

Special Meeting of the Town Board of the Town of Brighton was held on Tuesday, May 25, 2004, at 5:00 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 and Don Oliver – Superintendent of Highways

GUESTS: Joe Garso - North Woods Engineering

RESIDENTS: There were three residents present and a representative of the Adirondack Daily Enterprise.

The meeting was **Called to Order** at 5:00 p.m. by Supervisor Robert Tebbutt. The purpose of the meeting is to discuss the next step for the Highway Garage Project with the engineer of the project, Joe Garso of North Woods Engineering (NWE).

A. HIGHWAY GARAGE PROJECT

1. **TIME LINE:** Joe Garso, NWE, said he could have the plans ready for the start of the bidding process for the Garage Project by July 1. June 15 was not a realistic date for putting out the bids. The Town Board has to review the plans before the bids packages go out. A program is worked up, copies are sent to the Board members for review. If there are any questions they need to be answered before July 1. The Town does not want to have any changes after the bids go out or during construction if possible. The longer the bids are out the better the bids will be. Three to four weeks is a good time to allow for bidders to see the information in the construction publications. They need time to review the packages and work up their bids. NWE would like a week to review the packages for compliance, so there will be a solid low bidder. If the bids were received by July 28 the contract could be awarded by August 4 with a September 1 start date and January 2005 completion date. There are contractors interested in bidding on this project. The contractor cannot interfere with on-going Town Highway business.
2. **PROPERTY OWNERSHIP:** Lydia Wright asked what happens if the Town does not own the property when the contract is awarded? If the Town does not own the property there are two options for the Town: get permission from Paul Smith's College to build on the land or hold-off construction.
3. **OVERSEEING CONSTRUCTION:** David Knapp asked who would oversee the contractor? There will be 4 contractors. NWE will oversee the critical parts of construction such as the foundation and floor cast. There will be pre-construction briefings with the contractors. The Highway Department will be available on a day-to-day basis. NWE will be available a phone call away.
4. **PRIMARY PLAN:** The building will have one cold bay. Supervisor Robert Tebbutt asked if this bay would be any different from the other bays. Joe Garso said the bay would be the same as the other bays but without a cement floor, heat, or insulation. There will be electricity and it will be stubbed for future addition of heat. The wash bay will have floor to ceiling walls on all four sides. All the doors will be 16' wide with electric openers. There will be windows in the Superintendent of Highway's Office.
5. **OUTSIDE OF BUILDING:** Supervisor Robert Tebbutt asked if there would be a concrete apron around the doors. Joe Garso said there was no concrete apron on the previous plans. There will be ballards (posts) in front of the walls to protect the building from vehicles hitting the steel walls. There was a discussion about the pros and cons of ballards. The contractor will be responsible for 20' of rough grading around the building.
6. **ROOF:** The roof will be the same material (EPM) as before. The material is rubber and only comes in black.
7. **COMPRESSED AIR MACHINE:** The compressed air outlet was discussed. It was suggested to put it in the parts room to reduce the noise. The existing equipment will be used.
8. **HEATING:** Ceiling fans will take care of the air circulation. Discussion was held on different set-ups to distribute the air and heat buildings. There will be a five-section boiler in the building.
9. **DRAIN SYSTEM:** There will be a trough drain across the three main bays. The wash bay will have a center trench drain. All the water will go to an oil/water separator from inside the building. There will be two filters, the second being an activated charcoal filter before surface discharge.
10. **LIGHTS:** A discussion was held on the type of lights. A metal halogen light will be used in the bays and fluorescent lights in the smaller room.

