

**The Regular Meeting of the Town Board of the Town of Brighton was held on Thursday, November 11, 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, John Quenell, Steve Tucker,, and Lydia Wright

**ABSENT:** None

**OTHERS PRESENT:** Elaine Sater - Town Clerk, Andy Crary – Deputy Superintendent of Highways, Nik Santagate - Town Justice, and Amber McKernan – Tax Collector

**RESIDENTS:** Four residents and the media were present

**GUESTS:** Roger Smith, Chief of the Paul Smiths-Gabriels Volunteer Fire Department

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 Special Town Board Meeting of October 8, 2004, as written, second by Steve Tucker.**

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

**Motion made by Supervisor Robert Tebbutt to accept the Minutes of the Regular Town Board Meeting of October 14, 2004, as written, second by David Knapp**

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

**Motion made by Supervisor Robert Tebbutt to accept the Minutes of the Special Town Board Meeting of October 19, 2004, as written, second by John Quenell.**

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

**Motion made by Supervisor Robert Tebbutt to accept the Minutes of the Special Town Board Meeting of October 21, 2004, as written, second by John Quenell.**

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

**Motion made by Supervisor Robert Tebbutt to accept the Minutes of the Special Town Board Meeting of October 25, 2004, as written, second by John Quenell.**

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

**Motion made by Supervisor Robert Tebbutt to accept the Minutes of the Special Town Board Meeting of October 28, 2004, as written, second by John Quenell.**

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

**Motion made by Supervisor Robert Tebbutt to accept the Minutes of the Public Hearing of the 2005 Preliminary Budget on November 4, 2004, with the following change: Page 1, 3<sup>rd</sup> Paragraph, Supervisor Robert Tebbutt, Second sentence, Change “.02 of 1 percent” to “two tenths (.2) of 1 percent”, second by John Quenell.**

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

***TOWN CLERK REPORT***

Total Revenue to Supervisor as of October 31, 2004, was \$ 1,267.49 from: 9 DEC Sport Licenses, 3 Dog Licenses, 3 Building Permits (BRI #04-40 to 42), 3 Copies on Copier, and 1 FOIL Request

1. Correction to October 2004 Monthly Report, Para 4: Notice of Special Meeting was faxed on Wednesday, October 6, and Special Meeting was held on Friday, October 8.
2. Received notice that the Franklin County Records Center will be microfilming the Tax Records from 1872 to 1970. These books will be available if the Town wishes to replace its copies. The County was missing the year 1900; this Tax Book has been lent to them for microfilming. The Town can purchase a copy of the microfilm for approximately \$15 a roll; recommend that the Town Board authorize the purchase of the microfilm. The Town must maintain the Tax Books prior to 1910 and these are currently stored in the vault.

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3. Request a Budget Amendment to increase the Election Account A1450.4 by \$400.00, to cover the General Election on November 2, 2004. (Already completed at November 10 Special Meeting.)
4. October 8 and 21, faxed Public Notices to the Adirondack Daily Enterprise, Re: Special Meeting of the Town Board for 2005 Tentative Budget discussions held on October 19, 21, 25, and 28 and November 10, 2004. These notices were posted on the Town Clerk's Sign Board and at the three post offices and at local businesses.
5. October 15, received notification of a Liquor License Renewal for the Meacham Lake Inn.
6. October 21, mailed copies of two local laws to the Attorney for the Town, Scott Goldie, concerning building code.
7. October 25, faxed a Legal Notice to the Adirondack Daily Enterprise, Re: Public Hearing for 2005 Preliminary Budget on November 4, 2004, at 7 p.m. Notice was published on October 28 and November 2, and posted on the Town Clerk's Sign Board, at the three post offices and at local businesses on October 28.
8. October 26, received Notices of Appearance from the Code Enforcement Officer issued to two residents for violations of Local Law #3 of the Year 2001, Section 3, for the accumulation of clutter, litter and debris, on October 22, 2004.
9. November 2, Election Day, out of 581 registered voters, 432 voted on the machine and there were 38 absentee ballots mailed out by the Board of Elections and 33 have been returned. Two election inspectors (one from each party) were not able to work at the last minute and replacements were found. More alternate election inspectors are needed; both political party chairs have been notified.
10. Town Clerk's quarterly training will be held in Utica on November 15, 2004, at 8:30 a.m. Request authorization to stay in a hotel for \$55.00 which includes dinner and breakfast; registration for training is \$25.00 which includes lunch, for a total of \$80.00. A voucher will be submitted for reimbursement at the next meeting.
11. Town Clerk will be out of the United States from November 28 through December 12. The Town Clerk's Office will be closed during this time. Shirley Oehler will be appointed Deputy Town Clerk for that period. She will not open the Town Hall for business but will be available for minute taking at special meetings if necessary. Request the Regular Monthly Board meeting be moved from December 9 to the 16<sup>th</sup>; invoices for December vouchers should be received by that time.
12. Distributed information from the Comptroller's Office Re: Teleconferences on October 26 and November 16.
13. Distributed information from the Franklin County Manager, Re: Freedom of Information and Open Meeting Law Presentation, at the Emergency Services/E911 Building in Malone on November 23, at 10:30 a.m.
14. Received the 2005 Annual Town Budget for certification on November 10, 2004.
15. Town Hall Schedule: Food Pantry - November 4 and December 2, Town Hall Citizens Committee - Thursday, December 2, 6 p.m.
16. Park Schedule: Paul Smith's Rugby – October 23, 2004, 11:30 a.m. to 3:30 p.m.

