



# The Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 • 518-891-2189 • Fax: 518-891-6389 • [www.townoffranklin.com](http://www.townoffranklin.com)



# The Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 • 518-891-2189 • Fax: 518-891-6389 • [www.townoffranklin.com](http://www.townoffranklin.com)



# The Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 • 518-891-2189  
Fax: 518-891-6389 • [www.townoffranklin.com](http://www.townoffranklin.com)

[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](#)

## Town of Franklin Board Meetings

### Minutes of the Monthly Town Board Meeting May 11, 2011 - 7:00 PM - 7:00 PM

#### Board members present:

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

#### Others Present:

Mark Jerry, M.A. Jerry, Town Clerk Sandra Oliver, Doris Hamm, Ed Martin Frances Oliver, Gerald Swinyer, Derrick Romeo, Donald Goff, Doris Hamm, Les Parker

#### 1. CALL TO ORDER

Supv. Willman called the meeting to order at 7:00 pm. The Pledge of Allegiance was recited, the Town Clerk called the roll, introduced guests, and declared the full board was present.

#### 2. PUBLIC COMMENTS AND QUESTIONS

Gerald Swinyer has an excess of water running from the wet area across Swinyer Road across his yard subsequently filling his basement. He thanked Coun. Bradley Merrill for pumping the water out the previous weekend. He asked when the Highway Dept. planned to address the situation. Supv. Willman replied that the Department was working on Alderbrook Road and would excavate the ditch shortly. Apparently, the ditch was a natural swail, but was filled in when the house was built. Coun. Hamm noted in the past few weeks the entire region has had an excess of water and suggested allowing the site to dry out a bit before working on it. Supv. Willman indicated the Department will try to line the ditch with clay and stone and then open it up so the water flows to the culvert and across the road.

As to the 284 Agreement Mr. Jarvis expressed hope that the Town would look to Fletcher Farm Road which needs more work as drainage is an issue.

**3. BUDGET AMENDMENTS.** None**4. AUDIT OF CLAIMS**

The following claims were submitted for approval and payment on Abstract 5 of 2011:

General Fund	Vouchers 55 - 74	\$ 6,101.26
Highway Fund	Vouchers 95 - 107	\$20,783.09
Prepay General	Vouchers 14 - 17	\$ 1,600.25

Coun. Merrill questioned the \$400 claim for topsoil and sand for the cemeteries, and Supv. Willman responded that last year the Town advertised for topsoil but none could be delivered because the areas were too wet. Mr. Roberts submitted the lowest bid then. Trudeau charges \$30 per yard, and Mr. Roberts charges \$20 per yard and delivered it to the Vermontville and Merrillsville cemeteries without charging for delivery.

Coun. Berg asked why the invoices from Lowe's and Amazon contained taxes, and Supv. Willman replied those purchases were made by individuals for the Town, so the individuals submitting vouchers for reimbursement will not be reimbursed for the tax charged. He continued, saying it does not make sense for the Town to open a tax-exempt charge account with vendors used so infrequently.

Coun. Smalley queried the invoice from Doug Snickles for repairs to the Garage roof and cemetery sheds and why the Town purchased the supplies. Supv. Willman responded the bid was awarded several months ago and prices have risen; at the March 9, 2011 meeting the bid for window installation was awarded to Mr. Snickles (Resolution 18); the winning bidder for installation of the doors was unable to perform the work and that bid was re-awarded to Mr. Snickles who guaranteed he'd do the work at the bid price (Resolution 24). Had Mr. Snickles purchased the materials at the increased cost, he would not have been able to perform the work at the bid price. Therefore, the Town purchased the materials and Mr. Snickles performed the work on a labor-only basis.

Coun. Berg questioned whether the shop rags purchased from Uni-First couldn't be laundered in the washer at the Garage, and Coun. Hamm indicated shop rags are generally full of grease and oil and although retrieved by the vendor, are not washed, but discarded.

Coun. Smalley wondered if the Department was buying disposable paint brushes, and Supv. Willman said he would investigate.

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

**5. MINUTES.**

The minutes of the March 9, March 30 and April 13, 2011 meetings were accepted as presented. Motion (A.Berg-D.Hamm m/s/p) ALL AYE.

**6. SUPERVISOR'S REPORT.**

Balances as of February 28, 2011

General Fund	Checking	\$46,914.20
	Savings	127,041.89
	CLASS	107,288.88
	Historian	3,035.09
Highway Fund	Checking	19,653.78
	Savings	544,481.38
	CLASS	188,244.96
	Cap. Proj. Hwy.	46,509.15
Landfill	Checking	46,310.69
	CLASS	44,047.87
Fire Protection	Checking	10,448.89
	CLASS	685.30
Capital Project Building		5,437.17

Motion to accept Supervisor's report (B.Merrill-A.Berg m/s/p) ALL AYE

**7. TOWN CLERK'S REPORT.**

For the month of April 2011

24 dog licenses	\$52.00
1 Building permits	\$57.50
1 FOIL Appln	\$0.75
	-----
	\$110.25
Paid to Supervisor	\$98.25

Paid to NYS Ag&Mkts (dogs)	\$12.00
	-----
	\$110.25

Motion to accept Town Clerk Report (B.Merrill-A.Berg m/s/p) ALL AYE.

## 8. HIGHWAY MATTERS

### A. SUPERINTENDENT'S REPORT.

Submitted by Highway Superintendent Jacques DeMars for the period April 14 through May 11, 2011:

#### Road work

- Sanded as needed
- Cold patched Rock St. and Oregon Plains Rd
- Heavy water runoff work on Mud Pond, Alder Brook, Paye, Alder Brook Park, Plank Tyler and Goldsmith Roads and Rock Street
- Broomed Oregon Plains, Swinyer, Tyler, Muzzy, Paye, Keith and Cold Brook Roads
- Alderbrook Park and west end of Bigelow Roads were closed
- Culvert replacements and ditching on Alder Brook Road

#### Signage

- Stop sign at Merrill and Oregon Plains Rd intersection will be replaced soon
- Merrill Rd sign pole straightened and will be replaced.

### B. HIGHWAY COMMITTEE. No report.

Supv. Willman commented that the beavers are extremely busy on Goldsmith Road and opined the Town should contract with a trapper. Coun. Hamm noted trappers are not generally anxious to do this in the warm weather but suggested asking Bill Suojanen or Tony Duprey.

**C. MARK JERRY, M.A. JERRY.** Mr. Jerry stated he was present to explain his quandary regarding the Town's lease of the 2011 International. When municipalities lease a vehicle, International gives M.A. Jerry a discount because a leased vehicle is generally in better condition at warranty end than a purchased vehicle; however, the present management of International now demands that the leasing municipality sign a maintenance agreement with the dealer based on mileage. However, International cannot provide Mr. Jerry with the cost per mile of the maintenance agreement, which renders him unable to give a transparent and understandable price to the Town. He proposes that the Town execute a maintenance agreement with M.A. Jerry to fulfill the terms of the International lease (originally financed through Navistar but now through Ideal Leasing). International has back-charged M.A. Jerry an exorbitant amount of money because the Town has not executed a maintenance agreement. The Town purchased an extended 8-year warranty separately for \$9,016. The 8-year warranty will not be affected by the proposed maintenance agreement. Mr. Jerry affirmed if the Town were to execute the required maintenance agreement, it will not be obligated to transport the vehicle to Plattsburgh for routine upkeep; the documented care performed by the Town's mechanic will satisfy the terms of the maintenance agreement. He indicated he will return the \$9,016.00 paid by the Town for the warranty will be returned by his dealership so the Town can pay \$3,000.00 per year for the next 3 years for the maintenance agreement to Ideal Leasing. He has offered this same arrangement to other municipalities, and they have signed the maintenance agreements.

Coun. Smalley asked, and Mr. Jerry confirmed that the maintenance agreement is separate from the 8-year warranty. Coun. Berg questioned how it would benefit the Town of Franklin to sign a maintenance agreement, and Coun. Smalley asked since the Town had already leased the vehicle why Mr. Jerry is asking for a reconfiguration of documents. Mr. Jerry replied that International must have a guarantee that the leasing municipality will maintain the vehicle properly which is why it is requiring a signed maintenance agreement. Mr. Jerry indicated he is "stepping forward" to provide the Town with a maintenance agreement at no additional cost.

Supv. Willman surmised although the Town paid the \$9,016.00 to cover the extended warranty, M.A. Jerry is proposing to return the money so the Town can receive an annual \$3,000 invoice from Ideal Leasing for the next 3 years to cover the cost of the gratis maintenance agreement. Mr. Jerry confirmed International requires a signed maintenance agreement and that his dealership will not charge the Town any extra money for it.

Coun. Smalley asked what the Town would be giving up by signing the maintenance agreement, and Mr. Jerry replied it would lose nothing.

Coun. Hamm stated he foresaw problem because there is a difference between a warranty and a maintenance agreement. Coun. Merrill asked if the maintenance agreement would require the Town to have upkeep and repairs performed only at International dealerships, and Mr. Jerry replied it would not.

Coun. Merrill stated if the attorney is satisfied with the terms of the proposed maintenance agreement, he would have no problems with signing; however, he wanted to ensure the continuation of the extended warranty. Coun. Hamm commented that most of the time if a deal sounds too good to be true, it generally is and recommended caution, as well as speaking with the other municipalities who signed the maintenance agreement. Les Parker commented that the NYS Comptroller's Office might look askance at the arrangement.

Supv. Willman indicated he wanted to ensure the extended 8 yr warranty remained in full force and effect in the event the dealership was sold or transferred. Supv. Willman concurred that the return of the Town's \$9,016 in return for the execution of a maintenance agreement could have the appearance of malfeasance and emphasized that the extended warranty was not part of the bid package price, that it was negotiated and purchased separately. Supv. Willman indicated he would consult with the attorney for the town on the matter and would advise Mr. Jerry of the outcome.

Mr. Jerry then left the meeting at 7:45 PM.

#### **D. AGREEMENT TO SPEND HIGHWAY FUNDS (\$284 AGREEMENT).**

Hwy Supt. DeMars reviewed the Highway Committee's recommendations for summer 2011 road work (A- Franklin Falls hill, B- Cold Brook Rd. at intersection Fletcher Farm, C- Cold Brook Rd at bridge and east, and D- Oregon Plains Rd). He then re-prioritized the list, as follows:

1- Oregon Plains Rd (from Muzzy Rd to J. Moore's camp .6 mile - overlay with 2" of armor coat and Oregon Plains Rd to new asphalt near Bigelow Rd .9 mile - overlay with 2" armor coat to save road. Cost: \$80,853.70 (incl. 2" armor coat) with reclaim.

2- Cold Brook Rd from bridge to bottom of Lou Myers' hill .7 mile - ditch and cut back banks. 2-feet of cover over large culvert near Myers residence for 150 ft. Repair should include 2" of dense binder and total length .7 mile overlaid with 2" armor coat. Guide rails raised and shoulders reinforced with crusher run.

3- Cold Brook Rd - east end at intersection of Fletcher Farm .7 mile - ditch and repair spots as well as edges. Excavate large stone near Coppolo, patch and re-asphalt repay overlay with 2" armor coat. Perhaps seal spider cracks in the asphalt.

4- Franklin Falls hill on east side down to bridge .7 mile. 2" armor coat over length. Hill area needs to be excavated or ground. Install drainage with stone and pipe to relevant springs coming from center of road. Excavated hill area to receive 2" of dense binder.

Supv. Willman stated that the pavement on Oregon Plains Road from Swinyer to Muzzy is broken up. "New paving" ended in 2003, so improvement is needed on Oregon Plains from Muzzy Road continuing to Bigelow. The first stretch of Swinyer and Muzzy Roads would be reclaimed, ditched, culverts replaced and then overlay applied from Muzzy Rd to the end. He stated the Highway Superintendent deemed Oregon Plains Road as the first priority. Coun. Merrill stated Cold Brook Road was ineligible for CHPS funds as work on it and Alder Brook Road was done in 2004; however, he agreed that Oregon Plains Road was in rough condition.

Coun. Smalley requested drainage work be done on the flats near the intersection of Fletcher Farm and Cold Brook Roads, .3 miles. Supv. Willman indicated the Highway Dept. is presently working on Alder Brook Road and then it may work on the Swinyer Road near Gerald Swinyer's house. After that work is completed, the Department would work on Fletcher Farm Rd. Coun. Hamm indicated that ditching on Fletcher Farm Rd. should be done this year as well as Franklin Falls hill. Supv. Willman noted work on Oregon Plains, Swinyer, Alder Brook, Franklin Falls hill and Fletcher Farm totaled 1.5 miles. He suggested the Highway Committee meet with the Superintendent and draft a 3- or 5-year plan for road improvement as there is a number of Town roads in need of improvement, for instance, Goldsmith Rd is in terrible condition.

#### **E. QUESTIONS & COMMENTS ON HIGHWAY MATTERS.**

Thank you to the Highway Dept. for closing the end of Bigelow Road; college students vandalize the area with their trucks and push debris into drainage gully. The area will require attention.

The crack sealer laid on Swinyer Rd last fall held very well because of all the ditching done. The heavy spring rains caused a lot of problems, but the Highway Dept. stayed on top of it all. They did a good job.

Coun. Merrill stated that some of the Swinyer Rd. crack sealer peeled off because it was done after the snow started. Supv. Willman indicated that Gorman Bros. will replace any peeled crack sealer. Coun. Merrill stated the crack sealer will not stay if water rises up through the bottom of the road. The water problem must be solved first by adequate ditching and drainage.

### **9. NEW BUSINESS**

#### **A. Review OF compensation for elected officials.**

**1. Town Board and Town Clerk.** Supv. Willman reported 2 board positions, Highway Superintendent, Town Supervisor and Town Clerk are to be elected in the November General Election. It is necessary that all compensation matters for elected officials be in place prior to holding any political caucus. Previous Town Boards had been conservative about approving salary increases for themselves, as the emphasis is always placed on keeping tax increases to a minimum. He asked the Board members and the Town Clerk if salary increases should be budgeted. Each official declined salary increases.

**2. Highway Superintendent.** Historically, health insurance has been part of the compensation of the Highway Superintendent, the only elected official to be offered such. Many individuals have sought the office specifically for the insurance benefits. The health insurance provided to the Superintendent has been the same as that provided to the Highway employees - through the Teamsters Union, which is a premier benefits package, and very expensive, increasing the Highway Supt.'s total compensation by \$23,000. Last year, the Town adopted Local Law #3 of 2010 which provided a buyout of the Superintendent's health insurance in sum of \$6,000 thereby saving the Town \$19,000. Supervisor Willman proposed removing the health insurance completely from the Highway Superintendent's compensation package by adding the \$6,000 buyout amount to his salary. (Further, he would like to investigate removing the Town of Franklin completely from the health insurance business, perhaps substituting a less expensive health insurance package for the employees.) Other municipalities (Brighton and Harriestown) offer Town Board members health benefits for life plus retirement; however, the Town of Franklin must look to the bottom line and not burden property owners with higher taxes. There is, he stated, the real possibility that removing benefits from the Highway Supt. compensation would limit the number of candidates for the office and suggested that if a newly-elected official desires benefits, perhaps there would be an opportunity to revisit and negotiate this matter.



Coun. Smalley indicated there are many qualified potential candidates for the position of Highway Superintendent who would be happy to step into the position without insurance benefits.

Coun. Merrill recommended keeping the compensation package unchanged and suggested that negotiation of benefits after election might be illegal.

Coun. Hamm summarized what was being proposed was an increase in salary and elimination of benefits resulting in tax savings.

Coun. Smalley reported that the premium for a family plan from the North Country Chamber of Commerce costs \$16,000 per year.

Supv. Willman hypothesized that if a new Highway Supt. were elected and wanted health coverage as part of his compensation, after one year of service, he could return to the Town Board and negotiate a benefits package and the Board could possibly lower the salary, depending on the amount of the premium. He indicated he would check with other municipalities to see how they work their compensation packages.

Coun. Berg opined that if a Board does not like a newly-elected Highway Superintendent, they could create difficulty in the negotiations for benefits. He did not think this approach fair. However, he also would like to remove the Town from the health insurance business. He recommended the Supervisor consult other insurance carriers.

Coun. Smalley speculated the configuration of any resolution or law the Board might adopt; further, how would a newly elected Highway Superintendent negotiate a benefits package with the Town Board following one year of service? He also emphasized the need for the Board to look to the bottom line.

Supv. Willman responded that in early 2010, another carrier proposed that the Town Clerk change coverage from Teamsters to Blue Cross/Blue Shield; the premium proposed was higher and the coverage less than that offered by the Teamsters. He stated it was a fact that health insurance premiums will continue to increase and emphasized the need to remove the Town from health insurance in order to keep tax increases to a minimum.

Coun. Berg asked the members of the Town Board whether they were in the business of helping the entire Town or just a single individual.

Coun. Merrill opined the benefits package should remain unchanged.

Coun. Hamm asked what percentage of the premium the Town Clerk pays, and she answered 100%, and that the Highway Superintendent had been paying 15% of his premiums. The Town contributes nothing to her coverage. In addition, she and the Highway Superintendent pay higher premiums because they are not part of the negotiating unit.

Supv. Willman stated that after the November election if Supt. DeMars is re-elected, his salary would be \$52,000 with no benefits. He requested a motion for a resolution removing health insurance from the compensation package for the position of Highway Superintendent. Discussion ensued as to the proper form of adoption of such policy, whether via resolution or local law, and the request for motion for resolution was revised to authorization for the Supervisor to consult the attorney for the Town as to proper form and wording. Coun. Merrill indicated he was uncomfortable voting on the removal of insurance benefits as he wanted to review the recommendations proffered by the attorney for the town. Motion (C.Smalley-A.Berg m/s/p) ALL AYE.

**RESOLUTION NO. 28: AUTHORIZE SUPERVISOR TO CONSULT ATTORNEY FOR TOWN CONCERNING REMOVAL OF HEALTH INSURANCE BENEFITS FROM HIGHWAY SUPERINTENDENT COMPENSATION**

WHEREAS, health insurance benefits have historically been part of the compensation for the Highway Superintendent; and WHEREAS, the Highway Superintendent is the sole elected official to be offered health insurance; and WHEREAS, in 2010 Local Law No. 3 of 2010 created a buyout of health insurance benefits for the Highway Superintendent in sum of \$6,000; and WHEREAS, the Town Board, in order to reduce the burden on taxpayers and to keep operating costs lower, desires the elimination of health insurance benefits as part of the Highway Superintendent compensation by adding the \$6,000 buyout amount to the salary for the position; NOW, THEREFORE, BE IT RESOLVED, the Supervisor is authorized to consult with the attorney for the Town as to the proper form enacting or adopting the elimination of health insurance for the Highway Superintendent; and BE IT FURTHER RESOLVED, the attorney for the town is requested to draft appropriate documents.

Those voting aye:

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

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

**B. Kitchen upgrade.** (Tabled from February). Those present were requested to notice that the kitchen had been repainted white, the new windows installed, and the relocation and repair of the gas stove as well as the stainless steel installed behind it. The electrical upgrade is underway. Supv. Willman reported he is still looking for a used 3-hole sink and an exhaust fan.

**C. Introduce proposed local law re invasive aquatic species.** The towns of Brighton, Harrietstown, North Elba and Santa Clara have each adopted an invasive species law to protect their waterways from invasives. Although these local laws are basically unenforceable, it is hoped that the State of New York will enact similar legislation. The Rainbow Lake Association requested the Town adopt this local law to secure all waterways in the municipality. Supv. Willman read the text of the proposed law into the record:

**"PROPOSED LOCAL LAW #2 OF 2011**

The Town of Franklin Aquatic Invasive Species Prevention Law

**ARTICLE A: INTRODUCTION**

**Section 1.** Authority. This local law is adopted pursuant to the authority granted to the municipality in Section 10(1)(ii)(a)(11) of the Municipal Home Rule Law of the State of New York.

**Section 2.** Title. This local law shall be known as 'The Town of Franklin Aquatic Invasive Species Prevention Law.'

**Section 3.** Purpose. The purpose of this local law is to prevent the introduction and spread of aquatic invasive species into and within the waters of the Town of Franklin and thereby to protect aquatic native species populations, biodiversity and aquatic recreational activities for the public good.

**Section 4.** Applicability. The provisions of this local law shall apply in addition to the provisions of any other local law or ordinance adopted by the municipality. Where there is a conflict, the more restrictive provisions shall apply.

**Section 5.** Definitions. For the purposes of this local law, the following terms shall have the following meanings:

1. "Aquatic animals" shall mean an animal that spends part of its life in water, including, but not limited to, freshwater, estuarine and wetland species.
2. "Aquatic plants" shall mean plants living in the water or at the shoreline, and includes roots, rhizomes, stems, leaves or seeds, including freshwater, estuarine and wetland species.
3. "Boater" shall mean the operator of the boat or towing vehicle.
4. "Invasive Species" shall mean any species listed by the New York State Department of Environmental Conservation as being invasive to the waters of New York State. Such species include, but are not limited to Eurasian water milfoil (*Myriophyllum spicatum*), variable leaf milfoil (*Myriophyllum heterophyllum*), water chestnut (*Trapa natans*), curly-leaf pondweed (*Potamogeton crispus*) Brazilian waterweed (*Egeria densa*), zebra mussels (*Dreissena polymorpha*), and round goby (*Neogobis mealnostomus*).
5. "Standing water" shall mean bilge water and other water inside boat compartments that could easily be removed by pump or hand.
6. "Water body" shall mean any freshwater or estuarine lake, river, pond, stream or wetland existing in the state, whether publicly or privately owned, including the banks and shores thereof.

**ARTICLE B: PROHIBITED ACTS**

(a) No watercraft of trailer shall enter or exit a water body of the Town unless the boater removes all aquatic plants and/or animals from inside and outside his/her vehicle, watercraft, trailer or any other equipment that had previously come into contact with any water body. The boater must also remove any standing water that is visible to the unaided eye from the boat and trailer before he/she enters a water body. Removed items must be discarded away from the shoreline, in such a manner as to prevent the removed items from re-entering the water body.

**Exceptions:**

- 1) Those persons with a permit to do such activities.
- 2) Those persons who legally purchased bait or harvested fish.
- 3) Those persons to have legally taken waterfowl.

(b) No person shall plant, transplant or introduce invasive species into, on or around the shorelines of any water body in the town of Franklin.

**ARTICLE C: PENALTY FOR NONCOMPLIANCE**

Any person who violates this local law is guilty of a criminal violation, punishable with a maximum fine of two hundred fifty dollars (\$250.00).

**ARTICLE D: ADMINISTRATION AND ENFORCEMENT**

**Section 1.** Complaints. Any person may file a complaint that a violation of this law may have taken place with any state, county or local law enforcement officer having jurisdiction.

**Section 2.** Enforcement. This law may be enforced by the New York State Department of Environmental Conservation, New York State Police, Franklin County Sheriff's Department, or any other law enforcement officer having jurisdiction.

**ARTICLE E: ENACTMENT.** This local law shall become effective upon its being filed with the New York State Department of State."

Supv. Willman stated he consulted with both James Martineau, attorney for the Town, and Town Justice Roger Symonds and Judge Symonds confirmed that a criminal charge is easier to prosecute than a civil one. The proposed local law carries a \$250 fine.

Coun. Hamm asked if enacting the law would create any liability to the Town.

Coun. Merrill stated he didn't think the Town should be responsible for protecting its waterways; the onus should be on NYS DEC or the County of Franklin. He would prefer adopting a resolution encouraging the State of New York

to enact rules and regulations prohibiting the introduction of invasive species. Further, he said, the proposed law covers all waterways, including wetlands, brooks and streams. He would like to assess any liability to the Town before voting to enact.

Supv. Willman replied that in this meeting, the proposed local law was being introduced only. Further, adjoining municipalities have adopted this law to pressure the State into passing similar legislation. If adopted, it will give a bit of power to local stewards if they inform an out-of-area boater that the Town has a local law criminalizing the introduction of invasive aquatic plants, fish and animals. If a boater refuses to wash off his craft, the steward can report it to the State Police or the Codes Officer. This example, he noted, is why Lake Placid adopted its local law.

Coun. Hamm stated the local law would require the posting of notices and signs. He said he had seen the signs at Lake Colby which caution the public that the lake already contains milfoil, etc.

Supv. Willman replied the Town may have to pay a few hundred dollars for some signage.

A suggestion was made to ask County Legislator Tim Burpoe to introduce this type of legislation to the County. Another suggestion was made not to wait for the State of New York to act on this.

Supv. Willman requested a motion for a resolution scheduling a public hearing for Wednesday, May 25, 2011 at 7:00 PM on the proposed local law. Motion (C.Smalley-A.Berg m/s/p) ALL AYE.

**RESOLUTION NO. 29: SCHEDULE PUBLIC HEARING ON PROPOSED LOCAL LAW #2 - PROHIBITION OF INTRODUCTION OF INVASIVE AQUATIC SPECIES INTO TOWN OF FRANKLIN WATERWAYS** WHEREAS, invasive aquatic species have been introduced into waterways of adjoining municipalities; and WHEREAS, neighboring municipalities have enacted local laws prohibiting such introduction; and WHEREAS, the waterways in the Town of Franklin are important to the citizens of the State of New York, County of Franklin and Town of Franklin for household, commercial and recreational purposes and need to be protected from invasive aquatic species; and WHEREAS, the State of New York has not adopted any legislation prohibiting the introduction of said invasive species; NOW, THEREFORE, BE IT RESOLVED, that a public hearing be scheduled for Wednesday, May 25, 2011, at 7:00 PM, to hear public comment on the proposed local law #2 of 2011; AND BE IT FURTHER RESOLVED, the Town Clerk is authorized to publish said notice.

Those voting aye:

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

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

Supv. Willman requested a motion to schedule a special board meeting following the public hearing so that the board could act on (1) adopting the invasive aquatic species prohibition, (2) act on the M.A.Jerry matter and (3) authorize payment to Douglas Snickles for the balance of the window and door installation. Motion (A.Berg-C.Smalley m/s/p) ALL AYE.

**D. NORTH COUNTRY LABOR RELATIONS.** Because of ongoing litigation on an employee matter, Supv. Willman requested a motion for a resolution to contract with North Country Labor Relations to represent the Town in arbitration and to authorize the expenditure of additional funds. Motion for resolution (D.Hamm-A.Berg m/s/p) AYE: Willman, Berg, Hamm, Smalley; ABSTAIN: Merrill.

**RESOLUTION NO. 30: contract with north country labor relations for further representation and expenditure of funds** WHEREAS, the Town is involved in ongoing litigation concerning employee matters; and WHEREAS, North Country Labor Relations has experience in representing municipalities in union arbitrations; NOW, THEREFORE, BE IT RESOLVED, the Supervisor is authorized to contract with North Country Labor Relations to represent the Town of Franklin in arbitration matters; AND BE IT FURTHER RESOLVED, the expenditure of additional funds is hereby authorized.

Those voting aye:

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

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

Councilman Bradley Merrill

## 10. OLD BUSINESS

**A. HUD Grant Application update.** This is ongoing, and the application will be submitted soon. Coun. Hamm reported that he is aware of at least 6 individuals who have telephoned Friends of the North Country to be included in the grant who have not received any return calls. He will provide Supv. Willman with the names.

**B. Accept Tax Collector audit procedure** The tax collection audit procedure was tested this year and was found to be suitable. Supv. Willman requested a motion for a resolution adopting the audit procedure as a Town policy. Motion (A.Berg-C.Smalley m/s/p) ALL AYE.

### **RESOLUTION NO. 31: ADOPT TAX COLLECTION AUDIT PROCEDURE AS TOWN POLICY**

WHEREAS, good government requires sound oversight of fiscal matters; and WHEREAS, the New York State Comptroller's Office recommends audit of each governmental department receiving public funds; NOW, THEREFORE,

BE IT RESOLVED, the following audit procedure for tax collection is adopted:

#### **"TOWN OF FRANKLIN POLICY - REVIEW OF TAX COLLECTOR RECORDS**

Town board members have numerous duties and responsibilities. One of the most misunderstood and complex duties is the requirement to audit records and documents of town officers and employees.

The Town Board is responsible for the general management and control of municipal finances (Town Law §64(1)). An important aspect of this responsibility is to provide a process to routinely monitor and review the work performed by those who handle money as part of their duties. Oversight becomes particularly important in operations that do not have adequate segregation of duties. For example, if one person performs nearly all financial duties (e.g., receives and disburses cash, maintains the accounting records and performs reconciliation), it may weaken controls over your local government's financial operations.

The ideal situation would be to employ sufficient staff so that duties are properly segregated. However, because of the economics involved, the hiring of additional staff to segregate duties adequately may not be an acceptable solution. This is where the town board needs to become involved to help ensure that sufficient oversight is being provided over the local government's financial operations. The annual audit function is an important step in the oversight process.

#### The Annual Audit Process

What is an audit? An audit is defined as a formal or official examination and verification of an account book.

What is the Purpose of an Audit? The purpose of an audit is to provide assurance that public moneys are handled properly (e.g. timely deposit of moneys received, transactions recorded properly, and accountability maintained); identify conditions that need improvement; and provide some oversight and review into the local government's financial operations. At a minimum the annual audit requirement allows the town board the opportunity to assess operations.

Who is Responsible for Performing the Audit? The town board can either perform the audit or engage the services of an independent public accountant or certified public accountant to audit the records. In towns that have a comptroller, the annual audit responsibility rests with the town comptroller.

What are the Minimum Concerns for the Audit Process? As a general rule you should first gain an understanding of how the tax collector operates, what the general rules and requirements are for financial accountability and reporting, and what types of financial records should be maintained to meet these responsibilities. Once you have gained an understanding of the applicable operations and familiarized yourself with the types of records that should be maintained, you should address the following minimum concerns:

1. Financial records are complete and up to date
2. Transactions are recorded properly
3. Accountability is determined monthly during collection season
4. Required reports are made timely and accurately.

What should the Board do if it has Concerns during Review of Records? If the board has concerns during the review of the tax collector records, it should discuss these concerns with the collector. If board still has concerns, please contact NYS Comptroller for guidance.

Cooperation. The audit of the tax collector records is a process by which the board exercises its responsibility of general management and control of municipal finances. In order for this process to occur in a smooth and timely manner, there must be cooperation between the tax collector and the board.

CHECKLISTS DESIGNED TO AID BOARD PERFORM AUDIT. Following is a list of general recordkeeping information requirements for town tax collectors. In addition, the questionnaire is designed to elicit certain information about (1) the condition and accuracy of records being reviewed, (2) determinations of accountability and (3) responsibilities to report to County Treasurer and Town Supervisor. The questionnaire is designed to obtain information through inquiry and to record general information, which can only be obtained by inspection of the actual records. Generally, a Yes answer indicates a positive situation, and a No indicates the need for improvement or that other appropriate actions be taken. The last page of the questionnaire allows for the board's comments and conclusions.

Tax collectors can assist board members with the audit by performing a weekly review of their own records during the collection season (January 1-March 31).

#### **CHECKLIST FOR INITIAL REVIEW OF TAX COLLECTOR RECORDS**



<b>NAME OF MUNICIPALITY:</b>	TOWN OF FRANKLIN (Franklin County)
<b>PERIOD REVIEWED:</b>	_____
<b>NAME OF COLLECTOR:</b>	_____
<b>REVIEW PERFORMED BY:</b>	_____
<b>DATE OF REVIEW:</b>	_____

	<b>YES</b>	<b>NO</b>
--	------------	-----------

**CASH RECEIPTS JOURNAL**

<b>Are tax receipts issued for all collections (within 3 weeks)</b>	_____	_____	
<b>Are duplicate copies kept for Treasurer?</b>	_____	_____	
<b>Are collections recorded timely?</b>	_____	_____	
<b>Is the receipts journal balanced against tax collection system on a daily basis?</b>	_____	_____	
<b>Last recorded receipt</b>	Bill# _____	Date _____	Amount _____
<b>Is the journal maintained in a manner to identify date received, payer?</b>	_____	_____	
<b>Are deposits identified?</b>	_____	_____	
<b>Are duplicate deposit slips kept for Town records?</b>	_____	_____	
<b>Do deposit amounts agree with cash receipt amounts?</b>	_____	_____	
<b>Are deposits made within 24 hours of collection?</b>	_____	_____	
<b>Are deposits recorded timely?</b>	_____	_____	
<b>Last recorded deposit</b>	Date _____	Amount _____	
<b>Is the receipts journal totaled and summarized daily?</b>	_____	_____	

**CASH DISBURSEMENTS**

<b>Are prenumbered checks used for all disbursements other than petty cash?</b>	_____	_____	
<b>Are all checks signed by Tax Collector?</b>	_____	_____	
<b>Are canceled checks returned with bank statements and kept for tax collector records?</b>	_____	_____	
<b>Are checks recorded timely?</b>	_____	_____	
<b>Last recorded check</b>	Check# _____	Date _____	Amount _____

**PARTIAL PAYMENTS**

<b>Are partial payments noted in the receipts journal?</b>	_____	_____
<b>Are partial payments noted in tax collection system?</b>	_____	_____
<b>Are receipts for partial payments issued promptly?</b>	_____	_____

**BANK RECONCILIATION**

<b>Are bank accounts reconciled promptly after bank statements are received?</b>	_____	_____
<b>Do credits and debits on bank statement match those recorded by Collector?</b>	_____	_____

**PAYMENTS TO TOWN/COUNTY**

<b>Are payments to Town made in a timely manner?</b>	_____	_____
<b>Are payments to County made in a timely manner?</b>	_____	_____
<b>Are receipts from Town or County signed by both parties?</b>	_____	_____
<b>Is a file maintained with original signed receipts from both Town and County?</b>	_____	_____

**Overall Evaluation:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**WEEKLY CHECKLIST FOR REVIEW OF TAX COLLECTOR RECORDS**

**The amounts on deposit in the tax collector bank accounts are:**

Taxes received \_\_\_\_\_

Interest received \_\_\_\_\_

Total \_\_\_\_\_

**Accountability every two weeks is determined as follows:**

Amount paid to Town Supervisor \_\_\_\_\_

Amount paid to County Treasurer \_\_\_\_\_

Total (should agree w/bank bals.) \_\_\_\_\_

### END OF COLLECTION PERIOD - RECONCILIATION WITH TREASURER

Date of Reconciliation \_\_\_\_\_

Amount to County Treasurer \_\_\_\_\_ "

Those voting aye:

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

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

**C. Infrastructure update.** As partially reported above, the Garage roof has been repaired, the cemetery sheds roofs have been reshingled, the new Town Hall doors were installed, and new window installation is almost complete, the electrical upgrade of the Town Hall is in progress and will be completed next week.

**D Assessment update.** The tentative assessment roll is available for public inspection in the Town Hall and is also on the Franklin County website.

**E. Land Inventory update.** No report at this time.

## 11. COMMITTEE REPORTS

**A. Audit.** Reported above.

**B. Cemetery.** Coun. Merrill reported that he and Coun. Smalley would like the cemetery sheds to be repainted this year and will contact GeoMatics to obtain a price quote for the grid. Supv. Willman replied the Town received a \$500 gift from the Estate of Mrs. Amell for use on the Town cemeteries.

**C. Recreation.** Derrick Romeo announced the fundraiser dinner for Rick Gonyea this Saturday, May 14, from 3pm to 7pm. Takeouts will be available, and diners can order spaghetti with meatless sauce or sauce with meat.

**12. CORRESPONDENCE** Supv. Willman announced Board members had been invited to two dinners on the same night, at the same times. June 4, 2011 - Bloomingdale Volunteer Fire Dept. at the Fire House, with cocktails at 6PM and dinner at 7PM, and the Saranac Lake Fire Department at the Red Fox Restaurant, cocktails at 6PM and dinner at 7PM.

**13. ANNOUNCEMENTS** Several important dates were announced:

Sat May 14 - Fundraiser dinner for Rick Gonyea 4:00 - 7:00 PM

Wed. May 18 - Public conversations with the Supervisor 6:00 - 8:00 PM

Thu May 19 - Food Pantry 3:30 PM

Sat May 21 - Town roadside cleanup day - 8:00 AM - 4:00 PM. Orange bags available at Town Hall; start early and get coffee and donuts and later in the day hot dogs will be served.

Wed May 25 - Public Hearing Invasive Species Law and special board meeting 7:00 PM

Thu/Fri June 2 & 3 - AMC Mobile Dental Clinic 9:00 AM - 4:00 PM

Mon June 13 - Free rabies vaccination clinic 6:30 PM.

**14. QUESTIONS AND COMMENTS.** With respect to the announcement of the Public Conversations news release, Coun. Merrill stated the proper forum for the public to ask questions and make comments was during an official Town Board meeting. Supv. Willman concurred, adding, however, that some people are uncomfortable speaking out in public. As contemplated, the public conversation sessions will be in a more intimate and relaxed atmosphere where time and agenda will not impede discussions and exchange of information.

## 15. ADJOURNMENT

There being no further business to conduct, the meeting adjourned at 9:43 PM. Motion (C.Smalley-A.Berg m/s/p)  
 ALL AYE

Respectfully submitted, Sandra J. Oliver, Town Clerk

[Click here to see past minutes](#)

**Town of Franklin**

P.O. Box 209, Route 3, Vermontville, NY 12989 · Tel: 518-891-2189 · Fax: 518-891-6389 · [info@townoffranklin.com](mailto:info@townoffranklin.com)

© Town of Franklin · Website Design: Rainbow Graphics

You are the visitor. Thank You for stopping by.