



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

Regular Board Meeting December 8, 2008 - 7:00 pm

The Town of Franklin Town Board held a regularly scheduled Town Board Meeting on Monday, December 8, 2008 at 7:00 pm at the Franklin Town Hall in Vermontville, NY.

Board members Present:

Supervisor Mary Ellen Keith
Councilwoman Janet Ordway
Councilman Walt Kretser

Board member absent:

Councilman Clifford Smalley
Councilman Allen Berg

Others Present:

Highway Supt Wade Sullivan, Town Clerk Sandra Oliver, Donald Goff, James & Nancy Hauber, Brad Merrill, Frank Karl, Ed Baltzly

CALL SPECIAL MEETING TO ORDER

Supervisor Keith called the meeting to order; the Town Clerk called the roll, stating a quorum was present.

AUDIT OF CLAIMS

The following claims were presented for payment on Abstract #12:

General	Claims 252 - 272	\$6,473.43
Highway	Claims 165 - 182	\$26,084.54

The following claims were presented for payment on Abstract #11:

Prepay General	Claims 54 - 60	\$3,223.62
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The following claims were presented for payment on Abstract #4:

Landfill	Claims 4 - 5	\$1,997.00
Capital Project Building	Claim 5	\$12,421.19

Coun. Ordway questioned whether reimbursements for clothing allowances should be paid from the prepay fund and suggested Supv. Keith contact NYS Comptroller's Office for clarification.

Coun. Kretser questioned why Highway Dept. purchased a new round shovel when the department purchased several of them at \$49 each a few years ago. Supt. Sullivan responded a Highway employee using the loader ran over a contractor's brand new shovel and this was the replacement. Coun. Kretser concurred it was the honorable thing to do.

Supv. Keith singled out the bill submitted by James Maher, Esq., Attorney for the Town. Following the November 17th meeting, Town resident Edward Martin telephoned Assistant District Attorney Jack Delehanty and alleged that Supv. Keith had ordered her property paved by the Town. Mr. Delehanty then telephoned James Maher and asked him about the matter. Mr. Maher drove to Vermontville, met with Supv. Keith and they both traveled to inspect the 20x19 ft truck and bus turnaround on Keith Road that had been paved. Mr. Maher telephoned Mr. Delehanty and reported the claim was baseless, and Mr. Delehanty then telephoned Mr. Martin. Although she did not know what Mr. Delehanty said to Mr. Martin, Supv. Keith opined Mr. Martin's baseless allegation and subsequent charge to the Town of \$212.50 was a waste of the taxpayers' money. She asked the Board whether the Town should pay for Mr. Maher's time or whether these charges should be forwarded to Mr. Martin. Both Couns. Ordway and Kretser wholeheartedly agreed Mr. Martin should be responsible for paying this charge as he created the incident.

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

MINUTES

The minutes of the November 17, 2008 special meeting were amended as follows:

"Questions and COMMENTS

The Town should own the turnarounds...what about the end of Keith Road?

Coun. Smalley replied that in the future issues such as these will be addressed.

Supv. Keith said the property at the end of Keith Road was not for sale, that the Keith family does not want anyone down there people loitering on the property." (Change per 12/08/08 meeting)

SUPERVISOR'S REPORT

Balances as of October 1, 2008

General Fund	CK	\$4,401.09
	SV	\$63.18
	CLASS	\$151,549.08
	Historian Fund	\$2,739.55
Highway Fund	CK	\$6,421.95
	SV	\$335.92
	CLASS	\$116,592.61
	Capital Proj. Hwy	\$16,346.59
Landfill	CK	\$1,585.22
	CLASS	\$58,783.54
Fire	CK	\$540.03
	CLASS	\$684.22
Capital Project Building	CLASS	\$69,868.05

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

BUDGET AMENDMENTS

Supv. Keith requested a motion for resolution for General Fund Budget Amendment #4.

Motion for resolution (M.Keith-W.Kretser m/s/p) ALL AYE

RESOLUTION NO. 70: 2008 GENERAL FUND BUDGET AMENDMENT #4

WHEREAS, in order to maintain a balanced 2008 General Fund Budget, NOW, THEREFORE,

BE IT RESOLVED, that the following Budget Amendment is hereby adopted transferring the following amounts:

FROM ACCOUNT	AMOUNT	TO ACCOUNT	AMOUNT
A1330.2 Tax Collection Equipment	\$500.00	A1330.4 Tax Collection CE	\$500.00
A1990.4 Contingency	\$10,000.00	A1620.4 Buildings P.S.	\$1,500.00
		A1650.4 Central Communications	\$2,500.00
		A5132.4 Town Garage CE	\$3,000.00
		A7140.4 Spec Recreation CE	\$3,000.00
		A8160.1 Refuse P.S.	\$500.00

THOSE VOTING AYE:

Supervisor Mary Ellen Keith
Councilperson Janet Ordway
Councilman Walter Kretser

THOSE ABSENT:

Councilman Allen Berg
Councilman Clifford Smalley

THOSE VOTING NAY:

none

Supv. Keith requested a motion for a resolution for Highway Fund Budget Amendment #3.

Motion for resolution (J.Ordway-W.Kretser m/s/p) ALL AYE

RESOLUTION NO. 71: 2008 HIGHWAY FUND BUDGET AMENDMENT #3

WHEREAS, in order to maintain a balanced 2008 Highway Fund Budget, NOW, THEREFORE,

BE IT RESOLVED, that the following Budget Amendment is hereby adopted transferring the following amounts:

FROM ACCOUNT	AMOUNT	TO ACCOUNT	AMOUNT
DA5130.2 Machinery cap. Outlay	\$10,000.00	DA 5130.4 Machinery CE	\$10,000.00
DA5112.2 Improvements cap outlay	\$23,500.00	DA5148.4 Services Other Govts	\$59,500.00
DA5110.4 General Repairs CE	\$36,000.00		

THOSE VOTING AYE:

Supervisor Mary Ellen Keith
Councilperson Janet Ordway
Councilman Walter Kretser

THOSE ABSENT:

Councilman Allen Berg
Councilman Clifford Smalley

THOSE VOTING NAY:

none

Supv. Keith requested a motion for a resolution for Highway Fund Budget Amendment #3.

Motion for resolution (J.Ordway-W.Kretser m/s/p) ALL AYE

HIGHWAY REPORT

1. Highway Supt. Wade Sullivan gave the following report on department progress Nov 7-Dec 8:
 - a. **Plowing.** Plowing and sanding done on 16 occasions during report period
 - b. **Culverts.** Checked and cleaned culvert screens (beavers are plugging them)
 - c. **Propane Tank.** Telephoned Hyde Fuel requesting removal of old propane tank. Robert Keith had Jeanne Montgomery's property surveyed, and it was discovered the Griffith Energy propane tank is located on the access road which belongs to Mrs. Montgomery. Mr. Keith ordered the Highway Dept. to remove the Griffith Energy tank. The Highway Dept. wants Hyde to move its old tank so Griffith can relocate its tank to Highway property. Supt. Sullivan indicated Griffith will move its tank at its expense, and a department employee can reset the Griffith tank in one hour using the loader.
 - d. **New Truck.** On Nov 13th, new 2009 International truck was delivered.
 - e. **EAS Meeting.** On Nov 18th, four employees attended EAS (Employee Assistance Service) presentation in Plattsburgh; Supv. Keith and Hwy. Supt. Sullivan attended a management seminar later that same day. He mentioned that EAS and Civil Service are tightening the requirements for hiring, and filling vacancies in the Highway Dept. will no longer be done quickly because of all the mandated requirements for reference checks and drug/alcohol history. The new procedures will require a drug/alcohol reference check for each former employer before any physicals or drug screenings take place.
 - f. **Winter Storage.** New Holland tractor and tow-behind rake now stored at Merrillville garage.
 - g. **Overweight Permits.** Overweight permits completed and sent in and were resubmitted on December 4th.
 - h. **Garden Road.** Problem on Garden Road with homeowner and his fence which Town plows have a problem with. Supt. Sullivan researched the matter and contacted the homeowner, requesting him to speak with the attorney for the Town.
 - i. **Black Spruce.** Another problem on Black Spruce where homeowner does not appreciate Town plows turning around in his driveway.
 - j. **Monthly Reports.** Maintenance and other monthly reports were done and handed to Coun. Kretser, who in turn gave them to the Clerk and requested they be filed.
 - k. **Illegal Dumping on Norman Ridge.** Supt. Sullivan reported there were no new developments with respect to the illegal dumping matter on Norman Ridge Road. Apparently every DEC employee who had been working on the matter was transferred. Coun. Ordway noted that last week she and Supv. Keith traveled to Ray Brook to meet with Mr. Hyuck of DEC but he was in Warrensburg that day. Their meeting is now set for December 9th.

l. Meeting with Jacques Demars. Supt. Sullivan and newly elected Highway Supt. Jacques Demars will meet later this week.

m. Request to Waive Probationary Period. Supt. Sullivan submitted 3 letters, one from Derek McLaughlin requesting waiver of probationary period and an unsolicited letter in favor of same from Michael Canty and another from himself also in favor of waiving probation for Mr. McLaughlin. Supt. Sullivan indicated Mr. McLaughlin lives farthest away from the Garage and is the first one to report each morning, his attendance is perfect and he has years of experience from driving long distances. Mr. McLaughlin is grateful to be in a situation where he is able to return home to his large family each evening. Supt. Sullivan requested the probationary period be waived for Mr. McLaughlin. Coun. Kretser said Mr. McLaughlin's resume was outstanding and he seemed a mature and responsible individual, and Coun. Ordway and Supv. Keith concurred.

Motion for resolution (W.Kretser-J.Ordway m/s/p) ALL AYE

RESOLUTION NO. 72: WAIVE PROBATION PERIOD FOR DEREK McLAUGHLIN

WHEREAS, Derek McLaughlin was hired on September ____, 2008 as a Machine Equipment Operator; and

WHEREAS, Mr. McLaughlin has proven himself an excellent employee; and

WHEREAS, the Highway Superintendent has requested so, NOW, THEREFORE,

BE IT RESOLVED, that the Probation Period under the Union Contract with the Teamsters is hereby waived.

THOSE VOTING AYE:

Supervisor Mary Ellen Keith
 Councilperson Janet Ordway
 Councilman Walter Kretser

THOSE ABSENT:

Councilman Allen Berg
 Councilman Clifford Smalley

THOSE VOTING NAY:

none

n. Soil and Groundwater Testing. As reported at the November 10th and 17th meetings, the drain at the Garage was found to be emptying into the ground. Engineer Doug Ferris investigated promptly and contacted DEC, which is examining the situation. On Dec 4, Earth Science Engineering dug test strips and obtained water samples from neighboring properties. DEC ordered the floor drain is now manually stopped and Supt. Sullivan is observing it closely. The problem now is that the salt-covered vehicles cannot be washed, so repair of the situation needs to be expedited.

Supv. Keith stated she had received a letter from ESE concerning the drainage issue at the Garage confirming the extent of contamination: 18' (north-south), 14' (east-west) and 15' below grade, amounting to 140 cubic yards of contaminated material. ESE recommends installing a new holding tank with alarm to signal high levels. ESE cost estimates:

>

1,000 gallon tank	\$861 }	Concrete Building Supply
2,000 gallon tank	1,698 }	Concrete Building Supply
110V tank alert	150	Aird Dorrance
EPA Method 8270 (sample when tank needs emptying)	170	Laboratory
Wastewaste disposal (no petroleum)	230/1,000 gal	Shingle Street
Wastewater disposal (with petroleum)	1,200 plus \$0.61/gal.	Op-Tech

Coun. Kretser opined the 1,000 gallon tank with alarm would be sufficient for the Garage, and the Board concurred. Supv. Keith requested a motion for a resolution authorizing this repair.

Motion for resolution (M.Keith-W.Kretser m/s/p) ALL AYE

RESOLUTION NO. 73: AUTHORIZE PURCHASE AND INSTALLATION OF 1,000 GALLON HOLDING TANK WITH ALARM FOR TOWN GARAGE

WHEREAS, it was recently discovered that wastewater runoff from the Town Garage at 16 Town Barn Lane, Vermontville, has been draining into a soil-bottomed tank; and

WHEREAS, NYS Dept. of Environmental Conservation was immediately notified and is currently monitoring the site; and

WHEREAS, soil tests have been performed and 140 cubic yards around the site are contaminated; and

WHEREAS, two residential wells were tested; and

WHEREAS, the drain at the Garage has been manually stopped and runoff will have to be pumped; and

WHEREAS, the Town Garage is scheduled to be renovated and the drainage issue was to be addressed; and

WHEREAS, immediate remediation of this matter is necessary; and

WHEREAS, the Town's engineers, Earth Science Engineering has recommended the purchase and installation of a 1,000 gallon holding tank with alarm to accommodate wastewater and runoff; NOW, THEREFORE,

BE IT RESOLVED, that the Town Board hereby authorizes the purchase and installation of a 1,000 gallon holding tank with alarm.

THOSE VOTING AYE:

Supervisor Mary Ellen Keith
 Councilperson Janet Ordway
 Councilman Walter Kretser

THOSE ABSENT:

Councilman Allen Berg
 Councilman Clifford Smalley

THOSE VOTING NAY:

none

2. HIGHWAY COMMITTEE.

Coun. Kretser indicated he hoped that the newly elected Highway Superintendent will do as fine a job as Wade Sullivan has. Coun. Kretser said he is very pleased with the way in which Supt. Sullivan has handled the department.

NEW BUSINESS

1. MEMORANDUM OF UNDERSTANDING WITH NYS OFFICE OF REAL PROPERTY SERVICES. As the Town postponed the 2008-09 assessment update for one year, another MOU with ORPS must be executed. Supv. Keith requested a motion for a resolution authorizing same.

Motion for resolution (W.Kretser-J.Ordway m/s/p) ALL AYE

RESOLUTION NO. 74: AUTHORIZE SUPERVISOR AND ASSESSOR TO SIGN MEMORANDUM OF UNDERSTANDING WITH NYS OFFICE OF REAL PROPERTY SERVICES RE 2009-10 ASSESSMENT UPDATE

WHEREAS, the Town Board has agreed to authorize the Assessor to perform an assessment update in 2009-10, with the cooperation with NYS Office of Real Property Services; and

WHEREAS, NYS Office of Real Property Services has proffered a Memorandum of Understanding outlining each party's responsibilities; NOW, THEREFORE,

BE IT RESOLVED, that the Town Supervisor and Town Assessor are authorized to execute said Memorandum of Understanding.

THOSE VOTING AYE:

Supervisor Mary Ellen Keith
 Councilperson Janet Ordway
 Councilman Walter Kretser

THOSE ABSENT:

Councilman Allen Berg
 Councilman Clifford Smalley

THOSE VOTING NAY:

none

2. RECORDS.

The Town Clerk, as Records Officer for the Town, reported that the old payroll records (56 years and older) which prior to the terrorist attacks on September 11, 2001 and creation of federal Homeland Security, were designated "historic records" contain Social Security numbers of employees. The State Archives advised the Social Security numbers should either be redacted from the records or the records destroyed. There are four cartons of these old records, and the Clerk recommended destruction of the records 60 years and older, and at the suggestion of Coun. Kretser, will research disposal firms and costs.

OLD BUSINESS**1. UPDATES FROM NOVEMBER 17TH MEETING.**

a. Insurance Matters Councilman Smalley asked Andree LaBarge if the Town could file a claim under its Public Officials Liability policy regarding former Highway Supt. Rascoe. Mrs. LaBarge has filed that claim.

b. Taxi Charge. An attendee at the November 17th meeting asked why the General Fund employee was paid overtime to drive Supv. Keith to evening meetings, even with Board approval. Supervisor Keith called Corrow's Taxi to obtain an estimate: round trip fare to Tupper Lake will cost \$110, and a 3-hour wait charged at \$40/per hour, for a total of \$230.

2. EMPLOYEE MANUAL. Revisions to the manual expanding the definition of harassment, and specifying abuse of sick leave and leaves of absence requested by Councilman Allen Berg, were reviewed by the Board and the Highway Superintendent, and small changes were made. The Board approved the revisions, making the policy effective December 8, 2008. The Supervisor will purchase 3-ring binders for the employee manual. The violence prevention policy, harassment and excessive sick leave and leave of absence portions of the manual will be distributed to Highway Dept. employees who will sign for them.

Motion for resolution approving Employee Manual changes (J.Ordway-W.Kretser m/s/p) ALL AYE

RESOLUTION NO. 75: ACCEPT AND ADOPT VIOLENCE PREVENTION, HARASSMENT ABUSE OF SICK LEAVE AND EXCESSIVE LEAVE OF ABSENCE POLICY AND INCORPORATE INTO EMPLOYEE MANUAL

WHEREAS, revisions and additions to the Employee Manual of the Town of Franklin have been reviewed and revised; NOW, THEREFORE,

BE IT RESOLVED, that the revisions to the Employee Manual are accepted and adopted as of December 8, 2008; and BE IT

FURTHER RESOLVED, all Town employees will receive copies of said revisions on December 9, 2008.

THOSE VOTING AYE:

Supervisor Mary Ellen Keith
Councilperson Janet Ordway
Councilman Walter Kretser

THOSE ABSENT:

Councilman Allen Berg
Councilman Clifford Smalley

THOSE VOTING NAY:

none

3. INFRASTRUCTURE BOND. The proposed bonding amount for the Garage rehabilitation is estimated by Earth Science Engineering to be \$800,000. Coun. Ordway stated she thought it was too high; Coun. Kretser stated there was a built-in "cushion" to accommodate soft costs. The engineers recommended the Town bond for more than is needed. Supervisor Keith stated the Town would bond on a bond anticipation note, and nothing would be paid on it until 2010. The full \$800,000 would not be spent. However, as the full Board was not present, this matter was tabled to the December 22, 2008 special meeting.

4. SUBDIVISION UPDATE. Coun. Kretser reported that progress is being made, and the Citizens Advisory Committee on Subdivisions held a meeting on December 1st. They have modified 50 percent of the Town of North Hudson subdivision law so that it fits the Town of Franklin. The next meeting will be held at 7pm on Monday, January 5, 2009. The public is more than welcome to attend.

5. ACKNOWLEDGEMENT TO DAVID LITTY. The Board members signed a thank you letter to David Litty for his six years of service on the Board of Ethics.

6. COMMITTEE REPORTS. a. Celebration and Recreation.

Supv. Keith reported that 25-30 children and parents attended the December 6th Santa's Workshop. The children made cookies, received donated gifts and visited with Mr. and Mrs. Santa Claus (thank you to Tom and Mary Lou Cassavaugh!).

7. TAX COLLECTION. The Town Clerk/Tax Collector reported she will be testing new tax collection software for the County this coming January-March. There will be changes in the manner in which taxpayers can pay their taxes, and to that end, she requested authorization from the Board to insert a short, descriptive note in with each tax bill sent. The Board agreed.

Motion for resolution (M.Keith-J.Ordway m/s/p) ALL AYE

RESOLUTION NO. 76: AUTHORIZATION FOR TAX COLLECTOR TO INSERT SHORT DESCRIPTIVE NOTE RE PAYMENT OPTION CHANGES INTO 2009 TOWN & COUNTY TAX BILLS

WHEREAS, changes in the method of payment for the 2009 Town & County tax bills may be adopted by the Franklin County Legislature; and

WHEREAS, taxpayers should be alerted to the proposed changes; NOW, THEREFORE,

BE IT RESOLVED, that the Town Board authorizes the Tax Collector to insert short descriptive note into each tax bill concerning changes in payment method.

THOSE VOTING AYE:

Supervisor Mary Ellen Keith
Councilperson Janet Ordway
Councilman Walter Kretser

THOSE ABSENT:

Councilman Allen Berg
Councilman Clifford Smalley

THOSE VOTING NAY:

none

8. CORRESPONDENCE.

a. Franklin Dog Club. A \$100 donation was received from the Dog Club which uses the recreation park in summer and the Town Hall in winter.

b. Mesothelioma. The Town Clerk received a request from a foundation regarding the disease to post on the Town's website. The Board decided not to allow this.

QUESTIONS AND COMMENTS

What is happening with the illegal dumping situation at Norman Ridge and why did the Highway Superintendent report on this? Why didn't the Town Supervisor report on it?

Coun. Ordway responded that the matter is still under NYS DEC investigation and as reported earlier, she and Supv. Keith were to meet with Mr. Hyuck last week, but he was out of town. They rescheduled the meeting for December 9th.

Supv. Keith commented the information was disseminated by the Highway Superintendent, and as long as the information was given, it did not matter which official reported it.

Why are the Town's savings still in CLASS? It appears to be paying 2/3 of a percent in interest. You should investigate other savings plans which you can find on the internet.

We will, but until that time, our money is safe in CLASS.

Are you going to put the Garage rehabilitation on a referendum?

No, because the bond will be under \$1 million.

IMPORTANT DATES

Thu Dec 18 - Food Pantry

Thu Dec 22 - Special Board Meeting - year end matters and infrastructure - 7:00 PM

MERRY CHRISTMAS and HAPPY NEW YEAR

Mon., Jan 5 - Citizens Advisory Committee on Subdivisions - 7:00 PM

ADJOURNMENT: There being no further business to conduct, the meeting adjourned at 8:45 PM. (J.Ordway-W.Kretser m/s/p) ALL AYE

Respectfully submitted, Sandra J. Oliver Town Clerk

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