

REGULAR BOARD MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

October 14, 2010

Page 1 of 10

The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, October 14, 2010, at 7:00 p.m. at the Brighton Town Garage, Paul Smiths, NY, with the following:

CALL TO ORDER:

The meeting was Called to Order by Supervisor John Quenell at 7:05 p.m.

ROLL CALL OF OFFICERS

PRESENT: Supervisor John Quenell

Council Members: Jeffrey Leavitt, Peter Shrope, Steve Tucker and Lydia Wright

ABSENT: None

OTHERS PRESENT: Andy Crary – Superintendent of Highways, Amber McKernan – Tax Collector, Michelle White – Deputy Town Clerk.

RESIDENT(S): Four residents were present

GUESTS: Gordon Crossman-Franklin County Legislature, District 3, Susan Sweeny-Paul Smiths College

The Pledge of Allegiance to the Flag was recited.

APPROVAL OF MINUTES

- Regular Board, September 9, 2010

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to approve the minutes of the Regular Board meeting on September 09, 2010, as written. Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0.**

- Special Board, October 7, 2010

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to amend the minutes of a Special Board meeting held on October 7, 2010, with the following: Point 1, 3rd sentence should have read “Jeffrey Leavitt proposes a reduction of pay for Council members to \$2500 each...” and Point 2d, should have read “...Peter Shrope has agreed “to look into creating” such a program for the town”. Aye 4 (Leavitt, Quenell, Shrope, Tucker), Nay 0, Abstain 1 (Wright)**

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of September 30, 2010 was \$ 1,696.92

- 5 Sport Licenses
 - 4 Dog Licenses: 1 New and 3 Renewed
 - 10 Building Permits (#10-16 through 25)
 - 4 Copies on Copier
 - 1 Notary Signature
1. September 16, sent 2010 updates for the Emergency Operations Plan (EOP) to entities that have a copy of the EOP, including the Town Board.
 2. Attended two meetings, September 22 and October 3-4 concerning changes to the NYS Dog Control Law. Drafted a revision to the current local law for the Board to review and propose.
 3. The Town Clerk's office will reopen on Thursday, October 21.
 4. TOWN HALL REQUEST: None
 5. TOWN PARK REQUEST: None.

GUESTS

1. **Gordon Crossman, Franklin County Legislator, District 3:**
 - a. Complimented all that worked on the White Pine Road bridge problem for steadfastness, he had a hard

REGULAR BOARD MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

October 14, 2010

Page 2 of 10

- time convincing the other legislators, but it is finally on the State list of repairs to do, the feasible goal for the work is in 3 years or sooner. Andy Crary asked if it was possible to lower the barriers on the bridge, so that the snow plow could be raised up when crossing over the bridge. He was told to contact John Hutchins about it.
- b. In answer to a question, he said that his territory included Bangor, part of Malone, Duane, and Brighton.
 - c. About the budget, the county is owed \$4.5M by the State, but it should be in soon. But there is talk about having to lay off people and taking other drastic measures.

Supervisor John Quenell thanked him for the great job he did on the White Pine Road Bridge, it was almost considered hopeless until he stepped in and turned the situation around.

2. **Susan Sweeney, Paul Smith's College:** She wished to keep the Town Board aware of the work being done by the College in reference to the expected transfer of the Visitor Interpretative Center (VIC). They are working with agencies on the State level. The due diligence to decommission a building is very complicated. They appreciate all the help they get from the Adirondack Park Agency. She is chairing a small steering committee composed of members of the community, including Dan Fitts Executive-Director of the Adirondack Park Institute (API). The VIC had 65,000 visitors yearly, it is important for the area to retain these.

In response to Lydia Wright's question about how the Town Board could help, Ms Sweeney said that they were developing talking points that would be guides to promote the cause. The County could assist with the Tourist Board. The building will be empty; they are working with Senator Little's office to try to get surplus items back into the buildings. The API has to leave the building by December 17. The Town can help by supporting the cause. There is nothing concrete yet, but there could be some developments by the end of December.