**Supervisor Robert Tebbutt** said he spoke to the Board and the Regular Town Board meeting for December would be rescheduled to December 16 at 7 p.m.

***SUPERVISOR'S REPORT***

1. **FINANCIAL REPORT:**
  - a. Budget Report for period ending October 31, 2004, was distributed before the meeting to each Board member for review. David Knapp asked about the Highway Department salaries that were taken from Snow Removal Salaries DA5142.1 during October. This was because the Repairs Salaries DA5110.1 was depleted for the year.
  - b. 2005 Annual Town Budget was approved at the Special Meeting on November 10, 2004, and submitted to the Town Clerk.
2. **HIGHWAY GARAGE PROJECT:** Construction is on schedule and building is going up with very few problems, he visits the site almost every day. The roof is completed and the overhead doors are being installed.
3. **TOWN HALL LAND:** The APA wants the Town to establish its boundaries before they will issue a permit to subdivide the property under the Town Hall. The Department of Transportation says it will

take up to two years to get an agreement for the Town to use the land in front of the Town Hall for parking. The NYS Department of Environmental Conservation is being contacted concerning the conservation easement on the property behind the Town Hall. John Quenell said the Town should contact the APA to start the permit process.

4. **VETERAN'S EXEMPTION:** Received phone call from Frank Karl asking what the Town would like to do concerning a new Veteran's Exemption on property assessments. Robert Byno provided the Board with information on the exemption. A local law will have to be passed before March 1, 2005, to affect 2005 taxes. A census of veterans in the town should be taken to determine the affect of this exemption on the other taxpayers. Discussion was held on how to go about this. It will be discussed at future meetings.
5. **FRANKLIN COUNTY PROPERTY TAX INCREASE:** John Quenell provided information comparing the County tax levy over the past fifteen years. The tax levy was also compared to the rest of New York State excluding the counties in New York City. For the five-year span from 1997 to 2002 the increase was 26.5% for the County and 6.5% for the State. For the ten-year span from 1992 to 2002 the increase was 144.2% for the County and 17.2% for the State. Information was also provided on the change in the tax levy for the Town and the County. Based on the County 2005 Tentative Budget the increase is 24.10%. The Town increase is .35%. He would like to include this information in the Town's tax bills to show people how the tax levy is divided between the Town and County. This will be discussed at the next meeting.
6. **HUD MORTGAGE DISCHARGE:** John Quenell received a letter dated October 18, 2004, concerning HUD Project BRI #T-6 asking for a HUD Mortgage to be discharged since it has been five years since a loan was issued. A second letter, dated November 10, was received requesting an exemption to the five-year period since the mortgage was filed less than five years ago. This will be discussed at a later meeting.

**(Justice Santagate left the meeting at this point)**

7. **EASY STREET JUNKYARD STATUS:** David Knapp said he sat in on some court sessions and the resident is seeking council. He asked if the Attorney for the Town would have a better idea of the status to date. Supervisor Robert Tebbutt said a letter has been sent to the Attorney for the Town from the Court. The Code Enforcement Officer issued the citations and the Court is handling them so the Board is waiting to here the results. Lydia Wright asked if the Board could refer to this issue as a "Code Violation" not a "Junkyard Issue" to show some sensitivity to the resident.

