

The Regular Meeting of the Town Board of the Town of Brighton was held on Thursday, August 12, 2004, at 7:00 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:

PRESENT: Supervisor Robert Tebbutt

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

ABSENT: None

OTHERS PRESENT: Elaine Sater - Town Clerk, Don Oliver - Superintendent of Highways, and Nik Santagate - Town Justice

RESIDENTS: There were five residents present.

GUESTS: None

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

APPROVAL OF MINUTES

Motion made by Supervisor Robert Tebbutt **to accept the Minutes of the Regular Town Board Meeting of July 8, 2004, as written with the following note: The letter dated 5-31-04 (attached), from Jeanne St. John, Re: The Sater-Quenel newspaper article, was read into the record; second** by Supervisor Robert Tebbutt

Roll Call Vote: Aye 5 (Knapp, Tebbutt, Quenell, Tucker, Wright), Abstain 0, Nay 0

Motion made by John Quenell **to accept the Minutes of the Special Town Board Meeting of July 12, 2004, as written, second** by Supervisor Robert Tebbutt

Roll Call Vote: Aye 5 (Knapp, Tebbutt, Quenell, Tucker, Wright), Abstain 0, Nay 0

Motion made by John Quenell **to accept the Minutes of the Special Town Board Meeting of August 9, 2004, as written, second** by Supervisor Robert Tebbutt

Roll Call Vote: Aye 5 (Knapp, Tebbutt, Quenell, Tucker, Wright), Abstain 0, Nay 0

TOWN CLERK REPORT

Total Revenue to Supervisor as of JULY 31, 2004, was \$552.10

2 Registrar Fee

8 Dog Licenses

4 Building Permits (#04-16, 28 to 30)

3 Copier Use

1. Received letter dated July 12, 2004, from the Franklin County Board of Elections, Re: Registration Days, there will be two Registration Days in Franklin County. The Highway Garage will have to be used on Wednesday, October 6, from 5 to 9 p.m. since Court is in session at the Town Hall during this time. The other day is Saturday, October 9, from 2 to 9 p.m. One Election Inspector from each of the Republic and Democrat party will be required at each session.
2. July 20, sent emails to Senators Joseph Bruno, Hugh Farley, Elizabeth Little, Raymond Meier, and James Wright with Resolution #70-2004 in support of the elimination of the sunset provision of the Local Government Records Management Improvement Fund (LGRMIF). Received notification on August 10, 2004, that the bill has passed to eliminate the sunset provision.
3. Was unable to find a voucher to support payment made to CSEA, check #5035, dated Jun 21, 2004. All CSEA vouchers approved and audited by the Board (Jan through July) already have a payment recorded. Also have received other duplicate check stubs: 1) Agway payments [check stubs #1092 (General Fund for Highway Voucher #54), #1093 and #5034, all dated June 18] 2) In July, check stubs #1105 & 1106, dated July 14, issued for the same amount to Elaine Sater. Only check #1105 was actually received, Elaine Sater did not receive check #1106 and it needs to be accounted for.
4. Town Hall Use Schedule: Aug 21 – Brighton Town Hall Restoration Fund 10 a.m. to 12 noon, Aug 26 - Town Hall Citizens Committee 6:30 to 9 p.m., Aug 28 – Garondah Road residents 9 a.m. to 12 noon.
5. Park Use Schedule: July 31, Sept 11, 18, 25, Oct 2, 9, and 23 – Rugby 12 noon to 5 p.m., Sept 5 – Camp Lavigerie Reunion 12 noon to 4 p.m.

SUPERVISOR'S REPORT

1. FINANCIAL REPORT:

- a. **Monthly Report:** A copy of the Financial Report for period ending July 31, 2004, was given to each Board member for review. Every thing looks in order.
- b. **Transfer of Funds to Highway Garage Project Capital Fund:**

RESOLUTION # 88

AUTHORIZATION TO LOAN GENERAL FUNDS TO HIGHWAY GARAGE PROJECT CAPITAL FUND

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

WHEREAS, the balance of the Highway Garage Project Capital Fund is \$8,407.34, and

WHEREAS, there are invoices to be paid for \$9,692.96,

THEREFORE BE IT RESOLVED, that \$1,500, as a loan from the General Fund, be transferred to the Highway Garage Capital Project Fund.