SUPERVISOR'S REPORT

1. **Monthly Financial Report:** The Financial Statement as of September 30, 2010 was distributed to the Board. In order to remove the negative of account A1420.4 Attorney - Contractual Expenses a transfer of funds from the A1990.4 Special Items – Contingent is necessary.

GENERAL FUND BUDGET AMENDMENT #4

Motion made by Supervisor John Quenell, **second** by Steve Tucker,

RESOLVED that the following amount be and the same hereby are transferred:

\$ 2,342 from Account No. A1990.4 Contingency

As follows:

\$ 2,342 to Account No. A1420.4 Attorney Expenses

ROLL CALL VOTE: Aye 3 (Leavit, Quenell, Tucker), Nay 2 (Shrope, Wright)

GENERAL FUND BUDGET AMENDMENT #4 declared duly adopted

2. **Enforcement of Unsafe Buildings Law – Rainbow Lake Road:** It is believed that the owners have been located. A hearing date must be set to include in the letters that have been drafted. These letters will be served in Canada and the process may take longer than in this country. Therefore the hearing could be set for December 9 at 6:30 pm; it results in a delay of almost 60 days. Jeffrey Leavitt questioned the limits of that law and how far Brighton is going to take it. Supervisor John Quenell mentioned that the Code Enforcement Officer initiates the action and makes recommendations to the board. The "Over the Hill" property was the first such occurrence. Will be recouping the expenses on January 1 from the County.

RESOLUTION #91

SEND ORDER OF REMOVAL OF UNSAFE BUILDING TO RAINBOW LAKE RESIDENT

Motion made by Supervisor John Quenell, **second** by Jeffrey Leavitt,

RESOLVED that the Supervisor be authorized to send the letters ordering a resident to remove an unsafe structure from property on the Rainbow Lake Road, and

REGULAR BOARD MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

October 14, 2010

Page 3 of 10

BE IT FURTHER RESOLVED that a hearing date be set for December 9, 2010 at 6:30 pm
ROLL CALL VOTE: Aye 3 (Quenell, Leavit, Tucker), Nay 1 (Wright), Abstain 1 (Shrope).
RESOLUTION # 91 declared duly adopted

3. **CSEA Contract:** New labor contract for collective bargaining was signed and mailed to Brian Paige a month ago. There has been no response.
4. **APA Project Notices:** 1) PSC Alumni Campground expansion on Keese's Mills Road; 2) Subdivision of a residential lot on Keese's Mills Road. No comments from the Board

DEPARTMENT REPORTS

1. **HIGHWAY - Andy Crary:** Report submitted prior to meeting
 - a. Put crusher run at end of Tebbutt Road and picked up pine logs also
 - b. Set-up for Primary election
 - c. Set-up for food pantry and got food
 - d. Road raked dirt roads twice
 - e. Put crusher run shoulders on Keese's Mills Road – new tarred area
 - f. Helped move the judge to Paul Smith's College
 - g. Dump runs were made
 - h. Mowed cemetery for last time this year
 - i. Fixed road signs on Keese's Mills Road
 - j. Worked on park building, the Food Pantry space should be ready in early November
 - k. Went to Highway meeting in Malone
 - l. Had Trudeau's put up sand for winter
 - m. Mowed Town Hall/ Garage for the last time
 - n. Helped Harrietstown haul gravel for their shoulders
2. **ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** Report submitted prior to meeting
 - a. During the Months of July and August handled 11 calls
 - i. 1 call was to report a dog running at large in Rainbow Lake, was unable to locate it
 - ii. 2 calls in regards to dogs barking, certified letter sent to the owner of the dogs, as the caller was unwilling to sign a formal complaint
 - iii. 2 calls in regards to lost pets
 - iv. 5 calls for pet adoption
 - b. Spoke with Elaine Sater in regards to the Dog Licensing. In January 2011 the NYS Dog Licensing Law (Section 109 under Article 7) will no longer be in effect, as is has been removed due to state budget cuts. Discussed that dog licensing will become the responsibility of the each Municipality within the state. This change will require each township to amend their Dog control Law so that it will include a local dog Licensing ordinance. Currently NYS Dog Licenses are renewed through the Town Clerk annually and the minimum state fee is \$2.50 for dogs that are spayed or neutered, and up to \$15.50 for dogs that are not spayed or neutered. The Town will have to decide what fees should be collected for dog licenses under the new ordinance, as well as other requirements to license a dog (ie, age, proof of current rabies vaccination, spay or neuter certificate, etc). I recommend the town review the current Dog Control Law, and enact a new ordinance that requires all town residents to license dogs harbored in their homes, and the new ordinance should be enacted as soon as possible to provide the Town Clerk and the Dog Control Officer, a way to identify dogs within the Town starting in 2011. Will attend a Town meeting to discuss Dog Licensing if necessary and will assist in drafting a new ordinance with Town Clerk.
3. **ASSESSOR - Doug Tichenor:** No report submitted

REGULAR BOARD MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

October 14, 2010

Page 4 of 10

4. **CODE ENFORCEMENT OFFICER (CEO) - Paul Blaine:** Report submitted prior to meeting
 - a. Two Building Permits (BP) #10-24 and 025 were issued
 - b. Four BPs were completed: #09-032 issued Certificate of Occupancy, #09-38, #10-020 and 021 issued Certificates of Compliance
 - c. There are eight open Avoidable Alarm Complaints (#10-039 to 10-046)
5. **TAX COLLECTOR - Amber McKernan:** Report read at the meeting
 - a. Since the last regular meeting, she has received 8 phone calls requesting tax and other property-related information.
 - b. She has cleaned the files from the Dell laptop which has been used by this office, and is returning it this evening. Despite the fact that there are no files on the computer, it still does not operate correctly. The laptop and the power pack get very hot when the computer is running. She recommends that it be disposed of.
 - c. She will be ordering supplies for the upcoming collection season.

Peter Shrope will clean up the computer hard drive for someone else to use.
6. **TOWN JUSTICE - Nik Santagate:** Report submitted prior to meeting.
 - a. 30 cases processed in September. The supervisor has received and deposited a check for \$3,375 in fines and forfeitures
 - b. Also, the Justice has written a note to the town board suggesting the use of a Justice Court Assistance Program (JCAP) grant for use in the town hall project. We can request up to \$30,000. We are working on the list of things that we could request under the grant; it must be submitted by October 31.
7. **HISTORIAN - Mary Ellen Salls:** No Report submitted

COMMITTEE REPORTS

1. **PARK & RECREATION - Steve Tucker and Peter Shrope:** When will the heat be back on in the building? The gas company needs to redo the plumbing for the new addition. Peter Shrope will call the gas company.
2. **INSURANCE/INVESTMENTS - Lydia Wright and Supervisor John Quenell:** Interest rates are still very low.
3. **CEMETERY& TOWN BUILDINGS - Steve Tucker: Park Building-**The ceiling has been installed in the food pantry; the insulation has not yet been put in. The inside will be plywood. Should be ready by early November.
4. **HIGHWAY- Jeffrey Leavitt, Steve Tucker and Lydia Wright:** Need to finish the rest of the road tour
5. **WEBSITE - Supervisor John Quenell:** Nothing to report
6. **FIRE ADVISORY BOARD (FAB) – Jeffrey Leavitt & Steve Tucker:**

Meeting of the area towns was held in Vermontville on October 7, no one from Brighton attended due to the budget workshop. Not much happened. The towns seem reconciled to going along with the village one more year. Town's fee for 2011 will be slightly less than 2010, although still too much. Supervisor John Quenell asked how the extra \$270k revenue coming from insurance billings is being handled, but received no answer. He believes it is important for the towns to get together with the independent rescue service soon and lay plans for 2012 and beyond. We should expect that our town's cost for rescue service will decline because of insurance billing.
7. **TELECOMMUNICATIONS - Jeffrey Leavitt and Supervisor John Quenell: Internet Access:** Two

REGULAR BOARD MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

October 14, 2010

Page 5 of 10

maps showing areas of the town where internet is provided were found on the web. After Barnum Pond the service drops off. It gives very useful information to approach suppliers. **Peter Shorpe** attended a "Forever Wired" conference in Potsdam concerning internet access and found out Time Warner prefers to work with subcontractors not directly with towns. He is waiting for someone from Time Warner to get back to him with answers to questions.

8. TOWN HALL PROJECT – Supervisor John Quenell:

- a. Received a letter, dated October 8, from State Historic Preservation Office saying they have reviewed drawings and description and found the proposed work acceptable if two conditions are met:
 - i. All new windows will be unclad wood units; those in the historic building will have true divided lights while those in the new addition will have simulated divided lights with integral mullion grills (surface applied, snap-in mullions are not acceptable).
 - ii. Information addressing deficiencies in the roof structure will be provided for review and, following approval, will be incorporated into the documents. – The next step, after resolving the roof structure, is to prepare bid set and manual, which will have to be submitted to SHPO for review.
- b. In order to get the roof structure inspected, quotes have been requested from 3 engineering firms. These will visit the site, go up into the attic and inspect the roof framing to issue a report on the condition of the framing and issue recommendations for changes, if any.

RESOLUTION # 92

ROOF STRUCTURE INSPECTION ON TOWN HALL

Motion made by Peter Shrope, **second** by Supervisor John Quenell,

WHEREAS, to comply with the letter, dated October 8, 2010, from the Grants Administrator Gayle Underhill-Plumb, NYS Office of Parks, Recreation, and Historic Preservation, quotes were requested for inspecting and reporting the condition of the roof structure on the Town Hall, and

WHEREAS, three quotes were received as follows:

North Woods Engineering PLLC-	\$ 975.
Upstate Design Associates-	\$1,200.
Thomas J. Labombard, P.E. -	\$2,700.

NOW THEREFORE BE IT RESOLVED that the Town Board agrees to authorize North Woods Engineering PLLC to inspect and report on the condition of the roof structure on the Town Hall for the amount of \$ 975.

ROLL CALL VOTE: Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0

RESOLUTION # 92 declared duly adopted

- c. An approval is needed to put Construction Manager Job out to bid. A draft of a Construction Manager Request for Proposal was sent to the Board on October 4. It is suggested that it be sent as soon as possible to all engineering firms in the Yellow Pages and advertize in the Adirondack Daily Enterprise. The date of November 1st @ 8:00am is set for the opening of the bids.

RESOLUTION #93

CONSTRUCTION MANAGER JOB

Motion made by Supervisor John Quenell, **second** by Peter Shrope,

WHEREAS a Request for Proposal (RFP) was drafted for a Construction Manager for the Town Hall Project, and

WHEREAS the RFP will be sent out to qualified people from the phone book under Professional Engineers or construction managers and from firms on the Minor/Women Business Entrepreneurs (MWBE) list,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes the Supervisor to send out invitations to bid for the "Request for Proposal" for Construction Manager for the Town Hall Project, and

BE IT FURTHER RESOLVED that a bid opening be held on Monday, November 1, 2010 at 8:00 a.m.

ROLL CALL VOTE: Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0

RESOLUTION # 93 declared duly adopted

REGULAR BOARD MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

October 14, 2010

Page 6 of 10

9. **TOWN REDEVELOPMENT CITIZENS COMMITTEE – Susan Mayer:** Report submitted prior to meeting. A meeting will be held on Thursday, October 21, to brainstorm potential reuses of Camp Gabriels by the town if the town were to acquire the property.

On September 24 a meeting was held in Senator Little's Glens Falls office about attracting an appropriate buyer for the Camp. Invited were then Office of General Services Commissioner Egan, the Director of Empire State Development and the APA Chair. Only Commissioner Egan attended. In addition Senator Little, Franklin County Legislator Maroun, a representative for both Assemblywomen Duprey and Sayward, Supervisor Quenell, Brighton Redevelopment Committee Chair Sue Mayer and committee member John McKeon also attended. Commissioner Egan assured the town that the right thing would be done. They don't want to stick the town with a problem.

On October 1st, the Office of General Services contacted the Committee to inform the town that the opening bid for Camp Gabriels would be \$950,000 and that the auction would be conducted by sealed bid, with bids to be opened on November 17. Also, there will be two open houses to be held October 15 and October 28. Private showings may also be arranged.

She attended a VIC Steering Committee meeting to review status of Paul Smiths' VIC and determine future of the committee. A PSC representative reported that the college fully expected to be taking ownership of the PSC VIC by January 1, 2011. The college is actively exploring new programs to offer and ways to maximize use of the facility. The college intends to keep the facility open to the public at no charge. We felt that the Steering Committee was no longer needed but that a future committee involving the community would be desirable.

BUSINESS, OLD AND NEW:

1. **Prohibition of Invasive Species Law (Supervisor John Quenell):** A draft of this law was presented to the board by Town citizens at the September meeting. It was agreed that a review of the law by the Franklin County DA's office and other agencies would be requested.
- a. Response from J. Delahanty, ADA, dated September 13, 2010: The law specifies that disobedience would be a criminal violation. He recommends that it be termed as subject to a civil action instead. Criminal violations are subject to a much higher standard of proof and would automatically have to involve the DA's office. Also, the fine could be higher, the law should be sent to town's attorney for review. Concerning the enforcement: the law states the Sheriff would enforce it, but he does not have the authority. State police and DEC police would not be interested (confirmed by John Quenell through phone calls to both). He recommends local Code Enforcement Officer be in charge of enforcement.
- b. Remarks of Duncan Cameron about Delahanty points:
- i. He agrees and suggests new wording for "Article C: Penalty for noncompliance"
~~"Any person who violates this local law is guilty of a criminal violation and is punishable with a maximum two hundred fifty (\$250) dollar fine."~~
"Any person who violates this local law is subject to a fine of up to two hundred fifty dollars (\$250). The town of Brighton may enforce this provision through civil proceedings in any court of competent jurisdiction."
- ii. Re Delahanty remarks about Article D Section 2 Enforcement; Duncan suggests the town CEO. We could alter Section 2 Enforcement as follows:
~~"This law may be enforced by the Franklin County Sheriff's Department town of Brighton through its Code Enforcement Officer or by any other law enforcement officer having jurisdiction."~~
- c. Supervisor John Quenell has showed the proposed change to the town's CEO and he has no objection.
- d. Other comments about the draft law:
APIPP – Hilary Smith: "Good, the language you are proposing is in line with the language of other towns,"
DEC – No objection. Other Adirondack towns have adopted AIS legislation. We have been advised that the Village of Lake Placid, towns of Santa Clara and Lake Pleasant and the Lake George Park Commission have passed legislation and the Town of Harrietstown is considering doing so.
AOTSNY – No objection.

REGULAR BOARD MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

October 14, 2010

Page 7 of 10

Motion made by Supervisor John Quenell, second by Steve Tucker, to authorize the Supervisor to forward a draft copy of the law of Prohibition of Invasive Species to the town's attorney for review, Aye 5 (Leavit, Quenell, Shrope, Tucker, Wright), Nay 0

2. Dog Control Law Revision

The Town Clerk has drafted a revised dog control law and forwarded it to the board for review. It is very well written. It has apparently been made in consultation with others. These revisions have been made necessary by the State's decision to get out of dog licensing and delegate it to the towns. The proposed changes in the laws are designed to accommodate this fact and at the same time increase the annual license fee for spayed and neutered dogs from \$2.50 to \$5.00 and for unsprayed and unneutered dogs from \$7.50 to \$10.00 per year. This increase will make up for greater costs incurred, raising our license revenue from about \$300 to about \$500 per year. Whether the Town Clerk needs additional hours is up for discussion.