**(Justice Santagate returned to the meeting at this point)**

8. **LANDFILL TEST VARIANCE:** Received letter, dated November 4, 2004, from the NYS Department of Environmental Conservation, granting a general variance for post-closure landfill monitoring to be performed on an annual basis for 6 NYCRR Part 360 baseline parameters. This eliminates the three quarterly tests currently being accomplished by FX Browne, Inc.
9. **WILLIS LETTER OF RESIGNATIONS:** Tom and Pat Willis submitted a letter dated, November 2, 2004, resigning from their appointed positions as follows: Pat Willis - Brighton Town Historian and Chair, Citizens Committee for the Brighton Town Hall, and Tom Willis – IRS Section 125 Plan Administrator, and Chair, Citizens Committee on Compensation and Benefits. They would like to concentrate on raising funds from private sources for the Town Hall Restoration and Addition Project. A discussion was held on who would chair the Citizens Committee on the Town Hall Project. Lydia Wright will chair the December 2 meeting already scheduled.

**10. STATE ROUTE 86 HIGHWAY PROJECT:**

- a. **Mountain View Cemetery Access:** Contacted the engineer of the State Route 86 reconstruction project to see if the driveways to the cemetery would be blacktopped. They asked for the request to be in writing. This was done but the paving is completed for the year.

- b. **Road Signs:** Lydia Wright asked who was responsible to mark the entrance to County Route 55. Since it has changed it is very difficult to find it in the dark. Andy Crary said it was a county road and they should be marking it. Supervisor Robert Tebbutt will ask the engineer what will be done about the markings.
- c. **Other Issues:** The guardrails will be installed before winter. Supervisor Robert Tebbutt also commented on the difficulty in turning onto County Route 60. It is hard to stay in the right lane when rounding the corner because of the change in the intersection. The basketball lot in the Park will also be paved.

**OLD BUSINESS:**

- 1. **ADIRONDACK WATERSHED INSTITUTE (AWI) - John Quenell:** Michael DeAngelo, from the Adirondack Water Institute, sent a letter (attached) dated November, 7, 2004, concerning the tests he conducted on the Town Hall water and the Easy Street Creek. He determined that the Town Hall's septic system is working properly and not leaking into the creek. The coliform bacteria that are found in the creek are not from the Town Hall but from a source above the Town Hall. He will investigate this further next year. John Quenell requested that the letter be attached to these minutes.
- 2. **NEW HIGHWAY GARAGE PROJECT:**
  - a. **Correction to the APA Permit:** Lydia Wright asked if the corrections to the APA permit had been accomplished. Supervisor Robert Tebbutt said he would make an appointment with the APA to discuss the corrections.
  - b. **Salt Shed Grant:** Lydia Wright asked if the grant had been applied for yet. John Quenell said he received a package from the DEC for the grant and he is waiting for them to contact him. They gave a 90-day deadline. Conroy & Conroy were asked to give a bid on a smaller salt shed. Discussion was held on different types of salt sheds that could be built to stay within the budget. This will be discussed at a later meeting.
- 3. **FRONTIER PHONE SERVICE:** David Knapp asked about the status of the phone service. Supervisor Robert Tebbutt has called various people within Frontier in Utica and Rochester to discuss the quality of the lines. Frontier has been working on the lines. There is a new business plan being compiled for rural areas for installing fiber optic lines. A "stutter dial tone" is being implemented for voice mail.
- 4. **HANDICAP LIFT:** A new motor will to be installed on Tuesday, November 16.

**NEW BUSINESS:**

- 1. **PAUL SMITHS-GABRIELS VOLUNTEER FIRE DEPARTMENT CONTRACT:** Roger Smith, Fire Chief, presented a new five-year contract to the Board for approval. The current contract expires on December 31, 2004. There is a 3.5% increase over last year and equipment needs to be replaced. John Quenell asked questions about the budget submitted with the contract. There are fixed payments for mortgage, equipment, and vehicles. There is a capital fund for replacing trucks. There was an addendum added in 2001 concerning insurance that the Fire Department needs to carry. It needs to be added to the contract. The Attorney for the Town should review the contract before the public hearing. If the Fire Department is willing to extend the current contract for a few months then the public hearing could be held in January or February. Roger Smith said he would like to have something in writing if this happens.
- 2. **PETITION FOR DEER CROSSING SIGNS ON KEESE MILLS ROAD:** Lydia Wright submitted a petition dated 10/27/2005 and signed by 17 residents on Keese Mills Road requesting "Deer Crossing" signs be installed on the road to warn motorists of deer that cross the road all year long. Andy Crary said the Highway Department could purchase signs and install them.

