

**The Regular Board Meeting for the Town of Brighton, Franklin County, New York, was held on Thursday, August 11, 2005 at 7 p.m. at the Brighton Town Hall, 12 County Route 31, Paul Smiths, NY, with the following:**

**PRESENT:** Supervisor Robert Tebbutt

Council Members: David Knapp, John Quenell, Steve Tucker, and Lydia Wright

**ABSENT:** None

**OTHERS PRESENT:** Amber McKernan - Tax Collector, Don Oliver - Superintendent of Highways, and Elaine Sater - Town Clerk

**RESIDENTS:** There were five residents present

**Called to Order** by Supervisor Robert Tebbutt at 7:00 p.m.

***TOWN CLERK REPORT***

**Total Revenue to Supervisor as of July 31, 2005 was \$ 2,352.94**

4 Sport Licenses

7 Certified Copies

4 Dog Licenses Renewals

6 Building Permit (#05-25 to 30)

1 FOIL Request

1 Donation for Park Use

1. Received a letter dated July 15, 2005, from the Venison Donation Coalition, Inc., Re: If people want to donate to the Venison Donation Program they can do so through the DECALS system at the Town Hall. Only cash or checks will be accepted.
2. Received notification from NYS Department of Environmental Conservation (DEC), Re: Sport License sales for the 2005-2006 hunting year will begin on Monday, August 15.
3. Received letter dated August 8, 2005 from Board of Elections, Re: There will be no Primary Election in the Town or County on September 13, 2005
4. TOWN HALL REQUESTS: None
5. TOWN PARK REQUESTS: Dan Spencer left a message saying he would be absent from the park from Aug 5 to 12. Sunday, July 31 - Siverling Family; Tuesday, August 2 - Mountaineer's Rugby; Saturday, August 13- UEA of Niagara Mohawk; Saturday, August 20 - Rabideau, Family; Sunday, September 4 - Sawyer Family
6. RECORDS MANAGEMENT: Received microfilms for the Tax Collector's Books from 1894 to 1970. Voucher has been submitted.

***ADOPTION OF MINUTES***

**Discussion was held** concerning the wording of the "WHEREAS" clauses before the "THEREFORE BE IT RESOLVED" clause of Resolution #77-2005 as typed in the minutes of July 14, 2005. The wording of the resolution was not verbatim. **John Quenell** said he listened to a tape of the meeting and proposed the WHEREAS clauses be deleted and the verbatim words be used in the motion. **Lydia Wright** said she also listened to a tape of the meeting and the WHEREAS clauses summarized the discussion held before she proposed the motion. **John Quenell** said the WHEREAS clause concerning the bookkeeper's reply to the lost checks was her opinion and could not be used as part of the resolution. **David Knapp** said he did not listen to a tape of the meeting so he could not argue the exact wording but knew the discussion in the WHEREAS clauses had taken place. He said the discussion was a moot point because he has the draft of the letter for the Board to vote on at this meeting. **Steve Tucker** said he seconded a motion to allow David Knapp to draft a letter. **Supervisor Robert Tebbutt** asked the board to vote on this issue.

**Motion made** by Supervisor Robert Tebbutt, **second** by John Quenell, **for the board to vote on whether this change in the minutes (of July 14, 2005) be made according to what John Quenell has brought forth ("to delete the "WHEREAS" clauses of Resolution #77-2005, as they were not verbatim in the motion of the resolution proposed by Lydia Wright and to change the motion to read verbatim: "I make a motion that David Knapp have the authority to draft a memo to the comptroller's office to request an audit for the Town)."**

**Roll Call Vote:** Aye 3 (Supervisor Robert Tebbutt, John Quenell, Steve Tucker), Nay 1 (Lydia Wright), Abstain 1 (David Knapp)

**Motion made** by David Knapp, **second** by Steve Tucker, **to adopt the minutes of the Town Board meeting held on July 14, 2005 with the following changes: Page 3, Old Business, para 1b, Resolution #77: Delete the WHEREAS**

clauses and change the wording of the resolution to "That David Knapp have the authority to draft a memo to the comptroller's office to request an audit for the Town"; Page 6, Reports, Para 10, Town Hall Project, John Quenell Comment: Change "\$6500" to "\$2850", Page 7, Citizens Comments, Kevan Moss Comment, Supervisor Robert Tebbutt Comment, Change "...he can't stop anyone from committing fraud." to "...nothing stops anybody from committing fraud. I can't answer that, Kevan. I mean anybody can do that and hopefully we have a system where we're going to pick it up and look at it and see that somebody's doing something illegal."

