

REGULAR BOARD - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

November 11, 2010

Page 1 of 10

The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, November 11, 2010, at 7:00 pm at the Brighton Town Garage, 17 County Road 31, Paul Smiths, NY, with the following:

CALL TO ORDER:

The meeting was **Called to Order** by Supervisor John Quenell at 6:45 pm

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, Elaine Sater –Town Clerk.

RESIDENT(S): Three residents were present

GUESTS: None

The Pledge of Allegiance to the Flag was recited.

Jeffrey Leavitt asked for a moment of silence to be held in honor of Veteran's Day.

APPROVAL OF MINUTES

-Regular Board, October 14, 2010

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to accept the minutes of the Regular Board meeting on October 14, 2010, as written, Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0.**

-Special Board, October 21, 2010

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to accept the minutes of a Special Board meeting held on October 21, 2010, Aye 4 (Leavitt, Quenell, Shrope, Tucker), Nay 0, Abstain 1 (Wright)**

- Special Board, October 28, 2010

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to accept the minutes of a Special Board meeting held on October 28, 2010, as written, No Vote**

Motion made by Supervisor John Quenell, **second** by Jeffrey Leavitt, **to table accepting the minutes of a Special Board on October 28, 2010, until Jeffrey Leavitt can review the tape of the meeting. Aye 4 (Leavitt, Quenell, Tucker, Wright), Nay 0, Abstain 1 (Shrope)**

-Special Board, November 1, 2010

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to accept the minutes of a Special Board meeting held on November 1, 2010, Aye 3 (Leavitt, Quenell, Tucker), Nay 0, Abstain 2 (Shrope, Wright)**

-Public Hearing (2011 Rescue Contract) November 4, 2010

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to accept the minutes of a Public Hearing for the 2011 Rescue Contract held on November 4, 2010, Aye 3 (Leavitt, Quenell, Tucker, Wright), Nay 0, Abstain 1 (Shrope)**

-Public Hearing (2011 Preliminary Budget) November 4, 2010

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to accept the minutes of a Public Hearing for the 2011 Preliminary Budget held on November 4, 2010, Aye 4 (Leavitt, Quenell, Tucker, Wright), Nay 0, Abstain 1 (Shrope)**

-Special Board, November 9, 2010

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to accept the minutes of a Special Board meeting held on November 9, 2010, Aye 4 (Leavitt, Quenell, Tucker, Wright), Nay 0, Abstain 1 (Shrope)**

REGULAR BOARD - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

November 11, 2010

Page 2 of 10

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of October 31, 2010 was \$ 702.88

3 Sport Licenses

1 Certified Copies

8 Dog Licenses: 5 New and 3 Renewed

4 Building Permits (#10-26 through 29)

1. October 29, picked up Election Supplies in Malone for November 2 Election.
2. TOWN HALL REQUEST: None
3. TOWN PARK REQUEST: Paul Smith's College Rugby Team – Sunday, October 17, 10 am to 4 pm
4. Records Management: Town Hall has been closed down, there is no heat. The vital records have been moved to the Town Garage and need another level of protection from fire. A two drawer, fire proof, file cabinet is being requested for \$1,129.99 from Reliable Office Supply or \$1299.99 from Quill.

RESOLUTION #99

PURCHASE OF FIRE PROOF FILE CABINET FOR VITAL RECORDS

Motion made by Lydia Wright, **second** by Steve Tucker,

WHEREAS, the Town Hall does not have heat to protect the Town's vital records from freezing, and

WHEREAS, the Town Hall Project will not be completed nor heat returned to the building before May 2011,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes the Records Management Officer to purchase a file cabinet that will protect the vital records from fire and cold in the Highway Garage in the amount of \$1,129.99 from Reliable Office Supply, as requested in the General 2010 Budget.

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

RESOLUTION # 99 declared duly adopted

SUPERVISOR'S REPORT

1. **Monthly Financial Report:** The Financial Statement as of October 31, 2010 was distributed to the Board. There needs to be a Budget Amendment, the Attorney expense account is overspent. Discussion was held on the amount already spent on Attorney's fees; it is almost \$25,000. Part of the expense has been for mediation for the union contract as well as litigation.

GENERAL FUND BUDGET AMENDMENT #5

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

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

\$ 8,500 from Account No. A9060.8 Hospital Insurance

As follows:

\$ 8,500 to Account No. A1420.4 Attorney Expenses

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

GENERAL FUND BUDGET AMENDMENT #5 not adopted

2. **Fire Contract 2011:** The Paul Smiths Gabriels Volunteer Fire Department will be giving the Town a one year contract for the Public Hearing to be held on December 9 before the Regular Board meeting.
3. **Rescue Service:** The Saranac Lake Volunteer Rescue Service became independent from the Saranac Lake Volunteer Fire Department on Monday, November 8. They hired a full time EMT to cover the day from 6 am to 4 pm.
4. **Magazine Certificate:** Received notice from the Department of Labor, Peter Henry was issued a Magazine Certificate for explosives and detonators that expires on November 20, 2011.
5. **Appointment of Board of Assessment Review (BAR) Members:** Received notification that Mr. Robert Byno's appointment to the BAR expired on September 30, 2010, he is willing to continue as a BAR member.

RESOLUTION #100

APPOINTMENT TO BOARD OF ASSESSMENT REVIEW - ROBERT P. BYNO, SR.

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

REGULAR BOARD - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

November 11, 2010

Page 3 of 10

RESOLVED to appoint Robert P. Byno, Sr. to the Board of Assessment Review for a five year period, October 1, 2010 to September 30, 2015.

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

RESOLUTION #100 declared duly adopted.

DEPARTMENT REPORTS

1. **HIGHWAY - Andy Crary:** Report submitted prior to meeting
 - (a) Raked dirt roads
 - (b) Work at park almost done, fan on the heater not working
 - (c) Men have using up their vacation time
 - (d) Work on plugged culvert from beavers on Tebutt Road
 - (e) Pick-up needs tires, state contract price is \$625.88 or \$647.20
 - (f) Need to order salt for winter
 - (g) Need to get carbides for plows
 - (h) Went to County Highway meeting in Malone
 - (i) Sanded roads twice

Peter Shrope will contact Griffith Energy to fix the fan on the heater at the Park building

Supervisor John Quenell said he received a contract for the plowing of the County Roads for 2011, the Town's attorney has reviewed the contract.

RESOLUTION #101

AGREEMENT WITH FRANKLIN COUNTY FOR PLOWING COUNTY ROADS DURING 2011

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

RESOLVED that the Town Board approves the agreement between the Superintendent of Highways Andy Crary, Town of Brighton, and the Superintendent of Highways Jonathan Hutchins, Franklin County, concerning the removal of snow and ice from County Roads 55, 60, and 31 in the Town of Brighton during 2011. The County will pay the Town the amount of \$4,966 per mile for 7.96 miles. The payment of \$39,529 will be made as follows: ½ in February and ½ in July, 2011.

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

RESOLUTION #101 declared duly adopted.

2. **ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** No Report submitted
3. **ASSESSOR - Doug Tichenor:** No report submitted
4. **CODE ENFORCEMENT OFFICER (CEO) - Paul Blaine:** Report submitted prior to meeting
 - (a) Four Building Permits (BP) #10-26 and 029 were issued
 - (b) Two BPs were completed: #09-041 and #10-025 were issued Certificates of Compliance
 - (c) There was one completed Avoidable Alarm Complaint (#10-047) and three open (#10-048 to 10-050)
5. **TAX COLLECTOR - Amber McKernan:** Report submitted prior to the meeting
 - (a) Turned software cds over to Peter Shrope from the old Dell laptop so he could re-install programs after uninstalling and cleaning the hard drive.
 - (b) Received a \$50 rebate check from Hewlett-Packard as a rebate after the purchase of the HP laptop for this office. Endorsed it payable to Town of Brighton and gave it to Supervisor John Quenell for deposit.
 - (c) Have begun to receive request lists from mortgaging institutions. Received seven requests for tax information by phone and mail.
 - (d) Will set office hours for the collection of taxes for those wishing to pay in person as follows: "During the month of January only, from 8:00 o'clock in the forenoon to 4:00 o'clock in the afternoon on Tuesday, Wednesdays, and Thursdays, or by appointment". These are the same hours as posted in the past.

REGULAR BOARD - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

November 11, 2010

Page 4 of 10

- (e) This office will be closed beginning on Tuesday, 7 December and will re-open on Wednesday, 22 Dec. Will leave a message to that effect on voice mailbox. Will be able to monitor voice messages and email while away from the office.

Peter Shrope said he cleaned up the computer hard drive and reinstalled the programs, as well as some freeware and gave the laptop to the Highway Superintendent. He also purchased a mouse to use with the laptop.

- 6. **TOWN JUSTICE - Nik Santagate:** Report submitted prior to meeting.
Processed 53 cases during October, collected fines and bail forfeitures of \$5,318.50
- 7. **HISTORIAN - Mary Ellen Salls:** No Report submitted

COMMITTEE REPORTS

1. **PARK & RECREATION - Steve Tucker and Peter Shrope:**

- (a) Called to have the Port-a-Potty to be removed
- (b) Food Pantry Move to Park: Discussion was held on the space the Food Pantry would have. The games will stay in the original building for the children to use. They were donated by the Brighton Booster Club and are still usable. The Food Pantry will use the building on Thursdays when the Park is closed.
- (c) Ice Rink: Discussion was held on putting in the ice rink. It takes 15,000 gallons of water to flood the blacktop to make ice with the fire trucks. If the ball diamond was used then snow could be used to make banks to hold the water. With the ground frozen it would take less water and stay frozen, unlike the blacktop that heats up in the sun.
- (d) NYMIR Park Inspection: Robert Blaisedell inspected the Park on October 1 and provided a report to the Town. The following items need to be addressed within 60 days:
 - i. See-Saws have too great an angle
 - ii. Close "S" Hooks on swings
 - iii. Improve swing surface
 - iv. Replace worn chains on swings
 - v. Replace worn black top swing set
 - vi. Tighten up on some bars on the composite structure.

Dan Spencer will be asked to take care of these items.

(e) Residents are interested in putting up an "ice castle" at the Park to compete with Saranac Lake. Discussion was held concerning the liability to the Town for allowing such a structure. Supervisor John Quenell will contact NYMIR and discuss the issue.

2. **INSURANCE/INVESTMENTS - Lydia Wright and Supervisor John Quenell:**

- (a) Health Insurance- Supervisor John Quenell
 - i. Applied for the Excelsior insurance for the Highway Department
 - ii. Application forms for the new insurance were distributed to Town Officials currently receiving health insurance, no one has returned them yet.
- (b) Crime Insurance: Deductible is being increased from \$2,500 to \$5,000.

3. **CEMETERY& TOWN BUILDINGS - Steve Tucker:**

- (a) Had two burials
- (b) Currently seniors who live in the Town can reserve plots for free, will be proposing the following fee for cemetery plots: \$200 per plot for Town residents and \$300 per plot for non residents
- (c) May need to purchase more land to expand the cemetery in the future

4. **HIGHWAY- Jeffrey Leavitt, Steve Tucker and Lydia Wright:**

- (a) Road tour was completed, it was uneventful
- (b) Beaver activity was noted on McColloms and Slush Pond Roads
- (c) Keeping roads as Town Roads needs to be look into. Andy Crary suggested seasonal roads should be

REGULAR BOARD - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

November 11, 2010

Page 5 of 10

posted as such from November 1 to March 1.

5. **WEBSITE - Supervisor John Quenell:** Asking the County to put a link from their website to the Town's.
6. **FIRE ADVISORY BOARD (FAB) – Jeffrey Leavitt & Steve Tucker:** Saranac Lake Rescue Department has officially separated from the Fire Department. They have hired a full time EMT. Supervisor John Quenell said they are using the paid drivers until March 30, 2011. It costs \$300,000 per year for 5 drivers at \$60,000 each. About 80% of the calls are for rescue and 20% for fire calls.
7. **TELECOMMUNICATIONS - Jeffrey Leavitt and Supervisor John Quenell:**
 - (a) A landowner in the Town of Franklin is interested in hosting a cell tower on Meenahga Mountain, this will benefit the end of Town near Rainbow Lake.
 - (b) Has been trying to contact a Glens Falls company concerning municipality owned towers which could be a revenue producing prospect
8. **TOWN HALL PROJECT – Supervisor John Quenell:**
 - (a) Construction Manager: Interviewed three people for the position on November 9, 2010. Discussion was held on the aspects of each person who applied for the position.

RESOLUTION #102

CONSTRUCTION MANAGER FOR TOWN HALL RESTORATION PROJECT

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

WHEREAS, on November 9 three people were interviewed for the position of Construction Manager for the Town Hall Renovation Project as follows:

1. Chris Alcocer, North Country Construction Services, Gabriels: \$48 per hour for 116 hours with \$500 in expenses, Total Amount \$5,568.00
2. Karl Weiss, Robert M. Sutherland, PC, Plattsburgh: Various rates \$125 to \$40 per hour, depending on who is used on project, Total Amount \$10,000
3. Joe Garso, North Woods Engineering, Saranac Lake: Various rates \$115 to \$30 per hour, depending on who is used on project, No Total Amount was given.

RESOLVED that the Town Board approves retaining Chris Alcocer, North Country Construction Services, as the Town Hall Renovation Project construction manager at \$48 per hour for 116 hours with \$500 in expenses, Total Amount \$5,568.00.

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

RESOLUTION #102 declared duly adopted.

- (b) Date of Project Completion: Sign on the Town Hall says the project will be completed by November 2010. It needs to be updated to when the project is actually going to be completed. Lydia Wright suggested early spring 2011.
 - (c) Windows to be Replaced: Discussion was held on the type of window that is acceptable. Vinyl clad is not acceptable, but wood are for a higher amount. The difference is \$13,000 vs \$33,000. Installation of the wood windows would be about \$2,000. This is part of Phase II so it will not affect getting back into the Town Hall in the spring..
9. **TOWN REDEVELOPMENT CITIZENS COMMITTEE – Susan Mayer:** Report submitted prior to meeting. Discussed with OGS obtaining records/reports on asbestos remediation, or removal of any other hazardous materials, that occurred at the Camp. OSG believed that DOCs handled clean up asbestos at this facility using a DOCS work/training program and referred us to them. Contacted DOCs to request reports and, following up after not receiving a responses, was told to file a FOIL request. Asked OGS to request the records since State agencies typically do not have to file FOIL requests to get records from other agencies and would, thus, receive then much quicker. Was surprised that OGS did not have such records, which seem important to the sale of the property. Waiting to hear if OGS has received the records. (Supervisor John Quenell said he submitted a FOIL request for the records himself.)
Attended the open house on Oct 28 and spoke at length with an interested party that included three

REGULAR BOARD - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

November 11, 2010

Page 6 of 10

professionals. We discussed the property, reuses, the area, etc.

The redevelopment committee met on October 22 to discuss reuses of Camp Gabriels, if the town were to acquire the property. Former OGS Commissioner Egan had mentioned that if the municipality took the property, the town would need to use 51% of it for certain town purposes but could rent out the other 49% to other parties. The committee brainstormed ideas for the 49% which included: Food processing facility, artisans/craftsmen village (production and sale of work, rents would need to be low), recycling center, organic farming, green technology, music center and performance by area musicians, St. Joe's treatment facility (Bob Ross had once told me he might be interested in a small piece of the property but did not have use for all of it)K BBQ), banquet/conference center facility, North County Community College and Paul Smith's College, small inn, sports programs.

The property could be made into a Town Square, where various community functions could take place. We thought it would be best to form a local development corp. to develop, implement and manage the plan, and that someone would need to be hired to head this up.

Regarding the 51% that the Town would make use of, we wondered if that percentage could be made up of by uses by other municipalities, such as the county. According to OGS, there is no written 51% rule and that for the conveyance of State-owned property, uses allowed must be under Section 34 of the Public Lands Law. OGS said the "some people" have said 51% is good enough and gave an example of a municipality that took property for recreation purposes and rented some office space at the site.

We wanted to learn more about obtaining a hamlet designation for Gabriels and extending the water/sewer systems. Spoke with APA and was told that the town would need to file an application and a map amendment for hamlet classification for Gabriels. Usually, water and sewer are required for such classification and various things are considered for septic system suitability such as soils, slopes, wetlands. Was told the fact that Camp Gabriels has water and sewer may make Gabriels quite suitable for hamlet classification, plus there are already clusters of development in Gabriels but it depends on the capacity and what kind of condition the systems are in. He said there is another route the town could go which is to form a sewer district. While getting a hamlet designation basically "gets APA off your backs", the town could extend the water and sewer systems to other residents without changing the town's classification or forming a sewer district.

Once Camp Gabriels is sold, APA will have to reclassify this area; a public hearing is held and the process could take 4 to 5 months. Because Camp Gabriels has a water and sewer system, the camp property itself (not all of Gabriels) can be classified as a hamlet, or moderate or high density. Moderate density requires 1.3 acres for every building; however, existing buildings not meeting this requirement are fine and you can tear them down and rebuild in the footprint. For development purposes, a hamlet classification would be very desirable and it would NOT be a "hard road" to get a hamlet classification. The town can weigh in on what it would like to see the property classified as but the justification must be based on meeting the APA regs. If the town is serious about acquiring the property, APA said they would be happy to meet with the board to go over the details.

Camp Gabriels auction is scheduled for Wednesday, November 17, 2010.

BUSINESS:

1. **Budget 2011(Supervisor John Quenell):** The tax rate change is 1.6%, the tax levy change is 2.1% using a slightly higher assessment than last year of \$195,712,720. Peter Shrope asked about funding for the Town Hall Project; there is nothing for it in this budget. Supervisor John Quenell said it was different funding. Peter Shrope also asked about removing \$20,000 in revenue from the 2011 Budget. This money is expected revenue from settlement of a lawsuit during 2011; it was left in the Budget.

RESOLUTION #103

ANNUAL BUDGET 2011

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

RESOLVED that the Town Board approves the 2011 Budget as prepared by the Town Budget Office Richard Meagher and distributed to the Town Board on November 9, 2010.

REGULAR BOARD - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

November 11, 2010

Page 7 of 10

**ROLL CALL VOTE: Aye 3 (Leavitt, Quenell, Tucker), Nay 1 (Shrope), Abstain 1 (Wright)
RESOLUTION #103 declared duly adopted.**

2. **Dog Control - Local Law #1 for the Year 2010 (John Quenell):** Public Hearing was held on November 4, 2010

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

Motion by Supervisor John Quenell second by Steve Tucker, to enact a Local Law #1 for the Year 2010, entitled "Dog Control Law" as follows:

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 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

REGULAR BOARD - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

November 11, 2010

Page 8 of 10

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.
- 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

REGULAR BOARD - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

November 11, 2010

Page 9 of 10

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 1 (Leavitt).

Local Law #1 for the Year 2010 Dog Control Law declared duly enacted.

3. **Prohibition of Invasive Species Law (Supervisor John Quenell):** Draft of the law was sent to the Attorney for the Town. The Attorney said it would be prudent for the town to wait for the Town of Harrietstown to adopt their law before the Town goes any further with this law. Harrietstown recently adopted their law. He cannot go any further with reviewing the law until the Town Board proposes the law.
4. **Enforcement of Unsafe Buildings Law, LL#1 for 1981 – Rainbow Lake Road (Supervisor John Quenell):** A letter was sent to the owners of the property on Rainbow Lake Road through the legal service company who will serve it.
5. **Flowers (Lydia Wright):** Shirley Oehler, former Deputy Town Clerk and Registrar passed away early this morning, asked to have flowers sent from the Town.

RESOLUTION #104

FLOWERS FOR FUNERAL OF SHIRLEY OEHLER, FORMER TOWN OFFICER

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

RESOLVED to send flowers from the Town Board to the funeral for Shirley Oehler, former Deputy Town Clerk and Registrar, who passed away on November 11, 2010.

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

RESOLUTION #104 declared duly adopted.

6. **Rescue Contract 2011 (Supervisor John Quenell):** Public Hearing was held on November 4, 2010.

RESOLUTION #105

RESCUE CONTRACT 2011 WITH VILLAGE OF SARANAC LAKE

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

RESOLVED that the Town Board approve the Agreement with the Village of Saranac Lake to provide Rescue Services to the Town of Brighton for 2011 in the amount of \$36,549.67 as reviewed at the Public Hearing held on November 4, 2010.

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

RESOLUTION #105 declared duly adopted.

7. **CSEA:** Brian Paige resigned as the Union representative.

CITIZENS COMMENTS:

Chris Godfrey asked if the Town had information on the Town Hall Project on line.

Supervisor John Quenell said he would get the information posted on the website. There are two phases for the project. The wiring and plumbing need to be installed, and the floor beefed up to get back into the building. The windows need to be replaced to historical correctness.

Frank Appleton commented on the restrictions by the Historical Register designation on buildings.

Discussion was held on the historical nature of the building and how the State Historical Preservation Office has to

REGULAR BOARD - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

November 11, 2010

Page 10 of 10

approve the plan to get the grant awarded in 2009.

EXECUTIVE SESSION:

Motion to GO INTO EXECUTIVE SESSION at 9:25 pm made by Supervisor John Quenell, **second** by Peter Shrope, **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 to GO OUT OF EXECUTIVE SESSION at 9:45 pm made by Supervisor John Quenell, **second** by Jeffrey Leavitt, **Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0**

AUDIT OF VOUCHERS

RESOLUTION #106

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 #11 for Voucher #11A through and including #11C for 2010 General Funds in the amount of \$702.59 and 2010 Street Light Funds in the amount of \$59.63

GENERAL FUND: Abstract #11 for Voucher #260 through and including #292 for 2010 funds in the amount of \$16,951.59

HIGHWAY FUND: Abstract #11 for Voucher #92 through and including #96 for 2010 funds in the amount of \$6,220.13.

CAPITAL FUND TOWN HALL PROJECT: Abstract #18 for Voucher #29 and 30 for funds in the amount of \$34.69.

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

Resolution #106 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 10:05 pm made by Lydia Wright, **Second** by Supervisor John Quenell, **Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0**

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk