



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

Minutes of the Monthly Town Board Meeting June 9, 2010 - 7:00 PM

Board members present:

- Supervisor Arthur P. Willman, Jr.
- Councilman Allen Berg
- Councilman Clifford Smalley
- Councilman Donald Hamm
- Councilman Bradley Merrill

Others Present:

Town Clerk Sandra Oliver, Doris Hamm, Fran Oliver, Ed Martin, Karen Smalley Joe Rupp, Mark Jerry - M.A.Jerry

1. CALL TO ORDER

Supervisor Arthur P. Willman, Jr. called the meeting to order at 7:00 PM, the Pledge of Allegiance was recited, and the Clerk called the roll and introduced guests and declared the full board was present.

2. PUBLIC COMMENTS

None

3. BUDGET AMENDMENTS.

None

4. AUDIT OF CLAIMS

The following claims were submitted on Abstract #6 of 2010:

General Fund	Claims 96 - 121	\$4,418.77
Highway Fund	Claims 80 - 99	\$\$34,700.92
Prepay General	Claims 14 - 17	\$1,379.81

Motion to pay claims (B.Merrill-A.Berg m/s/p) ALL AYE

5. MINUTES.

The minutes of the May 12 and May 19, 2010 meetings were accepted as presented.

Motion to accept minutes (C.Smalley-A.Berg m/s/p) ALL AYE

6. TOWN CLERK REPORT.

For the month of April 2010:

5 dog licenses	\$7.95
6 Building permits	\$487.50
1 Genealogy search	\$13.00
1 Vital records	\$11.00

	\$526.50
Paid to Supervisor	\$519.45
Paid to County Treasurer(dogs)	\$7.05

	\$526.50

Motion to accept Town Clerk report (C.Smalley-A.Berg m/s/p) ALL AYE

7. SUPERVISOR'S REPORT.

Balances as of March 1, 2010

General Fund	Checking	\$16,602.32
	Savings	\$59,215.13
	CLASS	\$212,099.50
	Historian	\$3,032.05
Highway Fund	Checking	\$36,591.69
	Savings	\$3,320.33
	CLASS	\$647,776.48
	Cap. Proj. Hwy.	\$36,454.40
Landfill	Checking	\$24,244.65
	CLASS	\$28,992.73
Fire Protection	Checking	\$4,412.71
	CLASS	\$685.30
Capital Project Building		\$434.84

Note that bank statements showing interest on accounts had not been received yet. Interest will be posted in the July report.

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

8. HIGHWAY MATTERS

A. SUPERINTENDENT'S REPORT.

Highway Superintendent DeMars attending Highway School, submitted the following report of progress of the Department May 13-June 9, read by Supv. Willman:

1) Road work.

- Mensink Road - cut shoulders and ditched on western side of road; replaced 2 galvanized culverts with one large plastic culvert (DEC permit issued).
- Blue Spruce Drive - started cutting brush and shoulders
- French Road - because more work was done than originally planned, the §284 Agreement to Spend Highway Funds for 2010 will be amended.
- Trees had to be cut and removed from roadways due to windy conditions.

2) Equipment:

- Grader - Repaired and ready on June 2nd with brake adjustment.
- Mower - New mower ordered and will be delivered 2nd week of July
- Pavement saw purchased from Parkside for \$1,576.78.

3) Garage Electrical Repair - Started May 24th, and waiting for delivery of one breaker, after which it will be inspected by Mr. Race.

4) CHPS - Waiting for NYS Budget to be adopted.

5) Intermunicipal Shared Highway Services.

- Thanks to Town of Saranac for help and equipment
- Thanks to Town of Harrietstown for use of trailer
- Thanks to Village of Saranac Lake for 2 metal sheets used on Mensink Rd during culvert replacement.

6) Garden Road Right Of Way - Numerous telephone calls received regarding the letter sent May 21st and upcoming work to be done. To supplement this report, Supervisor Willman added that as a result of ongoing disputes and questions regarding the width of the travel lane and the placement of obstructions with the Town's right-of-way on Garden Road, the Town commissioned a survey of the road by Geomatics Land Surveying. The survey and associated research were completed this year, and it was found that there were, indeed, several obstructions within the Town's right-of-way which would interfere with any efforts to improve the conditions on the road to better allow for snow removal, Fire Department and other emergency vehicles access, and for safe passage of two vehicles traveling in opposition directions, as well as adequate space for pedestrians. Property owners were contacted and requested to remove any such obstructions from the Town right-of-way by August 1, 2010 so that work can be commenced on August 2nd. It is felt that, operating within the constraints of this year's budget, the Town could accomplish a substantial part of the work in some of the most constricted areas of the road. Several property owners have asked about what we're trying to do. The Town Supervisor and Highway Superintendent have informed the property owners that the Town will approach each property on a case-by-case basis, especially where large, old trees are concerned. Certainly, if an old tree can be spared, the Town will try to do so. If, however, a property owner planted trees recently, structures built or other work was performed which will interfere with the Town's ability to perform road maintenance and did so knowing full well he/she was doing so outside the boundaries of his/her property, then the property owner must understand that the Town is well within its rights to request removal of these obstructions. The Town asks that anyone having questions contact either Town Supervisor Art Willman or Highway Superintendent Jacques DeMars so the questions or misunderstandings might be cleared up prior to August 1st. Supv. Willman has been invited and will attend the Loon Lake Homeowners Association meeting on July 11th along with Supt. DeMars and Codes Officer Lagree.

7) Employees. One employee (an MEO) left for employment elsewhere, and the Department wishes him the best. Recommendation to reopen the MEO-Mechanic position and hire for it. The Board determined it would discuss this matter further with the Highway Superintendent upon his return.

B. HIGHWAY COMMITTEE

(1) Open Bids for 2011 Tandem. Only one bid was received, from M.A. Jerry for a 2011 International Model 7600 SBA 6x4 with 475hp motor for lease price of \$172,900. M.A. Jerry also quoted several options for warranties (not included in price)

- Option 1.** 8 yr/100,000 mi Chassis \$4,174.00
- Option 2.** 96 mo./100,000 mi for truck \$4,874.00
- Option 3.** 84 mo./9,000 hrs on engine. \$4,142.00

Mr. Jerry explained the bid, emphasizing the various options, the pricing and financing. The Board thanked Mr. Jerry for his appearance, and he left the meeting. Coun. Hamm expressed disappointment that the Town had only received one bid. He asked if the Clerk had heard from any of the potential bidders, and she replied one had declined to submit a bid because the specifications stipulated repair facilities must be no farther than 50 miles from Vermontville. After some discussion, the Board determined it would re-advertise for prices on a 2011 tandem and eliminate the 50-mile stipulation from the specifications. Supv. Willman will telephone each potential bidder and inform them of same.

Motion for resolution to republish (C.Smalley-A.Berg m/s/p) ALL AYE

RESOLUTION NO. 47: AUTHORIZE REPUBLICATION OF REQUEST FOR BIDS FOR 2011 TANDEM PLOW TRUCK WHEREAS, a new tandem axle plow truck purchase for the Highway Dept. must be made this year; and WHEREAS, in accordance with the Procurement Policy of the Town of Franklin, requests for bids must be advertised; NOW, THEREFORE,

BE IT RESOLVED, that the Town Clerk is authorized to publish requests for prices of 2011 tandem axle, bids to be accompanied by terms for lease/purchase and a non-collusive bidding certificate. The legal ad will be published for 3 days in the Adirondack Daily Enterprise, Press Republican, Malone Telegram, Albany Times-Union and the Watertown Daily Times as follows: PLEASE TAKE NOTICE that the Town of Franklin Town Board, 7 Cold Brook Rd, P O Box 209, Vermontville, NY 12989, hereby solicits SEALED BIDS for a 2011 tandem axle dump truck with snow plow equipment and sander. Bids must be addressed to TOWN CLERK, be accompanied by (1) terms for lease/purchase, and (2) non-collusive bidding certificate. Bids must be submitted in a sealed envelope and the item to be bid upon and the date and time for opening must be clearly written on the envelope front. Bids will be received until 6:00 pm on Wednesday, June 23, 2010 and will be opened at 7:00 pm that same day, at the Town Hall, Vermontville, NY 12989. The Town Board reserves the right to reject any and all bids. Copies of the revised specifications are available from the Town Clerk at the Town Hall, 7 Cold Brook Rd., PO Box 209, Vermontville, NY 12989 tel (518) 891-2189; fax (518) 891-6389; email franklinclerk@roadrunner.com. BY ORDER OF THE TOWN BOARD /s/ Sandra J. Oliver, Town Clerk

Those voting aye:

- Supervisor Arthur P. Willman, Jr.
- Councilman Allen Berg
- Councilman Clifford Smalley
- Councilman Donald Hamm
- Councilman Bradley Merrill

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

(2) SUBMIT REVISED §284 AGREEMENT TO SPEND HIGHWAY FUNDS Supt. Jacques DeMars submitted the following in explanation of why the §284 agreement should be amended:

This is to explain why the 284 for 2010 is being changed. As of mid April the New York State budget had not yet been passed. Until the State Budget is adopted, we only know tentative how much funding the Town will be reimbursed. When the original §284 agreement was written, many of the state contracts had yet to be awarded. The original estimates based on 2009 prices were : \$48,061.70 (Fletcher Farm Rd near "Y"), \$33,651.00 (Fletcher Farm Rd and Rte. 3 intersection with loop road), and \$57,637.07 (Sinkhole Rd from bridge south to Rte. 3), for a total of \$133,348.08. After the contracts were awarded, the reimbursement amounts were increased: \$55,646.70 (Fletcher Farm Rd near "Y"), \$36,660.50 (Fletcher Farm Rd and Rte. 3 intersection with loop road), and \$57,637.07 (Sinkhole Rd from bridge south to Rte. 3), for a total of \$150,944.27. This reflects a \$17,596.19 increase.

In mid-May, Town Supervisor Art Willman conjectured whether or not to pave this summer and then roll over the CHPS money into next year's budget. In the past things were not done this way, and he wanted to rethink the Town's approach to the CHPS process. Explanation was provided him that in order to receive the CHPS funds, the Town had to prove that work was done, and that the work met certain standards. In years such as this, when the State Budget is overdue, it is difficult to ascertain what work can be done if the Town is not guaranteed reimbursement. Supv. Willman reasoned that, based upon previous years' CHPS, the Town would know beforehand that the funding will be budgeted for our capital improvement projects. In addition, if for some reason in future years if there is less funding for CHPS, it will give the Town more time to make any changes needed.

In order to qualify for CHPS funding a project must fall into one of six categories, including highway resurfacing, highway reconstruction, traffic control devices, bridge/culvert rehabilitation, bridge/culvert replacement, and other. Note also that any project qualifying for CHPS must have a useful life of at least 10 years. During research on the subject it was noticed that gravel roads can qualify under CHPS if they meet the standards. During mid-May, the Department inspected French Road, where a sizable section of the shoulder washed out. A decision was taken to repair the washout but not the cause (inadequate ditching). The culverts also required replacement. As French Road became a larger project than first anticipated, the Department determined to do a thorough repair so that it would qualify for CHPS reimbursement.

I called David Powell, our CHPS representative and we opted to add the French Road repair and the broadening of Garden Road to the §284 Agreement to Spend Highway Funds agreement for 2010 for these reasons - first, we can have the paperwork completed and receive reimbursement 3 months earlier, that is, by September 15th instead of mid-December. In addition, this will not prevent us from planned paving. An example is the 2009 work on the north end of Sinkhole Road. Since we had adequate work completed on Cold Brook, we didn't need to include the Sinkhole Rd. work on the CHPS reimbursement form, so if in future a sealant is added, we don't have to wait another 10 years to do so. This will aid us in budgeting. By submitting the CHPS documentation 3 months early provides us options regarding paving scheduled for 2010.

Coun. Smalley asked if there was a chance the Town would not receive CHPS reimbursement, and Supv. Willman indicated CHPS funding was guaranteed. The idea is to submit the CHPS documentation early and receive reimbursement, and then pave. The revision to the 284 is an addition.

Motion to amend §284 agreement (D.Hamm-C.Smalley m/s/p) ALL AYE

RESOLUTION NO. 48: AMEND 2010 §284 AGREEMENT TO SPEND HIGHWAY FUNDS WHEREAS, the Highway Superintendent having consulted with the Highway Committee and has submitted his recommendations for capital road improvements for 2010 and the Town Board having agreed with same; NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Franklin hereby accepts the amended 284 agreement, as proposed by the Highway Superintendent and Highway Committee; and BE IT

FURTHER RESOLVED, said agreement now includes the following improvements:

French Road reconstruction 1 mile from end of blacktop to end of road, including

Fine crusher run and 5 culverts \$55,977.40

Garden Road reconstruction (Co. Rt. 26 south to Co. Rt. 26 north), including fine

Crusher run 2 culverts and 23 driveway \$44,098.88; and BE IT

FURTHER RESOLVED, the Highway Superintendent and the Board shall to execute said agreement; and BE IT

FURTHER RESOLVED, the Town Clerk is directed to transmit same to the Superintendent of Highways of Franklin County.

Those voting aye:

Supervisor Arthur P. Willman, Jr.