11. **BID ALTERNATES:** Discussion was held on the types of items to include as bid alternates. The four-foot frost wall with split-face block wall (\$12,000) could be changed to 6' of poured concrete instead. Discussion was held on different ways to finish off the walls. Discussion was held on the whether the outside surface should be concrete or blacktop. This can be done later. The black topping might be able to be done by the County Highway Department. Supervisor Robert Tebbutt asked if Joe Garso could give an estimate of what the alternatives would cost after he finished the plans. Joe Garso said he would have a better idea after the plan was approved.
12. **SIDING:** This only has two options: brown or green because it is pre-colored. Brown will match the Town Hall. Doors will be white or ivory. They can be painted. Keeping them a different color will help drivers backing up to see them.
13. **SEPTIC SYSTEM:** The septic system will work from gravity as opposed to being pumped
14. **BACK OF BUILDING:** The land around the back of the building will slope away to keep water from splashing on the concrete. The plan is to have blacktop all around the building. This will allow the Highway Department to plow the snow away from the building.
15. **WELL:** The existing well will be used instead of drilling a new one.
16. **SALT SHED:** Discussion was held on where the new salt storage shed would go. Don Oliver said it should be able to go right where the current pad is for salt storage. The contract for it can be a separate and built at a different time. Lydia Wright said the contract should be let at the same time so the cost of the project can be calculated all together. Joe Garso has an individual who has already started on a plan for the Salt Storage Shed. A local contractor could bid on the salt shed. If the engineer determines the cost of the project to be under \$50,000 the WICKS Law does not apply. The use of Work-in-Kind by the Highway Department is not included. The date for starting the Salt Shed can be in the contract.
17. **BONDING:** Discussion was held on the various bonds let by the contractors during the bidding process and during construction. These are called Bid Bonds, Performance Bonds, and Payment Bonds. They are based on a percent of the cost of the contract.
18. **BUILDING PERMIT:** A building permit is needed for this project. The Code Enforcement Officer will also be overseeing the construction.
19. **APA PERMIT:** Supervisor Robert Tebbutt will contact Tom Saehrig at the APA to set up a meeting with Joe Garso and himself to discuss the APA application.

OLD BUSINESS:

John Quenell was given the floor by Supervisor Robert Tebbutt to address an issue.

John Quenell said he had been informed that in an Executive Session of the Town Board that was held as part of the May 13, 2004, regular meeting the Town Clerk made certain allegations against him concerning the May 11, 2004, Referendum Election. He was unable to be present at that meeting so he was unable to hear or make comments on those allegations. He wanted to know if a tape recording or a written record had been made of the Executive Session. There was no record of the executive session. He asked the Clerk to repeat the allegations that she made. The Clerk said the elections inspectors asked her to bring to the Town Board the question by what authority the voter acted on that day, May 11, and if the voter thought additional training was needed why wasn't this brought to the Election Inspectors attention before the polls were opened or the Board of Elections, which for the Special Election, was the Town Board. She said that what the Election Inspectors were subjected to was he asked the election inspectors if they were aware of a particular law for the election then he proceeded to tell them that they were not allowed to use the government instruments to make phone calls to have voters to come in to vote for this election. He told them if he found out they were doing this then he would take them to the Attorney General's Office. Then he left. He did not identify himself. This was brought to the Board because no one knew if he was acting as a member of the Town Board or as a voter of the Town.

John Quenell asked if the Clerk had said they were threatened and insulted by what he said. The Clerk said the Election Inspectors were insulted by what he said and she was threatened by what he said. The Clerk said she felt he was giving a threat to the Election Inspectors.

John Quenell asked the Board members if anyone else present at the Executive Session made allegations against him in the Executive Session.

David Knapp said the Board was not aware whom the Clerk was talking about until they went into Executive Session. This is how the issue was presented in the body of the regular meeting.

For the record John Quenell read a portion of the Town Clerk's Report from the regular meeting on May 13, 2004. "Election Inspectors would like the board to know that a voter threatened and insulted them by asking them if they were aware of a specific election law and the voter would go to the Attorney General's Office if they violated it."

John Quenell said that now the Board has heard the version of what happened by the Town Clerk on May 11 he would like to present to the Board a signed statement from him explaining what really happened at the Special Election on May 11. He read a statement dated 5/19/04 to the Board which is attached to these minutes. He asked if anyone had any questions concerning his statement.

[The statement follows, inserted by the webmaster]

To Whom It May Concern:

On Tuesday, May 11, 2004, accompanied by my wife I entered the Brighton town hall shortly after 9 a.m. for the purpose of voting on the highway garage project financing resolution. After voting, I paused near the front door, looked around to be sure the hall was clear of any other voters, and then asked the election inspectors if I could speak to them for a moment.

