



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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[Home](#)
[Officials & Contact Info](#)
[Town Clerk/Tax Collector](#)
[Board Meetings](#)
[Town Budget](#)
[Laws & Forms](#)
[Newsletter](#)
[Public Notices & Bid Info](#)
[History, Photos & Maps](#)
[Property Assessments](#)
[Energy](#)
[Events, Recreation & Kate Mtn Park](#)
[Area Businesses](#)
[Town Journals](#)
[Emergency Preparedness](#)
[Menu](#)

Town of Franklin Organizational & Regular Board Meeting

Organizational Meeting: January 21, 2009 - 7:00 PM

The Town of Franklin Town Board held an Organizational and Regular Town Board Meeting on Monday January 14, 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
Councilman Allen Berg
Councilman Clifford Smalley

Others Present:

Highway Superintendent Jacques DeMars, Town Clerk Sandra Oliver, Town Justice Roger Symonds, Doug Ferris, Earth Science Engineering, Frank Karl, Vince Catlin, Donald Goff, Brad Merrill, Jean Baltzly, Don & Doris Hamm, Ed Martin, Mike Cassavaugh, Karen Smalley, Nathan Brown, Adirondack Daily Enterprise

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 the full board was present.

OATHS

Justice Roger Symonds re-administered the Oath of Office to all elected Town officers present who then signed and dated same.

ORGANIZATIONAL BUSINESS

1. TOWN OF FRANKLIN 2008 BOARD APPOINTMENTS

Deputy Supervisor - Councilman Walter Kretser has been appointed by Supervisor Keith as Deputy Supervisor with the powers and obligations accorded to him by law and will be paid \$500 per year as per budget. A1220.4

Deputy Highway Superintendent - John Dewyea, 7931 State Route 3, Vermontville, NY 12989 has been appointed by Highway Superintendent Jacques DeMars and will be paid \$1,200. per year as per budget, to be

renegotiated with each deputy each year.

Deputy Town Clerk - Lauren LeFebvre Deputy Town Clerk/Tax Collector selected by Sandra Oliver, Town Clerk. There is no salary for the position.

Budget Officer - Richard Meagher has been appointed Budget Officer and will be paid \$693. per year as per budget. A1340.4

Town Bookkeeper - Richard Meagher will contract with the Town of Franklin for the position of Town Bookkeeper in the amount of \$8,820. per year. A1320.4

Town Historian - Bradley Merrill has been re-appointed Town Historian with a salary of \$_____ per year. A7510.4

Registrar of Vital Statistics - Sandra J. Oliver, Town Clerk, will be Registrar of Vital Statistics and will be paid \$400. as per budget. A4020.4

Fixed Assets - Sandra J. Oliver, Town Clerk, will be Fixed Asset Officer and will be paid \$400. per year. A1410.4

Court Clerk - Meredith Symonds has been re-appointed Court Clerk at an hourly rate of \$11.12. A1130.1

Supervisor's Confidential Secretary - Melissa Begor has been re-appointed Confidential Secretary to the Supervisor at an hourly rate of \$11.12.

Codes Enforcement Officer - Lagree is Codes Enforcement Officer. The Town of Franklin has contracted with the Town of Santa Clara, renewed every 2 years at the rate of \$19,575. A3010.4

Process Server - Brian Manny will continue to serve as Process Server and will receive \$250. per year.

Cemetery Custodian - Vivian Manny will continue to serve as Cemetery Custodian and will receive \$650. per year. A8810.4

Cemetery Worker - The Town Custodian/Maintenance will maintain the Cemeteries. A8810.1

Assessor - Doug Tichenor will serve the first year of his 6-year term and will receive a salary of \$18,000. in the year 2009. A1355.1

Health Officer - George Cook, M.D., will serve as Health Officer at a yearly salary of \$200. A4010.4

Official Town Newspaper - The Adirondack Daily Enterprise will be the Official Town Newspaper.

Board Liaison Committees. The Board Chair shall select non-Board committee members.

Highway COMMITTEE - Janet Ordway, Walt Kretser

Recreation COMMITTEE - Al Berg

Assessor - Mary Ellen Keith, Janet Ordway

Fire/Rescue - Mary Ellen Keith, Al Berg

Celebrations - Mary Ellen Keith, Sandra Oliver

Cemetery COMMITTEE - Cliff Smalley, Mary Ellen Keith

Landfill COMMITTEE - Janet Ordway

Building COMMITTEE - Walt Kretser

Subdivision COMMITTEE - Walt Kretser, Cliff Smalley

Salaries - All salaries of elected and appointed officials are provided for in the 2009 budget.

Medical Insurance - The Town of Franklin will offer Health Insurance to the Highway Superintendent and the Town Custodian, non-union employees in the NYS Teamster's Health and Hospital Fund Medical Insurance Plan, as defined in the Contract with the Teamsters Union.

Pension Plan - The Town of Franklin has joined the New York State Retirement System to establish a legal pension plan and is offered to all town employees. All new employees must join the NYS Retirement Plan. Part-time employee membership in the NYS Retirement Plan is optional.

Official Depository - - Community Bank, Broadway, Saranac Lake, NY, is the Official Depository for the Town of Franklin. The Town will also continue to contract with MBIA (CLASS) as a savings depository.

Petty Cash Fund - The Town Clerk/Tax Collector Sandra J. Oliver and Supervisor Mary Ellen Keith have declined the option of a Petty Cash Fund.

Contracts - The Town will contract as follows:

Fire Protection - Bloomingdale Volunteer Fire Department

Rescue and Ambulance - Village of Saranac Lake, Saranac Lake Fire & Rescue Dept.

Basic and Advanced Life Support - FREMSA, North Country LifeFlight

Saranac Lake Civic Center

Franklin Snowmobilers, Inc.

Employee Assistance Service

Landfill monitoring - F.X. Browne

Codes Enforcemen - Town of Santa Clara

Association of Towns (NY)

Adirondack Association of Towns

Franklin County Self-Insurance

Tri-Lakes Humane Society

Bloomington Boosters

Grant writing - Ann Ruzow Holland

Infrastructure upgrade - Earth Science Engineering

Town of Franklin 55 Plus Club - The Town will continue to sponsor the 55 Plus Club and the Saranac Lake Adult Center as per budget. A6772.4

Board of Assessment Review Members - Jean Baltzly, Katrine Kretser, Roland LaPier, Lauren LeFebvre, and Mildred Vorrath will serve as members of the Board of Assessment Review. A1355.4

Ethics Committee Members - Lauren LeFebvre, Paul F. Ward and Charlotte Mitchell will continue to serve as unpaid members of the Ethics Committee.

Attorney for the Town - James E. Maher, Esq., 82 Main Street, Saranac Lake, NY 12983, will serve as the Attorney for the Town at the rate of \$85.00 per hour, not to exceed \$3,060. per year. A1420.4

Youth Program Director and Youth Program Assistant - This position pays \$9.00 per hour; Youth Program Director is appointed by the Town Supervisor upon the recommendation of the Recreation Committee. Kathy Drake has been appointed as Youth Program Director for 2007 and will be paid \$11.39 per hour because of her experience. Assistants will be paid minimum wage.

Saranac Lake Area Fire Advisory Board - Mary Ellen Keith is appointed as Town representative to SLAFAB and Al Berg is appointed as alternate representative.

Mileage Allowance - Reimbursement for mileage will be .45 cents per mile.

2. RULES OF PROCEDURE

The Town Clerk read aloud the Rules of Procedure for regular and special Town Board meetings, workshops and executive sessions. These replace and suspend all prior town board rules of procedure:

REGULAR TOWN BOARD MEETINGS

A regular town board meeting is one in which the town board meets once a month at a fixed time and place throughout the year to conduct town business. In the case of the Town of Franklin, regular town board meetings will be held once a month on the second Monday of the month at 7:00 P.M. If the second Monday falls on a holiday, the monthly board meeting will be held on the Wednesday following the second Monday of the month. The board will audit bills prior to the meeting - between 6:30 and 7:00 P.M.

Notice of Regular Town Board MEETINGS

After the town board establishes by resolution a regular fixed time and place for its meetings throughout the year, no other notice need be given to the members of the board. The Town Clerk is authorized by the Town Board to publish one Public Notice for the year stating the day, time and place for all regular Town of Franklin Board Meetings.

Rules of Conduct at a Regular Town Board Meeting

The supervisor, when present, shall preside and act as chairperson. In his/her absence, his/her deputy shall act for him/her.

Members of the board are to be recognized by the chairperson before addressing the rest of the board or the public.

No member of the public shall be permitted to address the town board unless recognized by the chairperson. In that event, the person must identify himself /herself by clearly stating his/her full name and address and then stating the nature of his/her business.

The chairperson may set a limit on the time on each occasion which each member of the public addresses the board.

Persons speaking to the town board with the consent of the chairperson shall address their remarks to the town board, not to other members of the audience.

No such person has the right to demand an answer to a specific question from a member of the board. All such questions shall be directed to the chairperson, who may either answer them or refer the questions to a board member or the attorney for the town, if present. The answer may be deferred and subject to further review or study and answered at a later date.

No member of the public or board shall engage in any demonstration, booing, hand clapping, or otherwise disrupt the formality of a town board meeting.

Town Board Resolutions

The adoption of resolutions is the most frequent type of formal action taken by the town board in its legislative and administrative capacities. Resolutions are often confused with motions. The latter are the vehicle by which resolutions are brought before a town board for action. The two can be used interchangeably. Typical examples of actions that require resolutions are as follows:

transferring money from one budget to another

establishing a salary

designating depositories

Town Board Voting at a Town Board Meeting

The voting on every issue requiring a resolution, ordinance, or law shall be "ayes" and "nays" and the names of the members present and their votes shall be entered in the minutes of the town board.

The supervisor is a member of the board and therefore must vote. He/she may also move or second resolutions.

The town clerk or (in his/her absence) his/her deputy calls a roll of town board members on every issue in question before the town board.

The town clerk must take minutes and keep a record of all proceedings of the board meetings, even though he/she is not a board member and does not have a vote.

Regular Town Board Meeting Agendas

A preliminary agenda will be developed by the supervisor and/or board members prior to the meeting and published via posting in public places, newsletter, and/or news media whenever practical.

Because urgent issues may not be presented to the board until shortly before a town board meeting, a final agenda may not be adopted by the supervisor until shortly before the meeting.

No additional matters are to be considered until each matter on the prepared agenda has been acted on by the town board.

Members of the public are invited to bring an issue, questions, or comments before the board in one of the following four ways:

1. by written request to be put on the formal agenda at least five business days before the scheduled regular town board meeting, or
2. by addressing the board at a segment set aside per the Agenda at the end of the meeting specifically for that purpose. The supervisor reserves the right to limit each speaker to three minutes. The speaker may request that the board have a special meeting at a later date to consider that particular issue. At the end of this session, the board will decide if such a meeting is feasible and will set a date and time for it, or
3. ~~by addressing the board during the meeting regarding agenda items, or~~ (amended Feb.9, 2009 board meeting by Resolution No. 9)
4. by addressing the board at the end of the meeting during a questions and answers segment.

Members of the news media may have ten minutes at the conclusion of the meeting to ask questions concerning matters that came up at the meeting.

Minutes of Regular Town Board MEETINGS

The town clerk, when present, will record minutes of the meetings proceedings as prescribed by law and shall make such minutes available within two weeks of the meeting. In the absence of the town clerk, his/her deputy or another person appointed by the board shall take his/her place.

Town Board Work Sessions

A town board work session is held to discuss and deliberate matters that are coming up at the next regular board meeting, special board meetings, or public hearing. No votes will be taken at work sessions. As with all public meetings, the public is free to attend these sessions but are not to participate or ask questions. Members of the board are expected to attend work sessions when called for by the supervisor.

Public Hearings By The Town Board

A public hearing is a meeting of the board and the public regarding an important issue that may have a significant economic, environmental, or other serious impact on the town and its residents.

The purpose of a public hearing is to give the public an opportunity to express its views.

The public has the right to appear and give evidence and the right to hear and examine witnesses regarding the issue at hand.

Notice of Public Hearings

The supervisor will give notice of public hearings in writing to the board and town clerk ten days before the hearing, when possible. The town clerk will then post a notice of the hearing in at least one public location and will give notice to the news media at least 72 hours prior to the hearing.

Preparation for Public Hearing

A study or report should be prepared by an expert in the subject matter of the hearing, such person to be present to testify in favor of the proposal.

Rules of Conduct at Public Hearings

1. COMMENTS AND QUESTIONS

Oral Comments. The Town Clerk will maintain a sign-in sheet at the public information desk for each person who wishes to make oral comments. Anyone who wants to do so must enter his/her full name and address on the sign-in sheet, in the spaces provided. ANYONE NOT SIGNING THE SIGN-IN SHEET WILL NOT BE PERMITTED TO ADDRESS COMMENTS TO THE TOWN BOARD.

Questions. The Chairperson will entertain questions from the floor. Questions shall be for the sole purpose of obtaining information about the subject matter of the public hearing or clarifying its provisions. Questions shall not have the intent of provoking a debate between the questioner and the Town Board or any individual in the audience.

Written Comments. The Town Board will accept written comments on the subject matter of the public hearing PROVIDED ALL WRITTEN COMMENTS ARE GIVEN TO THE CHAIRPERSON BY THE END OF THE PUBLIC HEARING.

PRESENTATION OF COMMENTS AND QUESTIONS.

Presiding Officer. The Town Supervisor or designee will preside over the public hearing, and act as Chairperson. In his/her absence, the Deputy Town Supervisor or designee will act as the Chairperson.

GROUND RULES FOR THE PRESENTATION OF COMMENTS

The purpose of a public hearing is to gather public comment on (subject of Public Hearing). The Board encourages all in attendance to offer comments and ask questions. However, a successful public hearing requires that some simple ground rules be followed. These ground rules will ensure that all in attendance are treated in a respectful and courteous manner, and that all who desire to speak will have the opportunity to be heard:

No one may speak unless recognized by the Chairperson for that purpose. Upon recognition, the person must identify him/herself by clearly stating his/her full name and address.

Anyone choosing to speak must address his/her remarks to the Town Board, and not to other members of the audience. Any debate between those "for" and those "against" the proposal must be strictly avoided.

Oral comments can generally be delivered in five minutes. If there are a large number of persons wishing to speak, the Chairperson reserves the right, in its sole discretion, to strictly enforce the 5-minute rule, so that all who wish to speak may have an opportunity to do so.

The Town Board is here to listen to the public's comments, and to answer questions about the Preliminary Budget. The Board is NOT here to express its own views or opinions thereon. The Board will NOT participate in a debate of the issues. We want your advice and assistance in coming to the proper conclusion on the issues involved. If you are in favor, simply tell us and give us your reasons why; and likewise, if you are opposed.

No person has the right to demand an answer to a specific question from a member of the Board. As noted earlier, questions should seek clarification and information and should not lead to a debate of the issues. All questions are to be directed to the chairperson, who may either answer them or refer them to a Board member or the Attorney for the Town. The answer may be deferred and subject to further review or study and answered at a later date.

No person may speak a second time until everyone who wants to speak has spoken.

No member of the public or Town Board shall engage in any demonstration, booing, handclapping, or otherwise disrupt the formality of the public hearing.

The Town Clerk will be responsible for ensuring that these rules are followed.

ANYONE VIOLATING ANY OF THESE GUIDELINES WILL BE ASKED TO REFRAIN FROM DOING SO, AND MAY, IN THE SOLE DISCRETION OF THE CHAIRPERSON, BE ASKED TO LEAVE THE PUBLIC HEARING.

SPECIAL TOWN BOARD MEETING

Special town board meetings may be called by the supervisor at any time for urgent or lengthy issues or for any other important reason determined by the supervisor.

Notice of special town board meetings and rules of conduct are the same as for public hearings.

EXECUTIVE SESSIONS

Executive sessions may be held only after an open meeting is convened and a motion to hold an executive session, identifying the area or subject to be considered in such executive session, is adopted by the majority vote in the open meeting.

Executive sessions matters are restricted to:

A matter which will imperil the public safety if disclosed.

A matter which may disclose the identity of a law enforcement agent or informer.

Information with respect to investigation or prosecution of a criminal offense which would jeopardize effective law enforcement if disclosed.

Discussions relating to litigation.

Matters relating to collective negotiations under the Taylor Law.

Medical, financial, credit, or employment history of a particular person or corporation, re relating to appointment, promotion, demotion, discipline, or removal.

Preparation, grading, or administration of examinations.

Acquisition, lease, or sale of real property or securities when publicity would substantially affect the value.

Attendance is restricted to town board members and any other persons authorized by the board.

Minutes of executive session proceedings

Summary minutes must be made of any final determination taken by formal vote, including the date and the vote thereon; however, such summary should not include any matter which is not required to be made public under the Freedom of Information Law. Such summary minutes shall be available to the public within one week from the date

of executive session. If no formal action was taken in an executive session, then no executive session minutes need to be taken.

2. Additional Items

A. Mileage Reimbursement for Appointees. Appointees may submit a voucher for mileage reimbursement at \$.45 per mile for travel on Town of Franklin business.

B. Intermunicipal Shared Services Agreements. The Supervisor is authorized to execute and the Town Clerk is requested to send Intermunicipal shared services agreements to the same municipalities as in 2006 following consultation with the Highway Superintendent.

3. Adopt Organizational Items.

Supv. Keith requested a motion for a resolution accepting the organizational items.

Motion for resolution

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

RESOLUTION NO. 1: ACCEPT ORGANIZATIONAL ITEMS

WHEREAS, the Town Board has reviewed the preceding organizational items and finds such items acceptable; NOW THEREFORE,

BE IT RESOLVED, that the Franklin Town Board accepts the organizational items as set forth above.

Those voting aye:

Supervisor Mary Ellen Keith
Councilman Walt Kretser
Councilwoman Janet Ordway
Councilman Al Berg
Councilman Cliff Smalley

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

None

3. OFFICIAL UNDERTAKING.

The Town Board has approved the procurement of a blanket undertaking from the LaBarge Agency, Inc., which is duly authorized corporate surety covering the officers, clerks, and employees of the town. Such approval assures that this blanket undertaking indemnifies against losses caused by the failure of officers or employees to faithfully perform their duties or by their fraudulent or dishonest acts.

Motion to accept Official Undertaking (C.Smalley-J.Ordway m/s/p) ALL AYE

RESOLUTION NO. 2: ACCEPT OFFICIAL UNDERTAKING

WHEREAS, the Town Board has negotiated with LaBarge Agency, Inc. for procurement of a blanket undertaking, which is duly authorized corporate surety covering the officers, clerks, and employees of the town; NOW, THEREFORE,

BE IT RESOLVED that the Town Board of the Town of Franklin approves the purchase of such blanket undertaking which assures that this Undertaking indemnifies against losses caused by the failure of officers or employees to faithfully perform their duties or by their fraudulent or dishonest acts. The Clerk is directed to file same with the county clerk. The elected officers of the Town of Franklin hereby execute this undertaking as follows:

WHEREAS, Mary Ellen Keith, of the Town of Franklin, County of Franklin, New York, has been elected to the office of SUPERVISOR of the Town of Franklin; and

WHEREAS, Walter Kretser, of the Town of Franklin, County of Franklin, New York, has been elected to the office of COUNCILMAN of the Town of Franklin; and

WHEREAS, Janet Ordway, of the Town of Franklin, County of Franklin, New York, has been elected to the office of COUNCILPERSON of the Town of Franklin; and

WHEREAS, Allen Berg, of the Town of Franklin, County of Franklin, New York, has been elected to the office of COUNCILMAN of the Town of Franklin; and

WHEREAS, Clifford Smalley, of the Town of Franklin, County of Franklin, New York, has been elected to the office of COUNCILMAN of the Town of Franklin; and

WHEREAS, Roger Symonds, of the Town of Franklin, County of Franklin, New York, has been elected to the office of TOWN JUSTICE of the Town of Franklin; and

WHEREAS, Jacques DeMars, of the Town of Franklin, County of Franklin, New York, has been elected to the office of SUPERINTENDENT OF HIGHWAYS of the Town of Franklin; and

WHEREAS, Sandra Oliver has been elected to the office of Town Clerk/Tax Collector of the Town of Franklin; NOW, THEREFORE, we as respective officers above, do hereby undertake with the Town of Franklin that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property

received as a Town Officer, in accordance with the law; and This undertaking of the TOWN SUPERVISOR is further conditioned upon that she will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into her hands as such Supervisor; and This undertaking of the TOWN JUSTICE is further conditioned upon that he will well and truly keep, pay over and account for all moneys and property belonging to the Town coming into his hands as such TOWN JUSTICE; and This undertaking of the TOWN CLERK/TAX COLLECTOR is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Clerk/Tax Collector; and The Town does and shall maintain insurance coverage, presently with Argonaut Insurance Group, in the sum of \$20,000.00 plus additional \$350,000.00 for the Town Clerk/Tax Collector, \$50,000.00 for the Town Supervisor and \$50,000.00 for the Town Justice to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions of employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

TOWN OF FRANKLIN

Mary Ellen Keith, Supervisor	Date	Notary
Walter Kretser, Councilman	Date	Notary
Janet Ordway, Councilperson	Date	Notary
Allen S. Berg, Councilman	Date	Notary
Clifford Smalley, Councilman	Date	Notary
Jacques DeMars, Highway Supt.	Date	Notary
Roger P. Symonds, Town Justice	Date	Notary
Sandra J. Oliver, Town Clerk/Tax Collector	Date	Notary

Those voting aye:
 Supervisor Mary Ellen Keith
 Councilman Walt Kretser
 Councilwoman Janet Ordway
 Councilman Al Berg
 Councilman Cliff Smalley

Those Absent:
 None

Those Abstaining:
 None

Those Voting nay:
 None

Regular Town Board Meeting
 January 21, 2009 - 7:00 PM

1. AUDIT OF CLAIMS

The following claims were submitted on Abstract #1 of 2009:

General	Claims 1 - 28	\$43,723.89
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Highway	Claims 1 - 9	\$11,8872.24
Prepay General	Claims 1 - 3	\$962.50
Landfill	Claims 1	\$1,124.75

Coun. Ordway inquired as to the 12-month subscription to the Adirondack Daily Enterprise for the Historian, and Supv. Keith replied this had always been done, as the Historian reviews the paper and clips articles regarding the town.

Coun. Smalley questioned the frequency of windshield wiper replacements and whether the Garage might keep a supply on hand, and Highway Supt. DeMars responded he was attempting to do so and stated that the charges on Abstract #1 had been incurred in December 2008, prior to his taking office.

Motion to approve claims (J.Ordway-A.Berg m/s/p) ALL AYE

2. MINUTES.

The minutes of the December 22, 2008 special board meeting were accepted as presented.

(J.Ordway-C.Smalley m/s/p) ALL AYE

3. SUPERVISOR'S REPORT

Balances as of December 1, 2008

General Fund	CK	\$13,851.70
	SV	\$12,501.18
	CLASS	\$101,625.20
	Historian	\$2,743.40
Highway Fund	CK	\$33,170.74
	SV	\$379.91
	CLASS	\$66,646.77
	Cap Proj Hwy	\$16,356.88
Landfill	CK	\$2,090.72
	CLASS	\$56,319.13
Fire	CK	\$540.66
	CLASS	\$684.62
Cap. Building	CLASS	\$57,486.03

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

4. 2008 GENERAL FUND BUDGET AMENDMENT #5.

Supv. Keith requested a resolution transferring funds within the 2008 General Fund. Motion for resolution (C.Smalley-J.Ordway m/s/p) ALL AYE

RESOLUTION NO. 3: 2008 GENERAL FUND BUDGET AMENDMENT #5

WHEREAS, to balance the 2008 General Fund Budget the following transfers of funds are to be made:

FROM ACCOUNT	AMOUNT	TO ACCOUNT	AMOUNT
A1990.4 Contingent	\$1,242.00	A1010.4 Town Board CE	\$119.00
		A1420.4 Attorney CE	\$77.00
		A1620.1 Buildings PS	\$334.00
		A3010.4 Codes Officer CE	\$5.00
		A3310.4 Traffic Signs	\$141.00
		A4220.4 Narcotics Control	\$60.00
		A5132.4 Town Garage CE	\$418.00
		A7510.4 Historian	\$88.00

Those voting aye:

Supervisor Mary Ellen Keith
 Councilman Walt Kretser
 Councilwoman Janet Ordway
 Councilman Al Berg
 Councilman Cliff Smalley

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

None

5. 2008 HIGHWAY FUND BUDGET AMENDMENT #4

Motion for resolution (J.Ordway-A.Berg m/s/p) ALL AYE

RESOLUTION NO. 4: 2008 GENERAL FUND BUDGET AMENDMENT #5

WHEREAS, to balance the 2008 Highway Fund Budget the following transfers of funds are to be made:

FROM ACCOUNT	AMOUNT	TO ACCOUNT	AMOUNT
DA5140.4 Brush & Weeds CE	\$5,000.00	DA5130.2 Machinery Capital	\$5,000.00
DA5130.4 Machinery CE	\$11,511.00	DA5142.4 Snow Removal CE	\$80,218.00
Unexpended balance	\$80,000.00	DA9059.8 Unemployment Ins	\$695.000
		DA9060.8 Health Ins	\$3,539.00
		DA5130.4 Machinery CE	\$6,511.00

Those voting aye:

Supervisor Mary Ellen Keith
Councilman Walt Kretser
Councilwoman Janet Ordway
Councilman Al Berg
Councilman Cliff Smalley

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

None

6. HIGHWAY REPORT

Highway Supt. Jacques DeMars reported as follows:

a. PROGRESS OF DEPARTMENT

- (1) Plowed and sanded as necessary, 19 out of 23 days. The Department is conserving the sand and not spreading as much as in years past.
- (2) All employees received updated addition to Employee Handbook (violence prevention, excessive absenteeism, etc.)
- (3) Deputy Highway Superintendent appointed. His name is John Dewyea. Appointing an outsider was suggested by North Country Labor Relations.
- (4) Two PESH (NYS Dept. of Labor, Div. of Safety and Health Public Employee Safety and Health Bureau) inspectors arrived regarding either current or former employee complaints. They performed a general inspection of property, building, tools, safety features, etc. Town served with 13 citations. Supv. Keith distributed copies of the report from PESH which cited 6 serious and 7 non-serious violations. If not corrected by date required, serious violations can generate a \$200 per day fine, and non-serious, \$50 per day:

Serious Violations

	Correction Date
(a) Stairs without railings	3/2/09
(b) No energy control program or procedures or employee training and inspection	4/13/09
(c) No training provided for employees for safe application usage and removal of energy control	4/13/09
(d) No screens in welding area	2/13/09
(e) Damaged or defective items not removed from service (washer cord damaged; insulation of cord of lead light near hydraulic table)	2/6/09
(f) Employees stomping sand through grates of International trucks not protected from falling when on top of trucks	2/23/09

Non-Serious Violations

	Correction Date
(a) Maximum weight permitted in floor or platform used for storage not posted	3/2/09
(b) Exit signs over front & back doors unlit	2/6/09
(c) Employees not required to wear personal Protective equipment or training	4/13/09
(d) Portable fire extinguishers not mounted	2/6/09
(e) No annual maintenance performed on portable fire extinguishers	2/6/09

- (f) Industrial drill press unanchored 2/6/09
 (g) Occupational injury/illness log not maintained 4/13/09

- (5) Four employees sent to Urgi-Care to be tested for masks, respirators (as mandated by PESH)
 (6) Employees checked roads after high winds, cut trees.
 (7) Electrician installed wiring for floor drain alarm.
 (8) Instituted shifts - 2 work from 4:00 am to noon, 3 from 6:00 am to 2:00 pm and 2 from noon to 8:00 pm. (The Loon Lake run has only one man in the truck on the early run, but because of traffic later in the day, the truck has two men.) This has cut down on overtime, the employees are separated, and the roads are still being maintained. Compared to last year, 31% payroll savings realized. Morale is higher, too. Employees chose their shifts and those who want to work overtime volunteer for it.
 (9) Spoke with employees concerning early clocking-in. No overtime will be paid for early clocking-in unless authorized by Supt. DeMars. Now they can only punch in 5 minutes early, and will be paid regular time.
 (10) The department is still using a port-a-potty since the failure of the septic system.
 (11) Telephoned Griffith several times regarding diesel pump issues. No response as yet.
 (12) Overhead Door Co. repaired both rear overhead doors. Electrical issue resolved by electrician David Goff.
 (13) Hyde Fuel pumped out and removed old fuel tank.
 (14) List of roads compiled for inmate crews to cut back brush and trees.
 (15) Inventory completed; however, some items are missing from the one performed last fall:
 (a) 2000 tandem with wing, slusher and sander sold
 (b) cordless phone missing
 (c) two Motorola walkie-talkies missing
 (d) 1" die set forth \$750 missing
 (e) Stihl 36 Pro chainsaw missing
 (f) Two Stihl MS 360 chainsaws present.
 (16) Maintenance logs maintained and submitted to Highway Committee
 (17) Gas and fuel logs maintained and submitted to Highway Committee.
 (18) Unit #9, 2009 International which had a strong diesel smell in the cab, has not been repaired.
 (19) Tank at garage needs to be pumped out now.
 (20) Unit #7, the 2007 International, has many leaks, which should be covered under warranty, but MA Jerry did not purchase the extended warranty even though the extended warranty was part of their bid. Supt. DeMars feels this was an error on MA Jerry's part and that all repairs on the unit should be completely covered by them. MAJerry has indicated a willingness to cover only 50% of all repair work. The Town Clerk handed then-Deputy Highway Supt. Sullivan MA Jerry's original bid package at the Dec. 22, 2008 meeting, but Mr. Sullivan said he does not have the document.

Coun. Kretser asked how the new shifts were working and whether there was an increase in fuel usage. Supt. DeMars indicated that the employees were adjusting favorably to the shifts and that no increase in fuel has been noted. Once winter is over, the shift work will cease.

Coun. Berg inquired about inventory control, whether the items were secured and whether employees are required to sign items in and out. Supt. DeMars replied there are no locks on anything, and chainsaws are kept in the trucks.

Coun. Kretser questioned whether employees have work to do when they are not maintaining roads. Supt. DeMars responded employees are kept busy when not plowing with vehicle maintenance and cleaning the facility.

Coun. Berg asked, taking note of Union compliance, whether employees in their spare time could construct platforms for the Bloomingdale Volunteer Fire Dept. Supt. DeMars indicated yes if Union regulations permit.

Coun. Ordway inquired whether Deputy Hwy. Supt. Dewyea possessed the required certifications that Supt. DeMars has and whether as a corrections officer he would be able to get time off in order to take charge of the department. Supt. DeMars replied Mr. Dewyea would have no trouble getting time off and that the appointment was temporary until he got to know the department employees.

Coun. Smalley stated on one day certain roads have not been plowed early enough. Supt. DeMars said that particular day, January 7th, Unit #2 would not start and was blocking two other vehicles. There was approximately 2-3 inches of snow on the ground. The first two trucks left the garage later than 4:00 am, and the other trucks rolled out at 5:30 am. Supt. DeMars considered that residents of Tyler and Paye Roads could use Swinyer Road. However, the department had two trucks in repair. Coun. Smalley asked if the department was giving more attention to through roads. Supt. DeMars said the department was trying to do better.

Coun. Ordway recalled the NYS Comptroller auditor mentioning the need for a fuel log for each vehicle. Fuel is recorded at the beginning of the month and again at the end. She asked if Supt. DeMars had any plans to institute this. Supt. DeMars said he was performing this. Coun. Kretser suggested the institution of daily fuel logs listing miles and gallons used. Supt. DeMars responded in the positive.

Coun. Ordway asked if the diesel pump was working properly. Supt. DeMars replied that he had telephoned Griffith Energy several times to repair the pump, but has not received a positive response. Coun. Smalley recommended contacting someone else.

Coun. Kretser stated a good start had been made and commended Supt. DeMars on his efforts.

Supervisor Keith stated she spoke with PESH investigators that day. Supt. DeMars indicated employees are working at correcting the violations.

7. AGREEMENT WITH FRANKLIN COUNTY - REQUEST FOR ASSISTANCE.

Supv. Keith requested a motion for a resolution authorizing Supt. DeMars to complete and execute the Request for County Highway Assistance and consequent use of County vehicles and employees.

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

RESOLUTION NO. 6: AUTHORIZE EXECUTION OF REQUEST FOR COUNTY HIGHWAY ASSISTANCE

WHEREAS, in order to perform road maintenance during the 2009 road improvement season it will be necessary for the Town to borrow equipment and operators from Franklin County Highway Department; NOW, THEREFORE

BE IT RESOLVED, that the Supervisor and Highway Superintendent are hereby authorized to complete and execute the form of agreement requesting Franklin County Highway Department.

Those voting aye:

Supervisor Mary Ellen Keith
Councilman Walt Kretser
Councilwoman Janet Ordway
Councilman Al Berg
Councilman Cliff Smalley

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

None

QUESTIONS AND COMMENTS RE HIGHWAY MATTERS

Thank you for making shifts. Good job.

Is the Deputy Hwy. Supt. receiving benefits from the Town? If so, he should request a buyout.

Supv. Keith replied the Deputy is not receiving benefits from the Town and further, the Town does not offer buyouts. Supt. DeMars indicated that issue is a Town Board matter.

When is the Union contract up?

Coun. Ordway replied the contract expires December 31 2009; however, all employees must take Union insurance and that item is not negotiable.

Superintendent DeMars then left the meeting at 9:00 pm. The Board thanked him for his report and his attendance at the meeting.

OLD BUSINESS

1. ENVIRONMENTAL MATTERS. Doug Ferris, Engineer with Earth Science Engineering, reported:

a. First Spill at Garage. Good news - soil tests were good, and soils do not need cleanup. NYS Dept. of Environmental Conservation has closed this case. The old dry well should be removed this coming spring. Mr. Ferris then handed his report to Supv. Keith who in turn gave it to the Clerk.

b. Second Spill at Garage. An employee, present or former, dumped waste oil into the septic system which clogged the D-box. NYS DEC was contacted and has begun an investigation. Both the septic tank and the pump need to be cleaned but the pump is worse than the tank. The employees are currently using a port-a-potty. Mr. Ferris recommended steam cleaning the tank out with steam and to contract with Op-Tech. NYS DEC will then re-inspect the site. Mr. Ferris also recommended plugging the outlet of the septic tank and clean the rest of the system. However, he stated it would be less expensive to install a new septic tank at a cost of approximately \$900. In the spring the pump station will be cleaned or possibly replaced. The D-box also needs to be repaired. ESE's report is almost done for this second spill. He suggested using the Town backhoe to scrape the earth from the septic tank.

c. Illegal Dumping at Norman Ridge. In a previous report, Mr. Ferris thought he could use Highway Dept. employees and vehicles; however, a track-mounted excavator must be employed for this investigation because of deep snow and tree removal. His original estimate of _____ has been increased by \$3,500. The rig would be used for two days, possibly less as his associate Steve _____, is not only qualified to use an excavator but also is an engineer capable of identifying matters exposed. The SK60 is a mid-sized excavator and will cost \$600 per day. NYS DEC has indicated this work be done as soon as possible. The Town should contact Brian Hyuck, DEC,

who is in charge of this investigation to request a delay. Coun. Kretser stated the Town should inquire locally to find a less expensive rental. Mr. Ferris concurred.

2. GARAGE REHABILITATION. Mr. Ferris reported that the plans for this project are completed. Everything is ready and finalized and only waiting for Board approval. Supv. Keith then showed all present a piece of faulty wiring that had been removed from the garage and indicated the Town in the past 6 months has spent over \$10,000 to make emergency repairs. This past month the overhead doors needed new wiring. The Town spent nearly \$2,000 to heat the Garage in December. If the Garage project does not proceed this year, the Town will have to borrow money to operate it.

Coun. Smalley stated the Town owns \$1 million in vehicles, and the Garage rehabilitation project is less than that. He considered it worthwhile to protect the Town's investment in the vehicles to proceed.

Coun. Berg requested Mr. Ferris to prepare a sheet comparing the benefits of the Garage rehab to building anew in several years or doing nothing.

Coun. Smalley stated the matter has been studied in detail for quite some time. He emphasized the need to take steps to borrow funds for the project. He read the proposed resolution into the record.

Motion for resolution to bond for Garage Renovation (C.Smalley-W.Kretser m/s/p) ALL AYE

RESOLUTION NO. 6: BOND RESOLUTION OF THE TOWN OF FRANKLIN, FRANKLIN COUNTY NEW YORK ADOPTED JAN. 21, 2009, AUTHORIZING THE RECONSTRUCTION AND REPAIR AND RENOVATION OF THE TOWN HIGHWAY GARAGE AT AN ESTIMATED MAXIMUM COST OF \$800,000 APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF UP TO \$800,000 OF BOND ANTICIPATION NOTES AND SERIAL BONDS OF THE TOWN TO PAY THE COST OF THE PROJECT.

WHEREAS, Section 64(3) of the Town Law of the State of New York empowers the Town Board of the Town of Franklin, Franklin County, New York (the "Town") to manage, maintain and control Town properties as the purposes of the Town may require; and

WHEREAS, the Town Board has determined that it is necessary for the Town to reconstruct, repair and renovate the Town's Highway Garage (the "Project"); and

WHEREAS, the Town, as a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, et seq., and implementing regulations, 6 NYCRR Part 617 (the "Regulations"), having reviewed the impact of the reconstruction, repair and renovation of the Town's Highway Garage upon the environment, intends hereby to determine that the Project constitutes a "Type II Action" under 6 NYCRR §617.5(c)(25) of the Regulations and is not subject to review under SEQRA; and

WHEREAS, the Town Board now desires to authorize the Project and the financing of the cost thereof.

NOW, THEREFORE, BE IT RESOLVED ON JANUARY 21, 2009 BY THE TOWN BOARD OF THE TOWN OF FRANKLIN, FRANKLIN COUNTY, NEW YORK (by favorable vote of not less than two-thirds of said Board), AS FOLLOWS:

Section 1. The reconstruction, repair and renovation of the Town's Highway Garage, together with appurtenant equipment, machinery apparatus and other improvements incidental thereto, all as required for the purpose for which such Highway Garage is to be used, at a maximum estimated cost of \$800,000, including all professional costs, including legal advertising and legal services, equipment, machinery and other necessary appurtenances and all other necessary costs incidental to such work, which is estimated to be the total cost thereof, is hereby approved.

Section 2. The plan for the financing of the aforesaid specific object or purpose is by the issuance of up to \$800,000 of serial bonds, or any bond anticipation notes in anticipation of the issuance and sale of the bonds of said Town, which are hereby authorized to be issued pursuant to the Local Finance Law, and the levy of a tax to pay interest on said obligations.

Section 3. The Project constitutes a "Type II Action" under 6 NYCRR §617.5(c)(25) of the regulations and is not subject to review under SEQRA.

Section 4. The full faith and credit of the Town is hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years and such debt service payments may be made in substantially level or declining amounts as may be authorized by law.

Section 5. Pursuant to Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell the serial bonds and any bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Town Supervisor, the chief fiscal officer. Such bonds or notes shall be of such form and content, and shall be sold in such manner, as may be prescribed by said Town Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The Town Supervisor is hereby further authorized, at her sole discretion, to execute all agreements and instruments in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town.

Section 7. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and/or notes without resorting to further action of this Town Board.

Section 8. The following additional matters are hereby determined and declared:

- (a) Pursuant to paragraph 12(a)(1) of Section 11.00 of the Local Finance Law, the period of probable usefulness of the Project is twenty (20) years; and
- (b) Current funds are not required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution; and
- (c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years;
- (d) The Town reasonably expects to reimburse itself for expenditures made for the Project from the Town's General Fund from the proceeds of the bonds or notes herein authorized.
- (e) This resolution is a declaration of official intent to reimburse for purposes of Treasury Regulation Section 1.150-2.

Section 9. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Franklin, Franklin County, New York, by the manual or facsimile signature of the Town Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and maybe attested to by the manual or facsimile signature of the Town Clerk.

Section 10. The Town hereby covenants and agrees with the holders from time to time of the Bonds and any bond anticipation notes issued in anticipation of the sale of the Bonds, that the Town will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations issued pursuant thereto unless, in the opinion of bond counsel, such compliance is not required by the Code and regulations to maintain the exclusion from gross income of interest on said obligations for federal income tax purposes.

Section 11. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds with a schedule of substantially level or declining annual debt service and all matters relating thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Town Supervisor, providing for the manual countersignature of a fiscal agent of a designated Official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Town Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any changes for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Town Treasurer shall determine.

Section 12. The law firm of Trespasz & Marquardt, LLP, is hereby appointed bond counsel to the Town in relation to the issuance of the Bonds.

Section 13. The validity of such bonds and bond anticipation notes may be contested only

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution shall be subject to permissive referendum and a summary hereof (attached hereto as FORM OF NOTICE I) shall be published and posted within ten (10) days of adoption by the Town Clerk as provided by Section 90 of the Town Law. This Resolution shall become effective 30 days after publication of FORM OF NOTICE I. Following such effective date, in the event no petition for a referendum was timely submitted and filed, the Town Clerk shall cause the publishing and posting of a notice in substantially the form provided in Section 81.00 of the Local Finance Law together with a summary of this Bond Resolution (attached hereto as FORM OF NOTICE II).

FORM OF NOTICE I

NOTICE OF BOND RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

The resolution, a summary of which is published herewith, was adopted on January 21, 2009 and is subject to a permissive referendum in accordance with Section 90 of the Town Law.

SUMMARY OF BOND RESOLUTION

SUBJECT TO PERMISSIVE REFERENDUM

A Resolution adopted by the Town Board of the Town of Franklin, Franklin County, New York (the "Town") on January 21, 2009 authorizes the reconstruction, repair and renovation of the Town's Highway Garage and the issuance of bonds and other obligations to finance the cost thereof, together with appurtenant equipment, machinery apparatus and other improvements incidental thereto, all as required for the purpose for which such Highway Garage is to be used, at a maximum estimated cost of \$800,000, including all professional costs, including legal advertising and legal services, equipment, machinery and other necessary appurtenances and all other necessary costs incidental to such work (the "Project"), and to pay for such Project by the levy of a tax for the foregoing object or purpose in an amount not to exceed \$800,000, which shall be levied and collected in annual installments in such years and in such amounts as may be determined by the Town Board and that in anticipation

of the collection of such tax, bonds and notes of the Town are authorized to be issued at one time, or from time to time, in the principal amount not to exceed \$800,000 and a tax is authorized to pay the interest on said obligations when due. Under the Local Finance Law, the Project has a period of probable usefulness of twenty (20) years.

FORM OF NOTICE II

NOTICE OF BOND RESOLUTION

The resolution, a summary of which is published herewith, was adopted January 21, 2009. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Franklin, Franklin County, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

SUMMARY OF BOND RESOLUTION

A Resolution adopted by the Town Board of the Town of Franklin, Franklin County, New York (the "Town") on January 21, 2009 authorizes the reconstruction, repair and renovation of the Town's Highway Garage and the issuance of bonds and other obligations to finance the cost thereof, together with appurtenant equipment, machinery apparatus and other improvements incidental thereto, all as required for the purpose for which such Highway Garage is to be used, at a maximum estimated cost of \$800,000, including all professional costs, including legal advertising and legal services, equipment, machinery and other necessary appurtenances and all other necessary costs incidental to such work (the "Project"), and to pay for such Project by the levy of a tax for the foregoing object or purpose in an amount not to exceed \$800,000, which shall be levied and collected in annual installments in such years and in such amounts as may be determined by the Town Board and that in anticipation of the collection of such tax, bonds and notes of the Town are authorized to be issued at one time, or from time to time, in the principal amount not to exceed \$800,000 and a tax is authorized to pay the interest on said obligations when due. Under the Local Finance Law, the Project has a period of probable usefulness of twenty (20) years. Such resolution shall be kept available for public inspection in the Town Clerk's Office during regular business hours for twenty days following this publication.

WHEREFORE, the foregoing Resolution was put to a vote of the members of the Town Board of this Town this 21st day of January, 2009, the result of which vote was as follows:

Those voting aye:

Supervisor Mary Ellen Keith
Councilman Walt Kretser
Councilwoman Janet Ordway
Councilman Al Berg
Councilman Cliff Smalley

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

None

3. SUBDIVISION UPDATE. Coun. Smalley reported that the Citizens Advisory Committee on Subdivisions had held two meetings thus far in January, at 7:00 pm on January 5 and at 8:30 am on January 15th. The members of the committee are following the North Hudson Subdivision Law and scrutinizing same for adaption to the Town of Franklin. Coun. Smalley stated there had been quite a bit of debate in the attempt to create a transparent process so that taxpayers and residents have rights to ask questions and subdividers and developers have the right to answer. The next meeting is scheduled for Monday, January 26 at 8:30 a.m. The public is more than welcome to attend

NEW BUSINESS

1. CONTRACT FOR GRANT WRITING Supv. Keith stated grants are available for "shovel-ready" projects. She reported she had spoken with Terrie Martino of Adirondack North Country Assn. about the availability of funding. To apply for grants, applications must be prepared and written. The Town has in the past contracted with Ann Ruzow Holland to write those applications. To that end she requested that the Board contract with Ms. Holland once again. The one-year contract is for \$11,000. Coun. Kretser asked to see grant applications previously submitted by Ms. Holland and suggested Supv. Keith contact State Sen. Betty Little, etc. The matter was tabled to the February 9th meeting, and Ms. Holland will be invited to attend.

2. CONTRACT FOR LANDFILL MONITORING Supv. Keith stated the Town needed to sign another contract with F.X. Browne for monitoring of the closed landfill. Coun. Ordway read the letter reporting on the most recent monitoring, as follows:

"January 9, 2009

Mary Ellen Keith, Supervisor, Town of Franklin, P O Box 209, Vermontville, NY 12989
RE: Landfill Post-Closure Monitoring - Final Report FXB File No. NY1715-04

Dear Mrs. Keith:

Enclosed is one copy of the final report for the 2008 Franklin Landfill Post-Closure Monitoring. Copies have been sent to Dale Becker at the NYS DEC.

Overall, the landfill looks good and although some landfill leachate indicators were detected, this is not unusual in an unlined landfill. It is only a concern if the leachate contains toxic chemicals. No volatile organic compounds or toxic metals were detected at the landfill.

Also enclosed are two copies of our proposal to conduct the 2009 annual monitoring at the Franklin Landfill. We are proposing to conduct two monitoring events (springs and fall) in accordance with the post-closure monitoring plan and 2008 variance for a lump sum professional services fee of \$1,200 for field sampling and \$1,200 for reporting. Reimbursable expenses (equipment fee, postage, mileage, ice, batteries, etc.) will be billed as a separate lien item directly as they are incurred, with an estimated cost of \$800. Laboratory fees for 2008 are estimated at \$1,432, billed directly from the laboratory. Depending on results in the field (i.e., if the turbidity is high in the wells), additional sample analyses may be required, resulting in additional laboratory costs.

If you agree to the scope and costs shown in the enclosed contract, please sign it. Keep one copy for your files and return the other copy to me. It is a pleasure working with the Town of Franklin. If you have any questions, please feel free to call me.

Sincerely, F.X. BROWNE, INC. By Rebecca L. Buerkett, Project Scientist"

Supv. Keith requested a motion for a resolution authorizing her to execute the agreement with F.X. Browne, Inc. for 2009.

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

RESOLUTION NO. 7: SUPERVISOR AUTHORIZED TO EXECUTE AGREEMENT WITH F.X. BROWNE, INC. TO MONITOR CLOSED LANDFILL

WHEREAS, F.X. Browne, Inc. monitors the Town's closed landfill; and

WHEREAS, a new contract has been prepared by F.X. Browne; NOW, THEREFORE,

BE IT RESOLVED, that the Town Board accepts the terms and conditions of the contract with F.X. Browne; and BE IT

FURTHER RESOLVED, the Supervisor is authorized to execute same.

Those voting aye:

Supervisor Mary Ellen Keith
Councilman Walt Kretser
Councilwoman Janet Ordway
Councilman Al Berg
Councilman Cliff Smalley

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

None

3. YORK STATE CAPPING VALUE OF STATE-OWNED LANDS

Supv. Keith stated the Adirondack Association of Towns and Villages opposed the plan of the State of New York to place a "cap" on the value of its State-owned lands in order to conserve funds. AATV's position is that if the "cap" on State-owned land is enacted, the State of New York will not be paying its fair share of the tax burden. This will have a negative economic impact on municipalities in the Adirondack Park and will pass more of the tax burden onto individual taxpayers. Coun. Smalley described the State's plan as a "fiscal nightmare" to Towns; and Couns. Kretser, Ordway and Berg stated they strongly disagreed with the State Plan. Supv. Keith requested a motion for a resolution in opposition to the State Plan.

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

RESOLUTION NO. 8: OPPOSITION TO AMENDING SECTION 544 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK

WHEREAS, the NYS Legislature created the Adirondack Forest Preserve in 1886 to conserve ecologically an recreationally significant tracts of land for watershed protection and ultimately the benefit of all New Yorkers, and in creating said preserve, legally obligated the State of New York to pay full local property taxes, "as though privately held", on all Forest Preserve lands; and

WHEREAS, the legitimacy of the State's tax payments on the Forest Preserve was upheld by the New York State Supreme Court Appellate Division in 2008, in Dillenberg v. NYS, in which the outcome of that case gave all Adirondack and Catskill communities assurance that NYS land taxes on Forest Preserve were neither arbitrary nor capricious and that the taxes are based on the State's legitimate powers granted to the NYS Legislature to waive its sovereign immunity from taxation in specified places, such as the New York State Forest Preserve; and

WHEREAS, even in light of the current economic difficulties the State is facing, the Town of Franklin in Franklin County is appalled by the idea that the division of Budget would confuse its obligation to pay ad valorem property

taxes with state aid to local communities by proposing a cap on NYS property tax payments on Forest Preserve lands to Adirondack towns, counties and school districts, when it would be far more constructive for State government to work with local governments and school districts to reduce State mandates and help reduce property taxes for everyone; and

WHEREAS, the proposed tax cap would set a dangerous precedent by creating two separate ad valorem tax rates, one for the State and another for private property owners, and by doing so would shift the State's financial responsibility unequally to local taxpayers, impacting hardest those towns and districts with the fewest residents and the greatest amount of State-owned land, which often amounts to 60 to 70 percent of their property tax base;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Franklin, Franklin County, together with the Adirondack Association of Towns and Villages, which views the payment of taxes on Forest Preserve lands as a permanent, essential and inviolate commitment from the people of the State of New York, who benefit so greatly from the Preserve, is hereby adamantly opposed to any plan that shifts State spending by amending Section 544 of the Real Property Tax Law by adding a new subdivision 3, which in effect, would cap the State of New York's legal obligation to pay full local property taxes "as though privately held", on all Forest Preserve lands; and BE IT

FURTHER RESOLVED, the Town of Franklin, together with Adirondack Association of Towns and Villages, respectfully requests the Governor to eliminate this deleterious proposal to cap property taxes on the Forest Preserve and rescind the amendment to Section 544 of the Real Property Tax law, paragraph 3, within the thirty-day amendment period of his proposed executive budget and thus provide for the economic survival of small communities in which Forest Preserve Lands are located which depend on the Governor's leadership to dispense "shared sacrifice" equitably; and BE IT

FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Honl Governor David Paterson, as well as legislators representing the Adirondacks area: Hon. Elizabeth O'C. Little, Hon. Hugh Farley, Hon. Joseph Griffo, Hon. James Seward, Hon. Teresa Sayward, Hon. Marc Butler, Hon. Tony Jordan, Hon. Janet Duprey, Hon. Dede Scozzafava and Hon. David Townsend.

Those voting aye:

Supervisor Mary Ellen Keith
Councilman Walt Kretser
Councilwoman Janet Ordway
Councilman Al Berg
Councilman Cliff Smalley

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

None

4. PROPOSED CONSOLIDATION OF VILLAGE POLICE DEPARTMENTS INTO FRANKLIN COUNTY SHERIFF'S OFFICE. The Board discussed the negative impact this proposed plan would have on local communities, which if implemented would shift the cost of Village Police Departments onto all the taxpayers in Franklin County. Because the proposal has not been drafted in legislative form and is as yet under consideration, the Board determined it would send a letter to County Representative Timothy Burpoe.

COMMITTEE REPORTS

1. CEMETERY COMMITTEE. The Town must determine how it will treat the Franklin Falls Cemetery. A meeting with Supervisor Joyce Morency, Town of St. Armand, will be scheduled.

2. RECREATION COMMITTEE. Supv. Keith stated a skating rink has been created at the Kate Mountain Recreation Park and invited residents to use it.

CORRESPONDENCE

CONSERVATION EASEMENT Supervisor Keith announced that the conservation easement comprising of the former Domtar Paper Company lands had been accomplished. Copies of the NYS Dept. of Environmental Conservation report are available at the public information table at the Town Hall.

COMMENTS AND QUESTIONS

Good idea not to support village police departments into Sheriff's Office at County level; the cost will be passed onto us and will be based on the Town's assessments.

Can you reschedule a regularly-scheduled Board meeting when only one Board member is absent? It's illegal.

The Town Clerk responded it was proper.

Give people the right to speak up in favor or in opposition to what the Board is doing.

Has anyone been charged with the illegal dumping? Why don't you contact the State Troopers and file a complaint?

Coun. Kretser responded that the investigatory arm of NYS DEC will file charges against whomever is responsible. No need to call the Troopers. If DEC feel the matter should be turned over to the State Police, they will do so. However, we should contact the DEC captain in charge of the matter.

You voted in favor of that Domtar land conservation easement. Now all that acreage will never be developed and the Town will lose tax revenue.

Coun. Kretser replied that the 2006 Board could not see the future. However, negotiations with DEC proved fruitful in that public campgrounds and boat launches were improved and maintained by DEC.

ADJOURNMENT

As there were no further matters to discuss, the meeting adjourned at 10:15 p.m.

Respectfully submitted, Sandra J. Oliver, Town Clerk

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Town of Franklin

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