

The Regular Town Board Meeting of the Town of Brighton was held on Thursday, September 11, 2003, at 7:00 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:

PRESENT: Supervisor Robert Tebbutt
Council Members: Alicia Bodmer
Linda Dobson
John Quenell
Steve Tucker

ABSENT: None

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

RESIDENTS: There were 13 residents present

GUEST: Jerry Gillmett and Jerry Warren-Franklin County Legislature and guest

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

Paused for a moment of silence in memory of the tragedy of September 11, 2001

APPROVAL OF MINUTES

Motion made by Linda Dobson to accept the Minutes of the Regular Town of Brighton Board Meeting on August 14, 2003, as written, second by Alicia Bodmer, Aye 5

Motion made by Linda Dobson to accept the Minutes of the Special Town of Brighton Board Meeting on August 23, 2003, with the following change: Citizen's Comments, 6th Speaker (Thomas Tucker), Line 3 - Change "38,000 tons" to "38,000 pounds", second by Alicia Bodmer, Aye 5

Rouse Fountain requested the minutes be read aloud; Supervisor Robert Tebbutt said he could have a copy to read himself in the interest of time.

TOWN CLERK REPORT

Total Revenue to Supervisor as of August 31, 2003, was \$429.85

4 DEC Sport Licenses
1 Marriage License #2-2003
7 Dog Licenses
3 Building Permits (BRI2003-21 through 23)

1. Town Clerk's Office will be closed Tuesday, October 7, due to the Special Election.
2. Town Hall Schedule: September 3, 2003, Democrat Caucus, September 15, 2003, Democrat Caucus at 6:00 p.m. Friday afternoons- Girl Scouts 3:30 to 5:00 p.m.
3. Park Use: August 30-Rabideau Family, Sunday, September 21-Morrison Family, Tuesday, September 16-Paul Smiths College Class

INTRODUCTIONS: Supervisor Robert Tebbutt introduced Jerry Gillmett who is a Franklin County Legislature from District #7 and Jerry Warren who is running for the position of Franklin County Legislature in District #5

Jerry Warren gave a brief biography on himself and told residents he would be around to see them.

SUPERVISOR REPORT

1. FINANCIAL REPORT:

- a. Balances of Accounts as of August 31, 2003, were given to the Board and are attached to these minutes.
- b. Budget Amendment for Highway Garage Account A5132.4

RESOLUTION #77

AUTHORIZATION TO APPROVE GENERAL FUND BUDGET AMMENDMENT #4

Motion made by Supervisor Robert Tebbutt to authorize approval of Budget Amendment #4 to the General Fund for a transfer in the amount of \$2,150.00 from Account No. A1990.0 Contingency to A5132.4 Highway Garage to cover expenses for the remainder of the year, second by John Quenell, Aye 5

Roll Call Vote:

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

Resolution #77 declared duly adopted

2. **AUDITOR from the NYS COMPTORLLER OFFICE:** An auditor has visited the Town for a follow up to the Audit completed in 2002 on the Town. There are a few areas the Town still has to look at and the auditor said he was pleased with what he saw.

OLD BUSINESS

1. **KEESE MILL ROAD-LOGGING TRUCKS - Alicia Bodmer:** Would like to hold a meeting Thursday, September 18 at the Town Hall with Larry Denis from Landvest. Would like to schedule a public hearing also. Have been in contact with the Attorney for the Town about this issue.

David Hurwitch asked if he could comment on the logging trucks. Supervisor Robert Tebbutt gave him the floor. Mr. Hurwitch has many concerns about the log trucks: their speed, their noise, the condition of the road, and the cost to the town for repair of the road. He would like to see a time limit put on the trucks. **Supervisor Robert Tebbutt** noted his concerns and asked everyone else to hold their comments until the business part of the meeting was completed.

2. **STATE ROUTE 86 (EASY STREET) PASSING ZONE:** Received a letter dated August 27, 2003, from the NY State Department of Transportation, Re: Route 86 Passing Zone, read letter and is attached to these minutes. Will have to wait and see what the response is going to be.

3. **ROUTE 86 (EASY STREET) JUNKYARD:** Linda Dobson and Steve Tucker looked into this issue. On Tuesday, August 19, Ed Lagree (Code Enforcement Officer) responded to Linda Dobson’s request to go over and check again on the Fuller Property. At this time, Ed Lagree took photos despite the fact that the property appeared to him to have been “cleaned up” to a great degree. Linda Dobson contacted the NY Sate Department of Health to again discuss residents concerns with Susan Kennedy. Susan Kennedy sent a copy of the department’s guide for local health officials after noting again – the Town Board would act as the Board of Health - and that either the state or local board is fairly limited in power regarding private property. Ed Lagree stated he was contacting the NY State Department of Environmental Conservation (DEC) and a contact at Paul Smith’s College regarding testing of water above and below subject property for possible contamination. Steve Tucker spoke with Mr. Fuller before Labor Day weekend and he told Steve he was in the processing of cleaning up. Mr. Fuller explained he had cleaned out behind the fence during the summer and would finish completing the clean up on Labor Day weekend. Work has been done on the property to clean it up.

4. **HIGHWAY GARAGE COMMITTEE:** Supervisor Tebbutt would like to appoint members for the Highway Garage Advisory Committee and thanked Willie Sheridan for providing names from the Citizens Committee. He would like to suggest Steve Tucker and himself be on the committee from the Town Board, Andy Crary and Don Oliver from the Highway Department, and David Knapp and Rouse Fountain from the Citizens Committee. He would like to keep the committee down to 6 people; this is not a voting committee only an advising committee. Would like to pay the engineer to participate in the committee when needed.

RESOLUTION #78

AUTHORIZATION FOR A HIGHWAY GARAGE ADVISORY COMMITTEE

Motion made by Alicia Bodmer to appoint a Highway Garage Advisory Committee of 6 people as named: Steve Tucker, Robert Tebbutt, Andy Crary, Don Oliver, David Knapp, and Rouse Fountain; and to authorize the expense Not To Exceed \$2,000 for an engineer from North Woods Engineering to attend meetings when needed, second by Linda Dobson, Aye 5

Roll Call Vote:

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

Resolution #78 declared duly adopted.

5. **COMPUTERS:** Alicia Bodmer is waiting for information on leasing. There are grants available from the State Archives for computers. Alicia Bodmer will pursue this issue.

NEW BUSINESS

1. **APPLICATION FOR SALT SHED FUNDING GRANT:** A grant application for funding 50% of the cost of the construction of a salt shed is being filed with the NYS Department of Environmental Conservation through the Clean Air/Clean Water Bond Act. The deadline for filing the grant is September 30. The total cost of the project will be \$50 to \$60 thousand; some of the cost to the Town can be services-in-kind by the Highway Department.

RESOLUTION #79

AUTHORIZATION TO APPLY FOR A DEC GRANT TO FUND THE SALT SHED

Motion made by John Quenell to authorizes Supervisor Robert Tebbutt to represent the Town of Brighton and apply for a grant through the NYS State Department of Environmental Conservation Clean Air/Clean Water Bond Act for the construction of a salt shed, second by Alicia Bodmer, Aye 5

Roll Call Vote:

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

Resolution #79 declared duly adopted.

REPORTS

1. **COURT (Santagate):**
 - a. There were 41 cases disposed and \$1,955 was sent to the State Comptroller's Office for August
 - b. Presented the board with documentation for two cases that need to be stored for the next 25 years by the Town. The amount of the information to be kept is determined by the Court and there are very specific guidelines the Court has to follow for keeping files. Last year the Court disposed over 600 cases. There is a significant amount of documentation that needs to be stored by the Town for large periods of time.
2. **HIGHWAY COMMITTEE (Quenell/Oliver):**
 - a. Worked on maintaining our equipment
 - b. Raked the town roads
 - c. Ordered 180 tons of salt on State contract
 - d. The new loader is here
 - e. Received a trailer load of firewood and we are now cutting and splitting it
 - f. Called Trudeau Sand and Gravel to process sand for the winter
3. **INSURANCE/INVESTMENTS (Quenell/Dobson):** Nothing to report for Insurance. Balances as of August 30, 2003, for CLASS accounts are \$261,122.93 for General and \$171,508.94 for Highway. Interest rate is .75%.
4. **ASSESSOR (Tichenor): No Report**
5. **TAX COLLECTOR (McKernan):** Received 14 phone calls regarding tax matters and sent 3 faxes of receipted tax receiver's stubs. Did not receive the August bank statement yet.
6. **ANIMAL CONTROL OFFICER (Crary):** Received a call from Paul Smiths College for a stray dog. Retrieved the dog and turned it over to the Humane Society.
7. **CODE ENFORCEMENT OFFICER (Lagree):**
 - a. Issued 23 building permits for 2003, six completed and 17 are outstanding
 - b. Eleven building permits from 2002 are completed and 16 are outstanding, 8 were renewed
 - c. One building permit from 2001 is complete, 13 are outstanding, seven were renewed
8. **CEMETERY (Dobson): Nothing to Report**
9. **PARKS AND RECREATION (Tucker):**
 - a. Dan Spencer finished painting the garage and field house. He is starting on the picnic tables. There have been many groups at the Park on the weekends so he limited to painting during the week.
 - b. Dan Spencer never received his raise for 2003. A 25-cent per hour raise was put into the 2003 Budget. He showed his pay statements to Steve and Dan has been getting \$7.50 per hour since January 2001.

Justice Santagate said he understood that his Court Clerk had not gotten her raise either, but he had not looked at her pay statements.

Motion made by Steve Tucker to pay Dan Spencer his raise of 25-cents per hour retroactive to January 1, 2003, second by Alicia Bodmer - tabled until next meeting

10. **HISTORIAN (Willis): No report**
11. **IRS SECTION 125 ADMINISTRATOR (Willis): No Report**

CITIZENS COMMENTS:

Rouse Fountain-Route 86: Thank you for having confidence in him by appointing him to be on the Highway Garage Advisory Committee. Open to any comments and is willing to consider any comments.

Wilhelmina Sheridan-Wardner Road: As the Chair of the Citizens Committee she is disappointed that the Highway Garage Advisory Committee was reduced to 6 members after asking for 4 names from the Citizens Committee. She submitted the names of Rouse Fountain, Tracy Santagate, and Lydia Wright. Would like the committee to take into consideration the minutes from the Citizens Committee concerning the plans for the Highway Garage Project.

Supervisor Robert Tebbutt said he was advised to reduce the number on the Committee so he only chose 6 people to be on the Committee. Anyone can come to the meetings if they want and the committee will take into consideration the minutes.

Neil Surprenant-Keese Mills Road: If the town needs help in looking at quotes for computers he does it for Paul Smith's College and would be glad to assist. Would like to know what time the meeting is for the Keese Mill Road logging issue.

Alicia Bodmer is waiting to hear from Landvest for a definite time. She will let him know when she has the information.

Robert Tebbutt: Was not able to attend the first meeting with the loggers and noticed in the minutes that only one resident from Keese Mill Road attended. More people need to attend the public hearing to let their views be known.

Lydia Wright-Keese Mill Road: She was the only person from Keese Mill Road not on the Board to attend the previous meeting and was not comfortable with the loggers thinking she represented the residents on the road. She attended as a Board member candidate not because she was a resident on the road. The loggers got the wrong impression during the meeting.

Alicia Bodmer: She told the residents they did not need to attend the first meeting because there would be a public hearing for them to attend. The first meeting was to let the loggers know about the concerns before the public hearing.

Keith Smith-Keese Mill Road: Asked why the town has to ask the loggers, either the loggers can or can't use the road. This is a serious impact to the taxpayers if the road has to be repaired.

Alicia Bodmer: The Attorney for the Town recommended the board try to come to an agreement with the loggers before a local law is proposed.

Rouse Fountain: He made his living using the road driving heavy equipment down it and would not like to see any business limited on the Keese Mill Road.

Robert Tebbutt: There will be public hearing scheduled so these issues can be discussed.

The Board held a discussion on when to schedule the meeting.

Lydia Wright: A meeting should be scheduled now so people know about it.

Motion made by Alicia Bodmer to hold a Public Hearing for the purpose of hearing citizen comments about the log trucks on the Keese Mill Road on Tuesday, September 23, 2003, at 7:00 p.m. at the Brighton Town Hall, second by Robert Tebbutt, Aye 5

Debbie McBride-Keese Mill Road: Would like to know what is the significance of meeting with Larry Denis of Landvest, Inc.

Alicia Bodmer: Would like to get the companies to add any agreement made with the Town to the land contracts.

Lydia Wright: The Town will have to face the issue again when the next contractor comes and goes.

Keith Smith: Would like the board members to speak louder, cannot hear what is being said

David Hurwitch-Keese Mills Road: The condition of the road is an issue. Someone should contact Santa Clara and see if they are willing to fix their end of the road so the trucks can go out the north end.

Alicia Bodmer: She spoke to the Landvest representative and they are speaking to Santa Clara. They have also contacted the bus garage to determine the time of the bus runs. They will not be on the road during those runs. In the past three weeks they have made the effort to slow down.

Robert Tebbutt: Asked Don Oliver if the road was deteriorating from the trucks.

Don Oliver: There is deterioration of the roads but there is no way to say that one truck is doing it. The country roads are also in bad shape.

Peter Martin-County Route 60: Asked if the Town Board would contact Franklin County to work on the County Roads, shoulders need work.

Don Oliver: Has been asking the county to work on the roads for 5 years. If the County Legislature from this district would appear at a Town meeting then they could answer the question. The county trucks are in the Highway yard as of today but he doesn't know what they are working on.

David Hurwitch: Has lived here on a permanent basis for the past 2 years and paving was done on the Keese Mill Road in the past few years.

Don Oliver: A culvert was put in two years ago and the road was paved eleven years ago.

Marilyn Rogers-Keese Mill Road: This summer a portion of the road by her house was paved from the Town line to the church.

Debbie McBride: Asked about the Easy Street (State Route 86) junkyard, does the Town have jurisdiction on what is put in the back yard of property.

Alicia Bodmer: The “litter law” does not address the backyard.

Someone said that George Oehler called and was told that the law allowed only 2 unregistered cars.

Peter Martin: Wanted to know the status of his question from last meeting about the ALPO Building Appraisal approval.

Robert Tebbutt read a chronology of the event as follows:

Early September 2002 - indications received from Alton Knapp testing the ground water at the present garage site that we had a serious contamination and probably would not be able to build a new garage there. Paul Smith’s College was asked if the Alpo property was available and they said that is was.

September 21, 2002 – MEMO from Alton Knapp, just visited the Alpo property and though it would make a good site for new garage. Said he had a friend who was a commercial appraiser and who would appraise it for us. The MEMO was followed by conversation with Council Member John Quenell where there was an apparent miscommunication to go ahead with the appraisal without first getting board approval.

October 8, 2002 – The appraisal was done by Border Appraisal Service.

October 10, 2002 – At the regular meeting there was a discussion by Council Member Quenell, the Town is looking at the Alpo property, it has been appraised, the land at the present site will probably have to be re-mediated.

November 14, 2002 – At a regular meeting, Resolution #102 was passed to set up a Capital Project Fund for the garage. The resolution states there is a need to construct a new garage in 2003. It also states the possibility that the project may involve purchases of the Alpo land.

January 9, 2003 – At a regular meeting, upon presentation of a voucher for \$950 to Border Appraisal Service it was approved by the Board and was charged to 2002 expenses.

