

TOWN OF BRIGHTON - FRANKLIN COUNTY, NY  
REGULAR BOARD MEETING  
June 11, 2015  
Page 1 of 7

The Regular Meeting of the Town Board of the Town of Brighton was held Thursday, June 11, 2015, at 7:00 p.m. at the Brighton Town Hall, 12 County Road 31, Paul Smiths, NY, with the following:

**CALL TO ORDER:**

Meeting was Called to Order by Supervisor Peter Shrope at 7:00 p.m.  
The "Pledge of Allegiance" to the flag was recited

**ROLL CALL OF OFFICERS**

PRESENT: Supervisor Peter Shrope

Council Members: Brian McDonnell (entered meeting at 7:55 p.m., Amber McKernan, Steve Tucker, and Lydia Wright

ABSENT: None

OTHERS PRESENT: Andy Crary - Superintendent of Highways, Holly Huber - Tax Collector, Elaine Sater - Town Clerk, and two other people

GUESTS: Mac Rand, Director SLAYP

**NOTICE OF MEETING:**

Notice of this meeting was posted on the Town Clerk's Sign Board

Mac Rand, Director Saranac Lake Area Youth Program (SLAYP) said he was just hired to be the Director of the SLYPA in Saranac Lake, taking over from Paul Leahy. He is a retired teacher and has been involved with camps for 50 years as a camper and director. He feels running a day camp covers the same ideas as overnight camps such as camper safety and having a fun experience. He plans to be more hands-on than the former director. He is involved with the Iron Man and is a 46er. He also has experience running an outfitter business. He is a substitute teacher for Lake Placid High School. He talked about his experience over the years with children and camps. Camp starts on July 6 and will cost \$60 per camper for 5 weeks; the camp is for 7 to 13 year old children. There are several activities planned for the campers. Thanked the Town for participating in funding the program.

**REPORTS**

1. Highway Department - Superintendent Andy Crary
  - a. Mowed the cemeteries, Town Hall and Garage lawns three times
  - b. Replaced the teeth on York rake
  - c. Performed shoulder work on Keese Mill Road
  - d. Got culverts for Keese Mill Road and stock piled crusher run at the end of the road for the job
  - e. Waiting for the County to grind the Keese Mill Road
  - f. Fixed a wash out on Keese Mills Road
  - g. Made dump run
  - h. Took the 2013 Truck to Plattsburgh for inspection and check-up, it has about 3,500 miles on it
  - i. Made road checks after rain storms
  - j. Picked needles, sticks and lumber at the Park, also the broken picnic table
  - k. Set up and took down tables for the Rabies Clinic
  - l. Cleaned up around the Garage with the loader
  
2. Town Clerk- Elaine Sater:
  - a. Total Revenue to the Supervisor as of May 31, 2015 was \$431.52 from 4 Sport Licenses, 4 Dog Licenses renewed, 5 Building Permits (#15-003 thru 007), 24 copies for FOIL requests
  - b. June 9 received a Contract for Shared Highway Services from Town and Village of Malone, their Resolutions #128-2015 and #59-2015.
  - c. TOWN HALL REQUEST: None
  - d. TOWN PARK REQUEST: Calderone Family, Saturday, June 13, 9 am to 2 pm, soccer tournament, received a Certificate of Liability Insurance through Kiwanis Club; Clark Family, Saturday, June 27, 11 a.m. to 4 p.m., picnic; Van Dien Family, Sunday, June 28, 2 p.m., Graduation Party; Carr

TOWN OF BRIGHTON - FRANKLIN COUNTY, NY  
REGULAR BOARD MEETING  
June 11, 2015  
Page 2 of 7

Family, Saturday, August 1, 1 to 4 p.m., birthday party; Saranac Lake Travel Soccer, Thursdays, June 25 to July 30, from 4:30 to 8:30 p.m., need a Certificate of Insurance.

- e. RECORDS MANAGEMENT: Nothing to report
- f. HISTORIAN: Nothing to Report

3. Tax Collector - Holly Huber: Reported in person

- a. Report
  - i. Issued check #932 in the amount of \$1.00 to tax payer Maurice Ginsberg to replace misplaced check #918. Mr. Ginsberg later found check #918, returned it and it has been voided.
  - ii. Filled requests for tax payment receipts and historic information. Forwarded late payments and directed requests for payoff information to county Treasurer. Directed requests for STAR exemption information to Assessor.
- b. Town Board set a date of September 10 at 6 p.m. for an audit of the Tax Collector 2015 financial books
- c. Holly Huber requested the Board to review the Tax Collector's report from September 11, 2014, it addressed the findings from the 2014 audit of the Tax Collector financial books.

(It had been tabled due to its length and never reviewed by the Board.) Supervisor Peter Shrope said it was always helpful for her to come to the meetings to discuss her reports. He said was confused about her explanation of her use of the "google doc storage". He misunderstood what she was saying.

(Note: All ULR links in the following report were determined to be "non sensitive" and can be published per the Town Board)

11 September 2014 report:

Monthly Report for August, Holly G. Huber, Tax Collector, Town of Brighton, Franklin County, NY, Responded to, or redirected, any requests for, or inquiries about:

- payoff amounts or payment plans
- receipts for the most recent or past years' payments
- information contained on property tax records
- mailing address changes
- school taxes
- STAR exemptions
- "self-help" accessing of tax information on taxpayers' own or other properties

Prepared for and completed annual audit on 8/14/14 with Councilpersons Amber McKernan and Lydia Wright. Following up on the comments or concerns regarding the audit noted in the Town Board's Regular Meeting minutes for August 2014:

The minutes state "A different form was presented by the Tax Collector to perform the audit that did not have the detail of previous audit forms;"

In fact, the form had all the detail of the previous audit form and more. It included a "Deposit Protection" section which did not appear on the previous form. This section called attention to the fact that, at times, the tax collection checking account has a balance that exceeds the amount the FDIC would insure in case of bank failure.

The minutes further state "it came from the State Comptroller's Division of Local Government and School Accountability, no date."

The previous form also contained no date. Neither did it identify the entity from which it came, whereas the form I offered clearly stated at the bottom "Office of the State Comptroller" and "Division of Local Government and School Accountability". I could not locate the source of the previous form in order to print a clean copy – which is why I went to the Comptroller's website. I suspect the previous form is simply an older version of the one I provided.

I have submitted a request to the Office of the State Comptroller that they apply a date to the pages of their publication "LOCAL GOVERNMENT MANAGEMENT GUIDE – Fiscal Oversight Responsibilities of the Governing Body".

Here is the link to the website from which I obtained the form:

[http://www.osc.state.ny.us/localgov/pubs/lgmg/fiscal\\_oversight.pdf](http://www.osc.state.ny.us/localgov/pubs/lgmg/fiscal_oversight.pdf)

The form is on pages 34-35. The page following the title page shows the guide was issued in January 2010 and revised in January 2014.

TOWN OF BRIGHTON - FRANKLIN COUNTY, NY  
REGULAR BOARD MEETING

June 11, 2015

Page 3 of 7

The minutes state “one deposit made for cash was not clearly documented”. The auditors made this notation because I no longer possessed the paper receipt issued by the bank. My deputy, Hannah Huber, used the bank’s night drop for that deposit meaning the receipt had to be mailed to me US Post. By the time it arrived I had already verified, by accessing the account online, that the deposit had been posted. Later the bank’s monthly statement corroborated that the deposit had been posted on the first business day after its insertion in the night drop box. At that point the paper receipt was superfluous.

While it is true that the checklist asks “Are duplicate deposit slips kept?” I felt confident my method provided an adequate audit trail. I spoke with Dan Duffy, Manager, Professional Standards (518-474-5505, [dduffy@osc.state.ny.us](mailto:dduffy@osc.state.ny.us)) in the Data Management Unit of the Office of the State Comptroller’s office, the department responsible for developing the checklist. A former field auditor himself he admitted that the checklist is written for the lowest common denominator – the collector that uses pen and paper to record payments rather than a computer, hand delivers their deposits to the bank, and does not utilize online banking. He acknowledged that there are tax collectors that are fully automated and operating in as paperless an environment as possible. He believes that digital audit trails can provide the same level of security as a paper audit trail. He said, were he to audit me, he would have no problem with my not taking the checklist literally as long as a verifiable and irrefutable audit trail – digital or paper – was being maintained.

Lastly, the minutes report “The records are maintained on the Tax Collector’s Computer. The Supervisor questioned if the computer records, stored on “Google docs” a “cloud” storage area and accessed through the internet, are safely backed up.”

Since the Town purchased the iTax program from Business Automation Services, Inc. (“BAS”) a number of years ago the tax records have been maintained on the tax collector’s computer. To safeguard these records I save daily backups to a USB flash drive which is kept in a fire-proof safe. Reports of the daily transactions – posted payments, remote bank deposits and cash book entries – are “printed” as a PDF (Portable Document Format) and stored on the flash drive as well. Once the tax collection season is finalized, the paper tax roll, printed by the county’s Office of Real Property Tax Services, the flash drive, and any non-digitized documents are stored in the Town Hall’s safe.

The only record I keep in Google’s cloud-based “Drive” system is my “cash book” which is a spreadsheet I designed that shows a running tally of the day’s total receipts, deposits and balances. The spreadsheet is only viewable by those that have been given the link and only editable by myself. A blank copy of the spreadsheet, with all the embedded formulas, is stored in another google folder and a PDF of the spreadsheet is saved daily to the flash drive.

Regarding the issue of the tax collection checking account balance occasionally exceeding the maximum the FDIC will insure, NBT Bank could offer no solution. They are unable to offer any insurance beyond the standard \$250,000. Kate TenEyck, Associate Examiner, Office of the State Comptroller, Local Government and School Accountability, Professional Standards Unit, (518)474-6454, provided me with the following link to their publication, also from the Division of Local Government and School Accountability, LOCAL GOVERNMENT MANAGEMENT GUIDE, “Investing and Protecting Public Funds”:

<http://www.osc.state.ny.us/localgov/pubs/lmg/investingpublicfunds.pdf>

The following is from page 13 of that publication: (See next Page)

Barring these options, one possible solution would be to open a second account at a different bank and split the deposits between them. Otherwise, I can simply make payments to the Supervisor or County more often and thus minimize the amount of time the balance exceeds \$250,000. In the month of January 2014, before the Town received its full share of the warrant on 1/28/14, the balance only exceeded \$250,000 one time.

### Security for Deposits and Investments in Excess of FDIC Coverage

When deposits or investments (at a bank or trust company) exceed FDIC coverage, any amounts not insured under the Federal Deposit Insurance Act must be properly secured. Local governments must obtain a pledge of eligible securities, or obtain other permissible security, to ensure that the amount of deposits and investments in excess of FDIC insurance will not be lost in the event of a bank or trust company failure or other events of default. Without the protections afforded by properly securing deposits and investments that exceed FDIC insurance, those moneys are at risk of loss should a bank or trust company failure or other event of default occur. Permissible means of securing deposits and investments consist of any one, or combination, of the following, subject to statutory requirements:

- A pledge of eligible securities,
- A pledge of a pro rata portion of a pool of eligible securities,
- An eligible surety bond,
- An eligible letter of credit and
- An irrevocable letter of credit issued by certain federal home loan banks.

While the law<sup>11</sup> lists a variety of instruments that are within the definition of “eligible securities,” local governments are not required to accept all of them. Some types of eligible securities may be more appropriate than others for individual local governments. Local governments should consult their attorneys and investment advisors regarding the types of eligible securities to include in their investment policies and security and custodial agreements.

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4. Town Justice - Nik Santagate: Supervisor Peter Shrope said he received a check in the amount of \$3,525.00 and that the Judge disposed of 41 cases during May.
5. Code Enforcement Officer - Paul Blaine: Issued one (1) Building Permits (#15-007) for a septic system
6. Assessor - Roseanne Gallagher:  
Briggs Appraisal wants to terminate their contact with the Town; their Data collector Doug Tichenor does not want to complete the project. Supervisor Peter Shrope said he received a letter asking for the Board to agree and the Assessor is in agreement. She says she can finish the job if the Town will pay her extra money. Supervisor Peter Shrope asked the attorney for the Association of Towns if this would be a conflict of interest. The Town may pay extra as data collection is outside the duties of an Assessor. Compensation has to be based on either hourly rate or parcel rate. Roseanne Gallagher plans to attend the meeting in July to discuss this issue. She feels the data already collected may not be complete as some of the property record cards do not have notations on them.

#### **RESOLUTION #51**

#### **TERMINATION OF CONTRACT WITH BRIGGS APPRAISAL FOR DATA COLLECTION**

Motion made by supervisor Peter Shrope, second by Brian McDonnell,

WHEREAS, the Town received a letter from Briggs Appraisal Services with whom the Town has a contract for property data collection and which they have only completed 76% of the project, and  
WHEREAS, Briggs Appraisal has requested the contract be terminated by mutual agreement with no liability by either party as the Town's new Assessor Roseanne Gallagher would like to finish the project herself,

TOWN OF BRIGHTON - FRANKLIN COUNTY, NY  
REGULAR BOARD MEETING  
June 11, 2015  
Page 5 of 7

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes Supervisor Peter Shrope to sign a letter of mutual agreement to terminate the contract dated February 13, 2014, and revised in 2015 with Briggs Appraisal Services for data collection and there will be no further liability by either party.

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0  
Resolution #51 declared duly adopted.**

7. Town Park - Supervisor Peter Shrope:
  - a. Ben Tucker has started mowing and raking at the Park
  - b. Andy Crary had to buy a new battery for the tractor
  - c. Amber McKernan said the wooden forms under the rocking horses need to be replaced; park needs to be freshened up. Andy Crary said the Highway employees can replace the wood.
  - d. Swing also needs to be fixed.
  - e. Propane has been removed from the tank by Griffith Energy; the tank will be removed in a few weeks. MX Fuels will replace the tank at a later date.
  
8. Food Pantry - Barb Marshall: No Report received
  - a. Supervisor Peter Shrope said he wanted to make a few statements concerning the Food Pantry for the record. In the report from May, Barb Marshall said "There would be no need to access the park side any longer. That would end any issue regarding the Town breaking any laws." It appears the Food Pantry has the perception they "own" the portion of the building they are in. He looked into time spent building the addition on the park building. Superintendent of Highways Andy Crary has records showing the Town contributed \$10,570.48 in labor without including benefits to build the building. This amount does not include retirement, mileage to pick up supplies, or heavy equipment usage. The Town approved \$1,500 from the Budget for expenses. So the Town's contribution was \$12,070.48. The labor cost of \$360 for the concrete block was donated at the request of the Highway Superintendent. There is no record of the cost for the electrical panel. In the September 9, 2010, minutes of the Town, George Earl stated he has donations over \$4,000 from St. Regis Lake property owners for the food pantry building. There is no record the \$4,000 was donated to the Town for supplies. There has been no audit of the funds spent, no proof, or receipts to show that dollar amount was spent to build the addition. The Town has spent triple the amount George Earl said he collected. Andy Crary said the windows, plywood, wiring and insulation were purchased by the Food Pantry and they should have the receipts. The painting was done by someone doing community service.
  - b. In a "Letter to the Editor" on June 6, the writer said the "food pantry was being forced to close". Supervisor Peter Shrope said he would like to challenge that statement. If anyone reads the newspaper articles and the Town minutes no where did the Town Board ever use the word "close"
  - c. Supervisor Peter Shrope said he would also like to thank the Food Pantry for posting a friendly reminder on their bottle bin near the Pack Basket Diner in Gabriels, five months in advance, stating that it is an election year.
  - d. Brian McDonnell said he would like the Supervisor to publish a "Letter to the Editor" from the Town to clarify the Town Board's position concerning the food pantry and the use of Town property.

**RESOLUTION #52-2015**

**LETTER TO THE EDITOR CONCERNING THE FOOD PANTRY USING A TOWN BUILDING**

Motion made by Brian McDonnell, second by Lydia Wright,

RESOLVED that the Town Board authorizes Supervisor Peter Shrope to send a Letter to the Editor of the Adirondack Daily Enterprise concerning the food pantry using a Town building and how this is in violation of Article 8 of the New York State Constitution and to clarify the misinformation that has been published in the newspaper.

TOWN OF BRIGHTON - FRANKLIN COUNTY, NY  
REGULAR BOARD MEETING  
June 11, 2015  
Page 6 of 7

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0  
Resolution #52 declared duly adopted.**

9. Historian - Elaine Sater: Nothing to report
10. Animal Control - Tri Lakes Humane Society: No report
11. Supervisor - Peter Shrope:
  - a. The County Manager submitted the "Tax Freeze" Shared Services plan on May 28 to the State
  - b. Distributed Budget as of May 31, 2015, to the Board, Revenues: (June 2) \$14,324.47 from mortgage tax and (May 22) \$128.00 in 2<sup>nd</sup> mailing from Franklin County, \$3,525 from Town Justice, and \$431.52 from Town Clerk, \$.47 in interest from the Tax Collector
  - c. NYCLASS interest received for the General Fund was \$2.53, total in account \$85,303.55 and Highway Fund is \$1.23, total in account \$40,127.53.

***APPROVAL/AMENDMENT OF MINUTES***

**- Regular Board – May 14, 2015**

Motion made by Amber McKernan, second by Brian McDonnell, to accept the minutes of the Regular Board Meeting of May 14, 2015, with the following changes: Page 2, Reports, Para 1, Highway, Resolution #45-2015, indented words: change "as" to "a" and add "of" after "distance"; and Page 7, Business, Para 4, Title and 2<sup>nd</sup> sentence: change "Supervisors" and "Supervisor's" to "Supervisors"

**Aye 3 (McDonnell, McKernan, Shrope), Nay 0, Abstain 2 (Tucker, Wright)**

***CITIZENS COMMENTS:*** None

***BUSINESS***

1. **ANC Association - Supervisor Peter Shrope:** Received a letter from Adirondack North Country Association (ANCA) requesting support of "Solarize the North Country"; included a letter for the Supervisor to sign and return for mailing to residents. There is information in the letter that cannot be determined, (Town selected installer), need more information before it can be approved for signature.
2. **Forever Wild Day at Heaven Hill Farm - Supervisor Peter Shrope:** Received an invitation to attend an event on July 18 and pay \$25.00 each. No one is able to attend.
3. **Humes vs Town of Brighton - Supervisor Peter Shrope:** A Stipulation of Discontinuance for 2009, 2010, 2011 and 2012 in the case of "Humes vs Town of Brighton", was filed in NYS Supreme Court Franklin County on May 28, 2015.

***COMMITTEES:*** Nothing to Report

***CITIZENS COMMENTS:***

**Brian McDonnell - VIC Manager:** There was a Birding Festival last weekend; there were a large number of birders in attendance. There will be a Birch syrup Festival this weekend, there are people from several different states and countries, such as Russia, Canada, Finland, and Belarus attending.

TOWN OF BRIGHTON - FRANKLIN COUNTY, NY  
REGULAR BOARD MEETING  
June 11, 2015  
Page 7 of 7

**AUDIT OF VOUCHERS**

**RESOLUTION #53-2015**

**PAYMENT OF AUDITED VOUCHERS AS LISTED ON THE ABSTRACTS**

Motion made by Amber McKernan, second by Lydia Wright,

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

PREPAID FUNDS: Abstract #6 for Voucher #6A through and including #6D for 2015 General Funds in the amount of \$580.98 and STREET LIGHTING FUND in the amount of \$48.48

GENERAL FUND: Abstract #6 for Voucher #114 through and including #140 for 2015 General funds in the amount of \$3,409.47

HIGHWAY FUND: Abstract #6 for Voucher #55 through and including #62 for 2015 Highway funds in the amount of \$2,375.08

**ROLL CALL VOTE: Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0  
Resolution #53 declared duly adopted.**

**ADJOURNMENT**

Motion to Adjourn the meeting at 8:50 p.m. made by Amber McKernan, Second by Lydia Wright, Aye 5 (McDonnell, McKernan, Shrope, Tucker, Wright), Nay 0

Respectfully Submitted,

Elaine W. Sater, RMC  
Brighton Town Clerk