

The Regular Meeting of the Town Board of the Town of Brighton was held on Thursday, September 9, 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, Nik Santagate - Town Justice, and Amber McKernan – Tax Collector

RESIDENTS: There were three residents present.

GUESTS: None

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

APPROVAL OF MINUTES

Motion made by John Quenell to accept the Minutes of the Regular Town Board Meeting of August 12, 2004, as written with the following note: The land purchase for the Highway Garage Project is included with the APA permit process; 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 August 31, 2004 was \$720.14 from

- 2 Certified Copies
- 3 DEC Sport Licenses
- 4 Dog Licenses
- 4 Building Permits (BRI2004-31 through 34)
- 1 FOIL Request

1. Received letter dated August 13, 2004, from the Franklin County Board of Elections, Re: Primary Elections, there will be no primary election in the Town of Brighton on September 14, 2004.
2. Received letter dated September 1, 2004, from the Franklin County Board of Elections, Re: Election Inspectors Training, two Election Inspectors attended the 2004 Training Session in Saranac Lake on August 27
3. Town Hall Schedule: Tuesday, September 28 –Town Hall Citizens Committee at 6 p.m.
4. Park Use: Friday, September 10 – Lake Placid Pilgrim Holiness Church from 5 to 8 p.m.

SUPERVISOR'S REPORT

1. **FINANCIAL REPORT:** Monthly Report with Balance Sheet for period ending July 31, 2004, was given to each Board member for review.

Lydia Wright requested that the report be given out earlier so council members have a chance to review the report before the meeting.

2. **HIGHWAY GARAGE PROJECT:**

- a. **Start date of Project:** End of next week September 16-17, 2004.
- b. **Meeting of Contractors:** Meeting was held with Engineer and Contractors to discuss time schedule, placement of materials, fill, etc.
- c. **APA Permit:** Received a draft copy of the Adirondack Park Agency (APA) permit, final copy to be received September 10, 2004. Council members would like a copy to review. Paul Smith's College will send a letter of permission for work to start on their land after a copy of the APA permit is received since the deed transfer is not completed
- d. **Legal Opinion By Attorney:** The Attorney for the Town reviewed the contracts for the project and the Board received a letter with his opinion for review.

David Knapp asked if the cost of the project is compromised since the contracts are not signed yet. **Supervisor Robert Tebbutt** said in his opinion it shouldn't be. The color of the metal building had to be

selected by a certain deadline to avoid a higher rate. The color brown was selected to match the Town Hall.

- e. **BAN for Funding:** The Attorney for the Town sought bids for a Bond Anticipation Note (BAN) from local banks. Only two banks responded. Tupper Lake National Bank had the best rate of 2.35 percent for one year on a balance of \$470,000.00.

RESOLUTION #92

AUTHORIZATION TO PURCHASE BAN OF \$470,000 FOR HIGHWAY GARAGE PROJECT

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

WHEREAS, the Attorney for the Town, Scott Goldie, requested bids for a \$470,000 BAN from several local banks and,

WHEREAS, only NBT and Tupper Lake National Bank responded as follows:

NBT; 2.6 percent

TLNB: 2.35 percent

THEREFORE, BE IT RESOLVED, that the Supervisor be authorized to apply and sign for a Bond Anticipation Note (BAN) from Tupper Lake National Bank NOT TO EXCEED \$470,000 with an interest rate of 2.35 percent for one year.

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

Resolution #92 declared duly adopted.

3. **ADJUSTMENT OF NMP BILL FOR PARK LIGHTING:** John Quenell has determined that Niagara Mohawk (NIMO) has been billing the Town for an extra pole light at the park. NIMO will credit the Town's account for past charges, an amount still to be determined. This will save the Town \$275 per year.
4. **VOTING MACHINE REPLACEMENT:** Received a letter dated August 19, 2004, from the Franklin County Board of Elections, Re: New Voting Machine purchase, notifying the Town that it will have to replace its voting machine in 2005. The cost is approximately \$8,000 per machine plus training. The town might be reimbursed. This will be discussed during budget meetings.
5. **2005 BUDGET:** Requests for 2005 Budget inputs have been given out to all departments.
6. **LANDFILL TESTING:** Received a letter from FX Browne recommending the Town apply to DEC for a general variance for landfill testing.

RESOLUTION #93

AUTHORIZATION TO APPLY FOR GENERAL VARIANCE FOR LANDFILL TESTING

Motion made by John Quenell, second by David Knapp, To Wit:

WHEREAS, the landfill was covered in 2002 and has been tested for 10 quarters by FX Browne, Inc., and **WHEREAS**, FX Browne has recommended that the Town apply for a General Variance from the Department of Environmental Conservation to reduce the number of tests per year,

THEREFORE, BE IT RESOLVED, that the Supervisor be authorized to apply to the Department of Environmental Conservation for a General Variance for the testing of the Town of Brighton Landfill covered in 2002.

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

Resolution #93 declared duly adopted.

7. **TOWN HALL LAND STATUS:** The Adirondack Park Agency strongly suggests that the Town clear up the infringements on the State Department of Transportation property in front and the Paul Smith's College property in back of the Town Hall before they will issue a permit for the transfer of the land. The Town should pursue acquiring the additional land as part of the permit.

OLD BUSINESS:

1. **CEMETERY BUILDING:** The Highway Department will repair the roof of the building in the fall after roadwork is completed.

