

**SPECIAL BOARD MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY**  
**August 16, 2010**

The Special Meeting was scheduled to be held in the Brighton Town Garage, 17 County Route 31, at 10:00 a.m. on Monday, August 16, 2010. More than 48 hours' notice of the meeting was provided by Supervisor John Quenell to members of the town council and the town clerk via written notice and e-mail, to the Adirondack Daily Enterprise via e-mail, and by posting a printed notice on the bulletin board on the front of the Brighton Town Hall at 12 County Route 31.

**CALL TO ORDER:**

The meeting was called to order by Supervisor John Quenell at 10:05 a.m.

**OFFICERS ABSENT:** Council Members Peter Shrope and Lydia Wright.

**OFFICERS PRESENT:** Council Members Steven Tucker and Jeffrey Leavitt, Supervisor John Quenell.

**OTHERS PRESENT:** Mr. Gordon Crossman, County Legislator.

**BUSINESS:** Mr. Quenell read from a document he prepared entitled "Notes regarding the White Pine Road bridge replacement project," which document is made a part of these minutes and is affixed hereto. Mr. Quenell offered the following resolution:

**The town of Brighton Resolution #66-2010 is hereby amended as follows:**

- 1) The "proposed agreement" referred to is revised in accordance with the suggestions of Franklin County and a copy is attached hereto, together with County Resolution No. 181;**
- 2) The original, signed "proposed agreement" is hereby considered void;**
- 3) The town supervisor is authorized to execute the revised agreement;**
- 4) The reference to a "Quick Claim Deed" is hereby corrected to read "quitclaim deed";**
- 5) These notes shall be attached to and made a part of the amended resolution.**

Mr. Leavitt seconded the motion. A brief discussion ensued, after which Mr. Quenell called a vote. The results were as follows: Mr. Tucker-Aye; Mr. Leavitt-Aye, Mr. Quenell-Aye. Mr. Quenell declared the motion carried.

Mr. Crossman then thanked Mr. Quenell for working to accomplish the proposed replacement of the bridge and said he was confident that it would be achieved, although it might take two or three years for the job to be scheduled. Mr. Quenell signed the agreement immediately and gave it to Mr. Crossman so that he could convey it to the next County Legislator meeting, scheduled for Thursday of this week.

Mr. Leavitt moved for adjournment and Mr. Tucker seconded. A voice vote in favor was unanimous. The meeting was adjourned at 10:35 a.m.

John Quenell  
Town Supervisor  
August 16, 2010

## **Notes regarding the White Pine Road bridge replacement project**

1. A fax was received by the town on the afternoon of August 12, 2010 from Gloria Vallone, Clerk of the Franklin County legislature, stating that County Resolution No. 181, concerning the White Pine bridge project, has some wording differences from the contract submitted to the county by the town.
2. Oddly enough, the contract submitted by the town had been originally provided to the town by the county. The town authorized the supervisor to execute the contract by Resolution #66-2010.
3. I examined the wording differences referenced by Ms. Vallone, and subsequently, through the efforts of our county legislator Gordy Crossman, had a phone conversation with County Attorney Jonathan Miller. Mr. Miller explained that the changes were intended to make it clear that the the county would make funds available for 100% of the total project cost, not just the “non-federal share” (see Paragraph 3) because the process requires the county to establish a budget line item for the project and it is essential to list the total estimated project cost, not just some portion thereof, or the state will not approve the project. Similarly, the county believes the phrasing to the effect that they will “not be responsible for the payment of any costs” (see Paragraph 4) is objectionable to the state when in fact the intent is that the county will be completely reimbursed for any costs it incurs—as reflected in the revised wording.
4. Finally, with respect to Paragraph 5, the county feels that the town need not be involved in approving plans and executing contracts for the project, and so they have removed the “The town agrees that the county shall join with the town” phrasing regarding these matters.
5. I have prepared a revised contract incorporating the wording for paragraphs 3, 4 and 5 used in County Resolution No. 181. I propose the following motion:

**The town of Brighton Resolution #66-2010 is hereby amended as follows:**

- 1) The “proposed agreement” referred to is revised in accordance with the suggestions of Franklin County and a copy is attached hereto, together with County Resolution No. 181;**
- 2) The original, signed “proposed agreement” is hereby considered void;**
- 3) The town supervisor is authorized to execute the revised agreement;**
- 4) The reference to a “Quick Claim Deed” is hereby corrected to read “quitclaim deed”;**
- 5) These notes shall be attached to and made a part of the amended resolution.**

John Quenell  
August 15, 2010