I opened my remarks by asking if they were familiar with the meaning of the word "electioneering" and went to say that it meant any attempt to influence voters in the polling place. I then said I would like to ask the inspectors to please be vigilant for instances of electioneering during the day's election, and to please report any instances to the town supervisor or any member of the town council.

I went on to say that in particular, any act observed whereby a person uses a telephone in the town hall during the election to summon voters to come and vote was an example of electioneering and should be reported.

In conclusion, I said that electioneering is a serious violation of the state's election law and under the law would have to be investigated by the District Attorney.

I thanked them and left.

John Quenell
Member of Council
Town of Brighton

David Knapp asked if John Quenell had any reason to think that there would be a problem or if he knew of any problems with past elections.

John Quenell said yes there was.

Lydia Wright asked when it was.

John Quenell said it was in the prior referendum election in October 2003.

Lydia Wright asked if it was brought to the attention of the Board at the time.

John Quenell said certain members of the board were aware of it and chose not to make a big issue about it. It should have been prosecuted and it was not.

Lydia Wright asked why did John Quenell feel it was his place to say what he did to the Election Inspectors.

John Quenell said he was a member of the Town Council and an elected member of government and he wanted a clean election. He just wanted the Election Inspectors to know and be vigilant.

Lydia Wright asked if he knew that there was a concern why he didn't include the entire Board before he went and spoke to the Election Inspectors.

John Quenell said that as an individual he took it upon his own responsibility to urge that this not be repeated. He wanted a clean election.

Lydia Wright said she personally felt that it wasn't his place. As a Board member he represents the Board and with or without permission a Board member's actions reflect on the entire Board.

John Quenell said he made the remarks as a citizen of the town and anyone could have made those remarks.

David Knapp asked why this was not brought to the attention of anyone prior to the opening of the vote.

John Quenell said that because during the day someone could have gotten on the telephone and summoned voters to come in and vote a particular way on the issue. He just wanted to see that it didn't happen or if it did that it would be observed and taken care of.

Lydia Wright said that it would have been done by talking to the Election Inspectors before the polls opened.

John Quenell said he talked to the Election Inspectors as soon as possible after the polls were opened. He also referred to the statement he had read that nobody else was in the room except for the Clerk. He said he didn't think he interfered with the election process if that was what the Board members were suggesting.

David Knapp and Lydia Wright said they didn't think John Quenell had interfered with the election process.

David Knapp said that if he felt there had been a prior problem with the election he would have brought attention to it to ensure that it didn't happen again. This was a public election and if there was any question or concern it should have been brought to attention prior to it.

Lydia Wright said that personally she thinks that it should have been an entire Board decision.

David Knapp said that he feels that what ever he says as a citizen or does now is coming from the mouthpiece of a Town Council person whether its in an official capacity or quoted by someone walking down the street. He asked if the Election Inspectors made that connection, he said the Board didn't know whom the individual was until they sat down in the Executive Session.

John Quenell said that as a matter fact the first thing he did was to look at the Election Inspectors and they all knew him; he said they all knew who he was didn't they. They all nodded yes. He said he didn't put this information in the statement he wrote up. He asked the Board if this made any difference to them.

John Quenell asked the Board if there were any more questions from the Board.

Lydia Wright asked where the Board should go from here.

John Quenell said he had a few more things to say first. He said he wanted to ask the Clerk a few more questions about her statement. He asked the Clerk if the Election Inspectors present on Tuesday, May 11, were Margaret Carpenter, Elizabeth Caldwell, Patricia Early, and Mary Mose. The Clerk said this was correct.

John Quenell said that the Clerk said in her remarks she was representing all four Election Inspectors. He asked if this was correct. The Clerk said the Elections Inspectors asked her to bring these questions before the Board and she was representing all four Election Inspectors. He wanted to know if the Clerk was representing herself as well or was she just speaking for the Election Inspectors. The Clerk said she was speaking for the Election Inspectors because she was appointed by the Board to run the Election so she is bringing the questions from the Election Inspectors through herself to the Board.