Roll Call Vote: Aye 5 (Tebbutt, Knapp, Quenell, Tucker, Wright), Abstain 0, Nay 0

Resolution #88 declared duly adopted.

- c. **Duplicate Checks (Para #3 Clerk's Report):** A check was inadvertently issued to CSEA Employee Fund on June 21, 2004. The Fund has credited the Town's account and the voucher for August is only \$21.26, which represents only the increase in premium rates that took place July 1. An explanatory note has been put on the voucher. There are no duplicate payments to Agway. The Clerk received duplicate check stubs for payments voided after Supervisor Robert Tebbutt notified the bookkeeper that a payment from the Highway Fund should have been for Parks from the General Fund. All the Agway checks were voided and the check stubs for both the voided checks and the new checks were sent to the Clerk. There were two checks written to Elaine Sater, the second check was voided. The bookkeeper is changing his procedures for sending voided check stubs to the Clerk.

Lydia Wright asked why the Supervisor removed the CSEA voucher from the vouchers presented to the Board (at the July meeting) without mentioning it to the Board. The voucher should have been questioned at that time and not removed without comment. This caused a lot of confusion for the Clerk when it came up missing. All this discussion could have been avoided.

John Quenell said the CSEA voucher was for a pre-payment and the Town cannot prepay insurance. The Clerk presented the voucher as a prepayment so it was removed.

Supervisor Robert Tebbutt said he knew the payment was a mistake and removed it until he could find out the problem. He did not cause any confusion. The Clerk can contact the Bookkeeper for the voided check numbers.

2. HUD MORTGAGE DISCHARGE:

RESOLUTION #89

AUTHORIZATION TO DISCHARGE MORTGAGE FOR HUD PROJECT #BRI92-16

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

WHEREAS, a mortgage was filed with the Franklin County Clerk on January 31, 1994, for HUD Project # BRI92-16 in the amount of \$14,500, in Liber 434 of Mortgages at Page 190, and

WHEREAS, the five-year sunset provision of the mortgage has been satisfied,

THEREFORE, BE IT RESOLVED, that Supervisor Robert Tebbutt is authorized to sign the Discharge of Mortgage of \$14,500 for HUD Project #BRI92-16.

Roll Call Vote: Aye 5 (Tebbutt, Knapp, Quenell, Tucker, Wright), Abstain 0, Nay 0

Resolution #89 declared duly adopted.

3. **E-911 ROAD NAME CHANGE:** The Town has been asked to write a letter in support of changing the "Landing Road" to "St. Regis Carry Road".

RESOLUTION #90

AUTHORIZATION TO CHANGE E-911 ADDRESSES FROM "LANDING ROAD" TO "ST. REGIS CARRY ROAD"

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

WHEREAS, there are 34 properties on Upper St. Regis and Spitfire Lakes with the address of “Landing Road” in the Town of Brighton, and

WHEREAS, the Franklin County Office of Emergency Services named the road that is in the Town of Harriestown, “St. Regis Carry Road”,

THEREFORE, BE IT RESOLVED, that the Town of Brighton supports changing the addresses of the 34 properties in the Town of Brighton on Upper St. Regis and Spitfire Lakes from “Landing Road” to “St. Regis Carry Road” since it is the same road.

Roll Call Vote: Aye 5 (Tebbutt, Knapp, Quenell, Tucker, Wright), Abstain 0, Nay 0

Resolution #90 declared duly adopted.