**RESOLUTION #116**

**AUTHORIZATION FOR “DEER CROSSING” SIGNS ON KEESES MILL ROAD**

**Motion made** by Lydia Wright, **second** by John Quenell, **To Wit:**

**WHEREAS**, the residents of Keese Mills Road signed and submitted a petition dated 10/27/2005 to the Town of Brighton Board requesting “Deer Crossing” signs be installed on the Keese Mills Road to warn motorists of the many deer and other animals that cross the road to get to water, apple trees, other soft woods, and bird feeders, and

**WHEREAS**, Keese Mills Road is a Town Road and the Highway Department is responsible for the road to the Town Line,

**THEREFORE, BE IT RESOLVED**, that the Superintendent of Highways, Don Oliver, is authorized to expend funds to purchase up to four “Deer Crossing” signs and install them where appropriate on the Keese Mills Road to the Town line.

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

**Resolution #116 declared duly adopted.**

**3. MAINTENANCE (David Knapp):**

- a. **Hiring a Maintenance Person:** The Town of Franklin ran an ad in the newspaper for a maintenance person; David Knapp called the supervisor to see if the person they hire would be interested in working of the Town of Brighton also. He has also spoke to John Kliest to see if he would be interested in the job. Supervisor Robert Tebbutt said these would be contracted services not employed services. He asked John Quenell to check on the insurance requirements for contracting out this work. In the past there was a “Youth Program” to hire someone to mow the lawns. Steve Tucker will look into this for next summer.
- b. **Front Steps at Town Hall:** The stringers and treads need to be replaced and handrails added to meet Code. Pressure treated lumber should be used for the steps. Having trouble getting someone to accomplish the job, could the Town ask Conroy & Conroy carpenters to give a bid? Supervisor Robert Tebbutt suggested he put an ad in the paper.

**RESOLUTION #117**

**AUTHORIZATION TO REQUEST BIDS TO REPAIR THE STAIRS AT THE TOWN HALL**

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

**RESOLVED**, that Council Member David Knapp is authorized to place advertisements for bids on reconstructing the front stairs of the Town Hall and adding handrails.

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

**Resolution #117 declared duly adopted.**

- c. **Hot Water Heater at Park:** Obtaining estimates for a hot water heater at the Park. He needs access to the Park Building to determine what is required.
- d. **Power Vent at Town Hall:** Supervisor Robert Tebbutt had no more information on this

**REPORTS**

**1. COURT (Santagate):**

- a. 46 cases were disposed and \$2,495 was sent to the State Comptroller’s Office as of Oct. 31
- b. Attended Justice School in Wappingers Falls during October 2004.

**2. HIGHWAY COMMITTEE (Crary):**

- a. Serviced the large trucks for winter
- b. Cleaned beaver dams from culverts on Keese’s Mill Road
- c. Placed fill around the new building, the millings passed the density test
- d. Filled holes at the Park with millings
- e. Dug up concrete at bottom of stairs at Town Hall and put down millings
- f. Helped Fire Department move dirt

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

4. **ASSESSOR (Tichenor):** No Report
5. **TAX COLLECTOR (McKernan):**
  - a. Received 9 phone calls and sent one email regarding tax matters
  - b. Beginning to receive requests from Tax Servicing Organizations
  - c. Will purchase the necessary supplies for the upcoming tax season in the next week or so
  - d. Needs a “letter of intent” or a purchase order to order the 2005 tax-collecting software from Business Automated Systems. Thanked the Board for passing the budget and including the software in it.
  - e. Need to purchase “PC Anywhere” software and have it installed on the computer before the tax software is installed. The “PC Anywhere” software is available on-line at a greatly reduced price, but a credit card is needed to purchase it.
  - f. Received phone calls concerning the new “Veteran’s Exemptions”; there is an exemption currently in place in the Town. People are having trouble contacting the Assessor.

**RESOLUTION #118**

**AUTHORIZATION TO PURCHASE “TAX COLLECTING” SOFTWARE**

**Motion made by David Knapp, second by Lydia Wright, To Wit:**

**RESOLVED, that the Tax Collector, Amber McKernan, is authorized to purchase “Tax Collecting” Software for the 2005 tax year and Supervisor Robert Tebbutt will write a letter of “intent to purchase” to Automated Business Systems and use 2005 funds to pay for the software.**

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

**Resolution #118 declared duly adopted.**

**Supervisor Robert Tebbutt** will contact the Assessor and let him know that people are having trouble contacting him. He would like to include something in the tax bills asking who is a veteran. **John Quenell** said only tax related information could be included in the tax bills. More will be discussed on the new “Veterans Exemption” at a future meeting.

6. **ANIMAL CONTROL OFFICER (Crary):** Will be contacting the local representative from the Department of Agriculture and Markets, John Martin, for re-certification in the next few days.
7. **CODE ENFORCEMENT OFFICER (Lagree):** Nothing reported
8. **CEMETERY (Tucker):** Entrances to the Mountain View cemetery in Gabriels have not been paved yet. A letter was to be sent to the Town from the engineer of the State Route 86 Highway Project in response to a letter from Supervisor Robert Tebbutt requesting this be done.
9. **PARKS AND RECREATION (Tucker):** Dan Spencer is getting the Park ready for winter. He is waiting for a hot water heater to be installed.

**Supervisor Robert Tebbutt** asked the Highway Department to help put a live tree at the Park from Asplin Tree Farm. David Knapp will install the electric and the Brighton Ladies of the Evening were asked to decorate the tree.

**RESOLUTION #119**

**AUTHORIZATION FOR A LIVE WIRED HOLIDAY TREE BE INSTALLED AT THE PARK**

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

**RESOLVED, that a live “Holiday Tree” be authorized to be placed in the Park at the intersection of State Route 86 and County Route 60 by the Highway Department, electricity be connected to it, and volunteers decorate it; for a cost Not To Exceed \$500.**

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

**Resolution #119 declared duly adopted.**

10. **TOWN HALL CITIZENS’ COMMITTEE (THCC):** Pat Willis reported on the meeting of the THCC from October 30, 2004. The plan provided by Carl Stearns was reviewed and changed. The changes were sent back to Crawford and Stearns. Pat is still waiting to hear from the Attorney for the Town in response to the letter she sent concerning her continued attendance at these meetings. She is

resigning as Chair to be able to help raise funds from private sources for the Town Hall Restoration. The committee will continue to meet. The completed conditions assessment has not been received yet. Crawford and Stearns was contacted for input on replacing the stairs and painting the lift. The pillars and railings should be left in place and the stairs rebuilt inside them. They said the lift can be painted a “chestnut” brown, but should not match the Town Hall exactly. Pat Willis said the bottom step of the stairs is a little low where the millings were put and should be filled in more.

- 11. HISTORIAN:** Pat Willis said that Mary Ellen Salls is willing to be the Town Historian if she can be appointed in January. She is not able to take the position this year.

**Supervisor Robert Tebbutt** accepted the letter of resignations from the Willis and thanked Tom and Pat for their hard work on the committees.

**CITIZENS COMMENTS:**

**Tom Willis – Garondah Road:** He asked about a definition of a “veteran” for the new “Veteran’s Exemption”. He is aware of three definitions for a “veteran”: 1) someone who served in the military 2) someone who served in combat 3) someone who was disabled while in the military. The law might apply to different “levels” of veterans and this should be looked at carefully. The “new” exemption may not be better for our Town.

**There were no further comments from the citizens.**

**AUDIT OF VOUCHERS:**

**RESOLUTION #120**

**AUTHORIZATION TO PAY VOUCHERS**

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

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

**PREPAID – ALL FUNDS:** Abstract #8 for Vouchers #8A through and including #8D as follows:  
General Fund in the amount of \$481.89 and Street Lighting District in the amount of \$53.30

**GENERAL FUND:** Abstract #14 for Voucher #256 through and including #282 for funds in the amount of \$9,810.44

**HIGHWAY FUND:** Abstract #11 for Voucher #106 thought and including #109 for funds in the amount of \$8,573.68

**CAPITAL PROJECT HIGHWAY GARAGE:** Abstract #7 for Voucher #20 through and including #23 in the amount of \$6,901.14

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

**Resolution #120 declared duly adopted.**

**Motion made** by John Quenell **to Adjourn the Regular Board Meeting at 9:05 p.m.**, second by Lydia Wright, Aye 5 (Tebbutt, Knapp, Quenell Tucker, Wright), Nay 0

Respectfully submitted,

Elaine W. Sater  
Brighton Town Clerk