Roll Call Vote: Aye 4 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker), Nay0, Abstain 1 (Lydia Wright)

### ***SUPERVISOR REPORT***

1. **FINANCIAL REPORT:** Was put in everyone's box on Tuesday.

2. **HIGHWAY GARAGE PROJECT:**

a. **Furnace Room Vents:** Contacted J. Hogan Refrigeration to do the work. Received a bill from LaPlante for \$2,800 retainage plus late payment charges. Sent a reply advising them of the status, copies distributed to board mailboxes. Received a reply from LaPlante today. John Quenell read the letter for the record as follows:

"Dear Mr. Tebbutt, Your letter regarding uncompleted work is somewhat perplexing. At no time has this company refused to provide the additional work related to combustion air. In a letter to North Woods Engineering dated April 1, 2005 a detailed design and specification was requested. To date no response has been received. To have an alternative contractor complete this additional work is your option. However to deduct the cost of this work from the overdue balance is not correct. At this time it is respectfully requested that a change request with detailed design and specifications be forwarded to this office for pricing or should you choose to have this work provided by an alternative contractor the full amount outstanding overdue, the balance plus interest, is requested by August 19, 2005. If you have any questions please contact our office."

Supervisor Robert Tebbutt said that since he has already notified the LaPlante Company of the Board's intentions he will not respond to this letter.

b. **Salt Shed Status:** Waiting for engineering drawing so foundation work can start. John Quenell said the drawings arrived today at the Highway Garage, he will mail a copy to Quades, the foundation contractor, a copy should go to the CEO and a copy should be kept in the Highway Garage. Supervisor Robert said he was expecting delivery of the steel portion of the salt shed between August 15 and 22.

c. **Old Garage Status:** There is a very minor asbestos problem in the garage. Contacted the only two asbestos removal contractors licensed in the area for quotes: Capital Environmental Services for \$5000 and met with JW Construction who said they would do it for \$2700. This pertains only to the highway garage since they are prepared to start on Tuesday.

### **RESOLUTION #81**

#### **ASBESTOS REMOVAL CONTRACT FOR OLD HIGHWAY GARAGE**

Motion made by Supervisor Robert Tebbutt, second by John Quenell, To Wit:

To accept and offer a contract to JW Construction for \$2700 to do the required removal of asbestos from the old garage building.

Roll Call Vote: Aye 4 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker), Nay0, Abstain 1 (Lydia Wright)

Resolution #81 declared duly adopted.

3. **HUD MORTGAGE DISCHARGE:**

### **RESOLUTION #82**

#### **AUTHORIZATION TO DISCHARGE A MORTGAGE FOR HUD PROJECT #94-27**

Motion made by John Quenell, second by Steve Tucker, To Wit:

RESOLVED, that the Supervisor be authorized to discharge a HUD mortgage for a Town resident (HUD Project #94-27) that was made on October 6, 1999 in the amount of \$4,100 and recorded in the Office of the Franklin County Clerk in liber 648 of mortgages, page 290, on the 12<sup>th</sup> day of November 1999. In as much as the five-year sunset provision of this mortgage enables us to discharge this mortgage at this time.

Roll Call Vote: Aye 5 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), Nay0  
Resolution #82 declared duly adopted.

4. **CLASS ACCOUNTS:** **Lydia Wright** asked about the CLASS account transaction confirmation being faxed to the Town Hall to keep the book updated. She said Supervisor Robert Tebbutt said he contacted MBIA to get them to fax these copies to the Town Hall and could he do this again since the reports are not being faxed. **Supervisor Robert Tebbutt** said he will certainly do that and put it in writing.