4. **RESIGNATION FROM TOWN HALL CITIZENS COMMITTEE:** Received letter of resignation from Wilhelmina Sheridan as Co-Chair from the Town Hall Citizens Committee dated 8/9/04.
5. **APPLICATION FOR APA PERMIT FOR TRANSFER OF TOWN HALL PROPERTY:** Received notice from the Adirondack Park Agency that a permit must be obtained to transfer the property under the Town Hall from Paul Smith College to the Town. Application is being given to Pat Willis as Chair of the Town Hall Citizens Committee to be completed.
6. **LETTER TO TOWN ATTORNEY:** Received request from Pat Willis to forward a letter to the Attorney for the Town for his review. The letter covers three concerns for the Town Hall Restoration and Addition Project: Is the Capital Fund set up legally, is the private donors fund set up legally, and can people appointed by the Town Board to Town positions collect funds from private donors, (the Willis are appointed as Co-Historians, Compensation and Benefits Chair, and Town Hall Citizens Committee Chair)?
7. **CONVEYANCE OF ALLEN-RICHARDS PROPERTY:** Received notification dated July 2, 2004, from the Attorney for the Town, Scott Goldie, that the deed for the piece of property conveyed to the Town by the Allen-Richards family (Tax Map Number 366.-1-7.300) per Resolution #99-2003 was filed at the Franklin County Clerk’s Office as Document 2432, Liber 855, Page 64.
8. **HIGHWAY GARAGE PROJECT:** Received bids for Highway Garage Project on August 5, lowest bid was from Conroy and Conroy for \$371,522 after deducts for General Construction, Bayview Electrical \$53,850 after deducts for electric, L Hogan Refrigeration \$33,427 after deducts for plumbing, and LH LaPlante \$56,000 for HVAC for a total project cost of \$514,799 contingent upon the APA issuing a permit and reduction of the 2003 project expenses of \$30,559.54 from the project. The Attorney for the Town, Scott Goldie, has sent a letter dated August 12, 2004, addressing the issue of removing the costs for the Highway Garage Project from 2003 from the \$600,000 Funding Resolution passed on May 12, 2004. He finds no legal requirement for the Town to include preliminary costs incurred prior to October 7, 2003, in the 2004 Highway Garage Budget. The State Comptroller’s Office verbally concurred with this finding. Discussion was held concerning the 2003 expenses for the project being included in the \$600,000 funding resolution. Several of these costs (i.e., legal fees, surveying, engineering fees) would be incurred whether the bond resolution was approved the first time in October 2003 or in May 2004. Lydia Wright and David Knapp want to see written approval from the State Comptroller’s Office before the expenses are deducted from the project. The 2003 capital fund for the Highway Garage Project should be closed out and a new one opened. More information is needed from the Comptroller’s Office.

OLD BUSINESS:

1. **ACCOUNTING FOR HIGHWAY GARAGE PROJECT EXPENSES (Lydia Wright):** Questioned what was included to come up with the figure of approximately \$85,000 that was stated as the expenses to date for the Highway Garage Project in the August 9 meeting. A list of expenses was presented at that meeting and attached to the minutes. The North Woods Engineering outlays already expensed were included twice so the actual expenses for the project to date are actually closer to \$53,000.
2. **ROOFS ON PARK BUILDINGS (David Knapp):** The roofs on the pavilion and the storage building do not need repair or painting. The storage building’s roof was screwed on in 1994. The

main building's roof was nailed on and needs tightening, it could be replaced with gasket screws. The ridge cap over the back entrance needs to be replaced; otherwise the roof does not need to be resurfaced. The roofs are rusting but they are not pitted through. The metal roof from the highway garage could be used next summer to replace the roofs. Tightening the roof would be enough for this year. David Knapp will contact Bob Byno to find out how to get this done.

NEW BUSINESS:

KEESE MILLS ROAD SIGNS (Lydia Wright): Dr. Jim Allen from Paul Smith's College sent a letter to the Highway Department asking for signs to be put on the Keese Mills Road. Don Oliver received the letter.

REPORTS

1. **COURT (Santagate):**

- a. 26 cases were disposed and \$1,776.00 was sent to the State Comptroller's Office
- b. The copier is shutting off after not being used for several minutes, it has to be turned-off and turned-on again to use and takes time to "warm up". Can the copier be serviced to see what the problem is?

Discussion was held on using the manual to fix the problem. The Clerk already tried and it didn't correct the problem. **Supervisor Robert Tebbutt** asked the Clerk to call Lockrows for service.

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

- a. Paved Split Rock Road, end of Hobart Road, part of Mill Hill Road, and beginning of Wardner Road.
- b. Mowed until mower broke down. Glenn Perrino used his personal mower to continue the job.
- c. Hauled 24 loads of grindings from the airport at \$69.00 a load for \$2,300.

3. **INSURANCE/INVESTMENTS (Quenell):** Nothing to Report

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

5. **TAX COLLECTOR (McKernan):** Supervisor Robert Tebbutt read the report as follows: Received 8 phone calls regarding tax matters and sent out 1 fax. July bank statement not yet received.

6. **ANIMAL CONTROL OFFICER (Crary):** No Report

7. **CODE ENFORCEMENT OFFICER (Lagree):** As of July 31, 2004, there are 30 building permits issued 5 are completed; 18 are still outstanding from 2003, 7 were renewed and 4 completed, 9 are outstanding from 2002, 7 have been renewed and 2 completed; and 5 are still outstanding from 2001, 4 are renewed and 2 closed.

JUNKYARDS UPDATE (Supervisor Robert Tebbutt): The Code Enforcement Officer issued three Appearance Tickets: 1) Alvin Fuller appeared and was adjourned to Sept 1 to review Property Maintenance Law 2) Christopher Godfrey failed to appear, and 3) Steven Callaghan said weather and the road construction project has slowed down his progress to clean up yard and was granted a 30-day extension to complete work.

8. **CEMETERY (Tucker):** Dan Spencer has mowed the cemeteries. Talked to Brendan Keough who is in charge of Saranac Lake cemeteries about hiring someone to do the job and most people are paid hourly not by salary. The job will be contracted out. Mr. Byno can submit a bid if he is interested in the job again.

9. **PARKS AND RECREATION (Tucker):** Dan Spencer mowed the park and preformed maintenance.

10. **HISTORIAN (Willis):** Supervisor Robert Tebbutt read a letter of resignation he received from Tom Willis dated August 6, 2004. Tom Willis is resigning as Co-Historian so he can act as Treasurer of the Town Hall Restoration Fund, which is a private fund to accept donations from private citizens for the Town Hall Restoration Project.

11. **COMPENSATION AND BENEFITS (T. Willis):** No Report

12. **TOWN HALL CITIZENS' COMMITTEE (THCC):** **Kevan Moss** said the letter for the Attorney of the Town from Pat Willis was to be sent to the Association of Towns so save legal fees to the Town. Lydia Wright was to contact the Association to determine the answer to the legal questions. Discussion was held on how to handle this letter.

Lydia Wright will contact the Attorney for the Town after she talks to the Association if she needs to discuss it with him.

Kevan Moss said the **NYSCA GRANT** has been approved for the Town Hall Project for \$12,000.

Kevan Moss had a concern because the Chair of the THCC is going ahead with collecting funds from private individuals without the THCC's consent.

Discussion was held concerning the Board's involvement with any private funding raising efforts of the committee. The Board still has to approve anything the funds are used for after they are collected.

CITIZENS COMMENTS:

Art Robertson – Split Rock Road: Asked when the Town would have its next reassessment for property values?

John Quenell said the next reassessment would be in 2005.

Art Robertson: Would like to be on record thanking Pat and Tom Willis, Mary Ellen Salls, and Asplin Tree Farms for the work done for Brighton History Day 2004. The Board should recognize them, also.

Motion made by John Quenell **to authorize Supervisor Robert Tebbutt to send a letter to Pat and Tom Willis, Mary Ellen Salls, and Asplin Tree Farms in appreciation for the work done for Brighton History Day 2004, second** by David Knapp, **Aye 5** (Tebbutt, Knapp, Quenell Tucker, Wright), Abstain 0, Nay 0.

Peter Martin – County Route 60: Asked how the \$30,000 being removed from the (Highway Garage) project was going to be explained to the taxpayers? Money was borrowed from the General Fund, how will that money be paid back?

Supervisor Robert Tebbutt said because the (October 2003) vote defeated the first attempt at the project that project ended. When the second attempt was made the costs started again and only those costs will go against the current project.

Kevan Moss – McColloms said removing the costs of the project may be legal but it is ethically flawed, the work that was done was not started over from scratch.

