



The Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 • 518-891-2189 • Fax: 518-891-6389 • www.townoffranklin.com



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[Home](#)
[Officials & Contact
Info](#)
[Town Clerk/Tax Collector](#)
[Board Meetings](#)
[Town Budget](#)
[Laws & Forms](#)
[Newsletter](#)
[Public Notices & Bid Info](#)
[History, Photos & Maps](#)
[Property Assessments](#)
[Energy](#)
[Events, Recreation & Kate Mtn
Park](#)
[Area
Businesses](#)
[Town Journals](#)
[Emergency Preparedness](#)

Town of Franklin Board Meeting

August 14, 2006

The Town Board of the Town of Franklin held a regularly-scheduled Board meeting on Monday, August 14, at 7:00 pm at the Vermontville Town Hall.

Board members present:

Supervisor Mary Ellen Keith
Councilman Gene Goff
Councilperson Janet Ordway

Board members absent:

Councilman Tim Goff
Councilman Walt Kretser

Others present:

Town Clerk Sandra Oliver

The Pledge of Allegiance was recited; the Town Clerk called the roll and announced a quorum was present.

AUDIT OF BILLS

The following bills were presented for payment on Abstract 7:

General	Claims 157 - 174	\$4,951.89
Highway	Claims 75 - 87	\$17,511.31
Prepay General	Claims 46 - 51	\$1,872.96

The following bills were presented for payment on Abstract 4

Highway Prepay	Claim 4	\$5,573.57
The following bills were presented for payment on Abstract 4		
Landfill special reserve	Claim 3 - 4	\$1,346.35

Motion to approve bills (G.Goff-J.Ordway m/s/p) ALL AYE

MINUTES

The July 10, 2006 minutes were accepted with the following change:

HIGHWAY REPORT

b. Cold Brook Road Cement Culvert Replacement. The cement culvert near Mr. Myers' residence on Cold Brook Road finally collapsed had to be replaced with a bigger culvert because water was undermining the road.

Motion to accept minutes as amended (G.Goff-J.Ordway m/s/p) ALL AYE

SUPERVISOR'S REPORT

Balances as of July 1, 2006:

General Fund	CK	\$21,143.12
	SV	\$480.17
	CLASS	\$244,162.77
Highway Fund	CK	\$37,234.36
	SV	\$15,339.66
	CLASS	\$225,726.70
	Cap Proj Hwy	\$106,597.8
Landfill Closure Capital Reserve	CK	\$2,848.81
	CLASS	\$65,782.03
Fire	CK	\$838.63
	CLASS	\$4,478.83
Cap. Building	CLASS	\$137,281.51

Motion to accept Supervisor's Report (J.Ordway-G.Goff m/s/p) ALL AYE

HIGHWAY REPORT

Coun. G. Goff read the following written report submitted by Highway Superintendent James Rascoe:

1. CURRENT PROJECTS:

a. Leo Collins Road:

1. Completed tree-cutting and chipping
2. Ditching and culverts installed

b. Cold Brook Road:

2. Culvert and guide rails installed - road reopened in three days. Excavation by Trudeau Sand & Gravel

c. Tyler Road

1. Shoulder work done; ditching, culverts. Select stone in ditches on steep grades.

d. Fletcher Farm Road

1. Culvert washed out due to heavy rains. Replaced on one day after we called Verizon because both fiber optic and phone lines were visible.

e. Intermunicipal Assistance

1. Helped Town of Brighton haul asphalt, as well as County and Harrietstown
2. Received help from Town of Saranac hauling fill from shoulders.
3. Borrowed barricades from Village of Saranac Lake and signs from St. Armand for the Cold Brook Road project.

Coun. G. Goff noted the department is working very hard. The employees took the old General Fund trailer and rebuilt it, fashioning shelves and hooks for all hand equipment being used on each project. The Highway Superintendent also negotiated a very good price on a compacter for \$1,900.00, and it is in constant use.

OLD BUSINESS

1. Elections. The primary and general elections will be administered by the County, and apparently, Election Inspectors will be responsible for unlocking the voting machines at the beginning of the day and locking them again at the close. Only two of the Town's election inspectors attended the most recent training class held in Malone. The Town Clerk, concerned that the election process would be better served by having the Town's voting machine custodians supervise the process, wrote the Board of Elections. BOE responded the Town's voting machine custodians may so act for the last time this year, providing the Town pays for their time. Town Board members discussed the matter and opted to leave the decision to the voting machine custodians (Allan Oliver and Carla Oliver) as to whether they wished to serve. Motion to employ voting machine custodians (J.Ordway-G.Goff m/s/p) ALL AYE
2. Grant Application. The Susan Musser grant application prepared by Ann Holland was finalized, signed and sent via certified mail on Friday, August 11. The grant award, if approved, ranges from \$2,500 to \$25,000 for infrastructure planning (architect fees). The Town will be required to match any funds from its Capital Project Building account.

NEW BUSINESS

1. Landfill Monitoring Contract. F.X. Browne the concern which monitors the Town's landfill forwarded its contract for 2007 to Supervisor Keith, who, in turn sent it to James Maher, the Attorney for the Town.
2. Shack at Landfill. Coun. Gene Goff was asked if the Town was willing to sell the shack at the landfill. He told the individual that if the Town were to do so, it would have to be advertised for sale.
3. Septic System Replacement for Senior Citizen. A senior citizen and resident of the Town asked Supervisor Keith for assistance in replacing her inadequate septic system. Supv. Keith called the Office for the Aging and ComLinks both of which replied financial assistance could be obtained but that \$1,171.67 was needed to complete the work. Supervisor Keith noted there is \$4,503.81 in the Town's HUD Revolving account and requested the Board approve her using \$1,171.67 to assist the senior citizen in replacing a septic system.

Motion for resolution authorizing Supervisor to draw funds from HUD Revolving Account (G.Goff-J.Ordway m/s/p) ALL AYE

RESOLUTION NO. 36: AUTHORIZATION FOR SUPERVISOR TO UTILIZE \$1,171.67 FROM HUD REVOLVING ACCOUNT FOR SENIOR CITIZEN SEPTIC SYSTEM REPLACEMENT

WHEREAS, the Town's balance in its HUD Revolving Account is \$4,503.81; and WHEREAS, a resident senior citizen has applied for assistance to replace an inadequate septic system; and WHEREAS, the Office for the Aging and COMLINKS will fund all but \$1,171.67 to replace the subject septic system; NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to utilize \$1,171.67 from the Town's HUD Revolving Account so the septic system may be replaced.

Those voting aye:

Supervisor Mary Ellen Keith
Councilman Gene Goff
Councilperson Janet Ordway

Those Absent:

Councilman Walt Kretser
Councilman Tim Goff

Those Voting nay:

None

4. Verizon Long Distance Calling Plan. Supervisor Keith and her Confidential Secretary Melissa Begor discovered the Town was being billed \$10 per month for a Verizon Long Distance Calling Plan. If the Town did not use \$10 per month in long distance call, Verizon billed the difference plus the \$10. Over the past few years, the Town has paid more than \$500 for a long distance calling plan it did not use. In order to cancel the Plan, Verizon has asked for a resolution. The Board concurred.

Motion for resolution canceling long distance calling plan (J.Ordway-G.Goff m/s/p) ALL AYE

RESOLUTION NO. 37: AUTHORIZATION TO CANCEL VERIZON LONG DISTANCE CALLING PLAN WHEREAS, the Town currently is enrolled in Verizon's long distance calling plan; and WHEREAS, the Town is billed for the Plan at \$10 per month plus the difference in long distance calls not made; and WHEREAS, the Town does not require a long distance calling plan; NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Franklin hereby authorizes the Supervisor to cancel said calling plan.

Those voting aye:

Supervisor Mary Ellen Keith
Councilman Gene Goff
Councilperson Janet Ordway

Those Absent:

Councilman Walt Kretser
Councilman Tim Goff

Those Voting nay:

None

5. Town Clerk Computer. Because of recent power surges, two of the drives on the Town Clerk's computer have burned out. To replace the drive "tower" would cost \$1,030. The Board determined, with advice from its computer expert, Tim Wolter, to replace the entire system. The quote obtained through NYS OGS for a Dell system is \$1,243.

Motion for purchase of Dell computer system (J.Ordway-M.Keith m/s/p) ALL AYE

RESOLUTION NO. 38: PURCHASE REPLACEMENT COMPUTER SYSTEM FOR TOWN CLERK/TAX COLLECTOR WHEREAS, two of the drives on the Clerk/Collector computer system no longer function; and WHEREAS, the Clerk/Collector system is the oldest and the busiest system in the Town; NOW, THEREFORE, BE IT RESOLVED, that purchase of a Dell Opti-Plex computer system through NYS OGS for \$1,243.00 is hereby approved.

Those voting aye:

Supervisor Mary Ellen Keith
Councilman Gene Goff
Councilperson Janet Ordway

Those Absent:

Councilman Walt Kretser
Councilman Tim Goff

Those Voting nay:

None

6. Surge Protectors in Town Hall. Discussion was held concerning the age and efficiency of surge protectors for all computer equipment in the Town Hall. If necessary, surge protectors should be purchased or replaced. The Town Clerk will report at September's board meeting.

7. Bond Anticipation Notes re Purchase of 2007 International 7600 Truck. Supervisor Keith consulted James Maher, Esq., Attorney for the Town regarding financing the purchase of the 2007 International 7600 dump, plow and sander truck, the Town, on the advice of James Maher, Attorney for the Town, would have to adopt a resolution authorizing the issuance of Bond Anticipation Notes. Bond anticipation notes are used by municipalities for the purchase of large pieces of equipment. Upon completion of the purchase, the bonds for permanent financing are issued and the bond anticipation notes are paid off. Bond anticipation notes allow the town to delay issuance and sale of bonds until it is certain how much money the purchase would need and also avoid paying interest on the full amount of the ultimate obligation. At Mr. Maher's suggestion, she contacted Trespasz & Marquardt, 251 W Fayette St., Syracuse, NY, attorneys specializing in bond anticipation notes, and received via fax a sample resolution. She requested the Board approve the retainer of Trespasz & Marquardt as bond counsel, as well as the resolution authorizing issuance of bond anticipation notes.

Motion to retain Trespasz & Marquardt as bond counsel for the Town. (G.Goff-J.Ordway m/s/p)
ALL AYE

Motion for resolution authorizing bond anticipation notes (G.Goff-J.Ordway m/s/p) ALL AYE

RESOLUTION NO. 39: BOND RESOLUTION OF THE TOWN OF FRANKLIN, FRANKLIN COUNTY, NEW YORK, AUTHORIZING THE ACQUISITION OF ONE (1) INTERNATIONAL MODEL 7600 6X4 DUMP, PLOW AND SANDER TRUCK YEAR 2007 FOR USE BY THE TOWN, AT AN ESTIMATED MAXIMUM COST OF \$160,400, APROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF UP TO \$110,000 OF BOND ANTICIPATION NOTES AND SERIAL BONDS OF THE TOWN TOGETHER WITH \$50,400 AVAILABLE FUNDS OF THE TOWN TO PAY THE COST OF THE PROJECT.

WHEREAS, Section 64(2-a) of the Town Law of the State of New York empowers the Town Board of the Town of Franklin, County of Franklin, New York (the "Town") to purchase, lease, sell and dispose of personal property as the purposes of the Town may require; and WHEREAS, the Town Board of the Town has determined that it is necessary for the Town to acquire one (1) International Model 7600 6x4 Dump, Plow and Sander Truck Year 2007 (the "Project") in connection with the maintenance of the Town's property; and WHEREAS, the Town, as a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, et seq. and implementing regulations, 6 NYCRR Part 617 (the "Regulations"), having reviewed the impact of the Project of a dump, plow and sander truck upon the environment, intends hereby to determine that the Project constitutes a "Type II Action" under 6 NYCRR §617.5(c)(25) of the Regulations and is not subject to review under SEQRA; and WHEREAS, the Town Board now desires to authorize the Project and the financing of the cost thereof; NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The acquisition of one (1) International Model 7600 6x4 Dump, Plow and Sander Truck Year 2007 for use in connection with maintenance of the Town's property, together with appurtenant equipment, machinery apparatus and other improvements incidental thereto, all as required for the purpose of which such machine is to be used, at a maximum estimated cost of \$160,400, including all professional costs, including legal advertising and legal services, equipment, machinery and other necessary appurtenances and all other necessary costs incidental to such work, which is estimated to be the total cost of thereof, is hereby approved.

Section 2. The plan for financing of the aforesaid specific object or purpose is by the issuance of up to \$110,000, or such amount less than \$110,000 as may be necessary, of serial bonds, or any bond anticipation notes in anticipation of the issuance and sale of the bonds of said Town, hereby authorized to be issued pursuant to the Local Finance Law and by the use of \$50,400 available funds of the Town, and the levy of a tax to pay interest on said obligations.

Section 3. The Project constitutes a "Type II Action" under 6 NYCRR §617.5(c)(25) of the Regulations and is not subject to review under SEQRA.

Section 4. The full faith and credit of the Town is hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years and such debt service payments may be made in substantially level or declining amounts as may be authorized by law.

Section 5. Pursuant to Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell the serial bonds and any bond anticipation

notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Town Supervisor, the chief fiscal officer. Such bonds or notes shall be of such form and content, and shall be sold in such manner, as may be prescribed by said Town Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The Town supervisor is hereby further authorize, at her sole discretion, to execute all agreements and instruments in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town.

Section 7. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, instruments, or to do any similar acts necessary to effect the issuance of the aforesaid bonds and/or notes without resorting to further action of this Town Board.

Section 8. The following additional matters are hereby determined and declared:

- (a) Pursuant to paragraph 29 of Section 11.00 of the Local Finance Law, the period of probable usefulness of the Project is five (5) years; and
- (b) Current funds are not required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution; and
- (c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.
- (d) The Town reasonably expects to reimburse itself for expenditures made for the Project from the Town's General Fund from the proceeds of the bonds or notes herein authorized.
- (e) This resolution is a declaration of official intent to reimburse for purposes of Treasury Regulation Section 1.150-2.

Section 9. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Franklin, County of Franklin, New York, by the manual or facsimile signature of the Town Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested to by the manual or facsimile signature of the Town Clerk.

Section 10. The Town hereby covenants and agrees with the holders from time to time of the Bonds and any bond anticipation notes issued in anticipation of the sale of the bonds, that the Town will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations issued pursuant thereto unless, in the opinion of bond counsel, such compliance is not required by the Code and regulations to maintain the exclusion from gross income of interest on said obligations for federal income tax purposes.

Section 11. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds with a schedule of substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by a facsimile signature of its Town Supervisor, providing for the manual countersignature of a fiscal agent or of a designated Official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Town Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Town Treasurer shall determine.

Section 12. The lawn firm of Trespaz & Marquardt, LLP is hereby appointed bond counsel to the Town in relation to the issuance of the Bonds.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution shall be effective immediately. The Town Clerk shall immediately cause the publication and posting of a notice in substantially the form provided in Section 81.00 of the Local Finance Law together with a summary of this Bond Resolution.

Those voting aye:

Supervisor Mary Ellen Keith
 Councilman Gene Goff
 Councilperson Janet Ordway

Those Absent:

Councilman Walt Kretser
 Councilman Tim Goff

Those Voting nay:

None

ADJOURNMENT

There being no further business to conduct, the meeting adjourned at 7:58 pm (G.Goff-J.Ordway m/s/p) ALL AYE

Respectfully submitted, Sandra J. Oliver, Town Clerk

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