John Quenell asked the Clerk if she said the Election Inspectors said he threatened and insulted the Election Inspectors. The Clerk said yes she said this. John Quenell said he wanted to read the names of each Election Inspector and have the Clerk verify that each one said he had "threatened and insulted" them.

The Clerk asked if John Quenell meant that did each Election Inspector specifically say to her "He threatened and insulted me". The Clerk said they did not.

John Quenell asked the Clerk to say what each Election Inspector specifically said to her. He started with Margaret Carpenter. The Clerk said she did not say anything; she was shocked she didn't know what to say. Then he asked about Elizabeth Caldwell. The Clerk said she was very intimidated by what John Quenell was saying and she wanted the Clerk to bring it before the Board. Patricia Early said she would like the Clerk to bring it before the Board. John Quenell asked the Clerk if she was sure Patricia Early said the Clerk could bring it before the Board. The Clerk said she was sure. He asked about Mary Mose. The Clerk said she did not say anything either.

John Quenell said he had another thing he needed to read into the record. He read a letter dated 5-24-04 from Patricia Early which is attached to these minutes. [The statement follows, inserted by the webmaster]

To whom it may concern:

Regarding the comments made by Mr. Quenell on May 11 to the four poll workers about electioneering, I would like to state that I was neither threatened nor insulted. He simply stated what electioneering was and asked the inspectors to keep an eye out for it. He wasn't rude, he wasn't nasty. He just discussed it, thanked us, and left.

Thank you,

Patricia Early
Election Inspector

He said the Clerk said that Patricia Early asked the Clerk to bring this before the Board. He asked if this was correct. The Clerk said that yes she did. John Quenell said that was what she said. He said that he personally in his opinion he didn't see how Patricia Early could have done that and written this letter. He said he tended to believe Patricia Early's letter and not the Clerk. He said Margaret Carpenter did not say anything and Mary Mose did not say anything. He said one Election Inspector, Elizabeth Caldwell, said that he threatened and insulted her. He asked if this was what happened. The Clerk said that two of the Election Inspectors asked her to bring it before the Board. The Clerk said she spoke those words out loud if that is what John Quenell was getting at. He asked if she said he threatened and insulted. The Clerk said she did. John Quenell asked if Patricia Early said that he threatened and insulted her. The Clerk said no, she said Patricia Early asked the Clerk to bring it before the Board. John Quenell asked if Elizabeth Caldwell said bring it before the Board and he threatened and insulted her. The Clerk said yes. John Quenell said on the basis of this the Clerk made a written report and told a tale in Executive Session. John Quenell said that he thought the Clerk had greatly distorted the truth and that he thought the Clerk was trying to damage his reputation. He said the Clerk had really committed an act of slander here. He gave the Clerk the opportunity to retract her remarks. The Clerk asked which remarks he wanted retracted. John Quenell asked the Clerk to please retract her claim that he threatened or insulted anybody with his remarks. The Clerk said she would retract that claim.

David Knapp said that was not the way he understood what was said. He said that if they felt threatened it doesn't matter whether or not it was pointed out by name they still felt threatened.

John Quenell said that was what the Clerk claims, but the fact is only one Election Inspector said so.

David Knapp said if John Quenell thought he was being slandered, personally David Knapp though he wasn't slandered because the Clerk didn't bring it out in a public meeting.

John Quenell said that the Clerk did bring it out publicly in this meeting.

The Clerk said that John Quenell brought it out in this meeting she didn't.

John Quenell said that by her remarks at this meeting it was now public information. It was also public information by the Clerk's May Report.

David Knapp asked if John Quenell was mentioned specifically by name in the Report.

The Clerk said that if she felt threatened by something he said then the Clerk has a right to her opinion and if the Election Inspectors felt he insulted them then they have a right to their opinion.

John Quenell said the Clerk did not have the right to misrepresent three out of the four Election Inspectors and the Clerk said she represented the four Election Inspectors.

The Clerk said the Election Inspectors all agreed that the Clerk would bring it before the Board. They did not necessarily say those words.

Lydia Wright tried to speak and John Quenell told her to wait a minute. She said no she wouldn't wait and that John Quenell was being very intimidating and she was very intimidated at that moment.

John Quenell apologized to her.

Lydia Wright said that to clarify this the Board should ask the Election Inspectors to come and meet with them.

Steve Tucker said that he called the Election Inspectors last week and Elizabeth Caldwell was the only one that felt insulted by John Quenell's remarks. She thought that his remarks to her meant that she didn't know her job. She was the only one who felt insulted that way.

Supervisor Robert Tebbutt interrupted the discussion and said that John Quenell still had the floor. He said John Quenell asked him if he could make some comments and Supervisor Robert Tebbutt would like to let him finish before the other Board members say anything more.

Steve Tucker said that the other three Election Inspectors said that the Clerk was really upset about it.

Supervisor Robert Tebbutt told Steve Tucker to stop talking and told John Quenell to keep going.

John Quenell said that if the Clerk were saying that she would retract her claim that he threatened and insulted the four Election Inspectors he would like to hear that.

The Clerk said yes she would say that. She apologized to John Quenell for the fact that she said that he threatened and insulted the election inspectors even though she still felt that he had. She apologized for saying that statement out loud but she still wanted to know on what authority did he act upon to come in to ask those questions of the Election Inspectors and if he thought that additional training was needed why didn't he do this before the polls were opened. Those were the questions that she brought to the Board and that was all that was brought to the Board.

John Quenell said he could not comment on the training of the Election Inspectors because he did not know anything about election inspectors training. He said he only knew the law and he was concerned about a particular point of the law.

The Clerk asked if he was concerned about this particular point of law because someone in the past has used the phones in the Town Hall to call voters to come in.

John Quenell said that it seems that this has happened. That is what prompted him to do what he did.

The Clerk said she was very surprised that John Quenell couldn't bring it to the Board, but it was important enough to him to come into the Town Hall after the polls were opened to tell the Election Inspectors about something that they did not know anything about.

John Quenell said that was when the Election Inspectors were at the Town Hall and that was why he chose the beginning of the Election because he knew the Election Inspectors would all be at the Town Hall. He didn't think he would be interfering with the election process because he said he didn't think any of the voters would be coming at that time.

The Clerk asked John Quenell what voter number he was. He did not know, but he thought it was a very low number. The Clerk said she did not know his number but he was not the only voter at that time. The Clerk said that her point of bringing this issue to the Board was that the polls had already been opened and people should not be allowed to come in and say things to the Election Inspectors as he did. She said if he thought the Elections Inspectors needed training it should have been brought up before the polls were opened.

John Quenell said he did not say that Election Inspectors needed training.

Supervisor Robert Tebbutt interrupted the discussion and asked if there was a law broken.

The Clerk said she had no idea. She said she just knew that the Election Inspectors had been questioned.

Supervisor Robert Tebbutt said that it seemed to him that this is just a matter interpretation and if no law was broken and if both the Clerk and John Quenell were satisfied that this was brought out in the open, and the Clerk had apologized, could the Board move on.

John Quenell asked the Board to bear witness to the fact that he handed the Clerk a request in writing (attached) for a copy of a tape of this meeting. He had no further comments.

Supervisor Robert Tebbutt asked the Clerk if she had any more to say.

The Clerk asked the Board if she could go back and tell the Election Inspectors that there was no authority on which the voter acted and that they do not need any additional training.

David Knapp said that this wasn't anything discussed by the Board.

Supervisor Robert Tebbutt said the Clerk asked during the Executive Session if the Board authorized John Quenell to go and talk to the Election Inspectors. He said he remembered that was one of the questions the Clerk asked during the Elective Session.

The Clerk said she asked the questions during Executive Session and before the Board went into Executive Session.

Supervisor Robert Tebbutt asked David Knapp, Lydia Wright, and Steve Tucker if they asked John Quenell to go and speak to the Election Inspectors. They each said no. He said he did not ask John Quenell to go to the Election Inspectors either. He said that the question was already answered. He asked the Clerk if it was not a satisfactory answer.

The Clerk said she was just asking to make sure what the Board wanted her to do. She said they were the Board of Elections for this Special Election, so she brought it to them; whatever the Board wanted her to take back to the Election Inspectors she would like to do it.

John Quenell asked what exactly the Clerk was planning to say to the Election Inspectors.

The Clerk said she was saying that the voter did not act on the authority of the Board and that they do not need additional training.

John Quenell said that he guessed that part one was correct and he thought part two was the Clerk's opinion, which was fine with him.

The Clerk said that was what the Election Inspectors wanted to know. The question proposed to the Board was did the voter think the election inspectors needed additional training, what was the purpose of his questions.

John Quenell said he said nothing about their training, he didn't know anything about their training.

David Knapp asked if their training would have covered electioneering.

John Quenell said that that was right and he wanted to reinforce that fact that the law should be followed. He said he felt as a citizen he had a right to do that.

Steve Tucker said that when he spoke to all four of the Election Inspectors they all said they knew the Election Law and they were all watching for the phones being used.

Supervisor Robert Tebbutt said he was satisfied personally that both the Clerk and John Quenell were satisfied. He said that he would like to drop this and take care of Town business.

Lydia Wright said there was a third side that the Board does not know about, the Election Inspectors. She said John Quenell was saying that the Election Inspectors were not concerned and Steve Tucker said that they were not concerned, but someone was concerned or it never would have been brought to the Board. She asked if this was how they were going to leave it, "he said she said".

Supervisor Robert Tebbutt said yes because no law was broken. He said there is no request for any punishment.

Lydia Wright asked if an apology should be asked for. She said John Quenell asked the Clerk to retract what she said and she did. She asked John Quenell didn't he feel that his interpretation might be different from what the other peoples' interpretation might be. She said maybe John Quenell didn't think they were being threatened but maybe there is a possibility that they were.

John Quenell said that his statement covered what happened as well as Patricia Early's statement.

Lydia Wright and Constance Quenell had a discussion about John Quenell's statement being threatening or not.

Lydia Wright asked if a person did feel threatened or insulted was it out of the question to ask for an apology or to show some acknowledgement the John Quenell was sorry that the person interpreted his statements that way.

John Quenell would like to give Elizabeth Caldwell a copy of his statement and Patricia Early's statement so she will know what really happened. He said their statements were the facts and that everything else was just invention.

David Knapp said that he personally did not feel that John Quenell was being slandered. He said he didn't know if it was right or not to go to Executive Session before any names were mentioned. He didn't know whom the Clerk was talking about before the Board went into Executive Session; she just said it was a Town employee; it could have been anybody. He said he hoped that if he had stepped out of line knowingly or unknowingly that he would be given the same courtesy because the Board did not know whom the voter was that is why they went to Executive Session.

John Quenell said that the Executive Session was sort of a kangaroo court, accusations came flowing out of the Clerk and he was not present to defend himself. He asked if that was a right thing to do.

David Knapp said he did not take those as accusations.

John Quenell changed his word to allegations instead.

Lydia Wright asked if John Quenell preferred it to be aired out in public instead.

John Quenell said absolutely and that was what the Board was doing tonight putting it out in the open.

Lydia Wright and David Knapp said they thought they were doing the right thing for the Town person.

John Quenell said that was because they were willing to believe everything that the Clerk said.

David Knapp asked why shouldn't he believe everything the Clerk said.

John Quenell said because it wasn't true.

The Clerk and John Quenell had a discussion about opinions and facts. The Clerk said she was entitled to her opinion that she felt threatened and insulted as well as the Election Inspectors and John Quenell was entitled to his opinion that he felt slandered. He said he had the facts and all the Board had to do was to look at the facts.

Steve Tucker said that was why he called each Election Inspectors to find out the other side of the story. He said he knew that the Clerk and John Quenell didn't like each other.

Supervisor Robert Tebbutt said the Steve Tucker did his homework and he congratulated him.

John Quenell made a **Motion to Adjourn**, seconded by Supervisor Robert Tebbutt, at 6:35 p.m.

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

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk