

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

November 8, 2007

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The Regular Town Board Meeting of the Town of Brighton was held on Thursday, November 8, 2007 at 6:30 p.m. at the Brighton Town Hall, 12 County Road 31, Paul Smiths, NY, with the following:

CALL TO ORDER:

Meeting was Called to Order by Supervisor Peter Martin at 6:40 p.m. following the closure of the Public Hearing

PRESENT: Supervisor Peter Martin, Sr.

Council Members: Sheila Delarm, David Knapp, and Steve Tucker

ABSENT: Council Member Lydia Wright

OTHERS PRESENT: Elaine Sater - Town Clerk, Amber McKernan - Tax Collector, Doug Tichenor - Assessor, and Board of Assessment Review: Jerome Samburgh, Robert Byno, Sr, and Phil Delarm

RESIDENTS: Seven residents attended

GUESTS: Rebecca Buerkett, FX Browne, Inc.

APPROVAL OF MINUTES

- Regular Board October 11, 2007

Motion made by David Knapp, **second** by Steve Tucker, **to approve the minutes of the Regular Town Board meeting held on October 11, 2007 with the following change: Page 6, Old Business, Para 4a, Post Office in Gabriels, replace "a sample letter" with "information".**

ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Martin, and Tucker), Nay 0, Absent 1 (Wright)

- Special Board October 18, 2007

Motion made by David Knapp, **second** by Supervisor Peter Martin, **to approve the minutes of the Special Town Board meeting held on October 18, 2007 as written.**

ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Martin, and Tucker), Nay 0, Absent 1 (Wright)

- Special Board October 25, 2007

Motion made by David Knapp, **second** by Steve Tucker, **to approve the minutes of the Special Town Board meeting held on October 25, 2007 as written.**

ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Martin, and Tucker), Nay 0, Absent 1 (Wright)

TOWN CLERK'S REPORT

1. Total Revenue to Supervisor as of October 31, 2007 was \$1,117.71

10 Sport Licenses

4 Dog Licenses: Renewals

8 Building Permits (#07-31 and 33 to 39)

11 copies from FOIL requests

2. November 1 picked up Election supplies from Malone

3. November 6 Election Day, Unofficial election results: There were 281 voters on the machine, 22 absentee ballots were mailed out by the County Board of Elections, the official results from the absentee and write-in ballots will be available after November 19. The machine count was verified on November 8 by the Board of Elections and are as follows:

Supervisor Peter Martin 152

Council Member Lydia Wright 199

Council Member Jeffrey Leavitt 167

Town Clerk Elaine Sater 195

Superintendent of Highways Andy Crary 144

Tax Collector Amber McKernan 217

Town Justice Nik Santagate 227

4. TOWN HALL REQUESTS: NONE

5. TOWN PARK REQUESTS: NONE

6. The Town Clerk's Office will be closed for Thanksgiving Week on Tuesday, November 20 and Thursday, November 22

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SUPERVISOR'S CORRESPONDENCE/FINANCIAL REPORT

1. **Financial Report:** Distributed the Financial Report as of October 31, 2007 to Board members. Total cash on hand as of November 8 is \$425,916.25. Interest from CLASS investments for October 2007 was \$1,448.85; total for year-to-date is \$19,498.65.
2. **2008 Preliminary Budget Adopted as Town Budget:**

RESOLUTION #79

AUTHORIZATION TO ACCEPT THE 2008 PRELIMINARY BUDGET AS THE 2008 ANNUAL BUDGET

Motion made by Steve Tucker, second by David Knapp, **To Wit:**

WHEREAS, a Public Hearing for the 2008 Preliminary Budget, being properly advertised, was held on November 8, 2007, and

WHEREAS, citizens were given the opportunity to speak for or against the 2008 Preliminary Budget,

NOW THEREFORE BE IT RESOLVED that the 2008 Preliminary Budget, as presented to the public, be approved as the Town's 2008 Budget.

ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Martin, Tucker), Nay 0, Absent 1 (Wright)

RESOLUTION #79 declared duly adopted.

3. **Town Coverage During Absences:** Supervisor Peter Martin will be out-of-town from November 16 to 20th, David Knapp will be out-of-town from November 16 to December 3, Sheila Delarm will be out-of-town November 16 and 17. Steve Tucker will be the Town's authority during the 5 days the Supervisor is out-of-town.
4. **Correspondence:**
Received a letter, dated November 1, from the Supervisor of the Town of Santa Clara, Micky Webb, Re: Code Enforcement Services; as of December 31, 2007 they are terminating the shared services contract with the Town of Brighton for Code Enforcement Services. Their "just cause" is an increase in work in the Town of Santa Clara. The Town can continue using the CE Services on a per diem basis until a new Code Enforcement Officer is hired or until April 2008. The cost of the per diem basis would have to be determined. It is not know if the Town of Franklin received the same letter, they also share the service. This will be addressed at the next Board meeting.

DEPARTMENT REPORTS

1. **ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** No Report
2. **ASSESSOR (Doug Tichenor):** Sales are slow, there is a lull period right now
3. **CODE ENFORCEMENT OFFICER (CEO) (Ed Lagree):** Report submitted prior to meeting
 - a. 41 building permits have been issued for 2007; 12 permits are completed, 29 permits are still open
 - b. 15 permits are still open from 2006
 - c. 6 permits are still open from 2005
 - d. 5 permits are still open from 2004
 - e. 1 permit is still open from 2003
4. **TAX COLLECTOR (Amber McKernan):** Submitted prior to the meeting
 - a. Received 6 phone calls and sent 3 faxes regarding tax matters
 - b. Sent information requested by the Office of Real Property regarding the location and hours during which she will be at her office so taxpayers may pay in person. Payments tendered by check must be made out to "Amber McKernan". The times and dates to pay taxes in person are as follows: During the month of January only... Tuesdays 8:00 a.m. to 4:00 p.m., Wednesdays, 8:00 a.m. to 4:00 p.m. and Thursdays 8:00 am. to 4:00 p.m. or by appointment. Will be collecting at her residence at 18 County Road 60, Gabriels. To pay without penalty, payments must be postmarked by 31 January 2008.
 - c. Has no further information regarding Muni-Trax at this time. Waiting for response from salesperson who contact her in September.

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- d. Received notice from the Office of Real Property Services in Albany, dated October 15, 2007, Re: Distribution of 2007 STAR Administrative Aid for the Town of Brighton. State aid for local administration of the School Tax Relief (STAR) Program for the year 2007 is \$366.28 and is allocated as follows:
 - i. STAR Application Processing \$1.12 per exemption/parcel
 - ii. Tax Bill Preparation and Receipts \$.0366 per exemption/parcel
 - iii. County Services \$.10 per exemption/parcel
5. **TOWN JUSTICE (Nik Santagate):** Report submitted prior to meeting
Issued a check in the amount of \$3,635.00 to the Supervisor
6. **HISTORIAN - Mary Ellen Salls:** No Report

COMMITTEE REPORTS

1. **HIGHWAY DEPARTMENT - David Knapp and Steve Tucker:**
 - a. **Report from Don Oliver, Superintendent of Highways,** submitted prior to the meeting
 - i. Raked dirt roads
 - ii. Cleared beaver dams
 - iii. Getting ready for winter
 - iv. Plowed and sanded on November 7
 - v. Sand truck to Rte 11 Trucking for repairs
 - vi. Pickup truck needs tires
 - vii. Congratulations to campaign winners
 - b. **Town Sign: David Knapp** needs to take a picture of the sign and send dimensions to DOT to obtain a permit before the sign can go up on State Route 86
 - c. **Deputy Superintendent Andy Crary** said he was looking forward to serving the Town. He has some ideas he would like to discuss with the Town Board. **Sheila Delarm** asked if he would continue to come to the Board meeting to give a report. He said he would.
 - d. **Town Roads:**
 - i. **Slush Pond Road: Supervisor Peter Martin** said the meeting with DEC and the Highway Department on Thursday, October 18 was cancelled by DEC and they will reschedule at some time.
 - ii. **McCulloms Road: Sheila Delarm** asked Andy Crary about the work done on the road, she is concerned with the canopy of trees that could damage equipment on top of response vehicles that might have to drive down the road. **Andy Crary** said they worked on the road but the right of way needs to be determined.
 - iii. **Split Rock Road:** Guide rail posts are at the garage waiting to be installed, Andy Crary said there is rock all around the culvert. **Supervisor Peter Martin** will contact Bob Haynes at DOT to discuss the hold up on installing the rails.
 - e. **Decals for Ford Truck:** On hold until determination is made about a Public Works Department
 - f. **CSEA Contract:** Union representative would like to meet with Board to discuss contract
 - g. **Public Works Department:** David Knapp is reviewing the job descriptions to determine if this is feasible for the Town
 - h. **White Pine Road Bridge:** No further information
2. **PARK & RECREATION - Steve Tucker and Lydia Wright**
 - a. Boards are up for ice rink
 - b. Port-a-potty was removed for the winter
3. **INSURANCE/INVESTMENTS - Sheila Delarm and Lydia Wright:**
 - a. Sent updated information on vehicles for liability insurance to NYMIR; no response yet from them on changes
 - b. Received a notice from Mang Insurance stating that the deductible is increasing to \$2,500; will look into it for next meeting
4. **CEMETERY - Steve Tucker and David Knapp:** Nothing to report

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5. TOWN BUILDINGS - Steve Tucker and David Knapp

- a. **Town Hall Maintenance:** Nothing to report
- b. **Town Hall Project: David Knapp** notified Cate Blackmore of Crawford and Stearns (C&S) of the concerns on the bid package and she has made the adjustments. Sheila Delarm asked about the water at the Town Hall. David Knapp said it is not included in the project, the Town should look into the water itself.

RESOLUTION #80

AUTHORIZATION TO GO TO BID FOR THE TOWN HALL PROJECT

Motion made by David Knapp, **second** by Sheila Delarm, **To Wit:**

WHEREAS, the bid documents for the project of rehabilitating and adding an addition to the Town Hall have been reviewed and approved by the Town Board,

NOW THEREFORE BE IT RESOLVED that the Board accepts the bid package finalized by Crawford and Stearns (C&S) and authorizes C&S to proceed with advertizing for bids on the Rehabilitation and Addition to the Town Hall Project after January 1, 2008.

ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Martin, Tucker), Nay 0, Absent 1 (Wright)

Resolution #80 declared duly adopted.

OLD BUSINESS

1. FIRE ADVISORY BOARD (FAB) UPDATE(David Knapp):

- a. David Knapp and Sheila Delarm were both out of Town and could not attend the Nov 7 meeting
- b. There will not be a FAB meeting in December, the next one will be on January 8, 2008

2. TIME WARNER CABLE (TWC): Supervisor Peter Martin has to contact Nancy Reich to give her more information

3. POST OFFICE IN GABRIELS: Supervisor Peter Martin was contacted by Mr. Russo from the Postal Service. He will meet with the Town Board to visit the temporary post office and discuss the new post office. A public hearing will be held after this meeting to inform the residents about the future of the Post Office. A new Post Office has been approved.

NEW BUSINESS:

1. LAND USE PLANNING: Rebecca Buerkett from FX Browne, Inc., gave a brief overview of the 2007 Adirondack Park Community Smart Growth Grant Program available to towns in the Adirondack Park to look at land use planning. The deadline for the grant is December 28, 2007. FX Browne, Inc., is offering to help the Town apply for the grant since the grant requires the town to partner with a professional organization. There are no matching funds needed for this grant. Discussion was held on what areas of interest could be looked at such as telecommunications, growth of small businesses, mining operations, etc. The grant could help the Town do a survey and create a land use plan. Sheila Delarm and Steve Tucker agreed to be on the "Project Team" with FX Browne, Inc. to get the grant process started; other citizens are welcome to be on the "Project Team" also.

Betty Scott from Beach Hill Road read the following:

"Since the 1970's the Town of Brighton citizens and some officials have been attempting to create a plan which would benefit the town by ensuring local control over development, protection of property values and preservation and creation of a quality community for living, raising children, recreating and developing locally-controlled businesses for the present and on into the future.

In the past, our Town Boards have spent at least \$20,000 on paid planning. Yet we still do not have a plan for the Town of Brighton.

As we look at our surrounding communities: the Town of Franklin has been faced with the Union Falls Project. Control over the development was entirely in the jurisdiction of the Adirondack Park Agency. Developers will be allowed to proceed as they requested. Mary Ellen Keith, town supervisor in Franklin, wrote "because Franklin lacked a zoning plan, it had no way to stop the development project." "How ironic it is that we, a grass-roots people of the Town of Franklin, have become a victim our own complacency".

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In the above situation, the question before the APA was whether to approve the project right away or to hold a hearing to explore the public's concerns. The project was approved without a public hearing.

Stuart Buchanan (former DEC Region 5 Director) said the case showed that Adirondack towns need to enact zoning rules to regulate development "I hope that this is a lesson that people will take to heart," he said.

