



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

Workshop On Planning Board Applicants Meeting December 9, 2009 - 6:00 PM

Board members present:

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

Others Present:

Town Clerk Sandra Oliver (at 6:05 PM), Karen Smalley, Richard Jarvis, Joseph Rupp, Mark Kurtz, Jill Reymore, Ed Martin, Brad Merrill, Art Willman, Don & Doris Hamm

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, introduced guests and stated at 6:15 PM that the full board was present.

2. PURPOSE OF WORKSHOP

The purpose of the workshop was to discuss and review applications for appointment to the planning board.

Coun. Smalley indicated the Board had received copies of applications for planning board members from Keith Silliman, Richard Jarvis, Joseph Rupp, Leisa Almekinder, Jill Reymore, Les Parker, Nancy Bernstein and Mark Kurtz. He reviewed his choices for planning board members and terms of 5, 4, 3, 2 and 1 year and alternates with terms of 5 and 3 years.

Coun. Kretser generally agreed with Coun. Smalley's choices.

Coun. Ordway expressed reservations concerning Mr. Silliman's part-time residence status and indicated in the past various committees of the Town had not made progress because individuals had missed meetings.

Coun. Berg concurred, and stated that although Mr. Silliman had very fine credentials and experience, perhaps once he retired to the Town in a few years he might reapply for appointment.

Coun. Smalley stated the alternate members of the planning board would be available to substitute for any full time member of the board.

Coun. Kretser stated the appointment of the Chair of the planning board was the duty of the Town Board.

3. ADJOURNMENT

There being no further business to conduct, the meeting adjourned at 8:20 pm (M.Keith-W.Kretser m/s/p) ALL AYE

Minutes Of The Monthly Town Board Meeting - December 9, 2009 - 7:00 PM

Others Attending at 7:00pm:

Highway Superintendent Jacques DeMars, Don Vorrath, Don Goff, Ed Baltzly

1. CALL TO ORDER

Supv. Keith called the meeting to order at 7:00 PM. The pledge of allegiance and roll call were dispensed with. The Town Clerk stated the full board was present.

2. BUDGET AMENDMENTS

Supv. Keith requested a motion for a resolution adopting the following Budget Amendments.

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

RESOLUTION NO. 51: 2009 GENERAL FUND BUDGET AMENDMENT #5 WHEREAS, to balance the 2009 General Fund Budget the following transfers of funds are to be made:

FROM ACCOUNT	AMOUNT	TO ACCOUNT	AMOUNT
A1990.4 Contingent	\$4,225.00	A3310.4 Traffic Signs	\$142.00
		A5132.4 Town Garage	\$3,500.00
		A8160.1 Refuse PS	\$250.00
		A7140.1 Recreation PS	\$333.00

Those voting aye:

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

Those Abstaining:

None

Those Voting nay:

None

RESOLUTION NO. 52: 2009 HIGHWAY FUND BUDGET AMENDMENT #1 WHEREAS, in order to balance the 2009 Highway Fund Budget the following transfers of funds are to be made:

FROM ACCOUNT	AMOUNT	TO ACCOUNT	AMOUNT
DA5112.1 Improvements PS	\$6,966.00	DA5110.1 Gen Repairs PS	\$6,966.00
DA5112.2 Improvements (Cap Outlay)	\$20,000.00	DA5142.4 Snow Removal CE	\$20,000.00

Those voting aye:

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

Those Abstaining:

None

Those Voting nay:

None

4. MINUTES

The minutes of the November 5, 2009 Public Hearing, November 11 monthly Board meeting and November 30 special board meeting were accepted as presented.

(C.Smalley-W.Kretser m/s/p) ALL AYE

5. AUDIT OF CLAIMS

The following claims were submitted on Abstract #12 of 2009:

General	Claims 283 - 308	\$19,952.98
Highway	Claims 163 - 173	\$4,772.20
Prepay General	Claims 37 - 39	\$1,231.95

The following claim was submitted on Abstract #5:

Landfill	Claims 6 - 8	\$3,010.61
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Motion to accept claims (C.Smalley-J.Ordway m/s/p) ALL AYE

6. SUPERVISOR'S REPORT

Balances as of November 1, 2009

General Fund	CK	\$10,797.01
	SV	\$93,646.95
	CLASS	\$36,978.58
	Historian	\$2,980.80
Highway Fund	CK	\$29,570.12
	SV	\$51,195.33
	CLASS	\$47,477.06
	Cap Proj Hwy	\$36,413.58
Landfill	CK	\$2,246.02
	CLASS	\$53,957.78
Fire	CK	\$1,506.55
	CLASS	\$685.29
Cap. Building	CLASS	\$434.84

Supv. Keith explained no interest had been added to the balances as the statements had not been received in time.

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

7. HIGHWAY REPORT

A. HIGHWAY SUPERINTENDENT. . Hwy. Supt. Jacques DeMars gave the following report on progress of the Department:

1. Put extension culverts on existing on Oregon Plains Road. This is a temporary fix as culverts will be replaced next year.
2. Raked northern half of Goldsmith Road.
3. Returned grader to Town of Saranac.
4. Worked on gravel section of Sinkhole Road near bridge.
5. Cut brush on several roads.
6. Marked hazardous areas for plow season.
7. Cut and chipped on Swinyer Road and Rock Street.
8. Sent out oil sample for Unit 2.
9. R&L Towing picked up approx. 52.5 gals. of used oil. Forms were signed and are on file.
10. Erected several new road signs.
11. Broomed off loose gravel on Oregon Plains Road.
12. Reviewed bids on front loader.
13. Received County Snow and Ice Removal.
14. Sanded on December 1 and 2
15. Plowed on December 7, 8 and 9.
16. Prepared fuel, gas and maintenance sheets.

Supt. DeMars noted a resolution accepting the Agreement for Snow and Ice Removal of County Roads. Supv. Keith stated as the agreement required the attorney for the town's signature, she would send it to James Maher for review, and she read it into the record:

"THIS AGREEMENT made and entered into the ___ day of _____ by and between Gary Lewis, Superintendent of Highways of the County of Franklin, hereinafter referred to as "the County" and Jacques J. DeMars, Superintendent of Highways for the Town of Franklin, hereinafter referred to as "the Town."

WHEREAS, the Franklin County Board of Legislature did, on the ___ day of _____, 2009, authorize the Superintendent of Highways of the County of Franklin, pursuant to section 135-a of Highway Law of the State of New York, to enter into an agreement with any of the Towns of the County of Franklin for the removal of snow and sanding of County highways within the respective town by any town that so desires, and

WHEREAS, the Town Board of the Town of Franklin, Franklin County, New York, did by resolution dated the ___ day of _____ 2009, authorize the Town Superintendent of Highways to enter into such an agreement for the removal of snow and sanding of County highways within the said Town of Franklin,

NOW, THERFORE, it is mutually agreed as follows:

2010. County Rts. 55, 60, 26, 48 = 28.18 miles @ \$4966. TOTAL \$139,942

2. The Town herein agrees to remove snow from, and to sand, the County highways within said Town whenever snow or ice conditions exist on said highways which warrant the control of snow and ice on the highways.
3. The Town herein agrees to furnish, maintain and operate their own equipment and supplies for the adequate removal of snow from, or sanding of, said County highways.
4. In case of a difference of opinion between said Town and County as to whether conditions existing necessitate the removal of snow from, or sanding of, said County highways, the County Superintendent of Highways shall be the sole judge.
5. If the Town refuses to remove snow from, or to sand, County highways when requested by the County Superintendent of Highways, the County Superintendent may remove said snow from, or sand, said highways and the cost of doing so shall be deducted from any amount of monies due and owing the said Town under this contract.
6. The County of Franklin shall pay the Town of Franklin the aforesaid sums per mile of County road in said Town which is maintained by such Towns under the terms of this agreement. Payment shall be made to said Town upon presenting a verified voucher to the County Superintendent of Highways who will, in turn, present the same to the County Treasurer for payment. Payment to said Town shall be made as follows: 1/2 to be paid by February 15, 2010, and the balance to be paid by July 15, 2010.
7. This agreement is effect only during the calendar year 2010.

IN WITNESS WHEREOF, the parties hereto have placed their hands and seals this ___ day of _____.

FRANKLIN COUNTY
By Gary Lewis County
Superintendent of Highways

TOWN OF FRANKLIN
By Jacques J. DeMars, Town
Superintendent of Highways

APPROVED AS TO FORM
By Jonathan J. Miller
Franklin County Attorney

By _____
Town Attorney"

B. UNION NEGOTIATIONS. A negotiation session was held Tuesday, December 8th with representatives of the Teamsters Union. The Board is waiting for a response from the Union.

C. LETTER OF COMPLAINT. Supv. Keith asked about the status of a response to a Town resident concerning alleged rudeness by a Highway Dept. employee. 3 employees (one was in the vehicle cab) were chipping brush,

and a resident asked the 2 employees on the road following the truck not to bother chipping brush on the roadside, that she would remove it to the woods. In a letter to Supt. DeMars the resident stated the driver of the vehicle had been rude. Supt. DeMars replied the matter seemed to be one of miscommunication and that he was investigating the matter, had reports from the 2 employees who were present and was waiting for a statement from the employee in question. Supt. DeMars visited the area but did not speak to the complainant. Coun. Ordway urged the Superintendent to respond by letter to the resident as it had been addressed to Supt. DeMars with a copy to the Town Board. Supt. DeMars stated the employee about whom the complaint was made felt he was being harassed and had threatened to call the State Police. Coun. Smalley commented that Highway employees are the most visible to the community and that it was important for them to be considerate of residents. Coun. Ordway noted the employee's attitude was unprofessional. Supt. DeMars indicated he would complete his investigation and respond in writing to the citizen.

8. NEW BUSINESS

A. AWARD BID FOR FRONT LOADER . Supt. DeMars stated he and the Highway Committee had reviewed all the bids submitted with emphasis on the financing and warranties offered. Supt. DeMars favors the bid of Nortrax for a John Deere 624K. The Case dealer, Beauregard, is located in Colchester, Vermont; the New Holland dealer, Tracey, is located in Syracuse. Transport of a vehicle for repair is a major consideration in the choice of a vendor. Coun. Kretser added he favored the John Deere 624K. As to financing Supt. DeMars and the Highway Committee recommended financing through a 5-year lease to own with \$26,700 as a trade-in for the Town's old loader. The annual payment amounts to \$21,972 and he recommended financing the 5-year warranty as well. Supv. Keith advised a 3-year lease and outright purchase of the warranty. Supt. DeMars noted the difference in cost between the 3-year lease and 5-year was about \$2,000. Supv. Keith indicated she would contact Nortrax for exact figures and requested a motion for a resolution accepting the bid of Nortrax.

Motion for resolution (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
 Councilman Clifford Smalley
 Councilperson Janet Ordway

Those Abstaining:

None

Those Voting nay:

None

B. APPOINTMENT OF PLANNING BOARD . Supervisor Keith requested a motion for a resolution appointing a planning board.

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

RESOLUTION NO. 54: APPOINT MEMBERS OF PLANNING BOARD WHEREAS, the Town Board, having adopted Local Law #1 of 2009 Major Subdivision Control and Local Law #2 Creation of a Planning Board, both effective September 30, 2009; and WHEREAS, the Town Board having advertised for applicants to the planning board and having received 7 applications; and WHEREAS, the Board having reviewed the applications at a workshop on December 9, 2009; NOW, THEREFORE, BE IT RESOLVED, the following are appointed to the following terms on the Planning Board:

Richard Jarvis	5 years
Leisa Almekinder	4 years
Joseph Rupp	3 years
Jill Reymore	2 years
Lester G. Parker, Jr.	1 year
Mark Kurtz, alternate	5 years
Nancy Bernstein, alternate	3 years; and BE IT

FURTHER RESOLVED, Richard Jarvis is appointed as Chair of the Planning Board.

Those voting aye:

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

Those Abstaining:

None

Those Voting nay:

None

C. 2010 TAX COLLECTION . The Town Clerk reported she had been advised by the Franklin County Treasurer's Office that it would not renew its contract with Allen Tunnell Corp. for county-wide tax collection software. The County will readvertise for bids for the software, which was to have been provided to the Town free of charge. The County has also authorized the partial payment option once more. However, the 2010 budget for 1330.4 Tax Collection CE was reduced by \$1,000 in contemplation of free software. The Town Clerk contacted Business Automation Services, previous Town tax collection vendor and was advised \$760 would be charged the Town for these services for the 2010 tax collection season. She requested the amount be paid before the end of 2009.

9. OLD BUSINESS

A. FIRE/RESCUE UPDATE

(1) 2010 Ambulance/Rescue Contract. Supv. Keith stated that although Harrietstown and SLFAB member Larry Miller held a meeting Tuesday, December 8th regarding the proposed contract with the Village of Saranac Lake for Franklin's ambulance-rescue service, the Town of Franklin had already held its public hearing on the fire/rescue budget. Coun. Berg attended the SLFAB meeting and reported at issue was an extra sentence in the contract which provided that any additional costs of the contract would be borne by participating municipalities. Supv. Keith had referred the matter to James Maher, Esq. who revised the sentence. Coun. Berg reported that the Saranac Lake Fire Dept. and Volunteer Ambulance Squad were now separate corporations and Medex Billing Services will be

billing insurance companies on behalf of the Ambulance service. A full time EMT will be in place by February 28, 2010, at which time full payment for ambulance rescue service will be due.

(2) Platforms. Coun. Berg reported three platforms for use by the Bloomingdale Volunteer Fire Dept. had been constructed and are installed.

(3) Dry Hydrants. Coun. Berg stated two dry hydrants are not working. The Town advertised for bids for repair, but only one contractor, Rabideau, had responded. He was hopeful that others would reply. Coun. Smally asked if Mike Arnold, who constructed the platforms, is interested in the dry hydrant repair, and Coun. Berg indicated he would ask Mr. Arnold. The Board concurred, and requested the Town Clerk to place such ad in the Adirondack Daily Enterprise.

B. ASSESSMENT UPDATE. No report

10. COMMITTEE REPORTS

A. CELEBRATION COMMITTEE.

. The children's Christmas celebration was held on Saturday, December 5 at the Town Hall from 10:00 a.m. to 2:00 p.m. Children worked on craft projects, decorated cookies, received gifts of donated toys and visited with Mr. & Mrs. Santa Claus. About 39 children and parents attended the party, and a good time was had by all. The children also received knitted hats and mittens. Supv. Keith thanked everyone who helped, including Mary Lou and Tom Cassavaugh, Missy Begor who decorated, and all the parents

B. CEMETERY COMMITTEE. No report. Coun. Smalley requested the bank by Union Cemetery be pushed back so that visitors may park without obstructing traffic, and Supv. Keith responded that the Town Custodian sees to this.

C. RECREATION COMMITTEE. . Supv. Keith reported that the weather is not yet conducive to creation of a skating rink.

11. QUESTIONS & COMMENTS

Q/C Thank you to Mary Ellen Keith, Walt Kretser and Janet Ordway for their service to the Town. They should be recognized for their hard work and diligence.

12. IMPORTANT DATES.

Supv. Keith asked everyone to note the dates listed on the Agenda:

Thu. Dec. 17 - 3:30 Food Pantry

Mon. Dec. 28 - 7:00 PM Special board meeting - year end matters

Fri. Jan. 1 - 1:00 PM Oath-taking ceremony

Wed Jan. 13 - 7:00 PM Organizational and regular board meeting

13. ADJOURNMENT

There being no further business to discuss or conduct, the meeting adjourned at 7:45 pm (M.Keith-J.Ordway m/s/p) ALL AYE

Respectfully submitted, Sandra J. Oliver, Town Clerk

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