

The Regular Meeting of the Town Board of the Town of Brighton was held on Thursday, December 16, 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, Don Oliver – Superintendent of Highways, and Nik Santagate - Town Justice

RESIDENTS: Three residents and the media were present

GUESTS: Gordy Crossman, Franklin County Legislature District #3

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 November 10, 2004, as written, second by Steve Tucker.

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

Motion made by John Quenell to accept the Minutes of the Regular Town Board Meeting of November 11, 2004, as written, second by Steve Tucker

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

Motion made by John Quenell to accept the Minutes of the Special Town Board Meeting of November 23, 2004, as written, second by Steve Tucker.

Roll Call Vote: Aye 4 (Tebbutt, Quenell, Tucker, Wright), Nay 0, Abstain 1 (Knapp)

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of November 30, 2004 was \$6.70 from: 1 DEC Sport License, 2 Dog Licenses, 2 FOIL Requests, and 1 Fee for Notary Signature

1. Received notification dated 11/04/04, from the Department of Labor, Re: Peter Henry has been issued a Magazine Certificate for Explosives and Detonators.
2. November 18 Justice Santagate filed a Certification of Completion of Continuing Judicial Education for completing the 2004 Program.
3. November 11 faxed a notice to the Adirondack Daily Enterprise, Re: Closure of Town Clerk's Office November 25 to December 9, published on November 16, 23, and December 2. November 16 faxed a notice to the Adirondack Daily Enterprise, Re: Special Board Meeting to be held on Tuesday, November 23 at 6 p.m. in the Highway Garage, November 23 faxed a notice to the Adirondack Daily Enterprise, Re: December Board Meeting changed from December 9 to December 16 at 7 p.m., published on Tuesday, November 30 and December 9. Notices were posted in the three Post Offices, at local businesses, and on the Town Clerk's Sign Board
4. Received letter dated December 9, from the Franklin County Legislature, Re: Addresses and Phone Numbers of Town Officials, distributed copies to all Officials and notified Franklin County Legislature of no changes on December 14.
5. Town Hall Schedule: Smith – Saturday, Dec 18, 1- 4 p.m., Food Pantry - Jan 6 and 20, 2005
6. Park Use: No requests

SUPERVISOR'S REPORT

1. FINANCIAL REPORT:

- a. **Monthly Financial Report** for period ending November 30, 2004, was distributed on December 13 to each Board member for review.
- b. **General Fund Budget Amendment #6:**

RESOLUTION #123

AUTHORIZATION FOR 2004 GENERAL FUND BUDGET AMENDMENT #6

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

GENERAL FUND BUDGET AMENDMENT #6

RESOLVED, that the following amounts be and the same hereby are transferred:

\$1,935.00 from Account No. A1990.0 Special Items – Contingencies as follows:

\$275.00 to Account No. A1420.4 Attorney – Contractual

\$810.00 to Account No. A1620.4 Buildings – Contractual

\$200.00 to Account No. A1130.1 Court Clerk - Personal Service

\$500.00 to Account No. A1330.4 Tax Collection – Contractual

\$150.00 to Account No. A1450.4 Elections – Contractual

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

Resolution #123 declared duly adopted.

2. HIGHWAY GARAGE PROJECT:

- a. **Project Status:** Construction is on schedule. Floor is poured and covers were removed yesterday. There are only two men working now doing the outside trim and they have lined out the partitions. NIMO needs to hook up power to the building.
- b. **APA Permit Status:** Attached to these minutes is a letter from Supervisor Robert Tebbutt, dated December 1, 2004, Re: Response to Councilperson Wright's questions concerning the APA Permit errors and how they will be addressed.
- c. **Status of Property Transfer From Paul Smith's College:** The College signed the deed to transfer property to the Town of Brighton on December 3, 2004.

RESOLUTION #124

AUTHORIZATION TO PURCHASE PROPERTY FROM PAUL SMITH'S COLLEGE

Motion made by Supervisor Robert Tebbutt, **second** by Steve Tucker, **To Wit:**

WHEREAS, as part of its new highway garage project the Town has intended to purchase a 4.6-acre parcel of land adjacent to the existing highway garage property from Paul Smith's College, and

WHEREAS, the College has signed the deed to the Town as of December 3, 2004, and

WHEREAS, certain actions are now necessary for the Town to complete the transfer,

BE IT RESOLVED, that the Town Supervisor is authorized to perform the following actions:

- 1) Sign a real estate transfer tax return for New York State (TP-584)
- 2) Sign a Real Property Transfer Report (RP-5217) for the Franklin County Real Property Office
- 3) Prepare a check in the amount of \$7,000.00 to Paul Smith's College as payment for the property
- 4) Prepare a check in the amount of \$300.00 payable to Cantwell and Cantwell, Attorney for the College, for services in connection with the property transfer.

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

Resolution #124 declared duly adopted.

- d. **Salt Shed:** The grant funding for \$30,000 from DEC will be available for the salt shed even though it won't be built until next summer. Alternative forms of construction are being evaluated; the APA has provided some suggestions. Supervisor Robert Tebbutt said he feels confident the salt shed that is eventually built will be affordable and acceptable to the APA.

3. **TOWN HALL LAND:** APA approval of the transfer of land is required. The APA wants to know what the Town is planning to do about property encroachments in front of and behind the building. They want to know what structural plans the Town has for the Town Hall. The Department of Transportation (DOT) says it will work on a Use and Occupancy Permit for the Town. The APA has been notified and they would like written confirmation from DOT. The NYS Department of Environmental Conservation says there is no problem with the Conservation Easement. Paul Smith College has to give permission for the Town to continue using the land. Cantwell and Cantwell, Attorney for Paul Smith's College will contact the College president and confirm the approval. To expedite the transfer of land the permit could be submitted without the future building plans. The permit can be amended in the future if the Town eventually plans an addition to the Town Hall.

4. **JUSTICE COURT GRANT RECEIVED:** Received a check in the amount of \$450 from the OCA Office of Budget and Finance for the court to purchase a credit card machine. The funds have been deposited under General Revenue Account No. A3389 – Other Public Safety, at the advice of the Comptroller's Office. Justice Nik Santagate will order the credit card machine.

5. **MORTGAGE TAX FUNDS RECEIVED:** Received a check in the amount of \$26,340.85 from Franklin County for the Town's final mortgage tax share for 2004. This was much larger than expected. The total received for mortgage tax in 2004 is \$38,139; the budgeted amount was \$15,000.
6. **AMENDMENT TO RESOLUTION #120 TO CORRECT OVERPAYMENT:** In November overpayments were made to the Attorney for the Town from the General Fund A1420.4 in the amount of \$49.62 and the Capital Project Highway Garage in the amount of \$923.

RESOLUTION #120 (AMENDED)

AUTHORIZATION TO PAY VOUCHERS

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 (reduce to \$9,760.82 - Voucher #274-2004 was for \$132.59 and should be \$82.97, overpaid by \$49.62)

HIGHWAY FUND: Abstract #11 for Voucher #106 through 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 (reduce to \$5, 978.14 – Voucher 22 was for \$1,671.00 and should be \$748.00, overpaid by \$923.)

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

Resolution #120 declared duly amended.

7. **SNOW REMOVAL AND SANDING CONTRACT FOR 2005-2007 WITH FRANKLIN COUNTY:** Received and distributed a proposed contract from Franklin County for snow removal and sanding with a 9.6% increase over 2004 with a 3.6% increase each year for 2006 and 2007.

RESOLUTION #125

AUTHORIZATION TO ACCEPT 3-YEAR AGREEMENT FOR SNOW REMOVAL AND SANDING WITH FRANKLIN COUNTY

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

WHEREAS, Franklin County has proposed an Agreement with the Town whereby the Town will remove snow from and sand county highways within the Town whenever snow or ice conditions exist on said highways which warrant the control of snow and ice, and

WHEREAS, Franklin County has proposed payment to the Town for this service as follows: \$27,628 in 2005, \$28,626 in 2006, and \$29,664 in 2007,

THEREFORE, BE IT RESOLVED that the Town of Brighton authorizes Superintendent of Highways Donald Oliver to sign the proposed agreement with Franklin County on behalf of the Town for the period January 1, 2005, through December 31, 2007.

