



# The Town of Franklin

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## Town of Franklin Board Meetings

**April 9, 2007 - 7:00 pm**

The Town Board of the Town of Franklin held a regularly scheduled Board meeting on Monday, April 9, 2007 at 7:00 pm at the Vermontville Town Hall.

### Board members present:

Supervisor Mary Ellen Keith  
Councilman Gene Goff  
Councilperson Janet Ordway  
Councilman Tim Goff  
Councilman Walt Kretser

### Others Present:

Brian Grisi, Adirondack Park Agency  
Town Clerk Sandra Oliver  
Al Berg, resident  
Jean Baltzly, resident  
Mark Kurtz, resident

### CALL TO ORDER

Supervisor Keith called the meeting to order; the Pledge of Allegiance was recited; the Town Clerk called the roll, and announced the full board was present.

### AUDIT OF BILLS

The following claims were presented and reviewed by the Board:

|                |            |              |             |
|----------------|------------|--------------|-------------|
| General        | Warrant #4 | Claims 70-92 | \$11,590.97 |
| Highway        | Warrant #4 | Claim 37-57  | \$64,398.51 |
| Prepay General | Warrant #3 | Claims 17-19 | \$1,427.17  |
| Landfill       | Warrant #1 | Claims 1- 2  | \$1,021.63  |

Motion to approve bills and pay same (T.Goff-J.Ordway m/s/p) ALL AYE

**MINUTES OF MEETINGS**

The minutes of the March 12, 2007 Board meeting were revised as follows:

**OLD BUSINESS**

1. **FIRE/RESCUE CONTRACT NEGOTIATIONS.** Coun. Gene Goff reported on the progress of the Saranac Lake Regional Fire Advisory Board's (SLRFAB) ongoing negotiations with the Village of Saranac Lake. The contracting communities have rejected the Village proposals and emphasize the need for the Village to base its fees on usage rather than assessed value. Coun. Goff said it was very important that the Town finalizes an agreement with the Village for 2008 and that an increase was probable. For 2007 the Town has contracted to pay \$22,806.31. For 2008, the Town will pay four percent (4%) of the Fire/Rescue Department's budget. ~~and that a \$258.00 increase in fees was probable. For the year 2007 the Town will pay \$22,806.31, and with the \$258.00 increase, the total will be \$23,064.31.~~ He reported the SLRFAB finally received a copy of the Fire Department budget. Supv. Keith said the contracting communities should demand a full-time, paid EMT. Further, she stated she was apprehensive about the "fund for the new truck" and the "building fund". Coun. Gene Goff requested the Board adopt a resolution authorizing him to negotiate a contract with the Village of Saranac Lake for the year 2008 anticipating the increase in cost. ~~for \$23,064.31.~~

(change per 04-09-07 meeting)

3. **PLANNING REVIEW.** Couns. Kretser and Ordway reviewed all past materials developed by committees during the 1980's and 1990's. Coun. Kretser stated Brian Grisi ~~Bob Griese~~ of the Adirondack Park Agency will attend a future Town Board meeting to give a presentation on developing a land use plan. (change per 04-09-07 meeting)

**TOWN OF TUPPER LAKE**

A letter with certified board resolution was received from the Town of Tupper Lake concerning its intention to lobby Albany lawmakers to change legislation so as to allow towns to assume responsibility for fire departments currently under village control. Coun. Gene Goff suggested the Board table any discussion or action on this pending resolution of negotiations with the ~~Village of Saranac Lake.~~ Town of Tupper Lake. (change per 04-09-07 meeting)

Motion to accept March 12, 2007 meeting minutes as amended (G.Goff-M.Keith m/s/p) ALL AYE

Motion for Resolution re 2008 Rescue Contract and rescinding Resolution No. 15 (G.Goff-M.Keith)

**RESOLUTION NO. 16 AUTHORIZE COUNCILMAN GENE F. GOFF TO NEGOTIATE A 2008 RESCUE CONTRACT WITH VILLAGE OF SARANAC LAKE AND RESCINDING RESOLUTION NO. 15**

WHEREAS, negotiations between the Town of Franklin and the Village of Saranac Lake for rescue service are continuing; and WHEREAS, based on current state of negotiations, the Village will increase the Town's fee for said service by an amount equal to four percent (4%) of the Fire Department's budget for the year 2008; NOW, THEREFORE,

BE IT RESOLVED, that Councilman Gene F. Goff is hereby authorized to enter into negotiations with the Village of Saranac Lake for a 2008 fire/rescue contract; and BE IT

FURTHER RESOLVED, that Resolution No. 15 adopted March 12, 2007, be and hereby is RESCINDED.

Those voting aye: ALL AYE

**SUPERVISOR'S REPORT**

Balances on hand at March 1, 2007

|                      |              |              |
|----------------------|--------------|--------------|
| <b>General Fund</b>  | CK           | \$29,315.34  |
|                      | SV           | \$12,316.94  |
|                      | CLASS        | \$300,180.87 |
| <b>Highway Fund</b>  | CK           | 20,143.14    |
|                      | SV           | \$135,456.32 |
|                      | CLASS        | \$389,493.49 |
|                      | Cap Proj Hwy | \$78,414.62  |
| <b>Landfill</b>      | CK           | \$3,902.07   |
|                      | CLASS        | \$62,943.04  |
| <b>Fire</b>          | CK           | \$10,194.37  |
|                      | CLASS        | \$4,630.67   |
| <b>Cap. Building</b> | CLASS        | \$142,949.03 |

Accept Supervisor's Report W.Kretser-T.Goff m/s/p) ALL AYE

Supervisor Keith stated the purchase of a new tractor for the Highway Dept. in sum of \$55,695.00 would be taken from the Capital Projects Highway (Machinery) Fund and that the old tractor is being advertised for sale. She requested the Board pass a motion approving the transfer of funds into Capital Projects Highway

Motion for inter-fund transfers to Capital Proj. Highway to pay for new tractor. (W.Kretser-T.Goff m/s/p) ALL AYE

**LOCAL LAND USE PLANNING DISCUSSION**

Coun. Walt Kretser read the following statement from Assessor Douglas Tichenor:

Dear Mrs. Keith and the Franklin Town Board:

In light of the recent discussions concerning the implementation of local zoning in the Town of Franklin, you asked me to render an opinion due to my observations of the real property market trends.

Real property sale prices have contained to increase at a dramatic pace. Now, vacant land prices are at a level that I feel will prompt an increase in subdivision of parcels, both here and in other towns. Last week a gentleman was in the Franklin Town Hall inquiring about subdivision regulations. I have had phone calls, also, from property owners asking if there are any regulations concerning subdivisions in the Town of Franklin.

You may want to consider a planning board to monitor development. This is just my opinion.

Regards, Doug Tichenor, Assessor

Brian Grisi, Adirondack Park Agency Local Government Assistance Specialist, was introduced by Supervisor Keith. Mr. Grisi began his discussion by stating that the Town of Franklin is in a unique position. Current residents, even professionals, could not afford to purchase houses in Lake Placid, Saranac Lake or Tupper Lake. Land prices here are reasonable. He noted that the Adirondack Park Agency Act is basically a density control law.

1. Planning, zoning and subdivision regulations are a local decision, and the Town administers the program. The Adirondack Park Agency (APA) has little
2. Towns usually do not adopt zoning unless triggered by some kind of incident.
3. If a Town Board moves to adopt a zoning law, it would not affect or change the way in which APA has jurisdiction.
4. Why adopt zoning or subdivision regulations?
5. 60% of towns in the Adirondack Park have adopted zoning, generally because of a particular use of land bothers residents.
6. In the 1980's concerns involved establishment of junkyards. Of late, issues involve wind turbines (see Ellenburg zoning law) and adult entertainment issues.
7. Saranac Lake is considering adopting retail store size regulations, and
8. Lake George has issues with deforestation of mountainside slopes due to increased construction.
9. If a town wants greater control, it must adopt zoning.
10. Along Route 3 corridor in Vermontville hamlet, a commercial enterprise might obtain APA approval for a business which is incompatible with residents' wishes.
11. Mr. Grisi distributed copies of a colored-coded map of the Town of Franklin illustrating the 3 hamlets of Vermontville, Loon Lake and Onchiota with APA land use designations. Light green sections are State land, dark green shows resource management, yellow signifies rural use (5-lot subdivisions) and orange indicates low-intensity. APA has jurisdiction over commercial development outside of hamlets as well as large subdivisions. Note that in the orange sections, no APA permit is required.
12. He stated the Town of Franklin contains numerous parcels which could be subdivided.
13. He distributed copies of lists of NYS Dept. of State publications and DOS booklets ♦Zoning and the Comprehensive Plan♦ and ♦Adopting Zoning for the First Time♦. He explained the publications provide an introduction to any type of land use plan.
14. Steps initiating land use planning
15. Site plan review and subdivision law can be applied in specific areas - along highways and bodies of water - perhaps the Rt. 3 corridor in Vermontville could contain specific site requirements for commercial use. Along bodies of water, setbacks could be specified.
16. Town Board should consult attorney for town before proceeding
17. Must be done publicly - with information meetings and public hearings
18. Any land use laws/regulations adopted must have justification.
19. Should be accomplished through a comprehensive land use plan which involves studies
20. Can perform studies in-house
21. Can obtain grants
22. Can contract with consultants
23. Site plan review could establish standards for developments.
24. Any applicant must comply with the stricter regulation. If local regulation is stricter than APA regulations, applicant must comply with local law.
25. Spot zoning should be avoided and is difficult to defend if challenged by lawsuit.
26. In response to questions concerning changing hamlet boundaries, Mr. Grisi replied
27. Hamlets may contain different density zones.
28. Hamlets were drawn by APA based on population and suitability of land
29. It is possible to change hamlet size, but the Town must go through APA Map amendment process, a formal procedure. It is more appropriate for a hamlet to move into moderate density designation (1.3 acres per building, see red areas on map)

Coun. Kretser stated that a comprehensive land use plan could be created for the Town in the future, but the immediate need is for subdivision regulations. Supervisor Keith noted the Board wanted to make rules as simple and acceptable as possible for residents of the Town. It is important to keep the town friendly - without excess rules and regulations. Supervisor Keith thanked Mr. Grisi for his presentation and the good information provided. He then left the meeting.

## HIGHWAY REPORT

Highway Supt. James Rascoe submitted a written report:

1. Plowed and sanded roads as necessary
2. Thawed frozen culverts with steam generator
3. Removed snow and ice with loader and backhoe to prepare for spring run-off
4. Cold-patched potholes on several roads during warmer weather
5. Serviced the tow-behind sweeper for future use
6. Ford tractor transported to Burke Farm Supply for front end work
7. Flagged roads to mark frost heaves
8. Received delivery of New Holland tractor
9. Used loader and backhoe to work on frozen chunks of sand
10. Roads posted by County
11. New employee for Department has been hired and will start work once he has pre-employment physical.

#### **HIGHWAY COMMITTEE.**

1) **HEAVY VEHICLES ON POSTED ROADS.** Coun. Gene Goff stated that if any resident observes heavy equipment on posted roads the State Police should be notified immediately; heavy vehicles on posted roads damage the Town's roads.

2) **SIGNAGE REQUEST.** Coun. Gene Goff also noted he had received a request from Douglas Swinyer on Swinyer Rd. to post wheelchair alert signs because his wife

3) **HIGHWAY SCHOOL.** Highway Supt. Rascoe and Deputy Supt. Merrill requested permission to attend Highway School at Cornell June 4 thru 6, 2007 and to reserve separate rooms.

Motion to approve attendance at Highway School (W.Kretser-J.Ordway m/s/p) ALL AYE

#### **NEW BUSINESS**

1. **RESOLUTION EXTENDING TAX COLLECTION.** Supervisor Keith advised that the County Treasurer requested the Board adopt a resolution requesting extension of tax collection to April 30th.

Motion for resolution (G.Goff-J.Ordway m/s/p) ALL AYE

#### **RESOLUTION NO. 17: REQUEST COUNTY TREASURER TO EXTEND TAX COLLECTION TO APRIL 30, 2007**

WHEREAS, some residents of the Town were unable to pay their Town and County taxes by March 31, 2007; and WHEREAS, the Franklin County Treasurer has indicated the need for the Town to request permission to extend the deadline for local tax collection to April 30, 2007; NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Franklin hereby requests permission of the County Treasurer to extend the deadline for local collection of taxes to April 30, 2007; and BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute any letter to that end.

Those voting aye: ALL AYE

2. **RESOLUTION AUTHORIZING INCREASE IN UMBRELLA INSURANCE COVERAGE.** Supervisor Keith stated she had been in touch with Town's insurance broker, Andree' LaBarge, who requested the Board decide whether it wanted to increase its umbrella coverage from \$2 million to \$3 million. The Board determined, at Coun. Gene Goff's suggestion, that it would accept the increase if the insurer would pro-rate the premium.

Motion for resolution (M.Keith-G.Goff m/s/p) ALL AYE

#### **RESOLUTION NO. 18: INCREASE UMBRELLA INSURANCE POLICY TO \$3 MILLION IF PREMIUM PRO-RATED**

WHEREAS, the Town currently has an umbrella liability insurance policy through LaBarge Agency in sum of \$2 million; and WHEREAS, the Town Board has determined it will increase the coverage to \$3 million in coverage, provided the insurance company pro-rates the premium for the entire year from April 9, 2007.

Those voting aye: ALL AYE

3. **ONE WORK SOURCE - SUMMER YOUTH EMPLOYMENT.** Supervisor Keith reported she would like to contract with One Work Source to hire (at no cost to Town) an older youth to work with the General Fund employee for the summer. The youngster would work 28 hours per week and will be paid minimum wage. This program is administered by the County for the State of New York. The program pays the youngster's wages.

Motion for resolution (M.Keith-T.Goff m/s/p) ALL AYE

#### **RESOLUTION NO. 19: SUPERVISOR AUTHORIZED TO CONTRACT WITH ONE WORK SOURCE FOR SUMMER YOUTH EMPLOYMENT**

WHEREAS, One Work Source is a job training program administered by the County of Franklin through funds from the State of New York offering summer employment to local youths (under age 21); and WHEREAS, the General Fund Employee has in the past supervised and trained youths similarly employed; and WHEREAS, a contract with One Work Source will not incur any cost to the Town; NOW, THEREFORE,

BE IT RESOLVED, that the Supervisor is authorized to contract with One Work Source for a youth to assist the General Fund Employee.

Those voting aye: ALL AYE

#### **COMMITTEES**

1. **CEMETERY COMMITTEE.** Coun. Tim Goff reported that he and Supv. Keith met with a gravestone restoration specialist from Vermont last week and toured the Vermontville and Merrillsville cemeteries. The specialist complimented the Town on the excellent condition of its cemeteries and was relieved to discover that broken pieces of grave markers were kept near the graves. Coun. T. Goff stated the goal of the Cemetery Committee is to work on one cemetery per year to clean, repair and restore grave markers. Supv. Keith noted that a grave restoration fund of approximately \$3,000 was established decades ago and that it was created through donations, not tax revenue.

2. **BUILDING COMMITTEE.**

a. The Building Committee will meet with Ann Holland and Terrie Martino at 7:00 pm on Monday, April 23, 2007 at the Vermontville Town Hall.

b. Yellow Wood Associates transmitted their final report concerning recommendations for Clerk of the Works, which will be mailed to Building Committee members.

c. Sen. Betty Little has transmitted the Town's request for Petroleum Rebate to Sen. Wright.

3. **FIRE/RESCUE.** Coun. Gene Goff reported the SLRFAB is waiting for the Village of Saranac Lake to adopt the Fire/Rescue Budget. He noted that in 2008 the Town of Franklin will pay four percent (4%) of the Fire Dept. budget for one year only. The Village of Saranac Lake and the SLRFAB will settle 2008 first and then work on future arrangements. The Fire Dept. is seeking to include a full-time EMT which will cost approximately \$50,000 including salary and benefits. The Dept. needs a new rescue truck and will be initiating fundraisers.

## REPORT ON CONFERENCES.

1. **2010 CENSUS.** Supv. Keith and Town Clerk Oliver attended a conference on March 8th regarding 2010 Census. New York State is seeking active participation by municipalities in obtaining a correct count. The Supervisor and Town Clerk are in process of collecting all Town addresses now and will attend a training session in July. At the training session the Town will register with the Census Bureau for Collection System Option B and within 120 days complete the count and submit to the Census Bureau before the onset of the 2008 tax collection season. By electing Option B, the Town will be able to challenge the Census Bureau count if differences occur.

2. **LOCAL GOVERNMENT CONFERENCE.** March 21 and 22, 2007 attended by Supervisor and Town Clerk. Each attended different sessions. Supervisor Keith attended sessions on wildfire prevention and green technology. She noted the Town of Franklin was mentioned at both sessions. The Town Clerk attended sessions on Shoreline Camp Conversions, Telecommunication Towers and APA Approved Land Use Planning. She remarked that without land use planning or zoning, the Town has no standing to challenge permits granted by APA. The APA has no jurisdiction over replacement or enlargement of existing single-family dwellings, which is how the Stickney Point subdivision was approved by APA over local protests.

## QUESTIONS AND COMMENTS

Mark Kurtz stated he applauded the Town for looking at land use planning. He expressed concern over increase in second home development in the Town. Supv. Keith noted there was a real need for commercial development in the area to help support the tax base, alleviate the burden on residents, and to provide jobs and a future for young people in the area.

## ADJOURNMENT

There being no further business to conduct, the meeting adjourned at 8:44 pm (M. Keith-J.Ordway m/s/p) ALL AYE

Respectfully submitted, Sandra J. Oliver, Town Clerk

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