The law must be in place by January 1, 2011. It is suggested that we skip the legal review and immediately proceed with the checklist of steps needed to enact the local law. (Ref: TL Manual)

First the law has to be introduced at a town board meeting, which is being done right now. The second step is to hold a public hearing giving adequate notice (at least 5 days). This hearing could be set for the next general meeting on November 11 starting at 6:30 pm. The third step would be to make any adjustments resulting from the public hearing and then mail the final form to board members. The law must be in the hands of board members for at least 10 days before it can be adopted. It could be adopted at the December meeting. Then the town clerk and the town attorney can certify the law and the clerk can file it with the Secretary of State.

PROPOSED LOCAL LAW #1 FOR THE YEAR 2010, "DOG CONTROL LAW"

Motion by Steve Tucker, second by Supervisor John Quenell, to hold a public hearing on November 11, 2010 at 6:30 pm for the following "Proposed Local Law #1 for the Year 2010, entitled "Dog Control Law"

Section 1. Purpose

The purpose of this local law is to provide for the licensing and identification of dogs, the control and protection of the dog population, and to promote the public health, safety and welfare of the community, including the protection and preservation of the property of the Town of Brighton and its inhabitants, and of the peace and good order therein by regulating and controlling activities of dogs within the Town of Brighton and to provide for its enforcement thereof pursuant to Article 7 of the New York State Agriculture and Markets Law. Definitions from Section 108 of Article 7 will be used to define words in this local law.

Section 2. Prohibited Acts:

Any owner of a dog or any other person who harbors a dog in the Town of Brighton shall be in violation of this law if such dog:

- a. engages in habitual loud howling or barking in such manner as to annoy any person other than the person owning or harboring such dog
- b. being a female in heat is not securely confined by the owner or person harboring such dog
- c. causes damage or destruction to property or otherwise commits a nuisance other than on the premises of the owner or person harboring such dog
- d. is not in full compliance with this Local Law or Article 7 of the Agriculture and Markets Law of the State of New York
- e. No dog shall be allowed or caused to run at large and not in control in the Town of Brighton, except on the premises of the person who owns, keeps, or harbors or otherwise has the care or custody of such dog, or except on the premises of another person with the knowledge and consent of such other person.

Section 3. Complaint

- a. Any animal control officer, peace officer, or other authorized individual acting pursuant to special duties, in the employ of or under contract to the Town of Brighton having reasonable cause to believe that a person has violated this local law shall issue and serve upon such person an appearance ticket for such violation.
- b. In addition to the penalties provided for in Section 4 of this local law, any person retrieving a dog from the pound must pay to the contracted Humane Society the fee provided for in Section 117 of the

REGULAR BOARD MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

October 14, 2010

Page 8 of 10

Agriculture and Markets Law of the State of New York. All other provisions of Section 117 of said law are hereby adopted and made a part of this local law.

- c. A violation of any order issued by a Town Justice under the provisions of this Section 3 shall be an offense punishable, upon conviction, as provided in Section 4 of this local law.

Section 4. Penalties

Upon conviction, a violation of this local law shall be deemed a civil offense punishable by a civil penalty not less than twenty-five dollars (\$25.00) for the first offense within the preceding five year period, and not less than fifty dollars (\$50.00) for a second offense within a preceding five year period, and not less than one hundred dollars (\$100.00) for more than two offenses within the preceding five years.

Section 5. Enforcement

Any person or persons who are or may be lawfully authorized by the Town Board of the Town of Brighton, shall, and all peace officers may, administer and enforce the provisions of this law, and for such purposes shall have the authority to issue appearance tickets.

Section 6. Validity

If any section, paragraph, subdivision, clause, phrase or provision of this law shall be judged invalid or held unconstitutional, it shall not affect the validity of this law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 7. Licensing of Dogs

- a. Any dog, age 4 months and older, that is harbored in the Town of Brighton must be licensed. All dogs must wear an Identification (ID) Tag to show proof of licensing. The ID tag will bear the name "Town of Brighton, State of New York", the dog's ID number, and the Town's point of contact phone number. The dog must wear the ID tag at all times.
- b. Application for a dog license must be made through the Town Clerk's Office. The following is required to obtain a license:
 - i. A current Rabies Vaccination Certificate
 - and
 - ii. Applicable license fee
- c. Dogs can be licensed for a period of one, two or three years, but not beyond the last day of the eleventh month following the expiration date on the Rabies Certificate. A dog must be licensed for a minimum period of one year. All licenses expire on the last day of the last month of the period for which they are issued.
- d. Fees for Licensing of Dogs:
 - i. The fee for an unsprayed/unneutered dog is \$10.00 for one year, \$20.00 for two years, and \$30.00 for three years. A \$3.00 NY State surcharge will be added to this cost for each year for the animal population control program pursuant to Section 110-3 of Article 7.
 - ii. The fee for a spayed/neutered dog is \$5.00 for one year, \$10.00 for two years, and \$15.00 for three years. A \$1.00 NY State surcharge will be added to this cost for each year for the animal population control program pursuant to Section 110-3 of Article 7. Proof of spay/neuter must be presented at time of licensing or renewal of license to receive the reduced license fee.
 - iii. An ID tag will be provided to the owner at the time of initial licensing. The fee to replace a dog's ID tag will be set at \$5.00 per ID tag which includes postage for mailing the dog's ID tag to the owner.
- e. Renewing a Dog License:
 - i. Notice of an expiring dog license will be mailed, by the Town Clerk's Office, to the address of the dog's owner of record thirty days before the dog's license is due to expire.
 - ii. Renewal of a dog's license can be accomplished through the mail or in person at the Town Clerk's Office during regular office hours. If renewing by mail, a current Rabies Certificate (if required) and the appropriate fee must be included. Only check or money order made out to the "Brighton Town Clerk" will be accepted. There will be no refunds of fees.
- f. Pure Bred License: The Town of Brighton will not issue Pure Bred or Kennel Licenses. All dogs will be licensed individually per the fees set forth in Para d of this Section.
- g. Service Dogs: The Town of Brighton will not require a license fee for any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog as defined in Section 108 of Article 7. Any license issued will reflect the type of dog on the license.

REGULAR BOARD MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

October 14, 2010

Page 9 of 10

- h. The Town of Brighton does not allow the licensing of dogs by a contracted Humane Society or other shelter. The shelter must send the owner of record or adoptive dog owner to the Town Clerk for licensing before releasing the dog to the owner.
- i. Enumeration Fee: The Town Board will determine the need for an enumeration of dogs. A fee of \$5.00 will be assessed to each dog found to be unlicensed or the dog's license has expired at the time the enumeration is conducted.
- j. All fees associated with dog licensing will be reviewed periodically by the Town Board and may be changed by resolution of the Town Board, if deemed necessary. All fees collected in association with dog licensing will be used for funding the administration of the Dog Control Law in the Town of Brighton.

Section 8. Shelter Services

The Town of Brighton will contract for shelter services from an incorporated Humane Society.

- a. Redemption Period: The Humane Society under contract with the Town of Brighton for dog control shall have the privilege of extending the redemption period to more than five (5) days to allow for the placement of special dogs under certain conditions with the number of added redemption days left to the discretion of the Humane Society.
- b. Adoption Policy: The Humane Society under contract with the Town of Brighton for dog control shall adopt and enforce their own adoption policy and set their own adoption fees with all adoption fees required immediately becoming the property of the Humane Society under contract.

Section 9. Proof of Ownership:

If any owner or dog harbinger forfeits title to any dog seized in the Town of Brighton for any violation of Article 7 or a local dog control law at the expiration of the appropriate redemption period and if the person is proved to the satisfaction of a Town Justice that he is, in fact, the owner or harbinger of any dog seized in violation of Article 7 or a local dog control law, that person or persons shall be held responsible for all impoundment fees, fines, penalties and damages incurred by said dog subsequent to the dog's seizure.

Section 10. Repealed:

This Local Law shall supersede all prior Local Laws, Ordinances, Rules, and Regulations relative to the control of dogs within the Town of Brighton, and they shall be, upon the effectiveness of this Local Law, null and void.

Section 11. Effective Date

This local law shall take effect on January 1, 2011 or upon its filing with the Secretary of State of the State of New York, whichever is later.

ROLL CALL VOTE: Aye 4 (Quenell, Shrope, Tucker, Wright), Nay 0, Abstain 1 (Leavitt).

- 3. **Alarm System at Paul Smith College:** The Town Board received a letter from Susan Sweeny of Paul Smith's College dated September 28, 2010 concerning the Alarm System at Paul Smith College.

Motion made by Lydia Wright, second by Supervisor John Quenell, to incorporate in these minutes a letter from Susan Sweeny dated September 28 that was received by all board members, Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0.

"Ladies and Gentlemen:

I wanted to take this opportunity to reach out to each of you, and describe actions taken by Paul Smith's College to date in an effort to address concerns of the Paul Smith's-Gabriels Volunteer Fire Department, the Town Board, and its constituents.

In the summer of 2010, after communication with our alarm system manufacturer, we were made aware of compatible dual detector heads which in summary would only cause the Fire Department to be notified if extreme heat and particulate matter (smoke) was detected at any given sensor location.

After consultation with the manufacturer, our electrical contractor, and the Code Enforcement Officer for the Town of Brighton, ultimately this system was installed in Upper and Lower St. Regis Residence halls. To date, this modification has yielded positive results in these two buildings. The completion date for the installation of this system in our remaining campus residence halls is October 10, 2010

In addition, the college has been contacted by various community members seeking to engage the college and the Town in settlement discussions and/or mediation relative to the current litigation. The college is quite interested in pursuing settlement of the pending litigation and desires to resolve the dispute amicably.

REGULAR BOARD MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

October 14, 2010

Page 10 of 10

In the event the Town is interested in discussing settlement of this matter or submitting the dispute to mediation, the college is committed to approaching settlement with an open mind and with all options on the table, and would request that the Town do the same.

Local Law No. 1 of 2009 in its current form has done little to benefit the college, the Fire Department, or the Town, except to cause the Town and the college to incur considerable attorneys' fees and experience a great deal of stress, in seeking to address their respective positions.

It is the sincere hope of the Paul Smith's College community that we are able to resolve this matter without any further court intervention, and that we can work towards a resolution of this matter, as stakeholders committed to the greater good of our community.

Very truly yours, (Signed Susan T. Sweeny) for Paul Smith's College"

CITIZENS COMMENTS: None

EXECUTIVE SESSION:

Motion made by Supervisor John Quenell, **second** by Peter Shrope, **to GO INTO EXECUTIVE SESSION, at 9:05 p.m., in accordance with Public Officers Law, Article 7, Section 105(d) to discuss current litigation "Town of Brighton vs Paul Smith's College" Avoidable Alarm Violations. Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0**

Motion made to GO OUT OF EXECUTIVE SESSION by Supervisor John Quenell **at 9:20 p.m., second** by Jeffrey Leavitt. **Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0**

AUDIT OF VOUCHERS

RESOLUTION #94

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Lydia Wright, **second** by Supervisor John Quenell,

RESOLVED that the Supervisor be authorized to pay the audited vouchers as listed on the abstracts as follows:

PREPAID VOUCHERS: Abstract #10 for Voucher #10A through and including #10C for 2010 General Funds in the amount of \$650.57 and 2010 Street Light Funds in the amount of \$59.01

GENERAL FUND: Abstract #10 for Voucher #236 through and including #259 for 2010 funds in the amount of \$17,453.87

HIGHWAY FUND: Abstract #10 for Voucher #84 through and including #91 for 2010 funds in the amount of \$11,098.33

CAPITAL FUND TOWN HALL PROJECT: Abstract #17 for Voucher #28 for funds in the amount of \$63.00.

ROLL CALL VOTE: Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0

Resolution #94 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 9:455 p.m. made by Supervisor John Quenell, **Second** by Lydia Wright, **Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0**

Respectfully Submitted,

Michelle White,
Deputy Town Clerk