**John Quenell** said the Financial Update for the Highway Garage was not done. He passed out a copy of the report.

5. **STATE EQUALIZATION RATE:** Copy of a letter from the State Real Property was distributed to board members. The rate is 72.66%.
6. **GARAGE CAPITAL PROJECT FINANCIAL UPDATE:** **Lydia Wright** asked about the expenses to date against the \$4,000 budgeted for the removal of the old garage. The total of the asbestos assessment and removal has brought this amount to the \$4000 limit and the cost to remove the building will be over the \$4,000. She asked how this will be handled. **John Quenell** said the Town has not been billed for these costs yet. This is not a line item by line item budget, some of these items are estimates, some are high some are low. At the end the project is not over the bottom line. **Lydia Wright** asked if the labor and equipment spent by the highway garage employees to do this work have been added to the budget. The salary paid by the Town should be included in the budget for the hours used for this work. **John Quenell** said they are not added because they are not incremental "out-of-pocket" expenses.
7. **TOWN HALL PROJECT:** Called and talked to Crawford and Stearns concerning the insurance, MBE/WBE requirements, WICK's law, wages, construction schedule and project date information needed to complete the project. Since the Board has not yet approved this project he was not able to address the construction schedule or completion date. When this project has been approved he will contact Crawford and Stearns concerning them.
8. **DEAD TREES ON STATE ROUTE 86 (CHURCH POND):** Wrote a letter to DOT in Watertown asking them to investigate and make recommendations on the trees pointed out by Rouse Fountain. Has not heard back from them yet.
9. **STANDING WATER ON STATE ROUTE 86 (GABRIEL'S POND):** Checked with the project engineer and there is a problem with the drainage ditch being the low point in that area. They have filled it in with crushed stone to make a solid surface above the water. Will have to wait and see if this fixes the problem.
10. **WAR MEMORIAL CLEANING:** Sent out a thank you letter to Plattsburgh Memorials for cleaning War Memorial in front of Town Hall. Thank you to Tom for arranging and coordinating that.

#### **OLD BUSINESS**

1. **AUDIT OF FISCAL OFFICER RECORDS (Knapp, Wright):** **David Knapp** distributed a draft letter per Resolution #77-2005 to request an audit that he read for the record as follows:

*"August 9, 2005*

*Office of the State Comptroller*

*One Board Street Plaza*

*Glens Falls, New York*

*Dear Sirs:*

*The Town of Brighton is requesting that the Office of the State Comptroller consider auditing the current records and record keeping process of the Town of Brighton since the extensive audit performed in 2001.*

*Please consider the following points for the request of an audit :*

- *The Town has experienced several personnel changes affecting elected offices since the audit of 2001.*
- *The Town has recently experienced several changes in book keeping services.*
- *To ensure the Towns compliance and procedural practices recommended by the Comptrollers Office following the audit of 2001.*
- *The recent completion of the Highway Garage Project involving substantial amounts funded through both the General Fund and a Bond issue.*

*Thank you for considering the Town of Brighton's request."*

**Discussion was held concerning the contents of this letter and whether or not to proceed with the request.**

**Lydia Wright** asked for more details to be added to the letter concerning the lack of previous annual audits and missing checks.

**John Quenell** addressed each point of the letter. He said the Comptroller's Office had guided the Town through the process of the Highway Garage Project. The Town is in compliance with every issue brought up in the previous audit except for fixed assets and the Comptroller's Office is backing off from the requirement to implement GASB-34 fixed asset depreciation. The Town is more in compliance than ever before so he did not see the need for an audit. He asked for a clarification of the point of changes in bookkeeping services.

**David Knapp** explained that when he and Lydia Wright looked at the books there was a difference in the way the books were kept before the change from Joannie Sturick to the bookkeeping service and the way the current bookkeeper is keeping the books. The accounting language used by the Comptroller's Office in the checklist was not the same found in the records so they were unable to determine if the records were in compliance.

**John Quenell** asked if the concerns would be better addressed if there was a meeting with the Bookkeeper and questions were answered by the bookkeeper.

**Lydia Wright** said that town is not in compliance, there are violation of two issues addressed by the last audit. The Board was not given access to the books for an audit when asked for the past two years. When the records were made available they could not be audited because the records could not be followed using the checklist. The issue of missing checks is also an issue.

**Supervisor Robert Tebbutt** said he misunderstood the difference between the "books" and the "records" and his records are available for anyone to look at. He offered to have the bookkeeper meet with the Board to discuss any questions they may have about the Town's financial records before bothering the Comptroller's Office.

**Davie Knapp** said the letter only requests an assessment. The Comptroller's Office will determine if an audit is conducted.

**Supervisor Robert Tebbutt** said he is comfortable with the way the books are maintained for the Town. The bookkeeper is a CPA. The Board should be looking at the books with the CPA before contacting the Comptroller's Office.

**Lydia Wright** said the bookkeeper could only answer for the last 7 months since a bookkeeping firm did the books the year before and Joannie Sturick did them before that.

**Supervisor Robert Tebbutt** said the current bookkeeper was the point of contract with the bookkeeping firm.

**Steve Tucker** said the Town needs an outside source to solve this problem since three people have been bickering about this problem for two years.

**RESOLUTION #83**

**AUTHORIZATION TO REQUEST AN AUDIT OF THE FISCAL RECORDS BY THE OFFICE OF THE STATE COMPTROLLER**

**Motion made by David Knapp, Second by Lydia Wright, To Wit:**

**RESOLVED, to consider sending a letter as read to the Office of the State Comptroller to request an audit.**

*"The Town of Brighton is requesting that the Office of the State Comptroller consider auditing the current records and record keeping process of the Town of Brighton since the extensive audit performed in 2001.*

*Please consider the following points for the request of an audit :*

- *The Town has experienced several personnel changes affecting elected offices since the audit of 2001.*
- *The Town has recently experienced several changes in book keeping services.*
- *To ensure the Towns compliance and procedural practices recommended by the Comptrollers Office following the audit of 2001.*
- *The recent completion of the Highway Garage Project involving substantial amounts funded through both the General Fund and a Bond issue.*

*Thank you for considering the Town of Brighton's request."*

**Roll Call Vote: Aye 3** (David Knapp, Steve Tucker, Lydia Wright), **Nay 1** (John Quenell), **Abstain 1** (Supervisor Robert Tebbutt)

**Resolution #83 declared duly adopted.**

**NEW BUSINESS: NONE**

**REPORTS**

**1. JUSTICE (Santagate): No Report**

**Lydia Wright** asked if there was not a report from the Justice.

**Supervisor Robert Tebbutt** said if there was one he had not seen it.

**Citizens Comment:**

**Tracie Santagate - McColloms:** Asked if the Supervisor had received the check. She said the report is submitted with the check. A report has been submitted to the Supervisor every month for twelve years.

**Lydia Wright** asked if the check had been received and did he deposit it.

**Supervisor Robert Tebbutt** said he deposited the check but he did not realize there was a report.

**John Quenell** said he deposited the check and went on to give the Highway Report.

**2. HIGHWAY (Quenell, Tucker, Oliver):**

- a. Mowed cemeteries, town hall, and roadsides
- b. Trucked four loads of grindings from the airport, graded around the garage to make it ready for blacktop
- c. Harrietstown delivered new tractor to New Holland Supply for warranty work
- d. Cleaned out beaver dams from culverts around the town
- e. Batteries in the L9000 snowplow are blown and new ones are ordered

**3. INSURANCE AND INVESTMENTS (Quenell):**

- a. Got the agent bond quote for \$150.00 in writing and gave Lydia Wright a copy
- b. Looked into the town purchasing insurance for the tax collector's liability for losses of town's funds while in her possession, no reply from agent has been received to date

**Citizen's Comments:**

**Amber McKernan - Gabriels:** She said it was not the "funds" it was the "documents".

**Steve Tucker** asked if former town employees could purchase health insurance through the town.

**John Quenell** said he spoke to the agent who spoke to Blue Cross Blue Shield, this option is available to retirees but the town would have to pay part of it; amount of part was not determined. He will pursue this issue.

**Lydia Wight** had questions about the quote for agent bond insurance. She asked if the bookkeeper had to carry \$500,000 of his own insurance to get the \$150 premium.

**John Quenell** said he addressed this issue in a previous meeting showing the options for coverage

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

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

- a. Received 5 phone calls and sent 2 faxes regarding tax matters. Sent out one receipted 2005 tax bill by regular mail.
- b. Received the 31 July 2005 bank statement and show an outstanding balance of \$0.12, which is the total of the two outstanding checks as reported on 14 July.
- c. Brought a copy of the 2005 property Tax Bill data in the BAS Tax format and copy of the 2005 Tax Collector's check register for storage at the town hall. These are both on CD. The CD will be upgraded when the \$0.12 has cleared the books.
- d. The Deputy Tax Collector will be assuming the duties of this office for the next three weeks while the tax collector is away.
- e. Audit of Records: Asked the Board to formally approve the audit of the tax collector's books from last month's meeting.
- f. Asked when will the budget requests be required to be submitted.

**Supervisor Robert Tebbutt** said he was preparing a letter for September 1 and did not remember the deadline.

**John Quenell** said if she was going to be away budget submissions could be turned in at any time before the deadline.

**RESOLUTION #84**

**APPROVAL OF AUDIT OF TAX COLLECTOR'S BOOKS FOR 2005**

**Motion made** by John Quenell, **second** by Supervisor Robert Tebbutt, **To Wit:**

**RESOLVED, that the Board approve the Tax Collector's books as presented at the July 14 meeting.**

**Roll Call Vote: Aye 5** (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), **Nay 0**

**Resolution #84 declared duly adopted.**

**6. CODE ENFORCEMENT (Lagree): No Report.**

**7. CEMETERY (Tucker):**

- a. Luck Brothers paved the two entrances to the fence
- b. Met with a couple of people looking at reserving plots

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

- a. Dan Spencer has been mowing and weed wacking
- b. Port-a-potty was dropped off at the park Tuesday, August 9, 2005. Could not get one sooner due to the Rugby tournament in Saranac Lake
- c. Water heater is at the field house to be hooked up
- d. Dan Spencer will stain the picnic tables during August

**9. MAINTENANCE(Knapp):**

- a. Installed the breaker and ran the line to the hot water heater today.
- b. Obtained a sketch from Don Oliver showing where the septic system at the park is located. Gave a copy to the Town Clerk for the park file, left a copy for the park with Steve Tucker.

***CITIZENS' COMMENTS***

**Amber McKernan-Gabriels:** Received a phone call from a distressed person who is a tax payer in the Town regarding the offer from Mr. Humes for children of full-time year-round residents. This person had just found out that day that she had missed this opportunity and asked how the information had been disseminated. She told the tax payer that a letter had been sent to Mr. Tebbutt. She later determined by referring to the minutes "on line" that this was incorrect and that the letter was actually sent to Mr. Quenell. The tax payer said she was going to contact the newspaper and write a letter to the board. She wondered if the Board had received a letter. The tax payer said she would like to be "grand fathered" in for next year. The tax payer was quite distressed. Amber McKernan suggested that the board find some other way to distribute this type of information.

**Supervisors Robert Tebbutt** said he received a letter. He had quite a lengthy conversation about this and he remembered that the Board agreed to post a notice in the post offices

**David Knapp** received a call from the same person. He gave her the same information as the Amber McKernan. He saw the notice posted in the post office and it was in the Brighton Bulletin.

**Amber McKernan** said the tax payer said she heard this offer was only for board members and their friends.

**David Knapp** said this offer was by the Humes family and had nothing to do with the Town Board. The Board cannot announce this type of information. The resident also suggested the town do a mass mailing for this announcement.

**Steve Tucker** said that as a "Monday morning quarterback" the Town board should have asked more questions of the Humes family, such as how much did they expect the town to advertise and how many children did they expect. He said he knows some families took advantage of the offer because the campers came to his corn maze and he recognized some of the children as Brighton residents.

**Supervisor Robert Tebbutt** said this is all water over the dam and if this happens again the board will have to look at it.

**Tom McKernan - Gabriels:** The ditch by the road in Gabriels should be filled in completely to let the water drain into the surrounding land.

**Supervisor Robert Tebbutt** said the Highway Department does not have a right-of-way on the land and cannot obtain it to do that. They explained that by covering it with stone, the stone heats up, aids in the evaporation process, it provides a solid surface to walk on, it does not allow the pooling to take place that bugs like to live in. They said to try that to see if it solves the problem.

**Tom McKernan** said the rocks will be plugged up with sand from the winter sanding in a few years.

**Supervisor Robert Tebbutt** said if it happens then another letter will be written at that time and new stone could be put in.

**Tracie Santagate - McColloms:** Because of the diligence the board is putting into making the minutes so accurate she suggested the bulletin should be the minutes. The bulletin is written and handed out to the people at large with no board approval or vote or anything. The minutes should be the bulletin even though the information may not be pretty, it would be pretty informative and carefully approved by the board. In regards to the audit she can't help but say "Me thinks thou doth protest (way) too much."

**Amber McKernan:** Asked Steve Tucker how he is progressing with the dead tree in the park.

**Steve Tucker** said he has not done anything with the tree. He has noticed that Niagara Mohawk is in the area cutting limbs but they have not touched the tree. He will talk to them to see what they can do. They seem to be more concerned with the limbs above the wires than what is below them.

**Peter Martin- Rainbow Lake:** On August 19 from 10a.m. till noon Senator Ortloff will be at the College library to answer questions. He would like to see a lot of people turn out for this since it has been quite a while since the Senator has been in the area. He was told that the Betty Little money has to be spent before any more money will be given to the Town.

**Amber McKernan:** Asked if there was an ordinance or law that determines how many unlicensed, unregistered cars people can have in their yards.

**Supervisor Robert Tebbutt** said there was a State Law that covers this information.

**David Knapp** asked if this was a question for the Code Enforcement Officer.

**There were no further Citizens Comments**

***OTHER***

**TOWN HALL PROJECT (Knapp):** Said he sent drawings out to three contractors (JFP, Dukett Brothers, and Conroy & Conroy) for quotes on the front steps of the Town Hall. Requested a return date of August 31 for the September meeting.

***AUDIT OF VOUCHERS***

**RESOLUTION #85**

**AUTHORIZATION TO PAY THE AUDITED VOUCHERS**

**Motion made by John Quenell, second by Steve Tucker, To Wit:**

**RESOLVED, that the Supervisor be authorized to pay all vouchers listed on the abstracts as follows:**

**PRE-PAID: Abstract #6 for Voucher #6A through and including #6C for General Funds in the amount of \$580.33 and Street Lighting Funds in the amount of \$45.62**

**GENERAL FUND: Abstract #8 for Voucher #192 through and including #208 for funds in the amount of \$4,843.73 and Justice Funds of \$5,800**

**HIGHWAY FUND: Abstract #8 for Voucher #69 through and including #76 for funds in the amount of \$7,648.24**

**CAPITAL PROJECT (HIGHWAY GARAGE) FUND: Abstract #17 for Vouchers #66 through and including #67 in the amount of \$476.48.**

**CAPITAL PROJECT (TOWN HALL) FUND: Abstract #5 for Voucher #6 in the amount of \$102.43.**

**Roll Call Vote: Aye 5 (Supervisor Robert Tebbutt, David Knapp, John Quenell, Steve Tucker, Lydia Wright), Nay 0  
Resolution # 85 declared duly adopted.**

***ADJOURNMENT***

**Motion to Adjourn made at 8:54 p.m by John Quenell, Second by David Knapp, Aye 5**

**Respectfully Submitted,**

**Elaine Sater  
Brighton Town Clerk**