To the best of my knowledge that’s all I know about it at this point.

Peter Martin: Wanted to know if the board was saying that the appraisal was done without board approval. Nowhere does it say the board voted to approve the appraisal of the property.

Robert Tebbutt: Asked for board comments on this since he was not on the board during 2002 and didn’t know what to respond.

John Quenell: The Board did not pass a motion to approve the appraisal before it was done. But in the end the board approved the expense so therefore they did approve the appraisal.

Nik Santagate-State Route 30: Stated that that statement is a “slippery slope” and someone else should say something.

John Quenell: A mistake was made, is that what the Town wants to hear?

Peter Martin: The Town is trying to build a new garage; the Town is trying to save money by cutting the Code Enforcement Officer’s salary. It appears that one board member, not the full board approved the bill. The board approved the bill in the end because they did not have a choice.

Alicia Bodmer: At the time there was potentially another bidder for the land and the Town was trying to find out information from Alton Knapp.

Peter Martin: When spending taxpayer’s money the board has to approve it. Those are the rules. When this happened there were only four board members and the residents tried to get a supervisor appointed in the interim, the board said they could do this with four people. There was not a vote taken, so obviously this was out of line. How many other times did this happen? \$950 is lot of money for the Board not to approve. As a taxpayer, he is concerned about saving money. Whether this is a mistake or not, allowing this to happen is like letting one board member say go ahead and built a town garage, don’t put it to a vote, just go ahead and do it. He is worried about the taxpayer’s money.

Robert Tebbutt: Didn’t know what to say other than a mistake was made.

Tracy Santagate-State Route 30: Back in June 2003 this was brought to the attention of one of the board members. It should have been pursued and it wasn’t addressed and that is a serious infraction. She is disappointed that it wasn’t pursued. If the board did vote to pay for a bill and never questioned it, a certain trust level is compromised when a taxpayer has to confront the board when a board member could have addressed the issue openly.

There were no more Citizens’ Comments

RESOLUTION #80
BUDGET AMENDMENT #5 FOR THE GENERAL FUND

Motion made by John Quenell to authorize Budget Amendment #5 to the General Fund for the transfer of \$1,576.00 funds from Account #A1990.0 Contingency to the Highway Fund Account # DA5130.2 Heavy Construction to cover the cost of the new Loader, second by Linda Dobson, Aye 5

Roll Call Vote:

Supervisor Robert Tebbutt	Aye
Council Members: Alicia Bodmer	Aye
Linda Dobson	Aye
John Quenell	Aye

Steve Tucker Aye

Resolution #80 declared duly adopted.

RESOLUTION #81

AUTHORIZATION TO PAY VOUCHERS

Motion made by Linda Dobson to authorize the Supervisor to pay the vouchers as listed on the Abstracts as follows:

GENERAL FUND: Abstract #10 for Voucher #226 through and including #251 in the amount of \$8,679.54 and TRUST & AGENCY Funds for \$15.20

HIGHWAY FUND: Abstract #10 for Voucher #86 through and including #98 in the amount of \$93,179.52

STREET LIGHTING FUND: Abstract #9 for Voucher #9 in the amount of \$46.71

CAPITAL PROJECT TOWN HALL RETORATIONL: Abstract #1 for Voucher #1 in the amount of \$600.00

CAPITAL PROJECT HIGHWAY GARAGE: Abstract #8 for Voucher #18 in the amount of \$3,654.04

Second by Alicia Bodmer, Aye 5

Roll Call Vote:

Supervisor Robert Tebbutt Aye

Council Members: Alicia Bodmer Aye

Linda Dobson Aye

John Quenell Aye

Steve Tucker Aye

Resolution #81 declared duly adopted.

Motion made by Linda Dobson to Adjourn the Regular Board Meeting at 8:35 p.m., second by Alicia Bodmer, Aye 5

Respectfully submitted,

Elaine W. Sater
Brighton Town Clerk