



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

**Monthly Town Board Meeting
November 11, 2009 - 7:00 Pm**

Board members present:

Supervisor Mary Ellen Keith
Councilman Walt Kretser
Councilman Al Berg
Councilman Cliff Smalley

Board members absent:

Councilperson Janet Ordway

Others Present:

Highway Supt. Jacques DeMars Town Clerk Sandra Oliver, Andreé LaBarge - LaBarge Agency, Karen Smalley, Frances Oliver, Derek Romeo, Art Willman, Ed Martin, Les Parker, Don & Doris Hamm, Donald Goff, Brad Merrill, Paul & Carol Ward, Jean Baltzly, James Hibbert, Jack Recor, Jack Perez

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 a quorum was present.

2. MINUTE OF SILENCE was observed in honor of Veterans Day.

3. BUDGET AMENDMENT

Supv. Keith requested a motion for a resolution adopting a General Fund Budget Amendment.

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

RESOLUTION NO. 47: GENERAL FUND BUDGET AMENDMENT #4 WHEREAS, to balance the 2009 General Fund Budget the following transfers of funds are to be made:

Those voting aye:

FROM ACCOUNT	AMOUNT	TO ACCOUNT	AMOUNT
A1990.4 Contingent	\$10,400.00	A4220.4 Narcotics Control	\$400.00
Unexpended Balance	\$15,000.00	A5132.4 Town Garage	\$24,000.00
		A6461.4 Grants	\$1,000.00

Supervisor Mary Ellen Keith
 Councilman Walt Kretser
 Councilman Al Berg
 Councilman Cliff Smalley

Those Absent:

Councilperson Janet Ordway

Those Abstaining:

None

Those Voting nay:

None

4. MINUTES

The minutes of the October 14, 2009 board meeting and October 21, 2009 special board meeting and budget workshop were accepted as presented.

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

5. AUDIT OF CLAIMS

The following claims were submitted on Abstract #11 of 2009:

General	Claims 256 - 282	\$13,949.24
Highway	Claims 107 - 126	\$137,346.34
Prepay General	Claims 31 - 33	\$1,181.97

The following claim was submitted on Abstract #4:

Fire Protection	Claim 5	\$2,028.00
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Coun. Kretser noted he observed a number of bills for repairs to the tandem vehicles, and Hwy. Supt. DeMars stated the vehicles required repair in order to pass inspection.

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

4. SUPERVISOR'S REPORT

Balances as of October 1, 2009:

General Fund	CK	\$26,559.51
	SV	\$93,646.95
	CLASS	\$36,978.58
	Historian	\$2,750.57
Highway Fund	CK	\$42,251.92
	SV	\$101,174.08

	CLASS	\$147,459.18
	Cap Proj Hwy	\$36,406.18
Landfill	CK	\$2,245.65
	CLASS	\$53,946.81
Fire	CK	\$33,534.32
	CLASS	\$685.29
Cap. Building	CLASS	\$434.84

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

6. ANDREÉ LaBARGE, LaBARGE AGENCY - INSURANCE COVERAGE

Mrs. LaBarge distributed copies of the Insurance Proposal to the Board and reviewed the minor changes in proposed coverage for the coming year: She noted that the square footage of the Garage was increased to the current footprint (not the proposed expansion). All other Town buildings have a 4% replacement. There is a deductible of \$50,000 for damage due to earthquake or flood.

Coun. Berg asked whether the north and northeast walls of the Garage collapsed (recently shored up) whether the liability would be the Town's or the supervising engineers. Mrs. LaBarge replied the liability would be the engineers.

Mrs. LaBarge continued, highlighting the independent contractor coverage: if the Town contracts with an independent contractor and an accident occurs, the independent contractor is automatically included in the Town's policy. She emphasized, however, the importance of obtaining certificates of insurance from outside parties and said the Town can also request to be named as an additional insured under the independent contractor's policy.

Supv. Keith inquired about the "Host Liquor Liability" (p. 4 of Proposal). Mrs. LaBarge explained that if someone uses the Town Recreation Park, has liquor at the event and an automobile accident occurs following the event, the Town would not be covered. She added if liquor is to be served at an event, the Town should demand a certificate of insurance from the individuals. The Clerk noted that when individuals request use Town facilities, they must sign a contract which forbids liquor.

With respect to uninsured/underinsured provision (p. 7 of Proposal), if an auto accident occurs involving a Town vehicle and an uninsured or underinsured motorist, the Town can collect back on its policy. She explained the provisions of the NY Mutual Aid Endorsement which covers accidents occurring while the Town is assisting other municipalities or while other municipalities are assisting the Town.

DESCRIPTION OF COVERAGE	2009-10	2010-2011
Property	\$3,374.00	\$3,860.00
Equipment breakdown	Included	Included
Inland Marine - Trident	\$256.00	\$243.00
General Liability	\$4,286.00	\$4,044.00
Business Auto Liability	\$4,598.00	\$4,197.00
Business Auto Physical Damage	Included	Included
OCP (Working Permit)	\$200.00	\$200.00
Public Officials Liability	\$1,496.00	\$1,621.00
Excess Liability	\$4,120.00	\$4,120.00

Inland Marine (Great Amer.) Auditable	\$7,952.00	\$7,877.00
Bond (Utica Mutual)	\$607.00	\$637.00
Third Party Liability (Zurich)	\$721.00	est \$721.00
NYS Law Enforcement fee	\$55.00	\$110.00
NYS Fire Fee	\$36.00	\$39.89
Total Premium	\$27,701.00	\$28,297.89

The board thanked Mrs. LaBarge for her presentation, and she left the meeting.

7. HIGHWAY REPORT

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

1. Cut shoulders on Mensink and Bass Lake Roads and broomed off.
2. Transported Ford Tractor, trailer, chipper and New Holland tractor to winter storage
3. Raked Mensink and Garden Roads
4. Graded all of Goldsmith Road
5. Hot patched Fletcher Farm Road and Rock St. where rocks & boulders were removed
6. Vehicles being prepped for winter work.
7. On 10/16/09 contacted Franklin Co. Hwy. Dept. re water problem on Co. Rt. 55, which was subsequently fixed by County.
8. Road sand piled
9. CHIPS paperwork received by David Powell, who said it appeared in good order.
10. 11/01/09 Shift work started
11. Prepped north side of garage, dug out and swept off building. Installed insulation board (supervised by Zebra-Tech) and backfilled. Same performed on northeast side of building. Coun. Kretser asked if the engineers had ordered the cables reinstalled, and Supt. DeMars indicated when he spoke with Ryan of Zebra-Tech, Ryan replied they would not but said they were to return to spray additional insulation. Coun. Kretser stated the pilasters need to be supported and then asked if gutters had been installed, to which Supt. DeMars replied in the negative. Coun. Berg stated he spoke with Zebra-Tech about two people doing one job, and was informed the Town would only be charged for one individual.
12. Checked roads after high winds for fallen trees.

Supt. DeMars expressed gratitude to Town residents, and Jean Baltzly in particular, for reporting downed trees.

Coun. Smalley asked if the situation on Garden Road had been resolved, and Supt. DeMars indicated Stacey Allot was still researching the matter and would wait until her research was complete. Supt. DeMars suggested that once the research was completed, perhaps the attorney for the Town could write a letter demanding the removal of the stone wall which impedes plowing of the road.

B. FRONT LOADER BIDS. The Town Clerk reported the ad requesting bids for a new front loader had been published without the trade-in option. Although Supt. DeMars spoke with each vendor requesting specifications, the Town Clerk consulted the NYS Comptroller's Office and was informed the request for bids would need to be republished so as to create a "level playing field" for all bidders. Because vendors had expressed grave concern that their competition would learn proprietary information if bids were opened, the four bids received and will remain unopened, locked in a fireproof cabinet (one bid was withdrawn). Supv. Keith suggested a special board meeting be held on Monday, November 30, 2009 at 7:00 PM at the Town Hall at which time bids would be opened. The Board concurred. She then requested a motion for a resolution to republish the request for bids.

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

RESOLUTION NO. 48: REPUBLISH BID REQUESTS FOR FRONT LOADER WHEREAS, a replacement for the Highway Dept. front loader must be made this year; and WHEREAS, in accordance with the Procurement Policy of the Town of Franklin, requests for bids must be advertised; and WHEREAS, the request for bids published in October 2009 did not include the trade-in option and must be republished per instructions of NYS Comptroller's Office; and WHEREAS, any bids received will remain sealed until November 30, 2009; NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk is authorized to republish requests for prices of new front loader, bids to be accompanied by terms for lease/purchase, trade-in and a non-collusive bidding certificate. The legal ad will be published once in the Adirondack Daily Enterprise, Press Republican, Albany Times-Union and the Syracuse Post-Standard.

Those voting aye:

Supervisor Mary Ellen Keith
Councilman Walter Kretser

Councilman Allen Berg
Councilman Clifford Smalley

Those Absent:

Councilperson Janet Ordway

Those Abstaining:

None

Those Voting nay:

None

8. NEW BUSINESS

A. 2010 PRELIMINARY BUDGET. Grant funding (for new furnaces) in sum of \$57,600 had been electronically transferred into Town bank accounts without a faxed or emailed confirmation. Budget Officer Meagher had applied the money in general Town accounts to offset the tax increase. Grant funds must be maintained in a separate account. This has been remedied and the funds are now in a separate account. Supv. Keith stated the 2010 Preliminary Budget would require additional reductions totaling \$57,600 to certain accounts in order to maintain the same budget increase:

ACCOUNT	2010 PRELIM	NOV 11 REVISED	REALIZED SAVINGS	TOTAL
GENERAL FUND:				
A1220.4 Hwy Supt. CE	\$2,000	\$1,000	\$1,000	
A5132.4 Garage CE	\$50,000	\$30,000	\$20,000	
A6461.4 Grants CE	\$7,500	\$6,450	\$1,050	
A5010.4 Playgrounds CE	\$2,500	\$2,000	\$500	
A7550.4 Celebrations CE	\$ 750	\$500	\$250	
A9950.9 Capital Fund	\$10,000	\$5,000	\$5,000	
				\$28,800
HIGHWAY FUND:				
DA5130.2 Machinery (Equip)	\$150,000	\$131,200	\$18,800	
DA9950.9 Capital Fund	\$20,000	\$10,000	\$10,000	
				\$28,800
			TOTAL	\$57,600

Coun. Kretser asked if the 2010 preliminary budget as amended still had funds remaining in the Contingency account, and Supv. Keith replied affirmatively. She asked the Board for a motion for a resolution adopting the 2010 Preliminary Budget, as revised on November 11, 2009, as the 2010 Budget.

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

RESOLUTION NO. 49: ADOPT 2010 PRELIMINARY AS 2010 BUDGET WHEREAS, following deliberation and a duly publicized Public Hearing, NOW, THEREFORE, the Town Board of the Town of Franklin hereby adopts the 2010 Preliminary Budget, as amended November 11, 2009, as its 2010 Budget.

Those voting aye:

Supervisor Mary Ellen Keith
Councilman Walter Kretser

Councilman Allen Berg
Councilman Clifford Smalley

Those Absent:

Councilperson Janet Ordway

Those Abstaining:

None

Those Voting nay:

None

9. OLD BUSINESS

A. FIRE/RESCUE UPDATE

(1) 2010 Ambulance/Rescue Contract. Supv. Keith reported James Maher, Esq., attorney for the Town reviewed the proposed contract offered by the Village of Saranac Lake for ambulance/rescue service to the Town. He discovered a new clause in the proposed contract which stipulates additional funds might be required of participating municipalities. The Town of Franklin does not agree with this provision. Harrietstown Supervisor Larry Miller will schedule a meeting of the Saranac Lake Area Fire Advisory Board in the near future to discuss same.

(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. He requested a classified ad be placed requesting bids on evaluation and repair of same. The Board concurred, and requested the Town Clerk to place such ad in the Adirondack Daily Enterprise.

B. ASSESSMENT UPDATE. No report

C. INFRASTRUCTURE UPDATE. Each board member received a copy of Grant Writer Ann Holland's most recent report which confirms the Town's decision to cease all grant application activity. She will not submit any further monthly reports unless the Town Board so authorizes her to pursue grants.

10. COMMITTEE REPORTS

A. CELEBRATION.

(1) Halloween. A children's gathering was held in the Town Hall on October 31st. Youngsters started rounds at the Birch Bark Deli, then stopped at the Town Hall for pizza and ice cream sundaes and continued on to the Nazarene Church for games, treats and a movie. The evening was a success.

(2) Children's Christmas Celebration. This will be held on Saturday, December 5 at the Town Hall from 10:00 a.m. to 2:00 p.m. Children will work on craft projects, make cookies and receive gifts as well as a visit from Mr. & Mrs. Santa Claus. Donations of gently used toys are requested.

B. CEMETERY COMMITTEE. No report.

C. RECREATION COMMITTEE. No report.

11. CORRESPONDENCE

A. NYS DEPT. OF TRANSPORTATION Supv. Keith corresponded with Mr. Haynes, NYS Dept. of Transportation, requesting the installation of guide rails along NYS Rt 3 at Kate Mountain Rec Park. Reply indicated State-installed guide rails would constitute a distraction to motorists and suggested the Town install a fence instead. In the same letter, Supv. Keith requested NYSDOT to reposition the 45 mph speed limit sign on the westbound side of St Rt 3 and move it eastward, as there is not enough distance for motorists to decelerate before reaching Kate Mountain Rec Park. This matter has been referred for evaluation.

B. RAINBOW LAKE WATER PROTECTION PROGRAM. Patricia Willis has requested the Town Board to endorse its efforts at reducing the spread of invasive species by letter. The Board agreed it was a good idea. The following letter will be sent:

"Lake Champlain Basin Program
54 West Shore Road Grand Isle, Vermont 05458

The Town of Franklin contains part of the Rainbow Lake waterway, and the Town Board strongly supports a grant to the "Rainbow Lake Water Protection Program." This program is managed by the Rainbow Lake Association ("RLA"), an organization of long standing in the community and which is dedicated to the preservation of the Rainbow Lake waterway.

Association activities include

- (1) Conducting a survey of the entire 6-mile waterway for Eurasian Water Milfoil using 20 volunteers
- (2) Cooperating with NYS Dept. of Environmental Conservation in distributing an RLA flyer concerning invasive species and safe boating practices
- (3) Commissioning Paul Smiths College Water Stewardship Program to station a steward at the Buck Pond campsite boat launch to educate and assist the public in cleaning their watercrafts prior to entering the waterway,
- (4) Providing volunteer stewards to extend coverage at Buck Pond.

The maintenance of the Rainbow Lake waterway is of prime importance to surrounding communities like the Town of Franklin, and the public at large who enjoy the waterway for recreation. Water quality here affects the health of the fishery and other wildlife and water downstream, as well as the health of people who swim in it. Property values are affected by water, and hence, the tax base of those properties bordering the waterway, depend on the quality of the water.

I hope you will agree with me that the Rainbow Lake Water Protection Program deserves your favorable decision on its request for supporting grant funding for 2009.

Sincerely, Mary Ellen Keith, Supervisor"

ADIRONDACK HIGH PEAKS DOG TRAINING CLUB The Club sent a letter thanking the Town for making its facilities available to it and sent a donation of \$100.

ELECTION DAY. The Town Clerk wrote the County Board of Elections with suggestions for improving Election Day procedures.

12. IMPORTANT DATES.

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

Sunday, November 15 Nazarene Church Thanksgiving Dinner

Monday, November 16 Planning board applications deadline

Thursday, November 19 FOOD PANTRY 3:30-5:00 PM

13. QUESTIONS AND COMMENTS

Q/C Will the Town Hall host a flu clinic this year?

A Supv. Keith replied she had not heard, although she telephoned Franklin County Public Nurses.

A Coun. Berg indicated the Veterans Administration had H1N1 vaccine and that next week there will be a flu clinic at Saranac Lake High School.

A Coun. Smalley indicated he learned of a clinic in Malone this week.

Q/C Does the Town Hall want a Christmas tree?

A Supv. Keith replied because of fire regulations, an artificial tree is used.

Q/C Who is Ann Holland? Why doesn't she come to Board meetings?

A Supv. Keith responded Mrs. Holland is the Town's Grant Writer, and attended a Board meeting this past spring. She attends when she is requested to do so. However, the Town has ceased all grant seeking activity.

12. ADJOURNMENT

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

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