code Enforcement Officer Ed Randig addressing the Board's concerns.**
4. **CEMETERY:** Nothing to Report
5. **TAX COLLECTOR:**
 - a. School Tax collection is coming up in September. Receiving phone calls for address changes. Tax Collector for School Taxes is the Saranac Lake Central School District at 891-5460. Tax bills will be mailed the first week of September.
 - b. Waiting for one more outstanding check from the bookkeeper for a penalty collection, it was deposited late in July. The Supervisor should be depositing the checks received from the Tax Collector.
 - c. Appointing Barbara Marshall as Deputy Tax Collector, no compensation is needed at this time.
6. **ASSESSOR:** Received letter dated August 2, 2000 from Janet Bliss, attorney for the Town Of Brighton, addressed to John T. Wilkins, Esq., Re: Tax Certiorari actions for 1998 and 1999; Town will settle on 1998 action that was proposed, but will not accept 1999 proposal since the 1999 petition was untimely and the matter is subject to dismissal.
7. **COURT:**
 - a. 15 Cases were processed and \$1,460.00 was sent to the State Comptroller.
 - b. Thank you to jurors who showed by for the trial on August 4, 2000, twenty jurors were called and 18 showed up. Six jurors and 1 alternate were selected. Many thanks to those who gave up their day to come and serve justice.
8. **INSURANCE:** Nothing to report.

Balances of Accounts as of July 31, 2000 were available and are attached.

RESOLUTION #75-2000

AUTHORIZATION TO PAY ALL VOUCHERS LISTED ON ABSTRACTS

Motion made by Linda Dobson to pay all the vouchers audited by the Town Board and listed on the abstracts attached to these minutes as follows:

ABSTRACT #8 - All Funds: Pre-Paid Voucher #8A through and including Voucher #8H as follows:

General Fund 2000-\$5,012.61, Highway Fund 2000-\$170.01

ABSTRACT #8 - General Fund: Voucher #150 through and including Voucher #163 as follows: \$4,688.58

ABSTRACT #8 - Highway Fund: Voucher #94 through and including Voucher #104 as follows: \$1,484.72

ABSTRACT #6 – Street Lighting: Voucher #6: \$50.05

ABSTRACT #4 – HUD HOME Fund: Voucher #4: \$764.64

Second by Roger Smith; All Ayes

Roll Call Vote:

Supervisor Christopher Leifheit Aye

Council Members: Linda Dobson Aye

John Quenell Aye

Roger Smith Aye

Alicia Bodmer Aye

Resolution #75 declared duly adopted.

Motion made by Roger Smith to adjourn the Regular Town Board Meeting at 9:03 p.m., second by Linda Dobson; All Ayes

Respectfully submitted,

Elaine W. Sater
Brighton Town Clerk