Peter Martin: Asked if the Board ever discussed the letter (concerning the comments made during the Referendum Vote on May 12, 2004) from Mrs. St John?

Lydia Wright said the Board received the letter during Citizens' Comments (of the July meeting) and did not have the opportunity to discuss it. She said John Quenell was allowed to speak to the board about the complaint that was made (about his actions during the referendum vote). He made it very clear that the Clerk was not completely accurate in what she was saying. He made her apologize publicly to him. Mr. Quenell also made false statements as Mrs. St. John's letter indicates. He dragged the Election Inspectors into something that they didn't deserve to be dragged into; they were mentioned (by name) in the local paper. They are due some sort of a public apology. The Clerk was vilified in this when she was just doing her job.

Peter Martin said the apology should also be directed at Mrs. St. John for having to listen to someone telling the Election Inspectors how to do their job while she was voting.

Tracie Santagate- McColloms asked if the public was going to hear an apology or just be left hanging. She would like to see a resolution to this issue. If one person is expected to apologize to someone and then that person performs the same action; they should be expected to follow the standard they set and apologize also. A demand was made for the Clerk to apologize and it was done, the same standard should be expected from the person making the demand.

Kevan Moss said she was more concerned with the next election, which is a very important presidential election. She wants to know that her vote is going to be handled properly. When she comes to vote there is no electioneering going on around the building like she has seen at other places.

Supervisor Robert Tebbutt said it was not his place to make anyone apologize.

Lydia Wright said she would like to apologize to the people involved. She said she feels badly for the people who were drawn into this. Their creditability was questioned when it should never have been questioned. She is sorry that it was indicated or implied that they did not know their job.

David Knapp commented on the substantial phone service interruptions lately. He was asked if the Town could switch over to Verizon. Businesses are being impacted and it is a safety issue.

Supervisor Robert Tebbutt said he has had several complaints about it also. It is due to lightening strikes and holes in the old wiring, as well as water infiltration. The infrastructure has problems; the system is old and needs to be replaced. He spoke with the manager in Keeseville about the poor service. Lines have been replaced in several places.

David Knapp asked how the small maintenance jobs that need to be done around the Town get done?

Supervisor Robert Tebbutt said Bob Byno was responsible for maintenance.

Discussion was held on how to accomplish this now. David Knapp will look at the Purchasing Policy and talk to Bob Byno about it.

Tracie Santagate asked if the Highway Department employees were going to be working on the new garage project what is to stop them from getting paid overtime to get the Highway work done? How will their labor on the garage project be accounted for to prevent this from happening?

Supervisor Robert Tebbutt said the Superintendent of Highways tracks their time.

Discussion was held on what could be done if salaries went over budget. The employees are paid hourly.

There were no further comments from the citizens.

AUDIT OF VOUCHERS:

RESOLUTION #91

AUTHORIZATION TO PAY VOUCHERS

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

RESOLVED to authorize the Supervisor to pay the vouchers as listed on the Abstracts as follows:

PREPAID – ALL FUNDS: Abstract #5 for Vouchers #5A through and including #5D as follows:
General Fund in the amount of \$347.82 and Street Lighting District in the amount of \$45.01

GENERAL FUND: Abstract #11 for Voucher #195 through and including #215 for funds in the amount of \$5,809.57

HIGHWAY FUND: Abstract #8 for Voucher #76 through and including #87 for funds in the amount of \$32,227.05

CAPITAL PROJECT HIGHWAY GARAGE: Abstract #5 for Vouchers #9 through and including #13 in the amount of \$9,692.96

Roll Call Vote: Aye 5 (Tebbutt, Knapp, Quenell, Tucker, Wright), Abstain 0, Nay 0

Resolution #91 declared duly adopted.

Motion made by John Quenell **to Adjourn the Regular Board Meeting at 9:10 p.m.**, second by Lydia Wright, Aye 5 (Tebbutt, Knapp, Quenell Tucker, Wright), Abstain 0, Nay 0

Respectfully submitted,

Elaine W. Sater
Brighton Town Clerk