



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

Monthly Board Meeting July 14, 2008 - 7:00 pm

The Town of Franklin Town Board held its duly noticed regular Town Board Meeting on Monday, July 14, 2008 at 7:00 pm at the Franklin Town Hall in Vermontville, NY.

Board members Present:

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

absent:

- Councilman Walt Kretser
- Deputy Highway Supt. James Perry

Others Present:

- Town Clerk Sandra Oliver
- Franklin County Legislator Tim Burpoe
- Brad Merrill, Derek Romeo, Jon MacDowell, Chuck Bullis, Wade Sullivan, Jean Baltzly, Ed Martin, Carol Lavigne, Lorrie Rumble, Frank Karl, Jim Haubert, Dick Jarvis, Donald and Doris Hamm, Nathan Brown, Adirondack Daily Enterprise

AUDIT OF BILLS

The following claims were presented for payment on Abstract #7:

General	Claims 147 - 166	\$3,528.14
Highway	Claims 86-97	\$8,728.40

The following claims were presented for payment on Abstract #6:

Prepay General	Claims 28 - 33	\$7,603.96
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The following claims were presented for payment on Abstract #3:

Fire Protection	Claim 3	\$13,707.88
Landfill	Claim 3	\$322.00
Motion to pay claims (C.Smalley-J.Ordway m/s/p) ALL AYE		

MINUTES OF MEETINGS

The minutes of the June 16 regular and June 23, 2008 special board meeting were accepted as presented.

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

SUPERVISOR'S REPORT

Balances as at June 1, 2008

General Fund	CK	\$18,822.10
	SV	\$37,649.31
	CLASS	\$190,478.31
Highway Fund	CK	\$8,802.18
	SV	\$2,593.17
	CLASS	\$464,586.58
	Cap Proj Hwy	\$45,142.01
Landfill	CK	\$1,903.36
	CLASS	\$58,431.57
Fire	CK	\$537.15
	CLASS	\$680.00
Cap. Building	CLASS	\$170,257.92

Supv. Keith stated she had received invoices from Earth Sciences Engineering, per contract with the Town of Franklin (Resolution #26 adopted April 21, 2008) for services rendered regarding the infrastructure project. ESE has completed Tasks 1-8.

Invoice 080701

Architectural and engineering services re Kate Mtn. Master Plan \$10,235.00

Invoice 080701B

Services for detailed designs for Garage renovation and for conceptual design of Kate Mtn. facility \$40,974.00

TOTAL \$51,209.00

Supv. Keith requested authorization to pay these invoices from the Capital Project Building Fund. Invoice No. 080701A in sum of \$960.00 for the video presentation will be paid from the General Fund and will be added to Abstract #7.

Motion for resolution (J.Ordway-A.Berg m/s/p) ALL AYE

RESOLUTION NO. 39: AUTHORIZATION TO PAY EARTH SCIENCE ENGINEERING CLAIMS RE INFRASTRUCTURE FROM CAPITAL PROJECT BUILDING FUND

WHEREAS, the Town has entered into a contract with Earth Science Engineering (ESE) to render services with respect to building improvement and construction; and

WHEREAS, said ESE has performed almost all services outlined in the contract and has submitted invoices as follows:

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is authorized to pay such claims from the Capital Projects-Building Fund.

THOSE VOTING AYE:

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

THOSE ABSENT:

Councilman Walt Kretser

THOSE VOTING NAY:

None

HIGHWAY REPORT

Coun. Ordway read Deputy Highway Superintendent James Perry 's written report:

1. **CURRENT PROJECTS** June 16-July 13

- a. **RAKING AND BROOMING** - Raked Mensink, part of Alderbrook Park, part of Thatcherville, part of Goldsmith, and Merrill Roads. Broomed Gerald Abbott Road. Boom mower used on Alderbrook Park and Mud Pond Roads.
 - b. **BRUSH REMOVAL** - Removed boom mower and installed Brush Hog. Started mowing sides of roads on Swinyer, Paye, Howe, Tyler part of Norman Ridge Road, Cold Brook, and started on Fletcher Farm Road
 - c. **ROAD REPAIR** - Worked on Mud Pond Road to build up in places and also raked.
 - d. **CULVERTS** - Muskrats or beavers are plugging up culverts, so the roads must be checked daily.
 - e. **EQUIPMENT** - Prepped and repainted Unit #2 - 2004 International
 - f. **ADMINISTRATION** - Applied for and received overweight permits for dump trucks and trailer.
 - g. **GRATITUDE** to Franklin Co. Highway Dept. for work on Howe Road bridge and for the use of their bulldozer and roller to prepare Keith Road for paving.
2. **UPCOMING PROJECTS:** Continue preparing roads for paving, mowing the remainder of sides of roads, continue work on the dirt roads and if possible, extensive shoulder work on Alder Brook Road.

3. **QUESTIONS AND COMPLAINTS** June 16-July 13

Graffiti on handicapped sign on Swinyer Road. The sign was removed to the Garage, cleaned and reinstalled the same day.

Isabelle McManus telephoned to report a large pothole in front of her house. She had complained to the elected Highway Supt. who told her it would be fixed but never got to it.

The pothole was coldpatched - this took a few weeks to get to because of other work. She telephoned to thank the Department.

Note - While checking roads, employees noticed that the newly installed speed limit sign at Fletcher Farm Road and Franklin Falls Hill had been removed. They searched the surrounding woods but could not find it. A replacement has been ordered.

HIGHWAY COMMITTEE

1. **GENERAL** . Coun. Ordway stated the Department was working hard and making progress. Coun. Smalley commented that people seem to be obeying the speed limit signs on Fletcher Farm Road.
2. **MEMORANDUM OF UNDERSTANDING RE PAVER.** Franklin County applied for grant funding to purchase a paver through NYS Dept. of Transportation. The grant was awarded with the requirement that each town planning to use the paver sign a Memorandum of Understanding ("MOU"). Supv. Keith requested a motion for a resolution authorizing her to sign said MOU.

Motion for resolution (A.Berg-J.Ordway m/s/p) ALL AYE

RESOLUTION NO. 40: ACCEPT MEMORANDUM OF UNDERSTANDING WITH COUNTY OF FRANKLIN REGARDING USE OF ITS PAVER

WHEREAS, the County of Franklin received shared services grant funding through NYS Dept. of State Shared Services to purchase a paver; and

WHEREAS, said paver will be used by the 19 municipalities in the County; and

WHEREAS, NYS Dept of State has required each participating town to sign a Memorandum of Understanding outlining responsibilities by the County (purchase paver, fund cost of fuel and repairs, preventive and scheduled maintenance; supply labor and equipment for paving; schedule each town's use of paver, and to store the equipment) and each Town (pay for all materials, supply vehicles and manpower for hauling materials, submit request to County Hwy Dept for assistance, send resolution to "hold County harmless", obtain state agency permits, prepare roads and streets for paving); NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Franklin accepts the Memorandum of Understanding; and BE IT

FURTHER RESOLVED, that the Supervisor is authorized to execute same.

THOSE VOTING AYE:

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

THOSE ABSENT:

Councilman Walt Kretser

THOSE VOTING NAY:

None

3. **STATUS OF ELECTED HIGHWAY SUPERINTENDENT**

Supv. Keith read a letter from Town attorney James Maher addressed to Kevin Nichols, James Rascoe's attorney, concerning Mr. Rascoe's July 10, 2008 letter of resignation (effective July 11, 2008). The letter of resignation was addressed to Supervisor Mary Ellen Keith and should have been sent to the Town Clerk, per Public Officers Law

§31(1)(g). Supv. Keith indicated she had received a call from Mr. Nichols' office that he was out of town but that a corrected letter would be signed and sent upon his return. Coun. Ordway asked if the Board should appoint James Perry as Highway Supt. so he can appoint a deputy. Supv. Keith indicated she would like to speak with Deputy Highway Supt. Perry to ascertain his wishes. In any event, she stated, since Mr. Rascoe is apparently resigning, the position of Town of Franklin Highway Superintendent will be on the ballot in November, and any individual wishing to run for the office must be a resident of the Town. Supv. Keith thought it advisable to consult with Attorney Maher to ensure that proper steps are taken. The Town Board can, under Freedom of Information Law, submit a request to the District Attorney for all relevant documents in the investigation.

QUESTIONS AND COMMENTS RE HIGHWAY

Aren't there ways to address charges against Mr. Rascoe? The Town Board can seek redress by referring the matter to the NYS Attorney General.

Supv. Keith indicated that since the matter had been referred to the District Attorney for investigation, the Board's hands were tied. The Board may not speak about the allegations against Mr. Rascoe.

Coun. Smalley indicated the Board will contact Attorney Maher so it can determine the next step

Coun. Ordway said the Board would go as far as it could, that the matter would not end with Mr. Rascoe's resignation.

Is it true that Mr. Rascoe is retiring?

Supv. Keith read a form letter from NYS Retirement System indicating that Mr. Rascoe had applied for retirement benefits.

Can't the Board take legal action on the grounds of "malfeasance"? Starting the action costs \$315.

Supv. Keith indicated that the Board could not take such action, but an individual could.

Why didn't Mr. Rascoe just go on disability since he took medical leave?

Elected officials are paid their published salary whether they do their job or not; they are not eligible for disability or workers compensation or unemployment insurance.

What kind of deal did the D.A. make with Rascoe? It's a good idea to FOIL those investigation documents. The taxpayers of this town are entitled to repayment because of this fellow.

Supv. Keith indicated the Board would do so.

NEW BUSINESS

1. **ASSESSOR** Supv. Keith read the following memorandum from Assessor Douglas Tichenor:

"Memo to: Town Supervisor, Town Board Town of Franklin
From: Doug Tichenor, Assessor
RE: Data Collection

Greetings,

I have to attend a continuing education course for the week of July 14 - 18 in Ithaca, otherwise I would be at the July Town Board meeting.

I realize that you all are probably concerned with the lack of data collection activity relative to the plan to update assessments for the 2009 roll. We have had a great deal of delays trying to find appropriate people to conduct this effort. People that I have counted on to get on board by March/ April have backed out for various reasons. This has been the same with the Town of Harrietstown effort with the result that Harrietstown opted to delay the revaluation until 2010.

We have, however, found people of good integrity to train to do the data collection. Bob Weigold, of Loon Lake, was trained by me two weeks ago and is out working on his own. His work is excellent and the plan is to get him working in the Town of Franklin as soon as possible. As the remainder of people hired get experience, some of them will be working in the town as needed.

At this point, I see no cause to delay the Franklin revaluation. I am familiar with this town and, if I knew I had good data on file, I would already have the valuation completed. Even if it takes till January to complete valuation, I feel I can still get the job done in time for March 1, 2009. This in spite of what ORPS representatives may have told you at a previous board meeting.

Please realize that without help, I cannot get the data and other work done in a timely manner. Therefore I have to depend on others, such as the contractor, for this help. If they get delayed, I have no choice but to wait. Franklin County provides no assistance and the State gives precious little help. This job will get done, but if I have to delay it to do it properly, then I will come to you with recommendations."

OLD BUSINESS

1. **WORKPLACE VIOLENCE POLICY..** Tabled.

2. **INFRASTRUCTURE UPDATE.** A meeting of the Building Committee will be held at 10:00 a.m. on Thursday, July 17th with the engineers and architects to discuss the infrastructure project.

a. **Garage. This is a priority and must be done.**

b. **Proposed Structure at Kate Mtn. Recreation Park.** Surveys will be mailed out in preparation for a grant application. Residents are encouraged to complete them and return them to Supv. Keith.

c. **QUESTIONS AND COMMENTS RE INFRASTRUCTURE:**

When will you have a public presentation on this?

That is one of the topics for discussion at the July 17 meeting, but probably in August.

Why build? Why not expand this Town Hall?

There is not enough room. We would have to purchase additional land for parking and snow removal.

Why doesn't the Town buy the old church next to Montgomery's house on Rt. 3? It's for sale for \$150,000 and it is next to the Town Garage.

We already own land -- at the Rec Park. That building is not next to the Town Garage - the Montgomery property is between them. If we do not construct a new building, there will be no room in the Town Hall for gatherings of any kind. The Justice Court is to be located in the present Town Hall kitchen and appliances will be removed, so as to comply with the NYS Court System requirements (an unfunded State mandate). Further, NYS Dept. of Health looks askance at the Port-A-Potty; if they reject that, and we do not construct that building, we may have to close the summer youth program.

How much has the Board spent on this project on consultants and so forth? Is Yellow Wood still involved?

About \$85,000 thus far. We needed to make sure we could obtain the grant funding necessary and in order to do that we needed to work with people who are experts. Yellow Wood will be involved in the public presentation, but they have fulfilled their contractual obligation to the Town.

Are you going to use plans incorporating a sod roof?

Supv. Keith replied that there had been a change in architects. The plans for the proposed building at the Rec Park have been downsized considerably. We will work within our budgetary limits.

Doesn't the building at the Rec Park require a referendum? What is the cost estimate of the project?

A referendum is required if the cost is \$1 million or over, if under \$1 million, it does not require a referendum. The cost estimate for the entire project is \$945,000, and we already have \$170,000 put aside in the Capital Projects-Building Fund. If the public circulates a petition for a referendum requesting a referendum, it would be a permissive referendum.

3. **FIRE/RESCUE UPDATE .**

a. Saranac Lake Fire Advisory Board. Coun. Berg reported the next meeting of the SLFAB is scheduled in August, so there is nothing new to report. The Fire Department and Ambulance Unit are still working to separate in order that the ambulance service can bill insurance companies.

b. Bloomingdale Volunteer Fire Dept. Supv. Keith noted that the Bloomingdale Volunteer Fire Dept. would be offering movies in the park August 8th as fundraiser.

4. **SUBDIVISION UPDATE.** Richard Jarvis, Chair of the 6-member Citizens Advisory Committee on Subdivisions reported that the Committee had thus far held two meetings. The first was basically an organizational meeting and the second meeting (held July 7) dealt with establishing standards that a subdivision law should contain:

- a) The language will be in plain English, understandable and lawful.
- b) It will establish standards and guidelines for developers and large subdividers.
- c) It will enable fair and consistent decisions by the Town Board or Subdivision Board.

Questions and Comments re Subdivision

Your committee is obviously against development. It is biased because it does not have someone on it with developable land.

Mr. Jarvis responded that the Committee is not anti-development. We are preparing for the future. The Town has a limited amount of land available, and subdivision development is inevitable. The regulations will cover only large subdivisions of 5 or more lots.

Coun. Smalley stated he is on the Committee and is for development as he is in the building trade and encourages development.

Supervisor Keith invited individuals who take issue with the Subdivision Committee to attend workshops.

The Town Board tried to impose this on residents 10 years ago. We got a petition together opposing any kind of land use law. Whatever happened to that petition? This should be put on a referendum and the people should be given a chance to vote whether they want this or not.

Supv. Keith responded the petition is in a file in storage. Further, there are some things you can put on a referendum and some things you can't. Voting on subdivision regulation will take place only after the regulations have been finalized and a public hearing is held.

Any Town subdivision regulation is redundant. The APA handles land use. In addition, enacting legislation will make the Town liable for legal fees to defend the law.

Coun. Smalley stated that APA and DEC deal with issues of the environment and do not involve the agencies with the apprehensions of Town residents. Once subdivision regulations are enacted, residents' concerns will be heard by the agencies. He added that the comments of all present have been noted and will be taken into consideration.

Coun. Berg said he was in favor of subdivision regulations but did not want zoning. He did not want anyone telling him what color to paint his house.

Supv. Keith asked those individuals in opposition to the regulations to be part of the Committee. Carol Lavigne and Ed Martin declined; Don Hamm agreed to attend the next Committee meeting.

COMMITTEE REPORTS

1. **CELEBRATION COMMITTEE.** Supv. Keith stated the Town would hold a History Celebration Day on Saturday July 26th at the Recreation Park. This will be in conjunction with the Cemetery Committee and will celebrate the Town's residents.

2. **RECREATION COMMITTEE.**

a. **SUMMER YOUTH PROGRAM** is going well, Supervisor Keith recounted. She read a letter received from William Sullivan, Director of Franklin County Youth Program who gave the program high marks.

b. **EQUIPMENT.** Coun. Berg reported:

A tetherball has been ordered;

the path has been mowed and will be maintained throughout the summer;

the electricity was repaired;

a sandbox will be installed;

Freedom Fence repaired the cyclone fencing.

c. **DONATIONS AND FUNDING.** Bottle collection is going very well.

TIMOTHY BURPOE, FRANKLIN COUNTY LEGISLATOR

Mr. Burpoe reported on developments at the County level:

1. **COUNTYWIDE ASSESSING STUDY.** Through grant funding obtained from NYS Office of Real Property Services, a survey was undertaken to determine the feasibility of either county-wide assessing or consolidated assessing.

2. **SNOW AND ICE CONTRACTS.** Municipalities in the County remove ice and snow from County roads. The town highway superintendents in Franklin County, especially in the southern end, have requested a higher reimbursement rate. A formula is currently being developed for the towns in the northern part of the county which do not experience the same amount of snow and ice as in the southern end.

3. **2009 FRANKLIN COUNTY BUDGET.** County department heads were asked to prioritize their purchases and staffing requests to the bare minimum and any expense that could be postponed was postponed. Unfortunately, even with this, county taxes will be higher in 2009. Most of the County's budget is for social services.

QUESTIONS FOR MR. BURPOE

Coun. Berg asked whether there were plans to include mass transit from the Town of Franklin to Saranac Lake and Malone.

Mr. Burpoe responded the Legislature is working on it. The new County Transportation head starts on Monday, July 21st.

Coun. Smalley inquired as to the sentiment in the County Legislature concerning county-wide assessment

Mr. Burpoe replied some legislators are in favor of it and some are opposed, especially in a few towns in the northern part of the county where the equalization rate is at 3%. Mr. Burpoe favors consolidation of assessing units.

Is there a spending freeze at the County? If so, glad to hear it.

Mr. Burpoe answered in the affirmative and indicated the County was endeavoring to collect money owed to it by contracting agencies, such as for oil changes, etc.

Why do we need a county and what do we get for our tax dollars from the county?

Some towns really do not need a county government, but we have one; and it provides social services, public defenders, landfill services, the jail and mass transit.

Is it possible for residents in the Town of Franklin to get grant funding for solar power for each residence or are there any established wind farms within the Adirondack Park.

Mr. Burpoe suggested Coun. Berg check with NYSERDA. There are existing wind farms inside the Park.

Supv. Keith thanked Mr. Burpoe for his update and for taking time to attend the meeting.

ACKNOWLEDGEMENT

Supv. Keith requested everyone admire the flower garden in front of the Town Hall. Zoe McCulley has been donating time, talent and flowering plants to the garden, and it looks better than it has in years, and is very pretty. Thank you to Zoe McCulley!

ADJOURNMENT

There being no further business to conduct the meeting adjourned at 8:35 pm.

Respectfully submitted, Sandra J. Oliver, Town Clerk

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