



The Town of Franklin

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Town of Franklin Board Meetings

Special Town Board Meeting Monday, August 20 2008 - 7:00 pm

The Town of Franklin Town Board held its duly noticed special Town Board Meeting on Wednesday, August 20, 2008 at 7:00 pm at the Franklin Town Hall in Vermontville, NY.

Board members Present:

Supervisor Mary Ellen Keith
Councilman Walt Kretser
Councilman Allen Berg
Councilman Clifford Smalley
Councilwoman Janet Ordway

Others Present:

Brian Burke, Architect
Beverly Eichenlaub, Architect
Franklin Co. District Attorney Derek Champagne
Town Clerk Sandra Oliver
Frances Oliver, Karen Smalley, David Snickles, Frank Karl, Robert Keith, Bradley Merrill, Jean Baltzly, Peter LaBrake, Nathan Brown, Adirondack Daily Enterprise Jacob Resneck, WNBZ, Press-Republican & North Country Public Radio

CALL TO ORDER

Supervisor Keith called the meeting to order at 7:00pm; the Pledge of Allegiance was recited, and the Town Clerk called the roll, stating the full board was present. Supervisor Keith announced the purpose of the special meeting was to hear the presentation of the architects regarding the infrastructure project and requested that all questions or comments by the public be made at the appropriate points in time, per the Agenda.

For the past several years the Building Committee has studied and discussed ways in which the buildings of the Town could be improved. NYS Unified Court System has mandated specific physical requirements for local justice courts, additional space is needed for public gatherings, and critically, the Town Garage, built in the 1980's, must be renovated. She introduced Brian Burke and Beverly Eichenlaub, Architects, of Premises Design Studio, Essex, NY.

Brian Burke distributed copies of a document outlining proposed alterations and expansion of the Garage and a new structure at Kate Mountain Recreation Park as well as architectural drawings:

1. Garage Project Intent - Renovation of Town Garage to:

- a. Accommodate larger vehicles
- b. Improve working conditions, vehicle maintenance efficiency and worker safety
- c. Improve building energy efficiency

GARAGE PLANNED SCOPE OF WORK

PURPOSE

Expand vehicle storage and repair bays for larger equipment by:

adding 24 feet to east end of building adding 12 feet to west end of building enlarging vehicle storage bay by 4 feet to the north

Currently, the Town's Highway Dept. vehicles have inadequate space to be stored and maintained in the Garage

Reinforce existing structure to meet contemporary standards

The Garage was originally built in the early 1980's.

Replace heating and ventilating system to meet contemporary standards and improve energy efficiency

Radiant slab/radiant overhead heating Ventilation air heat recovery High efficiency boiler Improved air filtration

Replace electrical distribution to meet contemporary standards

Replace lighting to meet contemporary standards and improve energy efficiency

Reconfigure and replace fixtures with energy-efficient bulbs

Adapt thermal envelope (insulation, windows, doors, roof) to improve energy efficiency

The 12 ft high berm was the most efficient method of insulation when the Garage was constructed. There are newer, more efficient materials which can be used to insulate the building. The berm will be reduced to 6 inches.

Plumbing in need of upgrading.

Estimated Garage renovation construction costs:

Expand size and reinforce existing structure: \$467,000

Improve electrical system and lighting: 39,000

Improve plumbing system: 28,000

Add vehicle lift: 104,000

Total estimated construction cost: \$688,000

Concerning the vehicle lift, Mr. Burke explained he had been in touch with NYS Dept. of Transportation which confirmed vehicle lifts were more efficient than pits. The hydraulic lift contemplated for the Garage work will have two posts and will be capable of hoisting a fully-loaded vehicle.

2. Kate Mountain Recreation Park intent to: Add to existing Park facilities.

Improve vehicle and pedestrian roads and paths, Provide handicapped accessibility, Facilitate large vehicle (school bus), movement, Add parking, Add walkways for access to main park components, Realign service road

The earth-moving, grading and landscaping work can be done by Town employees.

Add outdoor activity amenities - soccer field, concert lawn and band shell, volleyball courts, model plane field, picnic tables, fitness stations, trail system link to Kate Mountain, horseshoe court and additional playground equipment

These activities are planned for the future and will be added as time and money permits. They will enhance the summer youth program and may generate income for the Town from groups wishing to use the Park.

Add new Community Center building

community event space (meetings, lectures, performances, dinners, receptions Kitchen Park (public restrooms) Community parlor Indoor activity space for crafts, classes and youth programs

The kitchen in the Franklin Town Hall will be converted to a courtroom, per NYS Unified Court System requirements.

The proposed community center will, as determined by the Building Committee and Town Board, take the place of the Town Hall for use by the community for fundraisers, meetings and receptions of outside parties.

No Town offices will be relocated to the community center.

Grants are available.

Community Center estimated construction cost:

Building: \$510,000

Equipment: 10,000

Site utilities: 25,000

Roads, walkways and landscaping: In kind

Total estimated construction cost: \$545,000

Coun. Ordway stated she had served on the Building Committee for six years, and the plans Mr. Burke and Ms. Eichenlaub presented were exactly what the Committee had recommended.

Coun. Smalley expressed concern over the cost of constructing the community center and asked if the total square footage could be reduced. Mr. Burke responded the square footage could be reduced, but not the cost of construction. The proposed plans were drawn up so the building would accommodate twice as many people as the Town Hall - 120. If the square footage was reduced the building would only hold 60 people.

Supv. Keith indicated Ann Holland, grant writer for the Town was already investigating grant funding for the project. She commented that a grant application under the federal EPA had been prepared but that cost estimates were not yet prepared. The grant application will be submitted next year. In addition, the Building Committee had met with representatives of _____ who still had funds available for this year. A request for funding will be prepared and submitted next October.

Supervisor Keith requested a motion for a resolution to proceed with the infrastructure project, that is, going forward with the September 12, 2008 public information session at Kate Mountain Recreation Park (4:00 to 8:00 PM), and preparation, mailing and results tabulation of a brochure and a survey to taxpayers.

Motion to proceed with project (W.Kretser-J.Ordway m/s/p) ALL AYE

RESOLUTION NO. 48: PROCEED WITH PLANS FOR INFRASTRUCTURE PROJECT

WHEREAS, the Town Board and its committees have studied and discussed its infrastructure (buildings) needs for several years; and

WHEREAS, the Board has determined the Town Garage renovation to be first priority; and

WHEREAS, because NYS Unified Court System has imposed specific guidelines for the physical space of the Town Justice Court which will be relocated to the current kitchen of the Franklin Town Hall; and

WHEREAS, the Franklin Town Hall will no longer contain a kitchen or adequate space to support community events, construction of a community center at Kate Mountain Recreation Park has been proposed; and

WHEREAS, Architects Brian Burke and Beverly Eichenlaub and Earth Science Engineering have submitted plans and drawings and price estimates encompassing the Garage renovation (\$688,000) and proposed community center (\$545,000) ; NOW, THEREFORE,

BE IT RESOLVED, that the Town Board will continue to pursue accomplishment of the infrastructure project as follows:

(1) Hold several public information sessions regarding the project, the first scheduled for Friday, September 12, 2008, at Kate Mountain Recreation Park from 4:00 to 8:00 PM.

(2) Conduct a survey of all Town taxpayers to determine whether they would approve of such project (return stamped envelope to be included).

(3) Research and pursue alternative financing through grants and donations

THOSE VOTING AYE:

Supervisor Mary Ellen Keith
Councilperson Janet Ordway
Councilman Walter Kretser
Councilman Allen Berg
Councilman Clifford Smalley

THOSE VOTING NAY:

None

QUESTIONS AND COMMENTS RE INFRASTRUCTURE PROJECT

You have proposed a "Cadillac", and we only need a "Chevrolet". This has been reviewed and studied for the past ten years and has cost \$300,000 with consultants, architects and engineers. You have grandiose plans, and this community can't afford it.

The Building Committee and the Town Board are in complete agreement that this is what the Town needs, explained Coun. Kretser. The Garage renovation can't be delayed any longer, and the community center should be built - there will be no room for private gatherings at the Town Hall because the Court will be relocated to the kitchen. Right now the Town Hall is the only place people can gather to hold club meetings, fundraisers, receptions and parties. If we wait another 5 years to do something, it will cost over \$1 million. Forward thinking municipalities look to the future, and build accordingly. The proposed community center is an investment in the future of this Town. The fact that the Town of Franklin has a center like this will draw people and businesses to us. We are looking to the future. The project will be subject to a public hearing, a permissive referendum, and our bond counsel is now working on a resolution for the September meeting. We are investigating grants and alternative sources of funding. In addition, the new community center could be a source of revenue for the Town. There will be outside groups who will want to use the space and be willing to pay for the use of it.

The Board thanked Mr. Burke and Ms. Eichenlaub for the presentation and information.

The Board also applauded the efforts of current and past members of the Building Committee, including Jean Baltzly, Roger Symonds, David Dekkers, Frank Karl and Bob Hammond. These individuals spent hours on the project, and the Town Board is very appreciative of their efforts.

DISTRICT ATTORNEY DEREK CHAMPAGNE

Mr. Champagne stated he was unable to attend a Town Board meeting earlier than this; the purpose of his visit was to explain his methods, reasoning and decision in the James Rascoe investigation. The decision to recommend Rascoe's immediate resignation (effective July 11, 2008) was made as a result of his concern for Town finances, possible criminal prosecution of the five Town employees who gave statements against the former highway superintendent and the fact that Dennis Rascoe, son of the former highway superintendent, was scheduled for the same grand jury that James Rascoe's case would have been presented to.

Mr. Champagne said the Town of Franklin is not the only municipality in the County to endure a criminal investigation of an elected official without it resulting in incarceration; the District Attorney is currently investigating charges against several elected officials in five towns in the County. In the past the Malone Town Highway Supt. was investigated for similar misconduct. That Supt. was confronted with possible criminal indictment and conviction and resigned. A Town of Brandon official paved a private driveway among other things. That investigation went to the Grand Jury and was sealed.

The District Attorney wrote two separate letters to the NYS Police requesting an investigation of the allegations against James Rascoe; in both instances the State Police suggested the matter be referred to NYS Comptroller's Office. As has been explained previously, NYS Comptroller's office audits financial records and reports; in the Rascoe matter, there were no records to audit, only written statements by eyewitnesses. Therefore, Mr. Champagne requested his investigator. William Richey, usually assigned to the Drug Task Force, to perform investigation of the charges of official misconduct. Mr. Richey spoke with all five Highway Dept. employees, attempted to speak with Mr. Rascoe (referred to Rascoe's lawyer) and uncovered adequate evidence of wrongdoing to present to the grand jury.

In making the decision to demand Rascoe's immediate resignation, Mr. Champagne said he was first concerned about Town of Franklin taxpayers, who, because Rascoe was on medical leave, still had to pay him. His second concern was for the five employees who stepped forward to give statements against Rascoe as they might be indicted for acting as accomplices to Rascoe's crimes. Although these men were forthright in coming forward, under NYS law, acting under duress only carries weight if there is a threat of physical violence, which there was not in this instance. Mr. Champagne indicated the grand jury may well have wanted to examine the actions of the employees more closely. Also, the fact that Rascoe was on medical leave left room for him to return to his post as supervisor of employees who signed statements against him. The third consideration was the fact that Dennis Rascoe, son of James Rascoe, was involved in what Mr. Champagne termed a "clean shooting" in the course of his duties, was scheduled to have the shooting reviewed by the same grand jury which would have heard James Rascoe's case. Mr. Champagne thought this might be prejudicial. He could have waited until September 2008 to present James Rascoe's case to a new grand jury, but again, the Town would still have been obliged to pay his salary and Rascoe would then be receiving his full pension. Also it would have taken 12 to 14 months before coming to trial.

As to restitution, the chances of the Town recouping any monies from Rascoe are bleak. There is no way to determine how many times employees were allowed to leave early without clocking themselves out. In order to claim restitution, exact dates, times and amounts would have to be determined. The employees could not specify how many times or on what dates they were allowed to leave early or performed personal errands for Rascoe while on Town duty. The District Attorney said that a civil suit could be commenced against Rascoe seeking monetary damages and restitution.

Mr. Champagne stated the Town Board deserves credit for listening to the employees, and indicated the employees were courageous in coming forward, as they could have hurt themselves. The Board agreed that Mr. Champagne's description of events and decision-making process cleared the air and thanked him for his appearance.

ILLEGAL DUMPING AT NORMAN RIDGE ROAD SITE

Supervisor Keith stated she had been informed Highway Supt. James Perry had been served with a violation as a result of illegal dumping at a site on Norman Ridge Road. Coun. Ordway said that Mr. Perry indicated he had not received a citation from DEC. Coun. Kretser reported that he and Coun. Berg inspected the site and found a great deal of rubbish, not all of which could be attributed to the Highway Dept. There were no petroleum smells, discarded oil drums or oil sheens on the ground. Nothing was oozing. Coun. Berg indicated he had corresponded with the Environmental Protection Agency about funds to clean the area, but funds are available only if pollution is present. Both Couns. Kretser and Berg recommended DEC test the wells and waterways around the perimeter of the site. Coun. Ordway stated Highway Supt. Perry telephoned Lt. Shultz but as the lieutenant is currently on vacation, the call was not returned.

NYS COMPTROLLER AUDIT

Supt. Keith reported that Sean Curry, Auditor for NYS Comptroller's Office, was in the Town Hall to update the audit of payroll and other records performed in 2005. He is reviewing meeting minutes, payrolls and Town policies and procedures. She said she was pleased to have received some positive feedback on progress the Town had made since 2005.

RAINBOW LAKE ASSOCIATION

Patricia Willis, representing the Rainbow Lake Association requested the Town Board sign another letter in support of the Association's grant application to the Lake Champlain Basin Program, as follows:

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

Association activities include

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

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

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

Sincerely,
Mary Ellen Keith, Supervisor"

The Board concurred.

EMPLOYMENT MATTERS

An application for employment with the Highway Dept. had been submitted by an individual with a less than spotless driving record. Highway Supt. Perry had requested the Town Board to rule on the matter. Coun. Kretser recommended the record of the candidate be investigated more thoroughly, and the Board concurred. Supv. Keith said she would confer with the Town's insurance broker.

CONFERENCE ON STATE LAND VALUATION

Supervisor Keith announced she would attend with Assessor Doug Tichenor the August 22nd conference at the Harrietstown Town Hall regarding valuation of NYS land in the Adirondack Park.

ADJOURNMENT

There being no further business to conduct, the meeting adjourned at 9:08 p.m. (M.Keith-W.Kretser m/s/p) ALL AYE

Respectfully submitted, Sandra J. Oliver, Town Clerk

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