

PUBLIC HEARING AND REGULAR TOWN BOARD MEETING
TOWN OF BRIGHTON – JUNE 14, 2001

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The Regular Meeting of the Town Board of the Town of Brighton was held Thursday, June 14, 2001 at 6:45 p.m. at the Brighton Town Hall, Paul Smiths, NY, with the following:

PRESENT: Supervisor Christopher Leifheit
Council Members: Alicia Bodmer
Linda Dobson
John Quenell

ABSENT: Council Member Roger Smith

OTHERS PRESENT: Elaine Sater-Town Clerk, Don Oliver-Superintendent of Highways, Tom Willis-Historian, Amber McKernan-Tax Collector, and Robert Byno-Maintenance

RESIDENTS: There were 6 residents present

Public Hearing was Called to Order by Supervisor Christopher Leifheit at **6:45 p.m.** for the **Purpose of public input on proposed Local Law #3-2001 waiving residence requirements for the appointed Code Enforcement Officer for the Town of Brighton.**

Public Notice was published in the Adirondack Daily Enterprise on June 5, 2001 and posted at the three local post offices, local businesses and on the Town Clerk Notice Board.

The Floor was opened for discussion and this is a summary of the discussion:

Tom Willis-Garondah Road: Is this a State Law the Town is in violation of? Why is the Code Enforcement Officer being waived but not other Town Officials?

Supervisor Christopher Leifheit responded that the Town has been in violation of this law for a while and this will correct the oversight so a new Code Enforcement Officer can be hired. The Town is waiving Municipal Home Rule Law §10[1][ii][a][1]. The Local Law will read “The person holding the office of building inspector in the Town of Brighton, Franklin County, need not be a resident nor an elector of the Town of Brighton, provided, however, that such person shall reside in the county in which such town is located or an adjoining county within the State of New York.” No other appointed official is affected at this time.

Tom Willis-Garondah Road: Line 2 of the quote from the Municipal Home Rule Law §10[1][ii][a][1] “...the town of Pleasant, Westchester County...” should read “... the town of **Mount** Pleasant, Westchester County”

There were no further comments from the public.

Motion to Adjourn the Public Hearing was made by Supervisor Christopher Leifheit at 6:49 p.m., second by Alicia Bodmer; Aye 4, Absent 1 (Smith)

Regular Board Meeting was Called to Order by Supervisor Christopher Leifheit at **6:50 p.m.**

Council Member Roger Smith entered the meeting at 6:52 p.m.

APPROVAL OF MINUTES:

Motion made by Supervisor Christopher Leifheit **to accept the minutes of the Regular Town of Brighton Meeting on May 10, 2001, with the following correction: Page 5, Paragraph 5, Insurance, Line 6: Change “town officials” to read “Highway Employees”, second by John Quenell; Aye 4, Abstain 1 (Smith)**

TOWN CLERK REPORT

Total Revenue to Supervisor as of May 31, 2001 was \$261.05

9 Certified Copies

12 Dog Licenses

6 Building Permit (BRI2001-06 through and including 11)

1 Park Donation

FOIL Requests and copier fees

1. Park Use Schedule: Park will be closed on June 23, 2001, Park Attendant will be out of Town for family business, NCCC Graduating Class used park on May 19, Bruce Baker-June 16, and Jon Kratts-June 23 (Aware that Field House will be closed)
2. Town Hall Schedule: Cindy Williams- June 16 and Rainbow Lake Water Board-June 19. The Town Clerks Office will be closed on Thursday, June 28.

SUPERVISOR’S REPORT AND CORRESPONDENCE:

Balances of Accounts as of June 12, 2001 were available and are attached to these minutes

Business at Hand:

1. Proposed Local Law #3-2001, To Establish Residence Requirements for the appointed office of building inspector becomes Local Law #1 for the Year 2001

RESOLUTION # 52

LOCAL LAW #1-2001 TO ESTABLISH RESIDENCE REQUIRMENTS FOR BUILDING INSPECTOR

Motion made by Supervisor Christopher Leifheit **to adopt Local Law #1-2001 (Proposed Local Law #3-2001), To Establish the Residence Requirements for the Appointed Office of Building Inspector (attached), second by Linda Dobson, All Aye**

Roll Call Vote:

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Supervisor Christopher Leifheit Aye
Council Members: Alicia Bodmer Aye
Linda Dobson Aye
John Quenell Aye
Roger Smith Aye

Resolution #52 declared duly adopted.

2. **Removal of Trees in the Town Park:** Contacted Niagara Mohawk to remove two dead trees in Park near electrical wires but they cannot do it. Contacted Tom Bartus who can do it for \$170.00. Don Oliver offered to ask the Niagara Mohawk's tree removal crew who are parking trucks on Highway lot if they will do it.
3. **Change in Building Permit Fees-** Fees can be changed by resolution of the Town Board. Ed Lagree was introduced as the new Code Enforcement Officer for the Town of Brighton.

RESOLUTION #53

LOCAL LAW #2-2001 TO AMEND BUILDING PERMIT FEES (LOCAL LAW 1-1998, ADMINISTRATION AND ENFORCEMENT OF UNIFORM FIRE PREVENTION & BUILDING CODE)

Motion made by Supervisor Christopher Leifheit to Approve Local Law #2 for the Year 2001 (attached) which amends Section 3, Fees, of Local Law No. 1 of the Year 1998, Providing for Administration and Enforcement of the Uniform Fire Prevention and Building Code, to change the building permit fees to \$30.00 application fee plus one-quarter of one percent of estimated cost of project with the exception of health related items (septic systems and wells), second by Alicia Bodmer, All Aye

Roll Call Vote:

Supervisor Christopher Leifheit Aye
Council Members: Alicia Bodmer Aye
Linda Dobson Aye
John Quenell Aye
Roger Smith Aye

Resolution #53 declared duly adopted.

4. **HUD-**Received a bill from Friends of the North Country for \$9,208.83 to cover costs to administer the HUD program from June 2000 to May 2001. The money should come from two different fiscal years (2000 and 2001) from General Fund A6460.4. **Motion to go to Resolution Vote was withdrawn** for further research into which funds should be used to pay this bill.
5. **LANDFILL-**Six days until completion; topsoil and seeding need to be finished. Bills are coming in from contractor. Griffin International is satisfied with the contractor. Town Board members should go up and visit the site before the work is completed.
6. **BRIGHTEN BRIGHTON-** Project is 90% complete. Tires are almost all gone, U-Save Tire Corp took the bulk of them and the rest went to the Lake Clear transfer station. John Quenell took pictures to be filed with final report. Some scrap metal still needs to be removed by contractor. Many thanks to the Highway Crew for all the work.
 - a. Some numbers: 18 junk vehicles were carted away, 6 still remain but their condition is questionable for removal. 122 appliances with Freon and 151 other appliances for a total of 273 appliances went to the transfer station. 108.5 tons of junk went to the transfer station, 1999 tires were picked up.
 - b. Franklin County Solid Waste Authority (FCWMA): Linda Dobson sent a letter to Frank Karl, a member of the FCWMA to request a price break on tipping fees, which was denied. FCWMA stated they would give us a "town break" as per the reduced rate advertised for the two-week period of 5/7-5/18, only insofar as we brought roadside debris during a similar clean-up last year. We brought none so there was no financial relief.
 - c. Out-of-pocket expenses - Newspaper advertising: \$105.60, Print and Mail Brochures: \$212.59, U Save Tire Corp: \$2250.00, Landfill bill (without Last Tires): \$14,497.75, Last Tires to Landfill: \$667.00, Total of \$17,732.94
 - d. In-kind Services - Payroll and Benefits: 379 hours, 55 overtime hours, Total \$6,712.66; Equipment Use: \$11,073.74, Total \$17,786.40 (Does not include manpower and equipment from Harriestown, John Quenell's hours helping with vehicles, or time and equipment for metal removal)
7. **AUDIT:** Gary Grifford from the New York State Comptroller's Office is auditing the Town's records at the Town's request.
8. **COUNCIL MEMBERS:**
 - a. **Alicia Bodmer-**Litter Law is ready for public hearing

RESOLUTION #54

PROPOSED LOCAL LAW #4-2001, PROHIBITING CLUTTER, LITTER, AND DEBRIS

Motion made by Alicia Bodmer to propose Local Law #4-2001, Prohibiting Clutter, Litter, and Debris (attached) to be enacted by the Town Board of the Town of Brighton, second by Linda Dobson, All Aye

Roll Call Vote:

Supervisor Christopher Leifheit Aye
Council Members: Alicia Bodmer Aye
Linda Dobson Aye
John Quenell Aye
Roger Smith Aye

Resolution #54 declared duly adopted.

RESOLUTION #55

AUTHORIZATION FOR PUBLIC HEARING FOR PROPOSED LOCAL LAW #4-2001 (LITTER)

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Motion made by Alicia Bodmer to authorize a Public Hearing on Tuesday, June 26, 2001 at 6:45 p.m. at the Brighton Town Hall for the Purpose of public input on Proposed Local Law #4-2001, Prohibiting Clutter, Litter, and Debris, second by Linda Dobson, All Aye

Roll Call Vote:

Supervisor Christopher Leifheit	Aye
Council Members: Alicia Bodmer	Aye
Linda Dobson	Aye
John Quenell	Aye
Roger Smith	Aye

Resolution #55 declared duly adopted.

b. John Quenell-

- 1. APA Notice #2001-114-**Recommendation of commercial sand and gravel extraction for Valerie Helms, property affected is adjacent to landfill owned by the estate of James A. Helms. No action taken by Board.
- 2. Outstanding Bill from Janet Bliss-**Not resolved yet
- 3. Equipment Reserve Fund** set up yet? A separate fund has not been set up in CLASS, money has been transferred from NOW account to CLASS. Can interest be transferred into account also when account is finally set up? Yes it can.
- 4. Adelphia Contract:** Draft of letter to be sent to Adelphia with Supervisor's signature was sent to Public Service Commission (PSC) for review -no response received yet
- Has request from Mr. Stebbins concerning **"no passing" zone on Easy Street Hill (Rt 86)** been taken care of? - Supervisor Liefheit spoke to Department of Transportation and needs to draft a letter to them. Route 86 is up for reconstruction from Donnelly's corner to the entrance to Camp Gabriels in a few years. If money is available it may be extended to Paul Smiths Corner (end of Route 86). Takes a long time to get changes to road made. Public Hearings will be held before construction, changes wanted need to be made known then as well.
- 6. New Highway Garage:** Town of Homer is constructing a Town Garage using plans provided to the Town of Brighton by Long Lake Construction (same contractor who built Paul Smith/Gabriels Fire Department building), Don Richards is trying to get Town of Homer's total costs on the building, John Quenell will present information to Board at next meeting

NEW BUSINESS:

1. Rouse Fountain requested time to speak to the Board: Introduced himself as a former Town Council Member and a Town Resident for 65 years. He wanted to give his opinion on a Letter to the Editor published in the Adirondack Daily Enterprise by L. Dobson concerning the Girouard request for a mine permit on the Rainbow Lake Road (copy not provided to the Board). He was not speaking for or against the mine but to express his views as a Tax Payer in the Town of Brighton. When Mr. Fountain was on the Town Board in 1967, the Town Board set guidelines for Land Use Management in the Town of Brighton. Mr. Fountain read from a document (not provided to the Board) stating that the first item was against the expansion of the State of New York owned lands in the Town. Mr. Fountain would like to see a "nice little subdivision" on the property where Mr. Girouard proposes the (gravel) mine. He spoke against the State buying any more land because the value of property will increase for current landowners if there is no more property left to expand. He said the Board should look into how much land is available for expansion. He also did not like the Headline for the Letter to the Editor "Brighton Mine Opposed by Year Round, Seasonal Residents". He felt this was misleading and only the opinion of the people who attended the meeting.

-**Tom Willis** noted that a Public Hearing was held on the issue of selling the land to the State of New York and out of 25 people no one objected to the State buying the property. Mr. Fountain stated he was not aware of the Public Hearing.

-**Linda Dobson** mentioned that attempts to have planning for land use and zoning in the Town have failed in the Town. Mr. Fountain stated the disagreement over the agriculture land has held up the final land use plans.

2. Discharge of Mortgage on the property owned by John C Duquette has been completed as of May 29, 2001.

COMMITTEE REPORTS:

- 1. JUSTICE- Nik Santagate:** 44 Cases disposed \$1,607 sent to the Comptroller
- 2. HIGHWAY – Don Oliver:**
 - Brighton Cleanup is completed. Tires have been all taken to Plattsburgh and Lake Clear Landfil. Mr. Burno is still picking up metal from the Highway Garage
 - All branches and trees have been picked up and chipped on Keese Mills Road
Dirt roads have been raked and rolled
Tandem Sand Truck LT9000 has been repaired-broken front spring and sander shaft and gears
- 3. INSURANCE - John Quenell:** Nothing to Report
- 4. ASSESSOR:** April –Prepared the Tentative Assessment Roll
May – a. Filed Tentative Assessment roll
b. Attended Roll- Four required Days
c. Grievance Day Held on June 7- Three (3) error corrections, no complaints filed
d. Prepared to commence data review for assessment update for 2002
- 5. TAX COLLECTOR- Amber McKernan:**
 - 83 parcels outstanding on May 15, 2001. Bill's were mailed out with penalties and \$1.00 second mailing charge added. Thirteen parcels were paid. Total collected for May: \$22,625.82. Grand Total collected: \$705,059.02 of which \$2,666.58 were penalties.
 - Turned in Books to Franklin County Treasurer on June 6 with 71 outstanding parcels. 70 bills were from the private sector, one from state held lands. Books balanced to the penny.
 - Issued check #343 to Supervisor Christopher Leifheit for penalties: \$585.65
 - Issued check #344 to Franklin County Treasurer for balance of warrant: \$41,365.59

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- e. Bank account is at zero
- f. Attended the NY State Association of Towns Training School for Tax Collecting Officers June 11-13. Learned that second notices are to be sent out earlier than May 15. Town will be able to collect more penalties (\$2972.71) if second notices are sent in April. By law can collect up to \$2.00 for second billing, will check what other towns do, if appropriate will request a resolution to adjust the charge. Taxes can be collected by credit card if desired.
- g. Planning to create a procedures manual for the tax collector's office

Supervisor Christopher Leifheit stated the procedure manual was a great idea and he thanked Amber McKernan for the good work she did as Tax Collector

- 6. **COMPUTER-** Alicia Bodmer asked if computer systems were backed up. Tax Collector, Town Clerk and Court all back up their systems
- 7. **CODE ENFORCEMENT OFFICER-Ed Lagree:**
 - a. Phone was installed-Number is 327-9360 and an answering machine is available
 - b. Getting set up in Town Hall, will work in Town on Wednesday, will be available at 7 am and be on the road in the afternoon
- 8. **CEMETERY-Linda Dobson:**
 - a. Sent request for bids to surveyors, received one bid for mapping from Geomatics Land Surveying: Survey \$1900 (4 weeks), Map file \$1000 (2 weeks), Design new section \$1,800 (2 weeks), Board only budgeted \$2000 for project. Will request more bids in the Fall
 - b. Burial permits need lot and section written on them before they are filed with the Town Clerk
- 9. **PARK-Alicia Bodmer:**
 - a. Estimates for garage door not in yet
 - b. Fencing needs to be discussed with Supervisor Christopher Leifheit
- 10. **MAINTENANCE-Robert Byno:**
 - a. Using 8 inmates from Camp Gabriels to mow lawns at Town Hall and Cemeteries. Need to thank them for the great work they do. Need to replace a mower, one available at Sturdy Rental and Services for \$350.00. Roger Smith stated the extra mower for inmates did not need to be a self-propelled lawnmower.
 - b. Need more flags and markers for veteran's graves. Is money available from a veteran's fund? Supervisor Christopher Leifheit stated there is a Veteran's Account and the Bookkeeper Joannie Sturick is looking into what kind of account this is so the money can be spent. Don Oliver stated that it possibly came from when the America Legion in Brighton disbanded in the 1960s.

CITIZENS COMMENTS:

Tom Tucker-Hobart Road: Thanks to the Town for the clean up day, did a great job

Tom Willis-Garondah Road:

- a. Is there a final accounting for 2000? Supervisor Christopher Leifheit said Yes
- b. What is the status of 911-should be started in Fall 2001 into Spring of 2002 for the Town of Brighton
- c. Landfill-who is monitoring it for the first 5 years? Griffin International will cover the first five years
- d. Litter Law-Does it cover abandoned buildings? Local Law 1-1981 covers abandoned buildings
- c. Brighton History Day-Can the Brighton Architectural Heritage Committee (BAHC) use the copier for publicity? Need 300 copies, someone will donate the paper. Need to borrow some chairs; can the ones in the Town Hall be used? Board said yes to both requests.
- d. Year 2000 Project: Would like to open it to the public in the Town Hall in the fall. Pictures need to be hung and the book and CD will be available for viewing. Camp Gabriels could make stands for pictures if the town will buy the materiel.
- e. HISTORY LESSON: In 1900 Town Board gave Paul Smith the franchise to run electric power, telephone and telegraph for perpetuity.

RESOLUTION #56

AUTHORIZATION TO PAY ALL BILLS LISTED ON ABSTRACTS

Motion made by Supervisor Christopher Leifheit to pay the vouchers as listed on the abstracts attached to these minutes as follows:

ABSTRACT #6-All Funds: Pre-Paid Voucher #6A through and including 6D as follows: \$6,863.64 General Funds, \$2,019.24 Highway Fund, Total \$8,882.88

ABSTRACT #6-General Fund: Voucher #92 through and including Voucher #115 as follows: \$21,954.61

ABSTRACT #6-Highway Fund: Voucher #71 through and including Voucher #83 as follows: \$4,569.50

ABSTRACT #6-Street Lighting District: Voucher #6 for \$47.00

Second by Alicia Bodmer, All Aye

Roll Call Vote:

Supervisor Christopher Leifheit	Aye
Council Members: Alicia Bodmer	Aye
Linda Dobson	Aye
John Quenell	Aye
Roger Smith	Aye

Resolution #56 declared duly adopted.

Motion made by Supervisor Christopher Leifheit to adjourn the Regular Town Board Meeting at 9:10 p.m.,
second by John Quenell; All Aye

Respectfully submitted,

Elaine W. Sater
Brighton Town Clerk