

REGULAR BOARD - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY

December 09, 2010

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, December 09, 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 (left meeting at 8:42 pm)

ABSENT: None

OTHERS PRESENT: Andy Crary – Superintendent of Highways, Elaine Sater –Town Clerk.

RESIDENTS: One resident was present

GUESTS: None

The Pledge of Allegiance to the Flag was recited.

APPROVAL OF MINUTES

- Public Hearing November 11, 2010 (Local Law #1-2010 Dog Control)

Motion made by Supervisor John Quenell, **second** by Peter Shrope, **to accept the minutes of a Public Hearing for the Local Law #1 for the Year 2010 Dog Control held on November 11, 2010, as written, Aye 4 (Leavitt, Quenell, Tucker, Wright), Nay 0, Abstain 1 (Shrope)**

- Regular Board, November 11, 2010

Motion made by Supervisor John Quenell, **second** by Steve Tucker, **to accept the minutes of the Regular Board meeting held on November 11, 2010, as written, Aye 5 (Leavitt, Quenell, Shrope, Tucker, Wright), Nay 0.**

- Special Board, November 29, 2010

Motion made by Supervisor John Quenell, **second** by Peter Shrope, **to accept the minutes of a Special Board meeting held on November 29, 2010, as written, Aye 4 (Leavitt, Quenell, Shrope, Tucker), Nay 0, Abstain 1 (Wright)**

- Special Board, October 28, 2010

Motion made by Jeffrey Leavitt, **second** by Supervisor John Quenell, **to amend the minutes of a Special Board meeting held on October 28, 2010, as follows: Page 1, Para 1a, Town Budget General Fund, Add “An elected representative chose not to take the Town provided health insurance at a cost of \$7,314.00 annually for a single person, against the strong objections of other council members. A suggestion was made out of personal concern and compassion by a council member, not strong objections.” Aye 2 (Leavitt, Quenell), Nay 1 (Wright), Abstain 2 (Shrope, Tucker)**

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of November 30, 2010 was \$3,246.68

7 Certified Copies

17 Dog Licenses renewed

3 Building Permits (#10-30 through 32)

1. November 12 sent Local Law #1 for the Year 2010 Dog Control Law to the Attorney for the Town's review and signature, November 18 submitted reviewed/signed Local Law to the Department of the State, they received it on November 23. Law goes into effect on January 1, 2011.
2. November 16 received notification from The Shamrock Bar & Restaurant, Re: Renewal of Alcohol Beverage License for 2 years which expires on December 31, 2010.
3. November 18 certified the Town's 2011 Annual Budget and provided copies to the Supervisor for filing

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with the County.

4. TOWN HALL REQUEST: None
5. TOWN PARK REQUEST: None

SUPERVISOR'S REPORT

1. **Monthly Financial Report:** The Financial Statement as of November 30, 2010 was distributed to the Board.
2. **Mortgage Payments:** Received a mortgage payment from Franklin County in the amount of \$8,269.00, total for the year is \$15,226.17, only \$10,000 was budgeted. This is significant funds for the Town.
3. **Loan to Capital Project from General Funds:** The Town Hall Project fund balance is \$3,200, there are more expenses than funds in the capital project fund account. Funds from the Senator Betty Little's grant were requested, a 25% advance of the \$40,000 should be released soon by the Office of Parks.

RESOLUTION #108

LOAN OF GENERAL FUNDS OF \$10,000 TO CAPITAL FUND FOR TOWN HALL RESTORATION

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

RESOLVED that the Town Board authorizes the loan of General Funds in the amount of \$10,000 to the Capital Project Fund for the Town Hall Restoration Project to cover bridge financing while waiting until grant funding is received.

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

RESOLUTION #108 declared duly adopted.