2. **CODE VIOLATIONS:** Lydia Wright asked what the status of the three code violators was. Supervisor Robert Tebbutt said that the violators have been in court and the Judge could comment on that if he wanted. Judge Santagate said the cases were on going. Lydia Wright asked if the Code Enforcement Officer could attend a Board meeting so residents could ask questions about violations in a public forum. Supervisor Robert Tebbutt will invite the Code Enforcement Officer to attend the October meeting.
3. **MAINTENANCE:** David Knapp talked to Robert Byno, who recommended Fred Lee to work on some projects. He will send a letter requesting bids on projects needing to be done.
4. **TOWN HALL GRANT FROM NYS COUNCIL ON THE ARTS:** Lydia Wright received written notice that the Town was approved for the NYS Council of the Arts grant for \$12,000 for the Town Hall Project for architect design. The contract needs to be reviewed and signed. She would like to see some kind of public acknowledgement made for receiving this grant.

NEW BUSINESS:

ADIRONDACK WATERSHED INSTITUTE (AWI): John Quenell said the Adirondack Watershed Institute (AWI) has been testing the water near the Town Hall. The coliform count is high enough to close a beach if there was one there. People fish in the water and it runs into St. Regis Lake. The Town Hall septic system is on that side of the building. A simple dye test could be done to determine that the Town Hall septic is not leaking into the water. AWI will do the test at no cost.

REPORTS

1. COURT (Santagate):

- a. 34 cases were disposed and \$2,600 was sent to the State Comptroller's Office as of August 31, 2004
- b. Passed out an article from the Adirondack Daily Enterprise, dated August 27, 2004, "State to take a bigger share of speeding ticket fines". The article is about a new law for speeding fines that will affect the Town's portion of fines from the Comptroller's Office.

Supervisor Robert Tebbutt asked how this new law would affect the Town. **Justice Santagate** said he has not seen anything addressing this new law from the Courts. He is aware that the Town gets funds back from fines based on a formula. He is not interested in the formula because he does not award fines based on how much the Town receives from fines. He will let the Supervisor know if he gets any more information on this law. The Board will have to determine how this change will affect the Town's revenues.

2. HIGHWAY COMMITTEE (Quenell/Oliver):

- a. Stocked piled millings from airport and may be used for base work around the garage at no cost to the Town. A part of Garondah Road was paved with millings.
- b. Screened road sand and ordered 150 tons of salt
- c. Raked dirt roads
- d. Installed two "horse" signs on the Keese Mills Road. Paul Smiths College paid for the signs.
- e. Trucking millings for Harriestown on a reciprocal basis.
- f. Handed out a "Request for Payment from CHIPS Capital Reimbursement Program" sheet showing \$23,593.91 of CHIPS funding requested as follows: \$12,713.18 for Split Rock Road, \$6,018.66 for Hobart Road, \$3,162.65 for Mill Hill Road, and \$1,699.42 for Wardner Road.

David Knapp asked about the size of a salt shed. Don Oliver said a 40' X 60' shed would be large enough to cover the existing pad. North Woods Engineering is waiting to hear from the designer of the Town of Franklin's salt shed.

3. **INSURANCE/INVESTMENTS (Quenell):** Builder's Risk Insurance is required for the Highway Garage Project. The Town's insurance agency has been asked to give a quote for the premium.
4. **ASSESSOR (Tichenor):** No Report
5. **TAX COLLECTOR (McKernan):**

- a. Received 7 phone calls and sent out one fax.
 - b. Getting office ready for the 2005 tax-collecting season; once again requests that the Board purchase appropriate software for her office
6. **ANIMAL CONTROL OFFICER (Crary):** No Report
 7. **CODE ENFORCEMENT OFFICER (Lagree):** No Report
 8. **CEMETERY (Tucker):** Received a letter from the Fortune-Keough Funeral Home with notice of cremains buried in a Town Cemetery
 9. **PARKS AND RECREATION (Tucker):** Dan Spencer has finished building the railings for the two sets of bleachers. He mowed the field between rains. The use of the park is up more than last year even with all the rain.
 10. **HISTORIAN (Willis):** No report
 11. **COMPENSATION AND BENEFITS (T. Willis):** No Report
 12. **TOWN HALL CITIZENS' COMMITTEE (THCC):** No Report

CITIZENS COMMENTS:

Art Robertson – Split Rock Road: Asked if the BAN turns into a Bond after one year at the same interest rate.

John Quenell said no, the BAN expires and the Town has to get funds to pay for the BAN. When the exact cost of the Highway Garage Project is know then a Bond can be issued.

Art Robertson: Would like to thank the Board for all the work to get the Highway Garage Project started.

There were no further comments from the citizens.

AUDIT OF VOUCHERS:

RESOLUTION #94

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 #6 for Vouchers #6A through and including #6D as follows: General Fund in the amount of \$632.26 and Street Lighting District in the amount of \$46.16.

GENERAL FUND: Abstract #12 for Voucher #216 through and including #233 for funds in the amount of \$4,899.45

HIGHWAY FUND: Abstract #9 for Voucher #88 through and including #94 for funds in the amount of \$5,530.13

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

Resolution #94 declared duly adopted.

Motion made by John Quenell **to Adjourn the Regular Board Meeting at 8:10 p.m.**, second by Supervisor Robert Tebbutt, Aye 5 (Tebbutt, Knapp, Quenell Tucker, Wright), Abstain 0, Nay 0

Respectfully submitted,

Elaine W. Sater
Brighton Town Clerk