Councilman Allen Berg

Councilman Clifford Smalley

Councilman Donald Hamm

Councilman Bradley Merrill

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

(2) Open Bids for Used Excavator. Two bids were received for equipment inspected by Hwy. Supt. DeMars:

Charles Segard

Spring Rd 1986 wheeled excavator 595 2766 hrs, 2 buckets \$24,000
Keene

Palatine Industries

PO Box 117 1999 John Deere rubber tire wheeled 6411 hrs, Wainwright system, 56in ditch. \$30,000
Palatine Bridge, NY bucket & 28in bucket
13428

With respect to the Palatine bid, the Clerk indicated Mr. O'Connell telephoned on June 8th to report he had been out of town when the bid was typed and mailed and that the bid was incorrect; the price he had discussed with Supt. DeMars was \$29,200. Palatine had agreed to share the cost of transporting the vehicle. The Clerk asked Mr. O'Connell to fax a revised bid, but the faxed revision was not received. Supv. Willman will telephone Palatine. Coun. Hamm commented that although the 1986 vehicle has a better price, obtaining parts would be difficult and said the Town's grader was similarly aged, and Coun. Merrill agreed, stating the brake system on the 1986 model was similar to the Town's grader. Coun. Smalley indicated the 1999 excavator made sense, and Coun. Berg agreed that the difficulty in locating parts would be a consideration. A discussion ensued regarding the difference between the conditions of the vehicles, and Coun. Hamm reported that although Palatine offered an 11-year-old excavator, he had found the manufacturer to be reliable and that the vehicle was clean. The Board concurred that the 1999 excavator would be a better investment. Supv. Willman requested a motion for a resolution.

Motion for resolution to accept Palatine bid (D.Hamm-A.Berg m/s/p) ALL AYE

RESOLUTION NO. 49: ACCEPT BID OF PALATINE INDUSTRIES FOR 1999 JOHN DEERE EXCAVATOR AND AUTHORIZE PURCHASE WHEREAS, the Town requires an excavator; and WHEREAS, on May 19, 2010 the Town Board authorized publication of a request for price for a used rubber wheeled double bucket excavator with low usage hours on same; and WHEREAS, the Highway Superintendent inspected two such vehicles; and WHEREAS, Palatine Industries, Palatine Bridge, NY 13428 submitted a bid in response to the newspaper ad; NOW, THEREFORE,

BE IT RESOLVED, that the Town Board accepts the bid of Palatine Industries of \$_____ \$30,000 for said 1999 John Deere Excavator; and BE IT FURTHER RESOLVED, the Board will purchase same. (change per 06-16-10 meeting.)

Those voting aye:

Supervisor Arthur P. Willman, Jr.
Councilman Allen Berg
Councilman Clifford Smalley
Councilman Donald Hamm
Councilman Bradley Merrill

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

C. QUESTIONS AND COMMENTS RE HIGHWAY MATTERS

A. OPEN BIDS FOR ASBESTOS ABATEMENT. None received. Supv. Willman will telephone Op-Tek as well as local contractors.

B. GENERAL FUND LAWNMOWER PURCHASE. Research was performed to determine the best manufacturer, model, size and price suitable to the Town's needs. The search narrowed and tests were run, and the optimal make and model is a Ferris IS3100 mower with a 61" deck and 37hp motor, from Samples at a price of \$8,700. Coun. Hamm noted the machine should last 10-13 years. The Board concurred it was a good choice given the amount of Town property acreage mowed in the summer, and Supv. Willman requested a motion for a resolution to purchase same.

Motion for resolution (C.Smalley-A.Berg m/s/p) ALL AYE

RESOLUTION NO. 50: AUTHORIZE PURCHASE FROM SAMPLES OF FERRIS IS3100 61" DECK LAWNMOWER FROM GENERAL FUND

WHEREAS, in accordance with the Town's Procurement Policy, investigation was done and prices obtained from local vendors for a professional lawnmower for use by the General Fund employee; and WHEREAS, various vehicles were tested; and WHEREAS, the vehicle offered by Samples of [location]_____, a Ferris IS3100 mower with a 61" deck and 5-year warranty was favored; NOW, THEREFORE,

BE IT RESOLVED, the Town Board authorizes the purchase of said Ferris IS3100 mower from Samples for \$8,700.00 from the General Fund.

Those voting aye:

Supervisor Arthur P. Willman, Jr.
Councilman Allen Berg
Councilman Clifford Smalley
Councilman Donald Hamm
Councilman Bradley Merrill

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

10. OLD BUSINESS

A. UPDATE ON NEW TOWN HALL FURNACE. Until the asbestos is removed, awarding the bid for the furnace and eventual purchase of same will wait. However, Supv. Willman, Coun. Hamm and Codes Officer Lagree will inspect the chimney within the next week.

B. UPDATE ON PROGRESS OF LAND INVENTORY. No progress has been made on the land inventory project, as Dr. Floyd John has been out of town. Supv. Willman requested Coun. Merrill to chair the committee, and Coun. Merrill accepted, requesting volunteers to serve on same. Tabled to July 14th meeting.

C. UPDATE ON AMBULANCE-RESCUE CONTRACT. Coun. Berg reported that a Physician Assistant has been hired and covers evenings; day ambulance/rescue calls are still being handled on a volunteer basis. Once the Saranac Lake Volunteer Rescue Squad, Inc. begins billing insurance companies, this town's annual contract amount will be reduced. In addition, Village of Saranac Lake Manager John Sweeney sent a letter to all contracting municipalities stating the Village would be basing its charges for fire protection on total assessed value rather than use. Shortly thereafter, Mr. Sweeney sent a Freedom of Information Request to all the Town Clerks requesting maps of fire districts and assessment data in digital format. Although the Town of Franklin does not contract with the Village for fire protection, it supports the towns of Harrietstown, North Elba and Santa Clara in opposition to this proposed method of calculating charges.

11. COMMITTEE REPORTS

A. CELEBRATION. The Celebration Committee will be participating in the Town Celebration Day, scheduled for Saturday, August 21st.

B. CEMETERY COMMITTEE. Coun. Merrill stated rules for the Town cemeteries should be updated and communicated. He distributed copies of a list of repairs and issues regarding the Town cemeteries:

Cemetery at Vermontville

Buildings require new roofs (shingles) and painting in earth tone.
Need road access upgrade
Removal of excess dirt and crusher
Topsoil required for fill-ins
New section needs to be lined out in a grid

Cemetery at Merrillville

Removal of trees near graves
Repair old section fence, incl. top rails, post and gates
Fence required for new section - 125 ft on road frontage
Replace wire fence at back
Trim trees at rear of new section
Removal of excess dirt at back of new section
Road access - bring around from center to new section
New section should be lined out in a grid

Cemetery at Franklin Falls

Town's responsibility acknowledged
Proposed agreement to maintain St. Armand portion rejected
Inventory available plots
Establish priority for existing, contracting families
Investigate fencing.

Coun. Merrill reported that cemetery plots are free to Town of Franklin residents. If the Town sells plots, then a deed must be prepared. He proposed the town may want to consider suggesting a donation. Coun. Merrill recommended that the Town Clerk compare her maps to those of the Cemetery Custodian, Vivian Manny. He then noted that at the Franklin Falls Cemetery very few plots remain. In addition Robert Arnold has indicated a willingness to sell the hill next to Franklin's portion of the cemetery. If the Town agrees, if the price is less than \$300, and the deed is structured so that the land conveyed is to be used for cemetery purposes, then there is no requirement for a referendum. Coun. Berg asked about funds for new roofs for the cemetery buildings, and Coun.

Merrill responded \$1,000 is budgeted for cemeteries, and roofing materials would price at approximately \$500. Coun. Hamm indicated he had spoken with several local contractors and had received a bid from D.Snuckles. Supv. Willman noted the Town could reshingle the roofs itself, either by the Custodian or "donated" labor.

C. RECREATION COMMITTEE Coun. Berg reported that the volleyball equipment would be delivered and installed by committee members on June 10th. Supv. Willman will followup on the new swing set ordered.

12. CORRESPONDENCE

Notice received from APA concerning proposed residence to be constructed on Norman Ridge, classified Resource Management, by Ron Edgley. No one had any objections.

13. ANNOUNCEMENTS.

A Town Celebration Day is scheduled at Kate Mountain Recreation Park for the entire day of Saturday, August 21st. The children will have a talent show, and awards made. It is proposed as a fundraiser for the Park and the summer youth program. A suggestion was made to hold a battle of the bands, raffles and games. The Celebration Committee and Historian plan a display of historic photos and other items.

14. QUESTIONS AND COMMENTS.

Coun. Smalley inquired about the roof at the Merrillville Town Hall, and whether the mossy portion would be removed and patched. Supv. Willman opined it would be best to patch, with the Town Custodian doing the work at an approximate cost of \$100 for materials.

15. ADJOURNMENT

There being no further business to conduct, the meeting adjourned at 9:16 PM.

Motion to adjourn (B.Merrill-A.Berg m/s/p) ALL AYE

Respectfully submitted, Sandra J. Oliver, Town Clerk

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