4. **Generator for Highway Garage:** Sent a letter to Senator Betty Little requesting grant assistance for a generator for the Highway Garage, no reply received as of this date.
5. **Emergency Operations Plan:** Will review plan for next meeting
6. **Village of Saranac Lake Letter:** Received a letter, dated December 2, 2010, from the Village RE: Dispatch and Automatic Mutual Aid Contracts. Agreements between the Village Fire Department and the Paul Smtihs-Gabriels Volunteer Fire Department are illegal, as this power is granted to only the Village and the town levels of government. The PSGVFD has been notified and is waiting to hear from the Village concerning this matter. The PGSVFD will use the Franklin County 911 Dispatch service and the Bloomingdale Volunteer Fire Department will cover their automatic mutual aid.
7. **Street Lighting at County Road 55 & NY State Route 86:** Discussion was held on putting up a street light at the intersection. National Grid said it would cost \$162 a year. Peter Shrope said he would like to see "down" lighting, he also suggested traffic monitoring could be done first to see how many cars actually turn at the intersection. A directional sign would be cheaper.

DEPARTMENT REPORTS

1. **HIGHWAY - Andy Crary:** Report submitted prior to meeting
 - (a) Cleaned up the wood at the park, the building is ready for the Food Pantry to move in.
 - (b) Put crusher run on the Clarke Wardner Road, back bladed it with the loader
 - (c) Changed oil in plow trucks
 - (d) Put new tires on the F250 truck
 - (e) Brought Paystar to Plattsburgh to fix filter
 - (f) Checked out trucks, greased sander chains and bearings
 - (g) Brought LT9000 to Rt 11 Trucking for repairs
 - (h) Changed out jersey barriers with curb stops on White Pine Bridge so the big plow can over it, Hutchins from the County had some available
 - (i) During high winds cleared roads of trees, there were power outages
 - (j) Fixed the airlines, changed the hydraulic lines and changed the steel on the Paystar
 - (k) Started the early shift, 4am to 12 noon, Art Leavitt on late shift 12 noon to 8pm.

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- (l) Plowing and sanding roads
 - (m) Purchased salt
 - (n) Paystar is in shop for repairs to sanding chain
 - (o) Men are using their vacation time
 - (p) Quebec Brook Bridge on the Blue Mountain Road in Santa Clara has been red flagged. The County has put funds up to repair it.
2. **ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** Report submitted prior to meeting
During the months of September and October handled a total of 14 calls
- (a) 2 calls were in regards to a stray cat that was caught and brought to the shelter on 9/14/10
 - (b) 2 calls were in regards to a stray dog that was caught at Ted's Grocery on 9/21/10. Seized the dog and found the owner. Appearance ticker was issued for allowing dog to run at large.
 - (c) 2 calls were in regards to barking dogs, sent letter to owner warning them of barking dog ordinance, nor further complaints received
 - (d) 5 calls in regards to stray dog running loose on Rt 86 (Easy Street) in Paul Smiths on 10/28/10, seized unidentified dog. Dog had a microchip and was able to locate owner after numerous calls. Issued an appearance ticket for violation.
 - (e) 2 calls were reports of a lost dog on County Road 60, called owner to get more information, but dog was returned earlier by two college students
 - (f) 1 call was a report of 3 dogs running at large on County Road 60 in and out of traffic. Was unable to locate any dogs running loose.
3. **ASSESSOR - Doug Tichenor:** Report submitted prior to meeting
- (a) Received many questions by property owners via phone, fax and mail
 - (b) Nothing to report on assessment lawsuit with Humes
 - (c) There were 4 sales from July 1 to date
4. **CODE ENFORCEMENT OFFICER (CEO) - Paul Blaine:** Report submitted prior to meeting
- (a) Three Building Permits (BP) #10-030 to 032 were issued
 - (b) No BPs were completed
 - (c) There are three open Avoidable Alarms (#10-051 to 10-053)
5. **TAX COLLECTOR - Amber McKernan:** Report submitted prior to the meeting
- (a) Getting ready for the upcoming tax season, request lists continue to come in
 - (b) Received 3 requests for tax information since the last meeting
 - (c) Office will be closed 7 December until 22 December
- Supervisor John Quenell received a request from the Franklin County Real Property Tax Services Office concerning what should be put on the tax bills for the Town. It was determined that the information should be the same as last year according to Amber McKernan's report from last month.
6. **TOWN JUSTICE - Nik Santagate:** Report submitted prior to meeting.
Disposed of 68 cases during November, collected fines and bail forfeitures of \$5,133.50
7. **HISTORIAN - Mary Ellen Salls:** No Report submitted