If we enjoy the scenic vistas along Rt. 86 in Gabriels, we should questions whether the APA will be able to protect these vistas. Especially inasmuch as the Town of Brighton lacks a land use code. It may only be a matter to time before economic pressures force owners of land in scenic areas to sell that land for development. The Town of Brighton now has another opportunity to develop a plan for smart growth. Are we going to take advantage of this or are we going to allow our apathy to dictate what we become?"

RESOLUTION #81

AUTHORIZATION TO PARTNER WITH FX BROWNE FOR A "SMART GROWTH" GRANT

Motion made by Sheila Delarm, second by David Knapp, To Wit:

WHEREAS, there is 2007 Adirondack Park Community Smart Growth Grant available for land use planning, and

WHEREAS, there are citizens in the Town interested in pursuing land use planning in the Town,

NOW THEREFORE BE IT RESOLVED that the Town Board partner with FX Browne, Inc. to look into applying for a grant through the 2007 Adirondack Park Community Smart Growth Grant Program.

ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Martin, Tucker), Nay 0, Absent 1(Wright)

Resolution #81 declared duly adopted.

- 2. GENERATOR FOR TOWN HALL: Supervisor Peter Martin** will look at the state contract for generator information to reapply for a grant through Senator Betty Little's office.

CITIZENS COMMENTS: None

EXECUTIVE SESSION

Motion made to GO INTO EXECUTIVE SESSION at 7:59 p.m. by Supervisor Peter Martin **for the purpose of discussing litigation in accordance with Section 105, para d of the Public Officer Law, second by Steve Tucker.**

ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Martin, Tucker), Nay 0, Absent 1 (Wright)

Motion made to GO OUT OF EXECUTIVE SESSION at 9:38 p.m. by David Knapp, **second by Sheila Delarm.**

ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Martin, Tucker), Nay 0, Absent 1 (Wright)

RESOLUTION #82

AUTHORIZATION TO GET APPRAISALS FOR PROPERTY VALUES

Motion made by David Knapp, second by Supervisor Peter Martin, To Wit:

WHEREAS, there are three property assessment cases pending under Article 7 of the Real Property Law, and

WHEREAS, the Town Board is interested in supporting the values placed on the properties by the Town Assessor and the Board of Assessment Review,

NOW THEREFORE BE IT RESOLVED that the Town Board approves contracting for appraisals on the three pieces of property in litigation under Article 7 of the Real Property Law with an independent appraisal company.

ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Martin, Tucker), Nay 0, Absent 1(Wright)

Resolution #82 declared duly adopted.

RESOLUTION #83

AUTHORIZATION TO NOTIFY ATTORNEY OF ACTION

Motion made by David Knapp, second by Steve Tucker, To Wit:

WHEREAS, the Town Board has resolved to get an independent appraisal of the three properties in litigation under Article 7 of the Real Property Law (Resolution #82-2007),

BE IT RESOLVED that Sheila Delarm is authorized to notify the Attorney for the Town, Scott Goldie, that the Town is seeking an independent appraisal and ask for a recommendation for a company, and

BE IT FURTHER RESOLVED that the proposed Stipulation of Discontinuance, Order, and Stipulation Settling Assessment Proceeding for George Earle be put on hold until the appraisal is received.

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ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Martin, Tucker), Nay 0, Absent 1(Wright)

Resolution #83 declared duly adopted.

AUDIT OF VOUCHERS

Motion made by Supervisor Peter Martin, second by Davie Knapp, to audit the vouchers, Aye 4, Nay 0, Absent 1 (Wright)

RESOLUTION #84

AUTHORIZATION TO PAY AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by David Knapp, second by Sheila Delarm, To Wit:

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

PRE-PAID: Abstract #11 for Vouchers #11A through #11C for 2007 General Funds in the amount of \$663.70, Voucher #11C for 2007 Street Light Funds in the amount of \$64.34

GENERAL FUND: Abstract #11 for Voucher #271 through and including #292 for 2007 funds in the amount of \$8,039.02

HIGHWAY FUND: Abstract #11 for Vouchers #111 through and including #123 for 2007 funds in the amount of \$6,649.97

ROLL CALL VOTE: Aye 4 (Delarm, Knapp, Martin, Tucker), Nay 0, Absent 1 (Wright)

Resolution #84 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 10:20 p.m. made by David Knapp, second by Sheila Delarm, Aye 4, Nay 0, Absent 1 (Wright)

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk