

REGULAR BOARD MEETING - TOWN OF BRIGHTON - FRANKLIN COUNTY, NY
September 10, 2009

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The Regular Monthly Meeting of the Town Board of the Town of Brighton was held Thursday, September 10, 2009 at 7:00 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:

CALL TO ORDER:

Meeting was Called to Order by Supervisor David Knapp at 7:04 p.m.

The "Pledge of Allegiance" to the flag was recited.

ROLL CALL OF OFFICERS

PRESENT: Supervisor David Knapp, Council Members: Sheila Delarm, Jeffrey Leavitt, Steve Tucker and Lydia Wright (entered meeting at 7:09 p.m.)

ABSENT: None

OTHERS PRESENT: Elaine Sater - Town Clerk, Paul Blaine - Code Enforcement Officer, and Andy Crary - Superintendent of Highways

RESIDENTS: One resident was present

GUEST: None

APPROVAL OF MINUTES

- Regular Board August 13, 2009

Motion made by Supervisor David Knapp, **second** by Lydia Wright, **to approve the minutes of the Regular Town Board meeting held on August 13, 2009, as written, Aye 3 (Knapp, Tucker, Wright), Nay 0, Abstain 2 (Delarm, Leavitt)**

TOWN CLERK'S REPORT

Total Revenue to Supervisor as of August 31, 2009 was \$ 1944.00

12 Sport Licenses

1 Marriage License #2-2009

4 Dog Licenses: 2 Renewals and 2 new

1 Notary fee

1 Donation for Park Use

7 Bldg Permits (#09-22, 27 to 32)

1. Town Clerk's Office will be closed from Tuesday, September 29 through Thursday, October 8. The Regular Monthly Board meeting will be on Thursday, October 15. Notice has been faxed to the newspaper.
2. Received letter dated August 19, 2009, from Shirley Oehler, she resigned as Deputy Town Clerk and Deputy Registrar of Vital Statistics due to her health. Supervisor David Knapp will send a letter of appreciation to her.
3. TOWN HALL REQUESTS: Tuesday, September 8, Rainbow Lake Water District, 11 a.m. to 12 p.m.; Tuesday, September 15 Democratic Committee, 6 to 7:30 p.m.; Thursday, September 17, Republican Committee, 6 to 6:30 p.m.; Thursday, October 1, Franklin County Conservative Party, 7 to 9 p.m.
4. TOWN PARK REQUESTS: Friday, September 11 and 25, Citizen Advocates, Inc, 10 a.m. to 2 p.m.; Sunday, September 20, Saturday, Sept 26 and October 10, Paul Smith's Rugby Team, 11 a.m. to 3 p.m.

CITIZENS/GROUP COMMENTS: None

EXECUTIVE SESSION

Motion made by Supervisor David Knapp at 7:24 p.m. **TO GO INTO EXECUTIVE SESSION** to discuss current litigation concerning Local Law #2 of the Year 2009, "Prevention of Avoidable Alarms in the Town of Brighton", in accordance with Public Officer's Law, Article 7, Open Meetings Law, Section 105d, **second** by Lydia Wright, **Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright)** Paul Blaine, Code Enforcement Officer and Town Clerk Elaine Sater were asked to be at the meeting.

Motion made by Supervisor David Knapp at 7: 45 p.m., **TO GO OUT OF EXECUTIVE SESSION**, **second** by Lydia Wright, **Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright)**

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SUPERVISOR FINANCIAL REPORT/CORRESPONDENCE

1. FINANCIAL REPORT:

- a. Distributed **Budget** and CLASS reports as of August 30, 2009 to the Board
- b. **CLASS interest** is \$41.36 for General and \$33.72 for Highway, Total CLASS balances are \$184,646.11 for General and \$144,735.03 for Highway
- c. **Budget 2010** requests were sent to people who represent Committees, they are due to the Budget Officer by September 20. There is a decrease projected for 2010 for retirement contributions, but then it goes back up in 2011. The Budget Officer is not getting a copy of the retirement information for the Town, he has had to request it the last two years; it may be going to the other Town of Brighton in Monroe County.
- d. **Smart Growth Grant** reimbursement request package will be sent on September 11, 2009, to NYS DEC. Due to shortage of staff it may take up to 6 months to process.
- e. **Budget Amendment #6** to Appropriate General Funds

GENERAL FUND BUDGET AMENDMENT #6

Motion made by Supervisor David Knapp, **second** by Lydia Wright, **to Wit:**

RESOLVED that the 2009 General Fund Budget be amended as follows:

Increase Revenue Account A2555 (Building Permits) by \$5,977.00 from \$9,461.00 to \$15,438.00, and

Increase Appropriations Account A6461.4 (Grants CE) by \$5,661.00 from \$26,873.00 to \$32,534.00 and

Increase Appropriations Account A8810.4 (Cemeteries CE) by \$316.00 from \$1,000.00 to \$1,316.00.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

GENERAL FUND BUDGET AMENDMENT #6 declared duly adopted.

2. CORRESPONDENCE:

- a. Received information on **Interstate 98**, Questions and Answers about the Construction of Interstate 98, the "roof top highway" along State Highway 11 across the top of the state.
- b. **Local Government Day** is Tuesday, October 13, 2009, in Potsdam for Town Officials
- c. Received **Thank You** letter from Shelly Smith's Day Care for the ice cream donated after the Ice Cream Social.
- d. Received notice from **Mercy Care** of the Adirondacks, Paul Smith's College is hosting a speaker on Tuesday, October 13, 2009, the topic is "From Isolation to Integration: Helping Elders Stay Connected to Their Communities". Pre-Registration is required by October 7. The Seniors should be contacted with this information.

DEPARTMENT REPORTS

1. HIGHWAY- Andy Crary:

a. Report:

- i. Cleaning out culverts on Slush Pond and Tebbutt Road due to beavers
- ii. Made dump run
- iii. Mowed cemeteries, Town Hall, and Garage lawns
- iv. Mowed the landfill cover
- v. Set up for food pantry
- vi. Took photos of damaged garage roof and sent to North Woods Engineering, should have a reply by September 18
- vii. Cleaned up dirt piles at the Mt View Cemetery
- viii. Hauled tar for towns of Franklin and Harrietstown
- ix. Paved Hobart Road
- x. Helped Town of Santa Clara with back-hoe on Keese Mills Road
- xi. Glen Perrino will be back to work on Monday, September 14
- xii. Need to order plow steel and salt for the winter season
- xiii. Will contact Trudeau Sand and Gravel to screen sand
- xiv. Need to have windshield on Paystar truck replaced, cost is \$642.00 installed, truck will be out-of-service for 24 hours.

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- b. **Saranac Lake Central School District** sent a letter dated September 1, 2009, Re: Thank you to Highway Department, the Highway Department helped with paving the parking lot and driveway at the High School.
 - c. **Workplace Violence Prevention Training:** There is a training for Workplace Violence Prevention at the Town of Harriestown on September 28 at 10 a.m. or 1 p.m. Town Officials and employees should attend the training.
 - d. **White Pine Bridge:** Waiting for a letter of support from the Osgood Pond Association, have received letters from White Pine Camp and Paul Smith's College.
 - e. **Electrical Problem in Garage:** Electrical inspector is waiting for further information from contractor. The switch plate cover is still an issue.
 - f. **Tour of Town Roads:** Jeff Leavitt and Lydia Wright visited all the Town roads with Superintendent Andy Crary. The roads in the south end of the Town are in fair shape. The Mill Hill Road and Riley Road only serve one resident and are actually driveways; the roads should be looked at for abandonment. At one time they connected, but the property where Camp Gabriels is located has closed off the connecting part of the road. It is a safety hazard as there is no turn-around on the Riley Road and the plow has to back out onto the state highway. The resident on Mill Hill Road has voiced a desire for the Town to abandon that road. On the north end the roads need more work. White Pine Road and North Brook intersection needs attention. The Hoffman Road is quite sandy and needs grading, it could be paved in the future. Keese Mills Road needs a new culvert at Sucker Brook and should be paved after Santa Clara is finished their end to the Town line. Sunny Side and Mt. Pond roads need fill for holes. McColloms Road needs to be widened by cutting the brush back; a fire truck would have a hard time getting down the road. Slush Pond Road is better maintained but has beaver damage that needs repair.
2. **ASSESSOR - Doug Tichenor: No report received**
3. **ANIMAL CONTROL OFFICER (Tri-Lakes Humane Society):** Received report prior to meeting During August 2009 handled a total of 12 calls, 7 calls in regards to lost/found pets, with 3 cats found and taken into the shelter, 1 call in regards to pet adoption. The remaining 4 calls were from media News Channel 5, Press Republican, and the Adirondack Daily enterprise, in regards to updates on the animals seized during the animal cruelty case on County Rd 60 in Gabriels.
4. **CODE ENFORCEMENT OFFICER (CEO) - Paul Blaine:** Report received prior to meeting
- a. **Report:**
 - i. Collected \$1,880.00 in fees for permits during August, \$17,013.80 to-date for 2009
 - ii. Issued six building permits #09-027 to 032
 - iii. Issued two Certificates of Occupancy for Bldg Permits #09-003 and #09-030.
 - iv. Issued three Certificates of Compliance for Bldg Permits #09-011, 012 and #08-016
 - b. **Avoidable Alarm Violations:** As of September 3 there have been 25 Avoidable Alarm incidents reported. Four Letters of Warning were sent out. Sixteen incidents are still active, five reports were not filed in a timely manner.
5. **HISTORIAN - Mary Ellen Salls:** No Report submitted.
6. **TAX COLLECTOR - Amber McKernan:** No Report submitted
- a. The Office is closed September 5 to 13
 - b. Supervisor David Knapp forwarded information to Attorney for the Town for the partial pay issue for 2010. The Town would like to opt out of collecting partial payments until the process is clearer in regards to penalty calculations, credit card payments to the County are also not clear as to how the Town gets it funds.
7. **TOWN JUSTICE- Nik Santagate:** Report received prior to the meeting
Disposed of 43cases and distributed \$3,950 to the Supervisor