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

Resolution #125 declared duly adopted.

8. **INTERSECTION OF STATE ROUTE 86 AND COUNTY ROAD 60 (RAINBOW LAKE ROAD):** Citizens have been calling about the new intersection at County Road 60 (Rainbow Lake Road) and State Route 86. They think it is not a true "T" intersection; they are having trouble turning onto it from the direction of Saranac Lake. Donald Oliver said the Highway Department is having difficulty plowing the intersection also. Supervisor Robert Tebbutt wrote a letter to Mr. Maroun, Department of Transportation, asking him to look at this intersection. He also asked about the paving of the Cemetery access roads and the ice skating/basketball court at the Park. Mr. Maroun said he would look into these next summer.
9. **LIVE-WIRED HOLIDAY TREE AT TOWN PARK:** Asked if David Knapp had done the wiring. David Knapp said he got quotes for supplies and was waiting for a tree to be put up before he ran the wires through a pipe. A permanent wire needs to be run underground. Supervisor Robert Tebbutt said since nothing had been done this year this should be addressed during the next year to be ready for next December.

OLD BUSINESS:

1. **PAUL SMITHS-GABRIELS VOLUNTEER FIRE DEPARTMENT CONTRACT (Supervisor Robert Tebbutt):** Reply was received from the Attorney for the Town, the addendum to the last contract should be made part of the body of the new contract. The addendum provides that the Fire Department will carry liability insurance protecting the Town. The new proposal is for 3.5% cost increase a year for 5 years. The contract is otherwise appropriate and adequately serves to protect the Town's interest. A response is needed to the Fire Department to counter-propose and accept the extension of the old contract until a new agreement is made.

RESOLUTION #126

AUTHORIZATION TO COUNTER-PROPOSE TO THE PS-GVFD CONTRACT

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

RESOLVED that Supervisor Robert Tebbutt is authorized to counter-propose to the Paul Smith's-Gabriels Volunteer Fire Department a 3% increase a year over 5 years and to add the addendum to the body of the contract, to provide for liability insurance protecting the Town of Brighton.

Roll Call Vote: Aye 4 (Knapp, Tebbutt, Quenell, Wright), Nay 0, Abstain 1 (Tucker)

Resolution #126 declared duly adopted.

2. **VETERANS EXEMPTION (John Quenell):** Has been approached by veterans in the Town to pass a local law to allow higher limits to veterans' exemptions to county and town property taxes. Discussion was held as to what the Town can do to help the veterans get this exemption. The procedure is very complicated and a local law is needed to change the limits allowed by law. Any exemption allowed will be redistributed to the other residents of the Town. John Quenell will write up a summary of the law and distribute it to the Board with a proposed local law for the January meeting. The deadline is March 1 for this exemption to take effect in 2005. Other towns in the area are looking into this exemption also. Franklin County and the Town of Franklin have already passed a local law for increasing the limits.
3. **INSERT FOR TAX BILLS (Supervisor Robert Tebbutt):** Would like to include an insert in the 2005 tax bills discussing the increase in taxes by comparing the Town increase to the County increase. The Town's Equalization Rate has affected the Town's share of county taxes.

RESOLUTION #127

AUTHORIZATION TO INCLUDE AN INSERT IN TOWN'S 2005 TAX BILLS

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

RESOLVED that the Tax Collector be authorized to place an insert in the Town's 2005 tax bills discussing the increase in Town and County tax rates, subject to approval by the Tax Collector, Amber McKernan.

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

Resolution #127 declared duly adopted.

4. **TRI-LAKES HUMANE SOCIETY CONTRACT (Lydia Wright):** Received a reply from the Tri-Lakes Humane Society concerning rates for performing Animal Control Services. They offer \$1150 for shelter services and \$1750 for Dog Control Services (for domestic animals only). Lydia Wright will contact the Humane Society to discuss the amounts further. This will be discussed at the Organizational Meeting in January.

NEW BUSINESS

1. **HUD MORTGAGE REQUEST FOR EARLY DISCHARGE (John Quenell):** Distributed information to Board members concerning HUD Project BRI94 T-6. The owner, David Ploof, has requested an early discharge (2 years) from his HUD Mortgage. There is no precedence for allowing people an early discharge. There was no credible reason given for requesting an early release.

RESOLUTION #128

AUTHORIZATION TO RESPOND TO EARLY DISCHARGE REQUEST HUD PROJECT 94 T-6

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

WHEREAS, a request for an early discharge by 2 years was received for HUD Project BRI94 T-6, and **WHEREAS**, no credible reason for requesting an early release was offered, **THEREFORE, BE IT RESOLVED, that Supervisor Robert Tebbutt be authorized to send a letter to David Ploof notifying him of the denial of the request for early discharge of HUD Project BRI94 T-6.**
Roll Call Vote: Aye 5 (Knapp, Quenell, Tebbutt, Tucker, Wright), Nay 0
Resolution #128 declared duly adopted.

2. TOWN HALL CAPITAL PROJECT:

- a. **Invoice From Crawford And Stearns (Lydia Wright):** Received an invoice from Crawford and Stearns for work done on the Town Hall Project, partial payment is for \$3,452.14. Pat Willis said the Citizens Committee should look at the plan once more before they make a recommendation to the Town. Plans for the stairs and a hand railing have been received; the height of the railing needs to be confirmed by the architect.
- b. **Betty Little's Grant:** Pat Willis said the funds provided by Betty Little's Office need to be held and not spent until the SHPO grant status is known in the Fall. This money can be used for matching grant funds only after the grant is awarded.

3. MAINTENANCE (David Knapp): The elevator lift has been repaired. When the motor was replaced, a relay contact was not available. The company had to return with a different relay to make the lift work. The lift is exposed to the weather and this is hard on the unit.

REPORTS

1. COURT (Santagate):

- a. 36 cases were disposed and \$2,758 was sent to the State Comptroller's Office as of Nov. 30
- b. Asked the Supervisor to be looking for a letter from the Retirement Office showing his 3% contribution has been satisfied for his years of service.

2. HIGHWAY COMMITTEE (Quenell/Oliver):

- a. Plowing and sanding was done
- b. Cut trees and limbs
- c. Installed the deer crossing signs on the Keese's Mill Road
- d. Attended the County Highway meeting in Malone
- e. Changed a rear wheel seal in the 1998 Tandem truck
- f. Serviced equipment
- g. Mower fell apart during the mowing season, need to purchase a new one now at a reduced price instead of waiting for 2005. Quotes were obtained for a John Deere from Giroux Brothers at \$1090.00 and Burke Farm Supply for a Rhino Mower at \$2095.00. The Highway Department was able to try out a Rhino during the summer and found it to be more durable and a better quality than the John Deere mower.

RESOLUTION #129

AUTHORIZATION TO PURCHASE A RHINO MOWER FROM HIGHWAY FUNDS

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

WHEREAS, two quotes were received for a mower as follows:

Giroux Brothers \$1090
Burke Farm Supply \$2095

And

WHEREAS, the Rhino Mower from Burke Farm Supply is of better quality and durability than the John Deere mower from Giroux Brothers, and

WHEREAS, the Town has funds left in the 2004 Budget to purchase a mower even though it has budgeted for a mower in 2005,

THEREFORE, BE IT RESOLVED, that the Superintendent of Highways, Donald Oliver, be authorized to purchase a Rhino Mower TW60 for \$2095 from Burke Farm Supply.

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

Resolution #129 declared duly adopted.

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

4. ASSESSOR (Tichenor): No Report

5. TAX COLLECTOR (McKernan): Supervisor Robert Tebbutt read the Tax Collector's Report:

I have been busy preparing for the up-coming collection season. I have ordered supplies and ordered and installed the PC-Anywhere software necessary for the BAS tax collection software installation.

I have an appointment for Monday 20 December to have the BAS software installed in the laptop and will receive my 5 hr training that day.

I have received 4 phone calls regarding tax matters and an e-mail. I will be setting up an e-mail account on the laptop specifically for this office. I will notify the Webmaster when that is in place so that my personal e-mail account is no longer on the town's website.

I request that the board conduct the yearly audit of the tax collector's books at either the next regular board meeting, or at a special board meeting at a mutually agreed upon time.