COMMITTEE REPORTS

1. **PARK & RECREATION - Steve Tucker and Peter Shrope:**
- (a) Food Pantry Move to Park: Dan Spencer will take out the wall between the bathroom and the main room. The counter has been removed. The bathroom will need to be made handicap accessible, it needs a 60 inch turn around space.
 - (b) NYMIR Park Inspection: Dan Spencer purchased chains for the swings.
 - (c) Snow Blower needed repair

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2. **INSURANCE/INVESTMENTS - Lydia Wright and Supervisor John Quenell:**
 - (a) Employee Dishonesty Bond: Deductible is being increased from \$2,500 to \$5,000 because the amount of coverage for Tax Collector and Supervisor is so high.
 - (b) NYMIR: Updated information was sent in by Supervisor John Quenell
 - (c) Health Insurance: Changing to NYSHIP for 2011
3. **CEMETERY& TOWN BUILDINGS - Steve Tucker:**
 - (a) Still working on changes to Rules and Regulations
 - (b) Had a couple of burials in November
4. **HIGHWAY- Jeffrey Leavitt, Steve Tucker and Lydia Wright:** Jeffrey Leavitt looked into prices for a new Pick-Up Truck. State contract price is \$22,000 for a new truck, \$5,000 for a plow.

RESOLUTION #109

PURCHASE OF 2011 F250 PICK-UP TRUCK

RESOLVED that the Superintendent of Highways Andy Crary be authorized to purchase a replacement 2011 Ford F250 pickup truck with 4 wheel drive, in the amount of \$22,000, and with a plow, in the amount of \$5,000, from state contract, for a total amount of \$27,000.

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

RESOLUTION #109 declared duly adopted.

5. **WEBSITE - Supervisor John Quenell:** The County has put a link from their website to the Town's.
6. **FIRE ADVISORY BOARD (FAB) – Jeffrey Leavitt & Steve Tucker:** No meetings are being held
7. **TELECOMMUNICATIONS - Jeffrey Leavitt and Supervisor John Quenell:**
 - (a) The north end of the Town should see a change in coverage when the two cell towers in Duane are on line. One is currently up in St. Regis Falls, but not on-line yet, and the second has been approved by the APA for construction in Duane.
 - (b) There are no funds for the Independent Town Consortium to put towers in for the east or north side of the Town
8. **TOWN HALL PROJECT – Supervisor John Quenell:**
 - (a) Grant: Contract with the Office of Parks has been approved
 - (b) Construction Manager Chris Alcocer is assembling the bid documents.
 - (c) Crawford and Stearns has submitted a bill for \$5, 268.58 for preparing the Phase I and II architect plans. They have collected about \$35,000 so far for this project. Lydia Wright said there were grants to cover some of this cost.
 - (d) Removing the under laying on the floor, there appears to be 2 inch wide birch boards underneath
 - (e) Heat for Town Hall: Jeffrey Leavitt looked into different ways to heat the Town Hall so the restoration can continue. The electrical system needs to be corrected to meet building code.

RESOLUTION #110

HEAT FOR TOWN HALL TO CONTINUE RESTORATION PROJECT

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

WHEREAS, the electrical service in the Town Hall needs to be corrected and temporary heat installed to allow the Town Hall Restoration to continue,

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes an amount Not to Exceed \$4,500 to hire North County Electrical Services to correct the deficiencies in the Town Hall electrical system and install temporary heat to continue the Town Hall Restoration Project. The funds are to come from the General Fund Account A1620.4 (Building CE).

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

RESOLUTION #110 declared duly adopted.

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9. **TOWN REDEVELOPMENT CITIZENS COMMITTEE – Susan Mayer:** Report submitted prior to meeting.