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COMMITTEE REPORTS

1. **CEMETERY - Steve Tucker and Jeffrey Leavitt:** Nothing to report
2. **INSURANCE/INVESTMENTS - Sheila Delarm and Lydia Wright:**
 - a. **Health Insurance:** Waiting to hear from Empire Plan to compare current health insurance with their plan. Discussion was held on employee contribution of 10% to health insurance, no action taken. Town tried this a few years ago but it was changed back to 100% paid by Town.
 - b. **Auto Insurance:** There is no glass coverage for large trucks, cannot get it either.
 - c. **NYMIR Liability Insurance:** Application for renewal was discussed and updated. Supervisor David Knapp will complete it and mail it to NYMIR
 - d. **Work Place Violence Prevention Policy:** Not a liability issue thru NYMIR, may be a Worker's Compensation. Franklin County Self-Insurance sent information on Risk Analysis Program. Supervisor David Knapp has information to review before a policy can be drafted. A Risk Assessment needs to be performed, training is available for employees through the Town of Harrietstown on September 28.

RESOLUTION #71

WORKPLACE VIOLENCE PREVENTION PROGRAM

Motion made by Sheila Delarm, second by Jeffrey Leavitt, To Wit:

WHEREAS, there is a New Year State mandate to have a Workplace Violence Prevention Program in place by August 29, 2009, and

WHEREAS, the Town of Brighton has less than 20 full-time employees, therefore a written program is not required, however training and a risk assessment are required,

NOW THEREFORE BE IT RESOLVED that Supervisor David Knapp be authorized to sign an agreement with Public Sector HR Consultants LLC, to provide a Workplace Violence risk assessment (\$1,000) and employee training with the Town of Harrietstown (\$300) for a total NOT TO EXCEED \$1,300.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

RESOLUTION #71 declared duly adopted.

3. **PARKS AND RECREATION - Steve Tucker and Jeffrey Leavitt:**
 - a. Steve Tucker, Jeffrey Leavitt and Supervisor David Knapp took a tour of the park and developed a list of maintenance items that need to be addressed over the next few months, especially if the park building is to be used as an alternate location for Town business during the Town Hall renovation. Supervisor David Knapp will prioritize the list and contact people to start working on the items. The outside items should be done before winter weather comes, the inside items can be done after the weather prohibits outside work.
 - b. **Saranac Lake Youth Center:** Submitted a budget request for 2010 of \$1,000.00.
 - c. **Saranac Lake Area Youth Program:** Town has not received a contract or a voucher for payment for 2009
4. **TOWN BUILDINGS - Steve Tucker and Jeffrey Leavitt**
 - a. **Town Hall (Lydia Wright):**
 - i. **SHPO Grant:** Supervisor David Knapp, Council Member Lydia Wright, Town Clerk Elaine Sater, and Kevan Moss met with Gayle Underhill-Plumb, Regional Grants Officer from the NY State Office of Parks, Recreation & Historic Preservation, on September 10, to discuss the process for the grant contract. Ms Underhill-Plumb suggested using Crawford and Stearns for the grant administrator and Wes Haines for the "Clerk of the Works" to represent the Town. The Town will have to put up a sign (4'x8') to show the project is a "SHPO" grant project. An archeological assessment needs to be made for the addition.
 - ii. **Invoice for Fire Alarm System:** No further word on the invoice.
 - b. **Highway Garage Records Storage:** Supervisor David Knapp drafted a "Request for Proposal" for the Board to review for an inactive storage facility in the Highway Garage. He has asked contractors he knows to submit quotes for the work.
5. **WEBSITE - Sheila Delarm:** Nothing to report

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OLD BUSINESS

1. **FIRE ADVISORY BOARD (FAB) UPDATE:** Sheila Delarm and Supervisor David Knapp attended the meeting is Monday, August 17. The Saranac Lake Volunteer Fire Department has not filed a "Certification of Need" for the rescue department to separate from them. The deadline is October 31 for the next acceptance period. The Village of Saranac Lake is asking the towns to pay 55% of the budget and they will pay 45%, currently the Town pays 5.5% of the budget for rescue services only. The Village see the towns as a revenue source for them to balance their budget. Currently the Village has \$100,000 towards hiring an EMT. If the Village hires an EMT by February 1, the towns will agree to accept the additional 5%.

Motion made by Jeffrey Leavitt, second by Supervisor David Knapp, to appoint Sheila Delarm as the Town's citizen representative to the Fire Advisory Board for 2010.

ROLL CALL VOTE: Aye 4 (Knapp, Leavitt, Tucker, Wright), Nay 0, Abstain 1 (Delarm).

2. **MONUMENT FROM CAMP GABRIELS AT THE PARK:** The monument is in the park, but has not yet been permanently installed.
3. **POST OFFICE IN GABRIELS:** The new Post Office opened on Tuesday, August 18, the community provided refreshments for an open house. County Legislature Gordy Crossman and Rich Russo from the Post Office Real Estate Office attended the celebration. A picture of the opening was in the Adirondack Daily Enterprise. All mail goes to Plattsburgh first before it goes to local post offices.
4. **CELL PHONE TOWER:** Jeff Leavitt said Verizon has started work at the site, they say it will be up in 2 to 3 months. Coverage will not reach the McColloms area. Shorter towers may be installed in the future to cover smaller areas. The number of branches per square foot was changed for the Adirondack Park (AP) so there is a supply issue; it cost more to install a tower within the AP because of this issue. Sheila Delarm will call the AP Agency to see if the Town can do anything. People can petition the APA to get cell service. More and more people are asking for it. Supervisor David Knapp also has a contact at the APA he will try to reach.
5. **BROADBAND:** As a continuation of the Smart Growth Initiative, Steven Horne is working on getting broad band service into the area; he has contacted companies who have the technology to provide the service. The McColloms area has only telephone lines, not cable for internet. Lack of internet services is hurting the businesses in the area.
6. **SMART GROWTH INITIATIVE:** Department of Environmental Conservation posted the Town's plan on their website as an example of an exemplary "Smart Growth" Plan.
7. **WORK HOURS FOR RETIREMENT PURPOSES:** New elected or appointed officials after January 2010 who are contributing to the retirement system have to document their work hours for a three months block to determine their retirement hours. Another 3-months block can be documented if the work load changes. A resolution needs to be passed for each elected or appointed position. The time logs are submitted to the Town Clerk and maintained for 10 years.

NEW BUSINESS:

1. **PAUL SMITH COLLEGE'S 350.ORG:** Sheila Delarm said there is a movement to try to get the number of parts per million (ppm) of CO₂ in the atmosphere down below 350 ppm. Currently the measurement is 387 ppm. Paul Smith's College is holding an event on Saturday, October 24, to make people aware of this issue. The committee is headed by Tom Huber and they would like 350 of something to attend, i.e. businesses, residents, etc. They would like the Town to participate. Notices will be posted around the Town and on the website for people to get involved.
2. **BUDGET FOR 2010 FOR PSGVFD:** Supervisor David Knapp discussed the Paul Smiths-Gabriels Volunteer Fire Department 2010 Budget, there was no rationale or justification included with the budget. There are questions on

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why some line items are less and some are more. The cost to the Town residents will be an increase of \$21,393, a 30.7% increase over the previous contract (\$91,000 compared to \$69,676 for 2009). A 3% increase would be \$71,768. The Town also pays \$35,000 to the Village of Saranac Lake for fire and rescue services. A contract is needed before a Public Hearing can be set.

- 3. BOARD OF ASSESSMENT REVIEW (BAR) MEMBERS:** An appointment to the BAR expires on September 30. The member will have to be reappointed at the next meeting.

CITIZENS COMMENTS: None

AUDIT OF VOUCHERS:

Motion made by Supervisor David Knapp, second by Lydia Wright, to audit the vouchers; Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

RESOLUTION #72

PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS

Motion made by Lydia Wright, second by Supervisor David Knapp, To Wit:

RESOLVED that the Supervisor be authorized to pay the audited vouchers as listed on the abstracts as follows:
PREPAID FUNDS: Abstract #9 for Voucher #9A through and including 9C for 2009 General Funds in the amount of \$ 603.95 and 2009 Street Light Funds in the amount of \$46.47

GENERAL FUND: Abstract #9 for Voucher #231 through and including #242 for 2009 General Funds in the amount of \$2,736.35

HIGHWAY FUND: Abstract #9 for Voucher #91 through and including #97 for 2009 Highway Funds in the amount of \$52,413.49.

ROLL CALL VOTE: Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

RESOLUTION #72 declared duly adopted.

ADJOURNMENT

Motion to Adjourn at 11:15 p.m. made by Supervisor David Knapp, Second by Lydia Wright, Aye 5 (Delarm, Knapp, Leavitt, Tucker, Wright), Nay 0

Respectfully Submitted,

Elaine Sater
Brighton Town Clerk