



# The Town of Franklin

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## Town of Franklin Board Meetings

**Special Board Meeting  
December 28, 2009 - 6:00 PM**

**Board members present:**

- Supervisor Mary Ellen Keith
- Councilman Walt Kretser (at 6:15 PM)
- Councilman Al Berg
- Councilperson Janet Ordway

**Board members absent:**

- Councilman Clifford Smalley

**Others Present:**

Highway Supt. Jacques DeMars, Town Clerk Sandra Oliver, Frances Oliver, Richard Jarvis, Art Willman, Ed Martin, Brad Merrill, Don & Doris Hamm, Les Parker, John Alexander- WNBZ, Nathan Brown- Adirondack Daily Enterprise

**1. CALL TO ORDER**

Supervisor Keith called the meeting to order at 7:00 pm. The Pledge of Allegiance was recited. The Town Clerk called the roll and stated a quorum was present

**2. BUDGET AMENDMENTS**

None

**3. AUDIT OF CLAIMS**

The following claims were added to Abstract #12 of 2009:		ADDED	TOTAL
General Fund	Claims 309 - 320	\$4,530.04	\$24,283.02

Prepay General

Claims 40 - 41

\$978.23

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

#### 4. FINANCING OF FRONT LOADER PURCHASE

Supv. Keith stated there are options available to Towns regarding the purchase and financing of new vehicles. She investigated the possibility of financing the front loader purchase through issuance of Bond Anticipation Notes. This requires contacting different lending institutions, and she telephoned Community Bank, which requires 3 years' worth of annual reports and would then forward the documentation to a committee; she telephoned NBT Bank which is not accepting any new loan applications, and finally, Champlain National Bank, which would charge interest at a slightly reduced rate than offered by Nortrax. However, a bond anticipation note also requires contracting a special attorney (estimated cost of \$300) and annually re-advertising for bids from lending institutions. Mrs. Keith opined Nortrax's lease/purchase offer seemed to be the best idea.

Motion to revise Resolution 53 (W.Kretser-A.Berg m/s/p) ALL AYE

**RESOLUTION NO. 53: ACCEPT BID OF NORTRAX FOR JOHN DEERE 624K FRONT WHEEL LOADER AND AUTHORIZE LEASE FINANCING THEREFOR** WHEREAS, requests for bids for a new front loader having been published and bids received; and WHEREAS, the eight bids submitted were carefully scrutinized by the Highway Superintendent and Highway Committee;

WHEREAS, the Town wishes to finance the purchase of the front loader through an installment purchase contract under Section 109-b of the General Municipal Law; and

WHEREAS the Town has received an offer from Nortrax to enter into an installment sales contract for 5 years at an interest rate of 3.95 percent; and

WHEREAS, the total price of the vehicle is \$121,662 excluding the cost of financing; and

WHEREAS, a trade-in for the Town's 1999 front loader in sum of \$26,700 will be deducted from the purchase price equaling \$94,962; and

WHEREAS, the total cost of the vehicle, less trade-in and including financing is \$106,879.35; NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Franklin hereby awards the bid of Nortrax, Plattsburgh, NY, for a new John Deere 624K front wheel loader at a purchase price of \$121,622.00 less trade-in of 1999 Deere wheel loader as a down payment; and BE IT

FURTHER RESOLVED, that although the vehicle could have been financed with indebtedness issued under the Local Finance Law, the Town Board has determined that the most expeditious and least costly way of financing this purchase is by an installment sales contract under Section 109-b of the General Municipal Law, and that the time and expense involved in the bond anticipation note process (including attorneys' fees) argue against pursuing this alternative; and BE IT

FURTHER RESOLVED, that the Town Board has determined that proceeding by installment purchase contract is in the best interests of the Town; and BE IT

FURTHER RESOLVED, that the Town Supervisor is authorized and directed to execute the installment sales contract with Nortrax under the terms described above; and BE IT

FURTHER RESOLVED, that the Town Board has determined as follows:

(a) the amount of unpaid periodic payments proposed to be made under this installment purchase contract (excluding interest) and other outstanding installment purchase contracts, together with the amount of outstanding indebtedness does not exceed one hundred fifteen percent (115% of the limit prescribed by section 104.00 of the Local Finance Law; or

(b) the total amount of payments (excluding interest) under the proposed contract, as well as under outstanding contracts; and BE IT FURTHER RESOLVED, that the installment purchase contract shall contain the following clause:

This contract shall be deemed executory only to the extent of monies appropriated and available for the purpose of the contract, and no liability on account thereof shall be incurred by the political subdivision beyond the amount of such monies. The installment purchase contract is not a general obligation of the Town of Franklin. Neither the full faith and credit nor the taxing power of the Town of Franklin are pledged to the payment of any amount due or to become due under such installment purchase contract. It is understood that neither this contract nor any representation by any public employee or officer creates any legal or moral obligation to appropriate or make monies available for the purpose of this contract. ~~FURTHER RESOLVED, the Town Board authorizes a lease-purchase arrangement over 5 years; and BE IT FURTHER RESOLVED, that the Board authorizes the outright purchase or financing over 5 years of the 5-year warranty.~~ (Change per 12/28/2009 meeting)

Those voting aye:

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

Those Abstaining:

Councilman Clifford Smalley

Those Voting nay:

None

## 5. UNION NEGOTIATIONS

Supv. Keith reported the current contract with the Teamsters Union expires on December 31, 2009. Negotiations have taken place during several sessions since June 2009 but the Union has rejected the Town's offer of a 2% increase per year over the next 3 years. She expressed disappointment with Highway Dept. employees who already receive "Cadillac"-type health insurance coverage to which they only contribute 15%, 12 holidays per year, clothing allowance, sick time, vacation accrual between 1 to 4 weeks annually, 5 personal days, bereavement leave, retirement and overtime at time and a half. She noted there are taxpayers in the Town who live on fixed incomes, are unemployed, have no health insurance and who must bear the cost of these employees. She requested a resolution declaring the negotiations at an impasse. She noted although the current contract expires on December 31st, the terms will remain in effect until a new agreement is reached. Following declaration of an impasse the matter will be referred to Public Employee Relations Board which will assign a mediator to resolve the negotiations. Coun. Berg stated that in these hard economic times, a 2% increase is reasonable.

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

**RESOLUTION NO. 59: NEGOTIATIONS WITH TEAMSTERS UNION DECLARED AT AN IMPASSE** WHEREAS, the current contract with the Teamsters Union is due to expire on December 31, 2009; and WHEREAS, the Town of Franklin has negotiated in good faith with said union; and WHEREAS, the Town's offer of an increase in hourly wage of \$2 per year for the next 3 years has been rejected by said Union; NOW, THEREFORE, BE IT RESOLVED, that the negotiations for a new contract with the Teamsters Union are hereby declared to be at AN IMPASSE; and BE IT FURTHER RESOLVED, the terms and conditions of the current contract will remain in effect until a new agreement is reached.

Those voting aye:

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

Those Abstaining:

Councilman Clifford Smalley

Those Voting nay:

None

## 6. DRY HYDRANT REPAIRS

. Coun. Berg reported the Town had received only one bid for repair of the two problem dry hydrants, from Rabideau Corp. in total sum of \$2720. He indicated the terms of the bid are in order, and recommended the Board accept the bid. He noted another dry hydrant repair may be required for the Muzzy Road location; however, he will check with the Bloomingdale Vol. Fire Dept. to see if they can flush it out.

Motion for resolution (W.Kretser-A.Berg)

**RESOLUTION NO. 60: ACCEPT BID OF RABIDEAU CORP. FOR REPAIR OF TWO DRY HYDRANTS** WHEREAS, requests for bids for repair of two dry hydrants in the Town of Franklin having been published; and WHEREAS, only one bid was received from Rabideau Corp., 127 Duprey Street, Saranac lake, NY 12983, in sum of \$400 for Sinkhole Road location plus \$100 for sign and \$2,100 for Plank Road location plus \$110 for sign; NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the bid of Rabideau Corp. - pending receipt of insurance certificate - to perform said repair; and BE IT FURTHER RESOLVED, the Supervisor is authorized to execute the contract with Rabideau Corp.

Those voting aye:

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

Those Abstaining:

Councilman Clifford Smalley

Those Voting nay:

None

## 7. PENDING MATTERS

**A. FIRE PROTECTION.** The 2010 contract for fire protection with Bloomingdale Volunteer Fire Dept. has been received, will be executed and sent to the Fire Dept.

**B. AMBULANCE/RESCUE.** The contract has been received, reviewed by James Maher, Esq., and will be signed and forwarded to the Village for signature.

**C. POSSIBLE LITIGATION.** The Town has been threatened with suit, and the matter has been turned over to the insurance carrier for resolution. Service of process has not occurred.

## 8. QUESTIONS AND COMMENTS

**Q/C** Expression of appreciation for the very hard work and persistence of this Town Board in adopting the subdivision law and the creation of a planning board, especially Councilmen Walter Kretser and Clifford Smalley. This Board has always had the best interests of the Town in mind and is to be congratulated. Councilperson Ordway also thanked for her contribution of service to the Town. Also thank you to Mary Ellen Keith for her dedication and hard work and 18 years as Town Supervisor. We may not always have agreed, but she always knew what she wanted and did what was best for the Town. She possesses heart, mind and spirit and has given them generously.

**Q/C** This is an historic meeting because it is Mary Ellen Keith's last as Town Supervisor, although it is not the end of her service to the Town. Please note the impressive scope of her service and dedication - it will never be matched. She has done so much for so many people. Thank you, Mary Ellen Keith.

An arrangement of flowers was presented to Supervisor Keith from the Board, Highway Superintendent, her confidential secretary and Town Clerk, as well as a card and silver and gold heart on a chain as an expression of gratitude and recognition of her service to the Town. Supv. Keith stated the Board had always acted responsibly, had taken on infrastructure improvement, performed a study, hired engineers according to State law. The problems still exist. In 18 years she never missed a Board meeting. She thanked all those present for their gifts and acknowledgements.

## 9. ADJOURNMENT.

There being no further business to discuss or conduct, the meeting adjourned at 7:38 pm

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

Respectfully submitted, Sandra J. Oliver, Town Clerk

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