



The Town of Franklin

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Town of Franklin Board Meetings

Special Board Meeting September 10, 2008 - 6:00 pm

The Town of Franklin Town Board held its duly noticed special Town Board Meeting on Wednesday, September 10, 2008 at 6:00 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:

Town Clerk Sandra Oliver
Wade Sullivan, Tammy Sullivan, Karen Smalley, Frances Oliver, Ed Baltzly Jean Baltzly, George Tolhurst, Bradley Merrill, Nathan Brown Adirondack Daily Enterprise

CALL TO ORDER

Supervisor Keith called the meeting to order at 6:00pm; the Pledge of Allegiance was recited, and the Town Clerk called the roll, stating the full board was present.

Supervisor Keith stated the purpose of the special meeting was to address the situation at the Highway Dept. following the resignation of James Perry as Highway Superintendent. Apparently there was a misunderstanding concerning the appropriate procedure for calling a special meeting of the board. Quoting a letter from attorney for the town James Maher, she read, "(1) a special meeting may be called by the Town Supervisor, by the Supervisor giving at least two (2) days advance written notice to the board members of the time and place of the meeting; (2) The Town Supervisor must call a special meeting upon written request directed to the Supervisor by two (2) board members and the meeting must be held within ten (10) days of the Supervisor's receipt of the written notice." Coun. Kretser said the Board members had discussed the need for a special meeting in telephone conversations following the resignation of James Perry as Highway Superintendent in order to bring some leadership and order into the Highway Dept. Coun. Ordway indicated she was under the impression that Supv. Keith was scheduled to be

out of town and that Coun. Kretser had discussed a special meeting with her. Supv. Keith said she agreed with the necessity for the meeting and for taking action.

ACCEPT RESIGNATION OF HIGHWAY SUPERINTENDENT JAMES PERRY

James Perry resigned as Town Superintendent of Highways and from employment with the Town as of August 29, 2008:

"I James Perry resign from all positions at the Town of Franklin. I have been with the Highway Dept. for a few years and have always been dependable, I've done what needed to be done plus. I tried to be a leader, but nothing is worth the stress this job puts on you. The old saying "You can't fight city hall." Effective 8/29/08. James Perry."

Motion to accept resignation (J.Ordney-A.Berg m/s/p) ALL AYE

RESOLUTION NO. 49: ACCEPT RESIGNATION OF JAMES PERRY AS HIGHWAY SUPERINTENDENT

WHEREAS, James Perry has submitted a letter of resignation effective August 29, 2008 as Superintendent of Highways and from the Town Highway Department; NOW, THEREFORE,

BE IT RESOLVED, that the Town of Franklin Town Board accepts said resignation, effective August 29, 2008.

THOSE VOTING AYE:

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

THOSE VOTING NAY:

None

APPOINT WADE A. SULLIVAN AS HIGHWAY SUPERINTENDENT

The current situation in the Highway Dept. is regretful. The Department has only four employees, and although classified ads have been published seeking MEO's and laborers, because the Department lacks leadership, no action has been taken. Work on the roads has diminished due to the smaller work force and indecision by the current deputy. Wade Sullivan indicated to board members that he was willing to accept the position of appointed Highway Superintendent. Supv. Keith noted the risk taken by an appointee: If Mr. Sullivan is appointed to the position, he would be removed from the roster as an hourly employee from the date of appointment through December 31, 2008. If someone else is elected as highway superintendent, Mr. Sullivan could offer to return as a brand new employee, thereby losing seniority. The Town, could, however, hold Mr. Sullivan's MEO position open until January 1, 2009. Wade Sullivan stated if appointed he would stay in the position until December 31, 2008; he would like the Board to hold his MEO position open and he would like to keep his seniority and benefits, including five days of vacation. Supv. Keith indicated the payroll period starts on Sunday, September 15 14, and thought it advisable for the appointment to commence on that date. The Board and Mr. Sullivan concurred. Coun. Kretser emphasized the importance of hiring skilled and reliable employees, participating in the budget process and making time to speak with auditors from the NYS Comptroller. He indicated the position presented a big challenge, and that as the Town has experienced in the past, officials do not have to report to work. Mr. Sullivan indicated he would report to the Highway Dept. and would fulfill to the best of his ability all the requirements of the position. Supv. Keith indicated Mr. Sullivan had five (5) days within which to appoint a Deputy Highway Superintendent; in addition, she stated she would abstain from voting because Mr. Sullivan is her nephew. (changes per 10/22/08 meeting)

Motion to appoint Wade Sullivan Highway Superintendent (J.Ordney-C.Smalley m/s/p) ALL AYE

RESOLUTION NO. 50: APPOINT WADE A. SULLIVAN HIGHWAY SUPERINTENDENT TO COMPLETE TERM OF OFFICE

WHEREAS, James Rascoe, elected Highway Superintendent, resigned as of July 21, 2008 and which resignation was accepted by the Town Board; and

WHEREAS, James Perry was appointed Highway Superintendent to complete Mr. Rascoe's term and Mr. Perry resigned from the position and from employment with the Town of Franklin as of August 29, 2008, which resignation was accepted by the Town Board; and

WHEREAS, Wade A. Sullivan has been offered and is willing to accept the responsibility of the position;

NOW, THEREFORE, BE IT RESOLVED, that Wade A. Sullivan is appointed Highway Superintendent to complete the term of the elected superintendent, commencing September 15 14, 2008 and ending December 31, 2008; and BE IT

FURTHER RESOLVED, that Mr. Sullivan's position as MEO will remain open and his seniority and benefits will remain in tact until January 1, 2009. (changes per 10/22/08 meeting)

THOSE VOTING AYE:

Councilperson Janet Ordney
Councilman Walter Kretser
Councilman Allen Berg
Councilman Clifford Smalley

THOSE ABSTAINING

Supervisor Mary Ellen Keith

THOSE VOTING NAY:

None

The Town Clerk administered the Oath of Office to Wade A. Sullivan, and everyone present applauded and congratulated Mr. Sullivan.

QUESTIONS AND COMMENTS

Supv. Keith stated she and Mr. Sullivan would attend a meeting on September 15 with Larry Miller, Harrietstown Supervisor, concerning Franklin County reimbursement of towns for maintenance of county roads.

ADJOURNMENT

There being no further business to conduct, the meeting adjourned at 6:40 pm. (M.Keith-J.Ordway m/s/p) ALL AYE
Respectfully submitted, Sandra J. Oliver, Town Clerk

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