Supervisor Robert Tebbutt requested that the Department heads that are subject to the Annual Audit provide the board with a report that the board members can read ahead of time. Discussion was held on when to hold a meeting for the audit. Supervisor Robert Tebbutt will call a Special Meeting for Monday, January 17, at 6 p.m. if the Tax Collector can be there. The reports are due at the Organizational Meeting on Thursday, January 13.

6. ANIMAL CONTROL OFFICER (Crary): No Report.

7. CODE ENFORCEMENT OFFICER (Lagree): 2004 Status: 42 Building Permits issued, 12 completed; 2003 Status: 12 are completed, 10 are open; 2002 Status: 4 are completed, 1 is Closed, 6 are open; 2001 Status: 4 are closed, 3 are open.

Lydia Wright asked for an update on the Code Violations.

Supervisor Robert Tebbutt said he would have to contact the Attorney for the Town to get an update., unless the judge could give him an update.

Justice Santagate said he could not answer questions concerning an ongoing case but anyone can come to open court to get information.

David Knapp asked if the Attorney is keeping the Supervisor up-to-date on things he is working on.

Supervisor Robert Tebbutt said he is notified, as information is available from the Attorney.

8. CEMETERY (Tucker): Entrances to the Mountain View Cemetery in Gabriels are not paved. Nothing received in writing from Mr. Maroun. Gordy Crossman provided some information for mowing lawns in the summer. Steve Tucker will contact him in the spring for more information.

9. PARKS AND RECREATION (Tucker): Weather is not cold enough for the water to be put down for the ice rink, someone plowed off the area for the ice rink.

Donald Oliver said the Highway Department plowed the parking lot and perhaps plowed the rink as well.

10. HIGHWAY GARAGE PROJECT: Don Oliver asked for a meeting with Supervisor Robert Tebbutt and John Quenell to discuss the Highway Garage Project. They will meet during the day at the garage.

CITIZENS COMMENTS:

Art Robertson - Split Rock Road: Asked when the assessment of property values would be at 100%.

John Quenell said the Assessor would be doing a re-evaluation or reassessment in 2006. He would ask if it could be done in 2005 instead.

Tom Willis – Garondah Road: Asked if delivery of the mower has already happened and if the land deed had already been signed.

Supervisor Robert Tebbutt said yes to both questions.

Tom Willis: Asked if the Tax Collector would maintain the records for Veterans Exemptions and who would make the determination for getting the exemption.

John Quenell said that the Assessor Doug Tichenor would maintain the records.

Gordy Crossman – Franklin County Legislature: Said he liked the idea of the insert for the tax bills; he suggested that the County Budget Officer be allowed to see it for factual review. He also thanked the people of Brighton for their support during the election.

John Quenell asked him if the County Budget Officer would like to run his message on the tax bills past the Town Board.

Supervisor Robert Tebbutt said that he and John Quenell went to the Franklin County Budget Public Hearing. He said the Essex County Budget has been reduced instead of increased. Out of 45,000 people in Franklin County, John Quenell was the only person to stand up against the County Budget. Five towns (in the south end of the county) pay 61% of the taxes in Franklin County.

There were no further comments from the citizens.

AUDIT OF VOUCHERS:

RESOLUTION #130

AUTHORIZATION TO PAY VOUCHERS

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

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

PREPAID – ALL FUNDS: Abstract #9 for Vouchers #9A through and including #9D and Voucher #4D as follows: General Fund in the amount of \$604.61 and Street Lighting District in the amount of \$56.89

GENERAL FUND: Abstract #16 for Voucher #285 through and including #304 for funds in the amount of \$3,357.75

HIGHWAY FUND: Abstract #13 for Voucher #113 thought and including #128 for funds in the amount of \$5,745.87

CAPITAL PROJECT HIGHWAY GARAGE: Abstract #9 for Voucher #26 through and including #34 in the amount of \$119,527.04

CAPITAL PROJECT TOWN HALL: Abstract #2 for Voucher #2 and #3 in the amount of \$4,068.14

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

Resolution #130 declared duly adopted.

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

Respectfully submitted,

Elaine W. Sater
Brighton Town Clerk