



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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Town of Franklin Board Meetings

Town Board Meeting Monday, April 14, 2008 - 7:00 pm

The Town of Franklin Town Board held a Regular Town Board Meeting on Monday, April 14, 2008 at 7:00 pm at the Franklin Town Hall in Vermontville, NY.

Board members present:

- Supervisor Mary Ellen Keith
- Councilman Walt Kretser
- Councilman Allen Berg
- Councilman Clifford Smalley
- Councilwoman Janet Ordway

Others Present:

Assessor Douglas Tichenor, Deputy Highway Supt. James Perry, Town Clerk Sandra Oliver, Michael & Lynn Chapman, Donald Vorrath, Sandy Hayes, Vince Catlin, Derek Romeo, Donald & Doris Hamm, Ed & Jean Baltzly, Frank Karl, Mr. & Mrs. James Hauber, Karen Potts, Lorrie Rumble, Lisa Symonds, Chuck Bullis, Jonathan Gorgas, James Brush, Bradley Merrill, Paul Capone, Nathan Brown, Adirondack Daily Enterprise

CALL TO ORDER

Supervisor Keith called the meeting to order at 7:00pm; the Pledge of Allegiance was recited, and the Town Clerk called the roll, stating the full board was present

AUDIT OF BILLS

The following claims were presented for payment on Abstract #4:

General	Claims 73 - 96	\$8,052.23
Highway	Claims 46 -	\$24,027.41

The following claims were presented for payment on Abstract #3:

Prepay General	Claims 7 - 13	\$7,030.34
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Coun. Al Berg indicated that Justice Symonds' voucher did not have the Town's current mileage reimbursement of .45 cents per mile. Supv. Keith indicated the voucher was amended to reflect this.

Motion to pay claims (W.Kretser-A.Berg m/s/p) ALL AYE

MINUTES OF MEETINGS

The minutes of the March 10 regular board meeting and March 24 special board meeting were accepted as presented.

Motion to accept minutes (C.Smalley-J.Ordway m/s/p) ALL AYE

SUPERVISOR'S REPORT

Balances as at March 31, 2008

General Fund	CK	\$1,613.81
	SV	\$42,593.80
	CLASS	\$274,264.30
Highway Fund	CK	\$28,333.31
	SV	\$127,396.11
	CLASS	\$482,168.24
	Cap Proj Hwy	\$24,937.60
Landfill	CK	\$492.02
	CLASS	\$60,619.61
Fire	CK	\$13,437.58
	CLASS	\$2,768.50
Cap. Building	CLASS	\$159,395.71

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

Supervisor Keith stated that with respect to the Landfill fund, application to DEC has been made for a variance which if approved would result in fewer inspections of the Town's closed landfill.

OPEN BIDS FOR FUEL TANK SHED

The following bids were received and opened by the Town Clerk:

Douglas Snickles	\$5,300.00
Lavarnway Construction	\$8,900.00
Lisa Almekinder	\$11,000.00

The Board will review the bids and make an award at its special meeting on Monday, April 21st.

ASSESSOR DOUGLAS TICHENOR

Assessor Tichenor reviewed his plans for the 2009 assessment update and the terms of the proposed contract with Briggs Appraisal Service:

1. PLAN FOR DATA COLLECTION.

a. **Briggs Appraisal Service.** Mr. Tichenor distributed copies of the contract with Briggs for data collection in the Town of Franklin.

(1). **Data collection will be take place during the summer of 2008.** Mr. Tichenor is the sole assessor for the Town of Harrietstown which also has already signed the contract with Briggs. From the pool of trained data collectors, one will visit properties in the Town of Franklin. The data collectors will be contracted labor of the Briggs, and the Town will pay Briggs from the \$15,000 budgeted amount for data collection.

(2). **Site visit defined.** The data collector will visit the 1,000 residential properties in the Town. Mr. Tichenor will visit the vacant parcels. The data collector will actually walk the property, knock on the door of the residence, and if no one is at home, will leave a tag on the door handle with contact information. The collector will perform outdoor measurements and if not invited inside, will estimate indoor measurements. The property owner should contact the Assessor for follow-up. Mr. Tichenor emphasized that he will be spot-checking the data collector(s). The object of the data collection is to verify that the Town's current property data is correct. If a property is posted "no trespassing", the data collector will not enter the property and will estimate measurements. Assessor Tichenor wants to gather all information on properties that might affect the property's value.

2. **VALUATION OF COLLECTED DATA.** Once the data is collected he will send taxpayers a request for data verification and then perform valuation work. Mr. Tichenor will be receiving instruction and assistance from Briggs in the valuation portion of the assessment update using the NYS RPS assessment software. Another public information mailing will be sent with proposed assessment values and an invitation to discuss same with Mr. Tichenor.

3. **OPPORTUNITIES FOR PUBLIC DISCUSSION.** Following public information sessions and information mailings, the tentative assessment roll will be published on May 1, 2009 and then Grievance Day will be the 1st Tuesday in

June. Mr. Tichenor emphasized there will be many opportunities for taxpayers to discuss their assessments with him prior to Grievance Day.

Coun. Berg asked what specifics affect the value of the property.

Mr. Tichenor said he looks at the style of the house, whether it is in prime or poor condition, and physical characteristics - whether it has a cellar or finished basement, as well as the grade of construction materials. He added sometimes he values outbuildings, but not always. Assessors value properties at "current use" - appraisers value properties at "highest and best use".

Coun. Kretser questioned whether a single data collector could gather information on 1,000 residential properties in the time allotted. He said his biggest concern was that the data collection would be incomplete and the Town would not get its money's worth. He also expressed concern that the Town of Franklin's assessments would be raised in order to "balance out" rates in Harrietstown, Brighton and Santa Clara - other towns in the Saranac Lake Central School District.

Mr. Tichenor replied it was important to start gathering information as soon as possible. Time is of the essence, as training for data collectors takes about 1 week. He emphasized he would be spot-checking the data collector's results.

Coun. Berg inquired whether the Board would be introduced to the data collector.

Yes, Mr. Tichenor answered, at a public information session.

Coun. Kretser asked whether aerial photography would be used.

Mr. Tichenor said yes, he uses a website with aerial photography, but not Briggs.

Supv. Keith asked if photographs would be taken.

Yes, and a digital camera has been ordered for that purpose.

How will subdivisions be valued?

If a subdivision application has been filed with APA, then the property can be valued at "highest and best use"; however, if a property owner has not filed a subdivision application on a large number of acres, then it would be valued as "current use".

Coun. Smalley commented that property owners are concerned that the assessment on their properties will be increased.

Coun. Ordway noted the importance of taxpayers communicating with the Assessor to discuss their assessments.

Mr. Tichenor then distributed copies of the contract with Briggs Appraisal Service and requested the Board approve it.

Motion for resolution approving terms of contract with Briggs Appraisal (M.Keith-J.Ordway m/s/p) ALL AYE

RESOLUTION NO. 22: ACCEPT TERMS AND CONDITIONS OF CONTRACT FOR DATA COLLECTION WITH BRIGGS APPRAISAL NOT TO EXCEED \$15,000 AND AUTHORIZE SUPERVISOR TO SIGN

WHEREAS, an assessment update will be performed in 2009; and

WHEREAS, the Town's assessment data must also be reviewed and revised; and

WHEREAS, upon the recommendation of the Assessor for the Town a contract for data collection has been negotiated with Briggs Appraisal Service not to exceed \$15,000; NOW, THEREFORE,

BE IT RESOLVED, that the terms and conditions of the contract with Briggs Appraisal Service is hereby accepted and the Supervisor is authorized to execute same.

THOSE VOTING AYE:

Supervisor Mary Ellen Keith
Councilperson Janet Ordway
Councilman Allen Berg
Councilman Clifford Smalley
Councilman Walter Kretser

THOSE VOTING NAY:

None

Supervisor thanked Mr. Tichenor for his presentation and he left the meeting.

HIGHWAY REPORT

Deputy Highway Superintendent James Perry gave the following report regarding the Highway Dept.

1. CURRENT ACTIVITIES.

- a. Plowed and sanded when necessary
- b. Grader, loader and backhoe were used several times to remove ice buildup and push back banks.
- c. Finished posting town roads with weight limit signs.
- d. Meters have been replaced on the gas and fuel pumps and a new system recording gas and fuel usage has been implemented.
- e. The New Holland tractor out of winter storage and the broom is now installed on it.

- f. The utility trailer and steam jenny are in ready condition to unfreeze culverts
- g. The department is preparing for "broom season".
- h. Potholes are being patched. The department purchased cold patch from another supplier and saved \$200.
- i. The department has enough sand left this year, but no salt. Mr. Perry opined it was possible to use less sand mixed with salt next winter - 2009, as the large quantity of sand used this year insulated the ice during last month's deep freeze and caused the uneven condition of the roads.

2. **VEHICLE PROBLEMS.** Mr. Perry said he parked a plow truck in the Town Hall lot this evening so the public could inspect the vehicle which several days ago slid into a ditch. The backhoe was used to pull the vehicle out. No damage was done to the vehicle, and the employees in the truck cab did not report injury. Mr. Perry said this happens several times a winter to various vehicles.

3. **NEW MANAGEMENT SYSTEMS** under the direction of the Highway Committee, new systems have been implemented:

- a. A new system for recording gasoline and fuel usage.
- b. New vehicle usage/mileage log system implemented.
- c. New vehicle maintenance log has been implemented.

4. **NEW COMPLAINT RESPONSE SYSTEM.** Deputy Hwy. Supt. Perry has instituted a more responsive method of handling complaints from the public. He logs the complaint or question and takes action to respond thereto and will submit monthly reports. He will also drive to the residence in order to speak with the resident, and if no one is at home, will leave a tag on the door with his name and home telephone number. Complaints and responses from 3/11 to 4/13/08:

(1) Beth Bordeau called from the Post Office to request something be done about the pool of water at the exit onto Cold Brook Road. The Town Hall called shortly thereafter to report that the water was flooding the Town Hall basement.

RESPONSE: The backhoe was used to clear the ice-clogged ditch. This drained the puddle and water ceased draining across the road.

(2) A resident called about a spot near his house where the snowbank was hollowed out and was concerned about the safety of his children.

RESPONSE: Because of the dropoff and the nearby brook, this was a safety hazard. The backhoe was used to enlarge the hole in the snowbank, thus creating better visibility.

(3) The State Police reported a fallen tree across Oregon Plains Road.

RESPONSE: The backhoe was used to remove the tree from the road.

5. **WAIVE PROBATION FOR DONALD OLIVER.** Mr. Perry requested the Board waive the mandatory probation period for Donald Oliver, a veteran of municipal highway work.

Motion for resolution (W.Kretser-A.Berg m/s/p) ALL AYE

RESOLUTION NO. 21: WAIVE MANDATORY PROBATION PERIOD FOR DONALD OLIVER

WHEREAS, Donald Oliver has long experience with municipal highway work; and

WHEREAS, Mr. Oliver is of moderate temperament, has a great deal of knowledge and is a good employee; and

WHEREAS, upon the request of Deputy Highway Superintendent James Perry, NOW, THEREFORE,

BE IT RESOLVED, that the mandatory probation period for Donald Oliver is hereby WAIVED.

THOSE VOTING AYE:

Supervisor Mary Ellen Keith
 Councilperson Janet Ordway
 Councilman Allen Berg
 Councilman Clifford Smalley
 Councilman Walter Kretser

THOSE VOTING NAY:

None

HIGHWAY COMMITTEE

1. Coun. Kretser stated Mr. Perry's report was very good and his stepping in to take a leadership role in the department during a difficult time was laudable and is most appreciated by the Town Board.

2. 284 Agreement for 2008. Coun. Kretser stated the Highway Committee and Mr. Perry will review the 284 agreement. Priority must be given to the busiest roads in the town. The modified 284 agreement should be finalized in the next few weeks.

3. Long-Range Planning. Coun. Berg asked if a long-range plan had been written, and Coun. Kretser it was in the formation stage.

4. Recycling of Road Sand. Coun. Kretser reported Mr. Perry researched this subject. Efforts will be made this spring to sweep the built-up sand from driveways and lawns into the middle of the road and then pick it up. The department will endeavor to keep new culverts clear of sand build-up.

QUESTIONS AND COMMENTS RE HIGHWAY MATTERS

What happened to the elected Highway Superintendent?

Coun. Kretser replied that the elected Highway Superintendent James Rascoe submitted a recommendation from his physician to take medical leave, and on February 21st, started that leave after turning over keys to Town vehicles and buildings, cell phone and Town credit cards.

What about the Deputy?

Supv. Keith answered that Eric Merrill resigned his position as Deputy Highway Superintendent on March 20th. Mr. Merrill had been on sick leave and did not want to assume management of the department. He since returned to work as an MEO. Because the Highway Superintendent was on medical leave and the position of Deputy had been vacant for five (5) days, under NYS law, the Town Board must appoint a Deputy. Mr. Perry agreed to take the position, and he was appointed Deputy.

Don't you find it curious that medical leaves were taken at the same time allegations of wrongdoing were made?

Coun. Kretser acknowledged that the allegations of wrongdoing are under investigation.

Who is doing the investigating?

Supv. Keith replied Derek Champagne, Franklin County District Attorney has the investigation.

What about the Comptroller's Office?

Supv. Keith said the Town Board contacted the Comptroller's Office. Unlike the payroll audit performed by the Comptroller's Office in 2005, in this instance there were no records for them to review. The Comptroller's Office recommended referring the matter to the District Attorney. After consultation with the Attorney for the Town, the Board referred the matter to the District Attorney. Supv. Keith telephoned Mr. Champagne's office earlier today, and was told there was no progress to report. In retrospect, Supv. Keith thought this kind of matter should have been referred to the District Attorney years ago.

Coun. Kretser added there will be more to report on this matter in due course.

Can the Town Board require a second medical opinion?

Good suggestion. The Board will research this.

When an employee takes medical leave, doesn't he usually have to use all his sick days first?

Supv. Keith replied. An employee, yes, must use all his sick days. We have to follow the terms of the union contract. However, Mr. Rascoe is an elected official, not a hired employee, and the law applied is different.

Coun. Kretser stated that when employees use all their sick time, they don't get paid. Employees accumulate _ sick day per month providing they work 11 days in that month.

Coun. Smalley said he had been under the impression that the Town Board had some control over the elected Highway Superintendent but was surprised to learn the Town Board only had budgetary control, and that the Highway Supt. as an elected official, is on the same level as the Town Board.

How often will the Highway Supt. have to update his doctor's note?

Supv. Keith responded. Elected officials are treated differently under the law than hired employees. An elected Highway Superintendent can stop into the Garage in the morning, give orders and then leave for the rest of the day. If the investigation concerning Mr. Rascoe continues for several months, the Town is obligated under law to continue to pay him.

There is a depression near John Martino's house near Yemassee Lodge Road, and it has filled with water.

Mr. Perry stated the department will investigate and bring in some crusher run to fill the depression.

Comments by Lynn Chapman: (Mrs. Chapman earlier had arranged to be placed on the agenda for the meeting.) On March 31, 2008 she was traveling on County Route 26, her wheel got caught in a rut and her brand new car rolled over several times. She stated she had never seen such poor road conditions. With a 4-wheel drive rental car, she could not climb the hill. She said she witnessed the Town plow truck skimming the road, with the blade lifted about 4" from the road. In addition, Blue Spruce Drive was never scraped, and residents on that road had floods because of all the ice build-up. She stated she was very upset that her new car was heavily damaged.

Deputy Highway Supt. James Perry replied that all the roads in the town are bad because too much sand and salt were spread during the ice storm several weeks ago. He expressed sympathy for Mrs. Chapman's difficulties.

The Board thanked the Deputy Highway Superintendent for his report, for his leadership and attendance. Mr. Perry then left the meeting.

NEW BUSINESS

1. **SMOKING COMPLAINT - DEPT. OF HEALTH.** Supervisor Keith was contacted by telephone and by mail regarding the employees' complaint about smoking at the Town Garage. She assured the DOH representative that the individual causing the problem was no longer there. Coun. Kretser opined that the individual responsible for breaking the law should have to pay any fine imposed by DOH. Supv. Keith stated if a fine was imposed, the Town would be responsible. However, as the individual was no longer at the Garage, a fine will not be levied. She recommended a letter be written to DOH confirming this. The Board concurred, and Town Clerk Oliver will draft a letter for the Board's review.

2. **POSTPONE MAY BOARD MEETING FOR ONE WEEK.** Supervisor Keith will be out of town the second week of May. She requested the Board postpone the May 12 board meeting to May 19. The Board concurred, and the Town Clerk was requested to advertise the change of date.

3. **WORKPLACE VIOLENCE POLICY.** In view of workplace shootings in the past decade, the State advises municipalities to adopt a policy concerning workplace violence. Supv. Keith contacted Dan McKillip, who wrote the employee manual, to draft a policy, and distributed copies of same to the Board. She asked that each member review the policy and be prepared to discuss it at the May 19th Board meeting.

4. **REPORTS ON LOCAL GOVERNMENT CONFERENCE.** Coun. Smalley stated he had taken time of from his business, attended two days of sessions and was generally pleased about the information he received and the people he met. He noted every town in the Adirondack Park seems to have similar problems. Coun. Berg agreed it was good to meet representatives of APA and DEC and other municipal officials. Supv. Keith stated she attended a session on outdoor wood boilers, and although DEC inevitably will outlaw them, she made some good points. In addition, she attended the session on Smart Growth as a replacement for Shanna Ratner. She addressed the session and related the Town's proposed approach to its infrastructure needs using environmentally friendly building methods and materials.

5. **TOWN CLERK/TAX COLLECTOR.**

a. Town Clerk Conference. The Town Clerk requested permission to attend the NYS Town Clerk Conference in Saratoga Springs April 28-30, 2008. The Board agreed.

b. Tax Collection.

(1) **Proposed Legislation.** A bill was pending in the NYS Legislature, on the recommendation of the Governor's Commission on Government Efficiency which would have granted the Governor authority to eliminate the position of elected tax collector by December 2009, thereafter local governments would appoint either the County or a bank as collector. Tax Collector Oliver stated the idea of reducing the number of money-receiving agents in the State was a good one, however, the proposed legislation was hastily drafted by individuals who are unfamiliar with the tax collection process. Tax bills must be printed, mailed out and when payments are received, a human being will still need to closely scrutinize the payment method and mail a paid receipt. Fortunately, this proposed legislation has been dropped this year. It will undoubtedly resurface.

(2) **Local Tax Collection.** Town tax collection is complete for 2008. The tax roll was returned and payment made to the Treasurer on Apr. 10. Note that Franklin County is considering authorizing an installment payment method for taxpayers. This would be beneficial to taxpayers, and Collector Oliver endorses it. The installment method would increase tax collection cost to the Town, in stationery, postage and Collector-hours. She will keep the Board updated.

OLD BUSINESS

1. **INFRASTRUCTURE UPDATE.** The video presentation was taped in Plattsburgh on March 27th. A meeting with the engineers, architect and Building Committee has been scheduled for Friday, May 3 at 10:00 am.

2. **FIRE/RESCUE UPDATE.** No meetings of the Fire Advisory Board have been held. Supv. Keith noted the Village was to have hired a full time EMT. She will contact Harriestown Supv. Larry Miller.

a. Dry Hydrants. Coun. Berg requested the Town follow through on installation of the dry hydrant on Sinkhole Road. Supervisor Keith will contact Steve Light and Coun. Berg will oversee installation of the hydrant.

3. **SUBDIVISION UPDATE.** Coun. Kretser indicated because of the press of other Town business, no progress had been made on the subdivision project. Richard Jarvis has agreed to chair the committee, and he and Coun. Kretser will meet Tues. April 15 to discuss the topic. Coun. Kretser stated the Committee will report on progress at the May 19th Board meeting.

COMMITTEE REPORTS

1. **CELEBRATION COMMITTEE.** No report

2. **CEMETERY COMMITTEE.** Supv. Keith said the Town Custodian is working on clearing the winter brush from the cemeteries. In addition, flags will be placed on the graves of veterans for Memorial Day. Historian Bradley Merrill is working on the history and deed documentation of the Franklin Falls Cemetery.

3. **RECREATION COMMITTEE.** Coun. Berg stated a committee has been formed and will meet next month.

CORRESPONDENCE

1. **GOVERNOR PATERSON RE STATE TAX PAYMENTS.** The Town forwarded a resolution supporting continued NYS tax payments to Gov. Paterson. An aide responded acknowledging receipt.

2. **DISTRICT ATTORNEY RE ETHICS.** Following Gov. Spitzer's resignation, the Franklin County District Attorney sent letters to all municipalities in the County recommending review of their Ethics Law and procedures. The Town of Franklin responded by forwarding copies of its Ethics Law and procedures to Mr. Champagne and also to Guy Smith, Chairman of the Franklin Co. Legislature.

FOOD PANTRY

Supv. Keith reported that the Food Pantry needs donations and volunteers. There are more people applying for help because of the increased cost of living, and many people who never before requested food are now in need. She

has used all her HPNAP grant funds for this year, the funds NYS allocates to local food pantries. Because of the recession, more food pantries are being formed, thus reducing the pool of funds. Our food pantry formerly received many cases of food from USDA, but this month only 6 cases have been received. The Food Pantry will be held on Thursday, April 17th from 3:30 to 5:00 PM.

QUESTIONS AND COMMENTS

None

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:55 pm. (M.Keith-J.Orday m/s/p) ALL AYE

Respectfully submitted, Sandra J. Oliver, Town Clerk

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