Arranging a meeting to be held on December 28, 2010 for public input on the reuse of Camp Gabriels. Preparing a list of people to invite. OGS and the APA are meeting to discuss the property. A tour of the property is being set up for another interested party.

BUSINESS:

1. **Enforcement of Unsafe Buildings Law, LL#1 for 1981 – 85 Rainbow Lake Road (Supervisor John Quenell):** A hearing was held on December 9 but the owners did not show up. Will check with Attorney for the Town Scott Goldie about serving papers to the owner who can't be found and to discuss what to do next.
2. **Fire Contract 2011 (Supervisor John Quenell):** Public Hearing was held on November 11, 2010.

RESOLUTION #111

FIRE CONTRACT 2011 WITH PAUL SMITHS-GABRIELS VOLUNTEER FIRE DEPARTMENT

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

RESOLVED that the Town Supervisor be authorized to sign the Fire Protection Contract with the Paul Smiths-Gabriels Volunteer Fire Department to provide fire protection to the Town of Brighton for 2011 in the amount of \$76,118 as reviewed at the Public Hearing held on December 9, 2010.

ROLL CALL VOTE: Aye 3 (Leavitt, Shrope, Wright), Nay 0, Abstain 2 (Quenell, Tucker)

RESOLUTION #111 declared duly adopted.

3. **Junkyard on State Route 86 (Easy Street):** Supervisor John Quenell said the Code Enforcement Officer is looking into initiating some action concerning this property.
4. **Attorney's Fee Increase:** Supervisor John Quenell received an email from Scott Goldie concerning his rates for legal services. He is raising his fee from \$110 to \$130 per hour after January 1, 2011.

CITIZENS COMMENTS: None

EXECUTIVE SESSION:

Motion to GO INTO EXECUTIVE SESSION at 8:34 pm made by Supervisor John Quenell, **second** by Jeffrey Leavitt, **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**

Lydia Wright left the meeting at 8:42 pm

Motion to GO OUT OF EXECUTIVE SESSION at 8:55 pm made by Supervisor John Quenell, **second** by Jeffrey Leavitt, **Aye 4 (Leavitt, Quenell, Shrope, Tucker), Nay 0, Absent 1 (Wright)**

RESOLUTION #112

CONFIDENTIALITY OF TOWN BUSINESS CONCERNING LITIGATION

Motion made by Jeffrey Leavitt, **second** by Peter Shrope,

RESOLVED that the Town of Brighton Board members keep confidential information regarding Town matters confidential in connection with the ongoing litigation with Paul Smith's College.

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

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RESOLUTION #112 declared duly adopted.

RESOLUTION #113

APPOINTMENT OF SETTLEMENT REPRESENTATIVE FOR THE TOWN OF BRIGHTON

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

RESOLVED that the Town Board appoints Council Members Jeffrey Leavitt and Peter Shrope to represent the Town of Brighton in settlement negotiations between the Town of Brighton and Paul Smith's College concerning Avoidable Alarm violations.

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

RESOLUTION #113 declared duly adopted.

AUDIT OF VOUCHERS

RESOLUTION #114

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

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

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

PREPAID VOUCHERS: Abstract #12 for Voucher #12A through and including #12C for 2010 General Funds in the amount of \$725.02 and 2010 Street Light Funds in the amount of \$63.84

GENERAL FUND: Abstract #12 for Voucher #293 through and including #318 for 2010 funds in the amount of \$11,987.73

HIGHWAY FUND: Abstract #12 for Voucher #97 through and including #109 for 2010 funds in the amount of \$23,262.61.

CAPITAL FUND TOWN HALL PROJECT: Abstract #19 for Voucher #31 through and including #33 for funds in the amount of \$6,250.51.

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

Resolution #114 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 9:26 pm made by Supervisor John Quenell,, Second by Steve Tucker, Aye 4 (Leavitt, Quenell, Shrope, Tucker), Nay 0, Absent 1 (Wright)

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk