

The Regular Meeting of the Town Board of the Town of Brighton was held Thursday, September 13, 2001 at 7:00 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
Roger Smith

ABSENT: None

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

GUESTS: None

RESIDENTS: There were several residents and nonresidents present

Meeting was **Called to Order** by Supervisor Christopher Leifheit at **7:02 p.m.**

APPROVAL OF MINUTES:

Motion made by Supervisor Christopher Leifheit **to accept the minutes of the Public Hearing of August 6, 2001 as written**, second by Alicia Bodmer, Aye 4, Abstain 1 (Smith)

Motion made by Supervisor Christopher Leifheit **to accept the minutes of the Regular Town of Brighton Board Meeting August 9, 2001, as written**, second by Linda Dobson, All Aye

Motion made by Supervisor Christopher Leifheit **to accept the minutes of the Special Town of Brighton Board Meeting August 25, 2001, as written**, second by Alicia Bodmer, Aye (4) Abstain 1 (Smith)

TOWN CLERK REPORT

Total Revenue to Supervisor as of August 30, 2001 was \$892.55 from:

- 5 DEC Sport Licenses
- 2 Certified Copy
- 2 Genealogical Searches
- 12 Dog Licenses
- 6 Building Permits (BRI2001-24 through 29)
- 3 Donations for Town Hall and Park Use
- 3 Copier Use

1. August 9, 2001 faxed Public Notice to the Adirondack Daily Enterprise, Re: State of Emergency due to dry weather, posted notices in local businesses and Post Offices.
2. August 17, 2001, Received signed copy of Food Pantry Agreement from Barb Marshall. Needs Town Board's approval.
3. September 4, 2001 Faxed Public Notice to Adirondack Daily Enterprise, Re: Removal of State of Emergency, posted notices in local businesses and Post Offices
4. Sent reservation for Local Government Day to be held in Potsdam, NY on October 10, 2001.
5. Training for Election Inspectors will be held on September 26, 2001 at the Adult Center in Saranac Lake
6. Town Hall Schedule: Democrat Caucus-Wednesday, August 29 at 6:00 p.m., Republican Caucus-Monday, September 6 at 6:30 p.m., Smith-Saturday, October 13 at 2:00 p.m.
7. Park Use: HSBC Bank-Saturday September 15, at 2:30 p.m. and Agway-Saturday, September 22 at 7:30 a.m.

SUPERVISOR'S REPORT AND CORRESPONDENCE:

BUSINESS AT HAND:

1. **Balances of Accounts as of September 13, 2001 were available and are attached to these minutes**
2. **HUD Program** Administration Costs for July and August are \$1,945.02. Supervisor Christopher Leifheit has asked Ann Holland at Friend of the North County to give an estimate for the 2002 budget for expected expenses and an expected end date.

RESOLUTION #71

AUTHORIZATION TO EXPENSE GENERAL FUNDS OF \$1945.02 FOR HUD ADMINISTRATOR

Motion made by Supervisor Christopher Leifheit **to authorize expenditure of \$1945.02 from General Funds Agency HUD Account (A6460.4) to Friends of the North Country for HUD Administration for July (\$863.97) and August (\$1081.05) 2001**, second by John Quenell, All Aye

Roll Call Vote:

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

Resolution #71 declared duly adopted.

3. **Budget Amendment #6 for General Fund**

RESOLUTION #72

AUTHORIZATION FOR BUDGET AMENDMENT #6 GENERAL FUND FOR \$2207.77 (A1990.4)

Motion made by Supervisor Christopher Leifheit to authorize Budget Amendment #6 to General Fund to transfer funds of \$2207.77 from A1990.4 (Contingent) as follows: \$1945.02 to A6460.4 (Agency HUD) to cover 2 months of Administration Expenses for the HUD Program and \$262.75 to A1420.4 (Attorney CE) to cover attorney fees, second by John Quenell, All Aye

Roll Call Vote:

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

Resolution #72 declared duly adopted.

- 4. SEQR Declaration of Negative Impact for Proposed Local Law #2-2001 Personal Watercraft Regulation Zone** was received from Conboy, McKay, Bachman & Kendall, LLP (Scott Goldie, Attorney)

RESOLUTION #73

AUTHORIZATION TO ACCEPT ENVIRONMENTAL ASSESSMENT FORM AND NEGATIVE DECLARATION

Motion made by Supervisor Christopher Leifheit to accept the State Environmental Quality Review (SEQR) Short Environmental Assessment Form Appendix C for Unlisted Actions Only and Negative Declaration Notice of Determination of Non-Significance (both attached) as they pertain to Proposed Local Law No. 2 for the Year 2001, Personal Watercraft Regulation Zone, 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 #73 declared duly adopted.

- 5. Evergreen Trailer Park Update:** John Quenell has spoken to the Board of Health since the deadline has passed for the water order and the water is not potable. He contacted the Albany office when the local office did not give a satisfactory answer. An editorial from the Adirondack Daily Enterprise on Aug 25 addressed the issue and a copy of this was sent to the Albany office also. The registered letter sent to the property owners' concerning the abandoned trailers was returned rejected. Local Law No. 1 of the Year 1981, "Providing for the Repair and Removal of Unsafe Buildings and Collapsed Structures," outlines procedures to follow concerning the process for abandoned buildings (Section 5). In other areas the water well has been covered and septic system of one trailer has been replaced.

RESOLUTION #74

AUTHORIZATION TO ISSUE ORDER TO REPAIR/DEMOLISH AND REMOVE ABANDONED MOBILE HOMES AT EVERGREEN VILLAGE MOBILE HOME PARK

WHEREAS, a report dated September 4, 2001 has been received from the Town of Brighton Code Enforcement Officer specifying dangerous and unsafe conditions relating to three abandoned mobile homes on lot numbers 3, 15, and 18 at the Evergreen Village Mobile Home Park owned by Mohammed and Elaine Charlie on County Road 55 in the Town of Brighton, Franklin County, New York, and

WHEREAS, Brighton Local Law No. 1 of the Year 1981, entitled "Providing for the Repair and Removal of Unsafe Buildings and Collapsed Structures" provides for the remedy of unsafe conditions related to the existence of abandoned structures; it is hereby

ORDERED, that Mohammed and Elaine Charlie, the owners of Evergreen Village Mobile Home Park, are required to repair or demolish and remove said abandoned mobile homes in accordance with the following Notice.

NOTICE: Mohammed and Elaine Charlie are hereby notified with regard to their property known as Evergreen Village Mobile Home Park on County Road 55 in the Town of Brighton, Franklin County, New York, that three abandoned mobile homes, situated on lot numbers 3, 15, and 18, are dangerous and unsafe in that they have broken windows, sagging floors and walls, and contain trash and garbage, and that they must be either repaired or demolished and removed from the property. The repair or removal of the cited properties shall begin within 30 days of the service of this notice and shall be completed within 60 days thereafter unless it is shown for good cause that such time should be extended.

Mohammed and Elaine Charlie are hereby notified that in the event of their neglect or refusal to comply with the above order by the Town of Brighton to repair or demolish and remove the abandoned structures, the Brighton Town Board is authorized to provide for their demolition and removal and to assess all expenses thereof against the land on which they are located and to institute a special proceeding to collect the cost of demolition and removal, including legal costs.

Mohammed and Elaine Charlie are hereby invited to a hearing in relation to the unsafe structures to be held at 6:00 pm on Friday, September 28 at the Brighton Town Hall, Route 86 at Jones Pond Road in the Town of Brighton.

Motion made by Council Member John Quenell, 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 #74 declared duly adopted.

6. **Proposed Local Law #2-2001 (PWC):** A typographical error needs to be corrected in proposed Local Law #2-2001 for Establishing a Personal Watercraft and Specialty Prop-Craft Regulation Zone, Section 1, last sentence: Change “46.b” to “73-b”.

RESOLUTION #75

APPROVAL OF LOCAL LAW NO. 4 FOR THE YEAR 2001-ESTABLISHING A PERSONAL WATERCRAFT AND SPECIALITY PROP-CRAFT REGULATION ZONE

Motion made by Supervisor Christopher Leifheit **to approve Local Law No. 4 for the Year 2001 (Proposed Local Law #2-2001) entitled “Establishing a Personal Watercraft and Specialty Prop-Craft Regulation Zone” (attached)**, second by Alicia Bodmer, Aye 4, Nay 1 (Smith)

Roll Call Vote:

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

Resolution #75 declared duly adopted.

7. **HUD Update: Project BRI-94-T6** is nearing completion; two more payments of \$9,000 and \$3,000 will spend the balance of the HUD funds for this project.

RESOLUTION #76

AUTHORIZATION TO EXPENSE \$12,000 OF HUD FUNDS FOR HUD PROJECT BRI-94-T6

Motion made by Supervisor Christopher Leifheit **to approve expenditure of \$12,000 of HUD CDBG Funds for HUD Project BRI-94-T6 as follows: \$9,000 for Phase 3 and \$3,000 for Phase 4 (Final). These funds will be paid upon satisfaction of conditions set by Friends of the North Country**, second by Roger Smith, All Aye

Roll Call Vote:

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

Resolution #76 declared duly adopted.

NEW BUSINESS:

1. **RESIDENCE IN GABRIELS:** Is this house a health risk to residences in the area? Department of Health in Saranac Lake will not get involved. There is no potable water, the septic system is not functioning, and garbage is inside the house. The Code Enforcement Officer has notified the owner of the situation. John Quenell will contact the Department of Health in Albany to determine if they should take any action. Alicia Bodmer will contact ComLinks to determine if they can help the family find another place to live.

2. **FOOD PANTRY CONTRACT:** St Paul/Assumption Church in Bloomingdale has asked to use the Town Hall for another year for the Food Pantry.

RESOLUTION #77

AUTHORIZATION TO APPROVE FOOD PANTRY CONTRACT FOR ONE YEAR

Motion made by Supervisor Christopher Leifheit **to approve the contract for St Paul’s/Assumption Church to use the Town Hall for a food pantry from July 1, 2001 to June 30, 2002**, 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 #77 declared duly adopted.

3. **CULVERT ON KEESE MILLS ROAD:** Culvert (bridge with less than 20’ span) on the road has been damaged by traffic over a period of time. A structural engineer from Department of Transportation (DOT) examined the culvert and issued an abbreviated Inspection Report. The recommendation is to limit heavy loads on the road due to the condition of the east abutment. The DOT recommends 5 to 10 tons limit until repairs can be made, but it is the Town’s responsibility to post the culvert. Residents would like the road closed to heavy trucks. Safety vehicles, buses and snowplows need to use the road. Need to contact legal council for any further action. DEC permits are being obtained to make the repairs.

RESOLUTION #78

AUTHORIZATION TO POST A 10-TON WEIGHT LIMIT ON THE KEESE MILLS ROAD CULVERT

WHEREAS, the New York State Department of Transportation completed an inspection of a culvert on the Keese Mills Road, and

WHEREAS, the Inspection Report recommends the Town limit heavy loads to 5 – 10 tons until repairs are made, **THEREFORE, BE IT RESOLVED** that the Town of Brighton Board authorizes Superintendent of Highways Don Oliver to post signs for a 10-ton limit for the Keese Mills culvert pursuant to Vehicle and Traffic Law Section 1660.11 for the safety of vehicles using the road until repairs to the culvert are completed.

Motion made by Council Member Alicia Bodmer, second by John Quenell, All Aye

Roll Call Vote:

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

Resolution #78 declared duly adopted.

4. **PAPER FOLDING MACHINE:** Amber McKernan, Tax collector would like to order a folding machine Martin Yale Model 1501 for use by the Tax Collector and the Town. She does not have enough funds in her Account to purchase it but if the amount is divided among different accounts it could be purchased.

RESOLUTION #79

AUTHORIZATION TO PURCHASE A PAPER FOLDING MACHINE MARTIN YALE MODEL 1501

Motion made by Council Member John Quenell to authorize Tax Collector, Amber McKernan, to purchase a Paper Folding Machine Martin Yale Model 1501 and to expend funds NOT TO EXCEED \$500, 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 #79 declared duly adopted.

5. The Paul Smiths-Gabriels Volunteer Fire Department needs the Town’s Highway Department to help install a dry hydrant off the Split Rock Road on private property.

RESOLUTION #80

AUTHORIZATION TO USE TOWN EQUIPMENT ON PRIVATE LAND TO INSTALL DRY HYDRANTS

Motion made by Council Member Roger Smith to authorize the Town of Brighton Highway Department to use Town Equipment on private property (Tarantelli) to help the Paul Smith Gabriels Volunteer Fire Department install a dry hydrant off the Split Rock Road, second by John Quenell, All Aye

Roll Call Vote:

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

Resolution #80 declared duly adopted.

COMMITTEE REPORTS:

1. **JUSTICE- Nik Santagate:** Disposed of 22 Cases during August; check to the Comptroller’s for \$697.00
2. **HIGHWAY – Don Oliver:**
 - a. Loader has been repaired, cost went over original estimate of \$5500.00 by \$1100.00

RESOLUTION #63 (AMENDED)

AUTHORIZATION TO AMEND RESOLUTION #63-2001

Motion made by Supervisor Christopher Leifheit to amend Resolution #63-2001 from the DO NOT EXCEED amount of \$5,500 to \$6,600 to cover the cost of repairing the John Deere Bucket Loader, 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 #63 declared duly amended.

- b. Need to transfer \$5000 from Equipment Reserve A885 to Equipment Repair (Machinery CE) A5130.4

RESOLUTION #81

AUTHORIZATION FOR BUDGET AMENDMENT #1-2001 HIGHWAY FUND FOR \$5,000

Motion made by Supervisor Christopher Leifheit to authorize Budget Amendment #1-2001 to transfer \$5,000 from Highway Fund Account Equipment Reserve (DA885) to Account Machinery C.E. (DA5130.4), second by Roger Smith, All Aye

Roll Call Vote:

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

Resolution #81 declared duly adopted.

- c. Have been researching new tandem trucks for a new snowplow/sander. Price range is \$120,000 for acceptable trucks, won't be available until 2002
 - d. Have run road rake over all dirt roads
 - e. Checking beaver work daily
 - f. Glenn Perrino took a two-week vacation; Andy Cray is now on two-week vacation, lonely at the garage
 - g. Is a new garage possible?
 - h. Ordered salt for winter
- 3. TAX COLLECTOR- Amber McKernan:**
- a. Generally routine month with phone calls from citizens and business offices requesting information on the status of current tax bills and payments.
 - b. Received a few phone calls on School taxes and directed them to the correct office
 - c. Work continues on the procedure manual
 - d. Getting a list of supplies together for the new tax year (2002)
- 4. INSURANCE - John Quenell:** Nothing to report
- 5. ASSESSOR- Doug Tichenor:** Assessment update on going, held public information night on August 30
- 6. CODE ENFORCEMENT OFFICER-Ed Lagree:** No Report, mileage reports are available from Supervisor Christopher Leifheit
- 7. CEMETERY-Linda Dobson:**
- a. Bids for mapping should be requested. Proposal needs to be finalized.
 - b. Received a bill for opening a grave for \$275; this was for a second opening after running into a large rock in the first grave.
 - c. Cemetery rules (1986) show a fee of \$100 is collected for burials. Roger Smith stated the money is collected by the funeral home and they pay for the grave opening. The Highway Department used to open the graves and money was paid to the Town. The cemetery rules need to be updated.
- 8. PARK-Alicia Bodmer:**
- a. Overhead door for the Park has been ordered. The Highway Department will pickup and install it
 - b. The Community Enhancement grant money has been received. There is \$1,137.11 left over and needs to be spent; it can be used on the Park. Fencing is needed and could be purchased before winter and installed to keep the snowmobiles off the Park.

CITIZENS COMMENTS:

Tom Willis-Garondah Road:

- a. How much is left in the Contingency Fund? After tonight's expenditures there is \$1,364.55 left in Contingency.
- b. Who did the Republican Caucus nominate for the election? Same slate as the Democrat Party, Chris Leifheit for Supervisor, Don Oliver for Superintendent of Highways, Amber McKernan for Tax Collector, John Quenell and Steve Tucker for Town Council
- c. Who will post the signs for Local Law #4-2001 (PWC)? The Town would like the Lake Associations to post the signs
- d. Who is responsible for the bridge on White Pine Road? The Town owns the bridge.
- e. What has caused the fence to fall down at the Park? Wood fatigue and vandalism
- f. There is an abandoned trailer on the Jones Pond Road, is anything being done about it? Owner is tearing it down

Neil Surprenant-Keese Mills Road: Can anything be done about the trucks on the Keese Mills Road? They are a safety hazard on the narrow residential road. People have been run off the road by the large logging trucks. The large trucks are visibly damaging the side of the road.

John McBride-Keese Mills Road: Trucks are on the road early in the morning (5:30 am) and are driving down the middle of the road. Will they be using the road all winter?

Pat Willis – Garondah Road: Asked by a resident on Keese Mills Road who could not attend this meeting to mention that the large trucks are coming fast down the road, this person is nervous about pulling out of her driveway because it is near the rise by the church and she cannot see very far along the road.

Supervisor Christopher Leifheit stated the Highway Committee met with the logging company about the culvert and mentioned the concerns of speed and alternated routes for the trucks to use. Paul Mitchell said his drivers are aware of the residential nature of the road and are following the speed limit. They will be logging through the fall. He is not interested in using any other route due to the distance to where he is delivering. Slush Pond Road would be ideal since no one else uses it and it goes right to Ross's property. It is not wide enough for trucks to pass and would be expensive for the Town to maintain. It could be used one-way at a time and graded.

Keith Smith –Keese Mills Road: How much will it cost to repair the road if the heavy trucks cause damage?

Council Member Alicia Bodmer stated it cost \$30,000 to pave one mile of White Pine Camp Road. Federal funds were used to pave Keese Mills Road and those funds are available every ten years to pave the same road. Vehicle and Traffic Law allows the town to restrict traffic by weight or size on a road, but it applies to all traffic not specific traffic.

Betty Scott-Beech Hill Road: Is there any disaster relief for North Brook Lodge after the microburst on August 28, 2001? A list of all those affected has been compiled

Council Member Roger Smith stated he was aware that a request for relief has been filed through the State Emergency Management Office (SEMO) but the process is very slow.

OTHER BUSINESS:

Motion made by Supervisor Christopher Leifheit to **GO INTO Executive Session at 9:20 p.m. for the purpose of discussing the medical history of a town employee (Public Officers Law, Article 7, Section 105(f))**, second by Alicia Bodmer, All Aye

Motion made by Supervisor Christopher Leifheit to **GO OUT OF Executive Session at 9:35 p.m.**, second by Alicia Bodmer, All Aye

RESOLUTION #82

AUTHORIZATION TO EXPEND FUNDS OF \$5247.81 TO THE TOWN OF SANTA CLARA FOR CODE ENFORCEMENT SERVICES

Motion made by Supervisor Christopher Leifheit to **authorize the expenditure of \$5247.81 from General Fund Safety Inspector CE (A3620.4) to the Town of Santa Clara for Code Enforcement services for 2001**, second by John Quenell, All Aye

Roll Call Vote:

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

Resolution #82 declared duly adopted.

RESOLUTION #83

AUTHORIZATION FOR BUDGET AMENDMENT #7 GENERAL FUND FOR \$5,186.70

Motion made by Supervisor Christopher Leifheit to **authorize Budget Amendment #7 to the General Fund to transfer general funds of \$3,576.90 from Safety Inspector P.S. (A3620.1) and \$1,609.80 from Contingency (A1990.4) for a total of \$5,186.70 to Safety Inspector C.E. (A3620.4)**, 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 #83 declared duly adopted.

RESOLUTION #84

AUTHORIZATION TO PAY ALL BILLS LISTED ON ABSTRACTS

Motion made by Council Member Alicia Bodmer to **pay the vouchers as listed on the abstracts attached to these minutes as follows:**

ABSTRACT #9-All Funds: Pre-Paid Voucher #9A through and including 9F as follows: General Funds \$4449.70 and Highway Fund: \$2019.24 for a Total of Pre Paid \$6,468.94

ABSTRACT #9-General Fund: Voucher #164 through and including Voucher #179 as follows: \$9,589.75

ABSTRACT #9-Highway Fund: Voucher #110 through and including Voucher #121 as follows: \$40,223.66

ABSTRACT #9-Street Lighting District: Voucher #9 for \$46.60

ABSTRACT #3-HUD CDBG: Voucher #4 through and including Voucher #5 as follows: \$12,000

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 #84 declared duly adopted.

Motion made by Council Member Linda Dobson to **adjourn the Regular Town Board Meeting at 9:40 p.m.**, second by Supervisor Christopher Leifheit, All Aye

Respectfully submitted,

Elaine W. Sater
Brighton Town Clerk