



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

Special Board Meeting / Budget Workshop November 17, 2008 - 7:00 pm

The Town of Franklin Town Board held a duly publicized Special Board Meeting regarding insurance and infrastructure on Monday, November 17, 2008 at 7:00 pm at the Franklin Town Hall, Vermontville, NY.

Board members Present:

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

Board member absent:

Councilman Walt Kretser

Others Present:

Town Clerk Sandra Oliver, Doug Ferris, Earth Science Engineering, Andree LaBarge, LaBarge Agency, Frank & Barbara Karl, Vince Catlin, Doug Goff, Brad Merrill, Ed Martin, Paul Ward, Jean Baltzly, Karen Smalley, Jacques Demars

CALL SPECIAL MEETING TO ORDER

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

MINUTES

The minutes of the October 15, 22, 29, November 5, and 10, 2008 meetings were accepted as presented.
Motion to accept minutes (C.Smalley-J.Ordway m/s/p) ALL AYE

NEW BUSINESS

INSURANCE PRESENTATION

Andree LaBarge, LaBarge Agency reviewed her agency's recommendations for insurance coverage for the Town in 2009-10:

DESCRIPTION OF COVERAGE	2009-10 PREMIUM
General liability	\$4,286
Owners/contractors protective	\$200
Public officials liability	\$1,496
Business auto liability	\$4,474
Automobile physical damage	Included
Property	\$3,374
Systems breakdown	Included
Flood and earthquake	Included
Inland Marine (Trident)	\$256
Excess liability	\$4,120
Inland Marine (Great American)	\$8,102
Crime (Utica Mutual)	\$572
Storage tank liability	\$705 (est.)
NYS fire fee	\$36
NYS law enforcement	\$50
Total Premiums	\$27,671.00

Mrs. LaBarge complimented the Highway Department on its newly updated inventory. She said the Highway Dept. had been very communicative and responsive to requests for information.

Supervisor Keith indicated the Bookkeeper/Budget Officer Richard Meagher should be covered under the Bond. Although he does not handle cash, he does the accounting and writes the checks (but does not have signing authority).

Coun. Smalley suggested that in light of the theft and crime uncovered in the past year by the former highway superintendent that he should be covered. Mrs. LaBarge indicated if crime is discovered, the Town should press charges. Coun. Smalley asked if the Town was covered for unlawful use of manpower and vehicles, and Mrs. LaBarge indicated she did not know but would check. Coun. Smalley added that one highway superintendent spent months, using Town manpower, equipment and supplies improving a road that was not on the 284 agreement.

The Board thanked Mrs. LaBarge for her presentation, which was so thorough, she received applause from all present.

OLD BUSINESS

1. ADOPTION OF 2009 BUDGET. Councilperson Janet Ordway stated the Town Board had worked very hard on the 2009 Budget, holding budget workshops and a public hearing to gather comments from the public. She noted the Board listened to taxpayers and opted not to purchase a new loader this year. They held telephone conferences with each other, further conferring even today and calculated that if the Board had taken 5% off the bottom, it would only reduce the per-thousand rate by 1 cent. The Preliminary Budget had been cut as much as was feasible. She averred the Board will monitor spending very carefully in the coming year. Supervisor Keith commented that Town revenues have substantially decreased, as fewer building permits have been issued and interest rates are lower. She noted she will also pursue the elimination of some real property tax exemptions that do not benefit the entire taxpaying public. She then requested a motion for a resolution to adopt the 2009 Budget.

Motion for resolution (A.Berg-C.Smalley m/s/p) ALL AYE

RESOLUTION NO. 69: ADOPT 2009 PRELIMINARY BUDGET AS 2009 BUDGET FOR TOWN OF FRANKLIN

WHEREAS, following deliberation and a duly publicized Public Hearing, NOW, THEREFORE, the Town Board of the Town of Franklin hereby adopts the 2009 Preliminary Budget as its 2009 Budget.

THOSE ABSENT:

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

THOSE ABSENT:

Councilman Walter Kretser

THOSE VOTING NAY:

none

2. EMPLOYEE MANUAL.

The Board had reviewed the draft of the proposed employee manual, and Coun. Berg commented

- (a) The word "harassment" defined more clearly,
- (b) Include "all officers and department heads" should be inserted in the hostile work environment section
- (c) In the workplace violence section, include "verbal or physical abuse"
- (d) Regarding excessive absenteeism, a specific number of days absent should be clearly delineated and whether days absent are work days.

(e) Concerning non-work related injuries and leaves of absence, the Town should be able to demand that the employee visit a doctor of the Town's choosing. In the case of work-related stress absence, the doctor should be either a psychiatrist or psychologist.

Supv. Keith stated that if an employee files for workers compensation, the insurance covers the specifics.

Coun. Smalley, regarding excessive absenteeism without a claim to workers compensation, asked if the Town has recourse, and Supv. Keith responded the Town can demand the employee see a physician of the Town's choice. Coun. Smalley inquired with respect to events of the past year, why the Town hadn't insisted that an employee visit a physician of the Town's choosing. Supv. Keith advised he consult the union contract. Coun. Smalley commented that the Town had not acted when an employee was out for weeks on end; if it had acted, the Board could have handled the matter.

Coun. Berg handed his revisions to the Town Clerk, who will forward them to Mr. McKillip. The revisions will be incorporated into another draft of the Employee Manual and will be discussed at the December 8th board meeting.

3. SUBDIVISION UPDATE.

Councilman Smalley reported the Citizens Advisory Committee on Subdivisions held a meeting on November 3rd at 7:00 PM and was continuing to review and revise the regulations adopted by North Hudson to suit the Town of Franklin. The meetings since the spring have focused primarily on establishing policies. Now the committee is discussing standards, i.e., road construction standards, ingress to and egress from driveways, culverts, etc. The next meeting is scheduled for Monday, December 1st at 7:00 PM, at which time the committee will move on to drainage and runoff. Coun. Smalley invited everyone interested to attend the committee's meetings and emphasized the importance of public input.

4. APPOINTMENT TO BOARD OF ETHICS.

The vacancy on the Board of Ethics was announced several weeks ago, at which time the Town Board asked for applications. Paul Ward submitted a letter in application, and Supervisor Keith requested a resolution appointing Mr. Ward to the Board of Ethics.

Motion for resolution (M.Keith-C.Smalley m/s/p) ALL AYE

RESOLUTION NO. 70: APPOINT PAUL WARD TO 3-YEAR TERM ON BOARD OF ETHICS

WHEREAS, David Litty has completed his 3-year term as a member of the Town of Franklin Board of Ethics on September 30, 2008; and

WHEREAS, notice was given that a vacancy on the Board of Ethics was open to applications; and

WHEREAS, Paul Ward, 8312 State Route 3, Vermontville, NY, applied for said position; and

WHEREAS, the Town Board adjudges Mr. Ward qualified to sit on the Board of Ethics; NOW, THEREFORE, BE IT RESOLVED, that Paul F. Ward is hereby appointed to a three-year term on the Board of Ethics.

THOSE ABSENT:

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

THOSE ABSENT:

Councilman Walter Kretser

THOSE VOTING NAY:

none

Paul Ward expressed his gratification and received applause and congratulations upon his appointment. The oath of office was administered by the Town Clerk when the meeting adjourned.

5. INFRASTRUCTURE UPDATE.

Doug Ferris, Earth Science Engineering reported on the progress of the Garage rehabilitation project:

a. Environmental Problem.

While the Highway Dept. employees were moving soil against the exposed wall at the garage, they uncovered what was thought to be a holding tank which contained runoff and sludge from a broken trench drain from the building. It was not a holding tank but a dry well, which Mr. Ferris acknowledged was common with all garages in the area. Mr. Ferris investigated, found the pollutants and notified NYS DEC. DEC investigated the site, and Opt-Tek Environmental Services was contracted with to evacuate the dry well and trench drain. NYS DEC has requested a work plan regarding the site, which Mr. Ferris prepared and distributed to the Board. The cost of preparing the report, laboratory analysis and eventual report to NYS DEC will be \$9,100. The trench drain was part of the garage project upgrade; however, it has been moved to the front now. Mr. Ferris recommended that the Town authorize the plumbing to a new holding tank (1,000 gals.) with an alarm. The tank will be \$800 and \$500 for the wiring. The Board should take action to authorize this, and the plumbing/holding tank will removed from the garage rehabilitation project.

Coun. Berg asked if a float was feasible for the holding tank, with the responsibility for monitoring be with the Highway Superintendent. Also, how often would be tank need to be evacuated?

Mr. Ferris indicated it would be feasible, however, based on his experience floats do not get monitored, and NYS DEC recommends an alarm. As to the timing of pumping out the tank, it was hard to predict. However, NYS DEC

recommends a 1,000 gallon tank; if the runoff proves to be too much, it issue would be rethought. It is possible to install a water meter.

Coun. Ordway inquired if the holding tank would have to be relocated during the garage rehabilitation.

Mr. Ferris responded that the new holding tank would be placed in the correct spot.

Coun. Smalley asked about the amount of pollution.

Mr. Ferris indicated that the pollution was mainly sludge, which moves very slowly.

What is timing for this?

NYS DEC has not yet approved the work plan, so the Town Board need not approve it tonight.

What will happen to the current site with water and sludge when it's cleaned up? The runoff from the trucks contains lots of road salt? What happens to future runoff?

Mr. Ferris replied the runoff will go into a holding tank and then be pumped out.

Will that handle the runoff problem for the next century?

Yes, it should. In addition, other communities make arrangements with towns with sewer plants, and those towns might be able to take contents of the holding tank, even if it contains small amounts of petroleum.

What about the sand pile? It contains salt.

The sand pile is atop plastic.

Which wells will be tested?

Only two wells of neighboring properties will be tested, and I request that a member of the Board accompany me during the testing.

Coun. Smalley asked if the Town would be in compliance with standards.

Supv. Keith indicated NYS DEC set the standards, and Mr. Ferris said that the Town of Franklin situation is no different than others.

Does the \$9,000 include the cleanup?

Mr. Ferris replied that the \$9,000 includes the work plan, lab tests and time involved in preparing report to DEC.

b. Rehabilitation of the Vehicle Maintenance Facility Project. Mr. Ferris spoke with the Town's bond counsel, the Trespasz firm, Syracuse regarding the financing. The attorney suggests the Town apply for a 1-year note (after one year, the exact cost will be known) and then roll it over to a 19-year bond. Mr. Ferris suggested the Board pursue a \$920,000 note; \$700,000 would cover construction costs, plus legal and other "soft" costs, and would also replenish the capital fund. He noted that interest rates are lowering, and the Town might be able to get an interest rate of 2 to 4 percent. However, interest payments cannot be included in the bond. If the Board proceeds now, the Town would be liable for interest in 2009.

Coun. Smalley asked why Mr. Ferris was recommending \$200,000 more for soft costs, when that amount has already been paid.

So that you can replenish your capital fund.

Coun. Smalley responded that the Town doesn't have to finance more than the \$720,000.

Mr. Ferris indicated the Town could borrow less, but you should include room for "soft" costs.

Supervisor Keith added that some of the borrowed funds would be used to reconfigure the Town Hall basement for the new furnace, repair the roof and work on the current kitchen which will become the new courtroom and judge's chambers.

What's going on here? We thought you were only borrowing for the garage?

Mr. Ferris replied that the HVAC system to be installed was more expensive than originally estimated. In addition, construction prices have risen and suppliers added fuel surcharges onto their bills. Even though the price of gasoline has dropped, all the materials are made from petroleum products, and those prices are still high.

\$720,000 is still high, even with "soft" costs included. Replenishment of the capital fund should not be included in the bond; the capital fund was established specifically for this purpose.

Mr. Ferris replied the amount to be bonded would be a decision for the Town Board.

Is any of this necessary for the operation of the garage? Taxpayers must pay for this, and I don't feel we need this. Couldn't we just insulate the garage?

You should know that you will be paying almost the same amount to heat the garage if it isn't rehabilitated as interest on the loan. The garage was built in the 1980's and has served the Town very well, but it must be worked on. The vehicles are larger now than in the 1980's, and in order to move them out, the drivers are forced to perform almost a chinese fire drill to get the trucks out.

Supv. Keith responded that the Town has reviewed this over and over. The fuel bill for October was \$839, very high for a warm month.

Mr. Ferris stated that the garage should either be torn down or rehabilitated, and after extensive review and research of this matter, costs for refurbishing the building are lower than new construction. A refurbished building will last another 20 years.

Mr. Ferris indicated the project was ready to go out to bid.

Our responsibility for maintaining roads has not changed; the only thing that has changed is the size of the trucks.

Supv. Keith disagreed, stating that when the present garage was constructed, the Town also used the garage at the Merrillsville Town Hall and serviced roads only for mail trucks and school buses. Since then, employers in the area have instituted three shifts per day, 7am-3pm, 3pm-11pm and 11pm-7am. Residents use all of the town roads.

The total mileage of roads has not changed.

Usage has - roads are used 24 hours a day.

Coun. Smalley then asked for a revised, lower figure for bonding.

Mr. Ferris agreed to provide the new figure.

Mr. Ferris then recommended that since part of the garage rehab will involve some demolition, the Town should contract for an asbestos survey, which will cost about \$750.

Coun. Ordway asked if the building contains asbestos

Mr. Ferris replied that since it was built in the 1980's, it should not.

Coun. Smalley asked about the exposed wall and whether it had been insulated.

Mr. Ferris said the highway employees replaced some of the insulation.

Coun. Berg inquired whether the new boiler would be repairable.

Repair is fairly local - Vermont.

Coun. Ordway asked when Mr. Ferris needed a decision on the floor drain.

Sooner rather than later.

Supv. Keith indicated a decision would be made by the Board on the bonding issue, Mr. Ferris added he would have the revised figures to the Board within 24 hours.

The Board thanked Mr. Ferris for his attendance at the meeting and his presentation.

QUESTIONS AND COMMENTS

How much is the budget increase?

Coun. Smalley replied it was 4.8%, but it started at 12%. The Board worked very hard to cut the budget.

How many dogs are caught in the Town of Franklin? The Board should insist on sharing in fines.

The Town Board should listen to people when they call or come in with a complaint about employees stealing time and services. I complained to Supv. Keith about Rascoe.

Supv. Keith replied there was a process for complaints; a signed letter should be sent to the Town Clerk.

You didn't tell me about the process. You should help people who complain.

I want a copy of the union agreement and employee manual when it's done.

When the employee manual is finalized.

How can you put blacktop for turnarounds on property that the Town doesn't own?

Coun. Smalley asked how a tandem axle truck or school bus can be turned around where there is no blacktop; if blacktop is not used, the site becomes a mud hole and the Town must purchase crusher run each year. In this particular case, the application of blacktop was a good decision.

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 loitering on the property. (Change per 12-08-2008 meeting)

The Town should be granted an easement for turnarounds.

Why should the taxpayers pay a Town employee \$15 per hour overtime to drive the supervisor to meetings? Hire a cab.

Supv. Keith said she had answered that complaint; the Board gave her permission to have the general fund employee drive her to evening meetings.

Coun. Smalley stated that Supervisor Keith does not cost the Town a large amount; she makes very little money in salary and is in the Town Hall every day. The Board is happy to acquiesce to her request for help once in a while.

ADJOURNMENT:

There being no further business to conduct, the meeting adjourned at 8:53 PM. (J.Ordway-A.Berg m/s/p) ALL AYE

Respectfully submitted, Sandra J. Oliver Town Clerk

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