



# 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

### Regular Board Meeting December 13, 2017

**BOARD MEMBERS PRESENT:**

Supervisor Art Willman, Councilman Tom Bartiss, and Councilman Don Hamm

**BOARD MEMBERS ABSENT:**

Councilman Pete Woodcock and Councilman Cliff Smalley

**OTHERS PRESENT:**

Highway Superintendent Jacques DeMars, Doris Hamm, Code Officer Paul Blaine, Ashley LaTulip-AFLAC and, Town Clerk Lauren LeFebvre

**CALL TO ORDER**

Supervisor Willman called the Public Hearing to order at 5:30pm. The Pledge of Allegiance was recited, the Town Clerk called the roll, noting Councilmen Smalley and Woodcock absent, and a quorum present.

**AFLAC PRESENTATION**

Ashley LaTulip—Ashley briefed those present on the supplemental healthcare coverage offered by AFLAC. All officials at the meeting received a packet of information. Ashley will follow-up with Supervisor Willman in a few weeks.

**REVIEW/APPROVAL OF NOVEMBER 8, 2017 MEETING MINUTES** - Minutes approved as presented. (T. Bartiss-D.Hamm m/s/p) all aye

**APPROVAL OF CLAIMS** The board audited and approved payment of the following:

<b>General Fund</b>	Abstract 12	Claims 210-240	\$28,911.08
<b>Highway Fund</b>	Abstract 12	Claims 193-222	\$114,040.54
<b>Pre-Pay General</b>	Abstract 12	Claims 47-51	\$1,976.20

<b>Landfill</b>	Abstract 5	Claim 6	\$960.00
(C.Smalley-D.Hamm m/s/p) all aye)			

## SUPERVISOR'S REPORT

Balances on hand as of October 31, 2017

### GENERAL FUND

Checking	\$34,332.82
Savings	\$48,971.82
Historian	\$3,038.94
Kate MT. SRF	\$43,080.23
Cemetery RF	\$3,202.48
CLASS	\$239,136.12

### HIGHWAY FUND

Checking	\$41,585.25
Savings	\$125,557.86
Cap. Proj. Hwy.	\$47,022.78
CLASS	\$393,077.51

### LANDFILL CLOSURE CAP RES

Checking	\$4,316.25
CLASS	\$19,292.21

### FIRE PROTECTION

Checking	\$7,921.39
CLASS	\$20,807.20

### CAP. PROJ. BLDG

CLASS	\$65,939.49
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(Hamm-Smalley m/s/p) All Aye

## HIGHWAY SUPERINTENDENT'S REPORT

Superintendent DeMars presented the following report:

1. Plow and sanded as needed.
2. Paved approximately 4/10 mile on Alder Brook Rd.
3. Hauled sand.
4. Patched several areas.
5. Cut trees that were down due to high winds.
6. Replaced posts for guide rails on Cold Brook Rd. The rail is coming in the near future.
7. With Franklin County's assistance and shoulder machine as well as trucks and roller from Chateaugay and Village of Tupper Lake we shouldered areas where we paved on; Cold Brook Rd., Fletcher Farm Rd., and Alder Brook Rd.
8. Installed a culvert for a taxpayer. The bill was given to Lauren(Town Clerk)
9. Request that the Deputy Superintendent's pay be transferred from A5010.11 to DA5142.1

## HIGHWAY COMMITTEE REPORT

Councilman Hamm would like to review the Culvert Policy.

## CODE OFFICER'S REPORT

Councilman Hamm would like to review the Culvert Policy.

## NEW BUSINESS

### A. 2018 Final Budget

The Town Clerk presented the board with the final 2018 Town of Franklin Fiscal Budget. She stated certified copies were sent to the Franklin county Legislature in November as required by law.

### B. Proposed Local Law #1 2017

Supervisor Willman stated the Town's insurance company (Trident) suggested a local law requiring written notice be given to the Town prior to pursuing legal action against the Town regarding road defects and/or obstructions. NYS Highway Law already contains a nearly identical provision regarding this however, Trident feels a Local Law would better serve the Town. Proposed Local Law is as follows:▲

#### Local Law No. 1 of the Year 2017

Providing for written notification of defects and obstructions on town highways, bridges, streets, sidewalks, crosswalks, and culverts in the Town of Franklin.

Be it enacted by the Town Board of the Town of Franklin.

**Section 1.** No civil action shall be maintained against the Town or Town Superintendent of Highways for damages or injuries to person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk, or culvert being defective, out of repair, unsafe, dangerous, or obstructed unless written notice of such defective, unsafe, dangerous, or obstructed condition of such highway, bridge, street, sidewalk, crosswalk, or culvert was actually

given to the Town Clerk or Town Superintendent of Highways, and there was a failure or neglect within a reasonable time after giving such notice to repair or remove the defect, danger or obstruction complained of.

No such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk, or culvert, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or Town Superintendent of Highways and there was failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

**Section 2.** The Town Superintendent of Highways shall transmit in writing to the Town Clerk within five days after the receipt thereof all written notices pursuant to the local law and subdivision 2 of section 65-a of the Town Law. The Town Clerk shall cause all written notices received pursuant to this local law and subdivisions 2 of section 65-a of the Town Law, to be presented to the Town Board within five days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner.

**Section 3.** This local law shall supersede in its application to the Town of Franklin subdivisions 1 and 3 of section 65-a, of the Town Law.

**Section 4.** This local law shall take effect immediately upon its filing in the office of the Secretary of State. Discussion was held regarding the current methods used to inform the Town of highway defects and obstructions. The usual practice to report these has been a simple phone call to the Highway Department. Local Law #1 only refers to those wishing to pursue legal action against the Town. In order to do so, an individual must have provided written notice of the defect or obstruction before legal action can be taken. Simple reports to bring something to the attention to the Highway Department can be made by phone, in person or in writing as has always been common practice.

**RESOLUTION #49 SUPPORT PUTTING FORTH PROPOSED LOCAL LAW #1 2017 PROVIDING FOR WRITTEN NOTIFICATION OF DEFECTS AND OBSTRUCTIONS ON TOWN HIGHWAYS, BRIDGES, STREETS, SIDEWALKS, CROSSWALKS, AND CULVERTS IN THE TOWN OF FRANKLIN.**

On a motion by Councilman Hamm, second by Councilman Bartiss BE IT RESOLVED that the Town Board of the Town of Franklin does hereby support Proposed Local Law #1 of 2017 PROVIDING FOR WRITTEN NOTIFICATION OF DEFECTS AND OBSTRUCTIONS ON TOWN HIGHWAYS, BRIDGES, STREETS, SIDEWALKS, CROSSWALKS, AND CULVERTS IN THE TOWN OF FRANKLIN and does FURTHER RESOLVE to set December 27, 2017 as the date for a Public Hearing regarding Local Law #1 of 2017 to allow for public comment on said proposed local law.

Those voting aye:

Supervisor Willman  
Councilman Bartiss  
Councilman Hamm

Those voting no: None

**C. Online Banking** -Community Bank is now charging \$2 per account to mail monthly bank statements. Supervisor Willman is working with the bank to set up online banking for the ten accounts under his purview to avoid this charge. The two accounts for the Town Clerk/Tax Collector are already connected with online banking.

**D. Charter Communications** -Supervisor Willman reported he has been in contact with Charter regarding the Town's franchise contract that expires this year. He urged Charter to increase the service in the town as there are many residences without broadband access. Charter provided the Town with a website address where residents can look up their individual addresses to see if it is being reviewed by Charter as a possible build out location. Charter stressed that this information should not be considered a guarantee that service will or will not be coming to a particular address only that it is being reviewed. The address is www.bldlkup.com Charter can provide the municipality more detailed information if a confidentiality agreement is signed by the Supervisor. Information provided is proprietary and not for the general public.

**RESOLUTION #50 APPROVAL TO ENTER INTO CONFIDENTIALITY AGREEMENT WITH CHARTER COMMUNICATIONS**

Those voting aye:

Supervisor Willman  
Councilman Bartiss  
Councilman Hamm

Those voting no: None

**E. SPECTRUM PHONE SERVICE** -Supervisor Willman has a quote from Spectrum Business regarding phone service for the Town Hall and Highway Garage. Currently, the Town pays Verizon approximately \$460 a month for phone service. Spectrum can provide service (3 voice and 2 fax lines) for a total of \$149.95 per month. There is a one time installation fee of \$99.00 at each location.

**RESOLUTION #51 APPROVAL TO CHANGE PHONE PROVIDERS FOR ALL TOWN OFFICES** - On a motion by Councilman Bartiss, second by Councilman Hamm, BE IT RESOLVED that the Town of Franklin Town Board does hereby approve of changing telephone service providers from Verizon to Spectrum.

Those voting aye:

Supervisor Willman  
Councilman Bartiss  
Councilman Hamm

Those voting no: None

**OLD BUSINESS**

**A. SOLAR PROJECT UPDATE** -Supervisor Willman has been informed that no applicant for the NYSERDA Solar Funding has been notified regarding project acceptance or grant award.

**B. TANDEM BOND FINANCING** -Closing is set for December 28, 2017.

**C. COMMUNITY BUILDING UPDATE** -Building plans are complete. Supervisor Willman is working with the APA to provide additional information regarding a Storm Water and Pollution Prevention Plan.

**COMMITTEE REPORTS**

A. **Cemetery** no report.

B. **Building** - See Community Building Update

C. **Celebration** -Children's Visit w/Santa is December 16 12-1:30.

**YEAR END MEETING**

Supervisor Willman set the date for the Year-End Meeting as December 27, 2017 immediately following the Public Hearing on Local Law #1 of 2017.

**ADJOURNMENT**

There being no further business to discuss, Supervisor Willman adjourned the meeting at 6:40pm.

Respectfully submitted, Lauren LeFebvre, Town Clerk

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