



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

Town Board Meeting Monday, June 16, 2008 - 7:00 pm

The Town of Franklin Town Board held its duly noticed regular Town Board Meeting on Monday, June 16, 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:

Deputy Highway Supt. James Perry
Town Clerk Sandra Oliver
Town Justice Roger Symonds
Shir Filler, Suzanne Snizek & Lorrie Rumble (Scholarship Committee) Paula and Karrysa Tuthill, Beth and Kristin Bordeau, Nelson Tamer and Mark Garrett of M.A. Jerry, Cliff Longtemps of Tracey Road Equipment, Robert Drosdowich, Paul Caputo, Jean Baltzly & Sandy Hayes

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.

AUDIT OF BILLS

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

General	Claims 97 - 122	\$6,166.85
Highway	Claims 58 -71	\$10,712.11

The following claims were presented for payment on Abstract #5:

Prepay General	Claims 22 - 27	\$1,879.63
The following claims were presented for payment on Abstract #2:		
Prepay Highway	Claim 2	\$20,275.00
Fire Protection	Claim 2	\$1,318.58
Prepay Highway	Claim 2	\$1,090.17

Motion to pay claims (J.Ordway-C.Smalley m/s/p) ALL AYE

MINUTES OF MEETINGS

The minutes of the May 19 regular board meeting were accepted as presented.

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

SUPERVISOR'S REPORT

Balances as at May 31, 2008

General Fund	CK	\$45,279.34
	SV	\$37,614.78
	CLASS	\$190,173.93
Highway Fund	CK	\$43,859.02
	SV	\$2,590.79
	CLASS	\$463,029.64
	Cap Proj Hwy	\$45,069.92
Landfill	CK	\$492.32
	CLASS	\$60,728.93
Fire	CK	\$13,445.84
	CLASS	\$2,773.48
Cap. Building	CLASS	\$169,687.30

Supv. Keith referenced the tracking of how the Town must transfer funds from CLASS, the high-interest accounts. To place funds into the CLASS accounts, it must first go to savings and then another transfer into CLASS. Funds for disbursements must be transferred from the CLASS account, into the savings account and then into checking.

Motion to accept Supervisor's Report (W.Kretser-A.Berg m/s/p) ALL AYE

SCHOLARSHIP AWARDS

Shir Filler, spokesperson for the "Town of Franklin Scholarship Committee", announced the names of six students awarded \$650 each and presented checks to Karyssa Tuthill and Kristin Bordeau. Congratulations for the scholarship recipients and enthusiastic applause was heard. Other recipients are April Davis, Amber Lonsday, Joshua Duke and James Marino. The Committee is not affiliated with town government and receives no funding from it. All donations are from private sources. Scholarships are awarded to applicants who carry at least 12 credits and maintain a B average.

OPEN BIDS FOR SURPLUS 2000 TANDEM

. No bids were received. Suggestions were made to readvertise in PROFILE, a monthly newsletter for Highway Superintendents.

Motion to readvertise in PROFILE (W.Kretser-C.Smalley m/s/p) ALL AYE

OPEN BIDS FOR 2009 TANDEM AXLE TRUCK

Requests for prices were advertised for 3 days each in the Albany Times-Union, Syracuse Post-Standard, Plattsburgh Press Republican and Adirondack Daily Enterprise, as follows: "REQUEST FOR BIDS:

PLEASE TAKE NOTICE that the Town of Franklin Town Board, 7 Cold Brook Rd, P O Box 209, Vermontville, NY 12989, hereby solicits SEALED BIDS for a 2009 TANDEM AXLE DUMP TRUCK WITH SNOW PLOW EQUIPMENT AND SANDER Bids must be addressed to TOWN CLERK, be accompanied by (1) terms for lease/purchase, and (2) non-collusive bidding certificate. Bids must be submitted in a sealed envelope. The item to be bid upon and the date and time for opening must be clearly written on the envelope front. Bids will be received until 6:00 pm on Monday, June 16, 2008 will be opened at 7:00 pm that same day, at the Town Hall, Vermontville, NY 12989. The Town Board reserves the right to reject any and all bids. Copies of the specifications and delivery locations are available from the Town Clerk at the Town Hall, Vermontville, NY (518) 891-2189. BY ORDER OF THE TOWN BOARD. Sandra J. Oliver, Town Clerk. Dated May 20, 2008." Three (3) bids were received, as follows:

Tracey Road Equipment		
6803 Manlius Center Rd.	\$168,580.00	2009 Sterling LT9511
E. Syracuse, NY 13057		

Champlain Peterbilt61 West Service Road
Champlain, NY 12919

\$166,274.00

2009 Peterbilt 367

M.A. Jerry4365 Route 22
Plattsburgh, NY 12901

\$163,875.00

2009 International 5600i

The Deputy Highway Superintendent and Highway Committee will closely review the bids received and bids will be awarded at a special board meeting to be held Monday, June 23, 2008 at 7:00 pm.

HIGHWAY REPORT

Deputy Highway Superintendent James Perry gave the following report regarding the Highway Dept.

1. CURRENT ACTIVITIES.**a. Brooming.**

- (1) Removed broom from New Holland tractor and placed it on the boom-flail mower.
- (2) Used this on Fletcher Farm Road from Norman Ridge intersection to Ed Baltzly's house
- (3) Used broom mower on Alder Brook Park Road

b. Garage Refurbishment. Excavated around garage in preparation for rehab of building.**c. Grading and Raking**

- (1) Part of Goldsmith Road
- (2) Part of French Road

d. Shoulder Work. Removed guard rails at Cold Brook and Keith Roads intersection, cut shoulder and reset guard rails.**e. Patching. Patched Cold Brook and Keith Road intersection.****f. Preparation for Paving**

- (1) Keith Road has been prepped for paving. The County has scheduled paving work for September 15-18.

g. Speed Limit Signs. New speed limit signs installed on Cold Brook Road, Fletcher Farm Road and Swinyer Road.**h. USDOT(1) Applied for and granted USDOT number.**

- (2) Applications for overweight permits to be completed and transmitted to USDOT this week.

i. Storm Emergency. During recent thunder and wind storm, entire department was working.**j. Revised Section 284 Agreement. This agreement has been revised and will be finalized and submitted to County. The busier roads in Town require attention: lower part of Fletcher Farm Road (near Route 3), portions of Cold Brook Road and the Keith Road.****HIGHWAY COMMITTEE**

1. Current Projects . Coun. Kretser stated Mr. Perry's report was very good and his stepping in to take a leadership role in the department during a difficult time was laudable and is most appreciated by the Town Board. In addition, the department seems to be working as a team and completing more work than before, even though the department is 2 employees short.

2. Elected Highway Superintendent Coun. Kretser commented that he hoped something would be resolved with respect to the elected highway superintendent as the Town is receiving no benefit from the salary being paid to him. Supv. Keith said she had telephoned the District Attorney's office yesterday and again this morning, but has had no response. Coun. Kretser indicated he had telephoned as well.

3. Teamsters Union. The employees of the Highway Department voted by majority to leave the Teamsters Union. Supv. Keith is researching different insurance plans. She stated this is a legal matter and protocols must be followed carefully.

OPEN BIDS FOR ELECTRICAL REPAIR AT HIGHWAY YARD

Two bids were received:

David Goff in sum of \$4,943.58 and
Greggor's in sum of \$3,403.25

The Codes Enforcement Officer will review the bids for comprehensiveness.

QUESTIONS AND COMMENTS RE HIGHWAY MATTERS

What specific charges have been made against the elected highway superintendent?

No charges have been made. The matter is under investigation, and the Board cannot comment, except to say it is in the hands of the District Attorney's office. How long will this investigation take? There is no way to estimate. The investigation is being performed under the aegis of the District Attorney. The Board, however, would like Mr. Rascoe to resign and desires restitution.

Congratulations on the work the highway department did on Cold Brook and Keith Roads. The work is excellent.

The Board thanked the Deputy Highway Superintendent for his report, for his leadership and report. Mr. Perry then left the meeting.

NEW BUSINESS

1. **AUDIT OF TOWN JUSTICE ACCOUNTS** In compliance with Office of NYS Comptroller guidelines, Town Justice Roger Symonds described the requirements and duties of his position as elected Town Justice. He invited the Board or its appointee to inspect his account books. From January 2007 to January 2008 the Court handled 633 cases and created \$48,327.00 in income. He mentioned that prior to 1984, the Town had 4 part-time town justices. By the 10th of each month he files his accounting with the NYS Comptroller enumerating violations, fines and surcharges collected. Any shortages must be made up by the Justice personally. This is Justice Symonds' 20th year in the position. Town justices handle matters involving vehicle and traffic, criminal, small claims, penal, environmental, dog complaints, landlord-tenant, tax matters concerning trucking, and in the absence of the Family Court Judge, domestic relations. He also performs marriages. Justice Symonds ensures that any person coming before the bench is to be treated with courtesy and in a professional manner. Although his courtroom is small, the public is invited to attend on Thursday evenings. Most of the cases he handles involve vehicle and traffic. Town justices are to apply the law uniformly, and Justice Symonds keeps the fines on the low side; it is important that people learn from their mistakes. Town Justices are not permitted to become a "profit center" for their municipalities. In order to serve as a local justice, an individual must want to serve his community, must be elected, and attend mandatory training in addition to several teleconferences for continuing education during the year. Supervisor Keith thanked Justice Symonds for his report and commented she did not see the need for anyone to be appointed as an auditor of his accounts, as she received his monthly reports and fees collected from NYS Comptroller.

2. WORKPLACE VIOLENCE POLICY. Tabled.

3. RESOLUTIONS RE GRANT APPLICATION TO EPF.

a. Authorization to submit grant application. Supervisor Keith read the following resolution authorizing submission of a grant application to EPF and requested a motion for same.

Motion for resolution (W.Kretser-J.Ordway m/s/p) ALL AYE

RESOLUTION NO. 34:

AUTHORIZE SUBMISSION OF GRANT APPLICATION

WHEREAS, the Town of Franklin has embarked upon a program to improve the infrastructure of its Kate Mountain Recreation Park; and

WHEREAS, the Town has prepared an application for grant funding to the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$1,000,000; NOW, THEREFORE,

BE IT RESOLVED, that Mary Ellen Keith, as Supervisor of the Town of Franklin, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$1,000,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Franklin for Kate Mountain Community and Recreation Center and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

THOSE VOTING AYE:

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

THOSE VOTING NAY:

None

b. Supporting Local Government Recreation Survey. Supv. Keith read the following resolution and requested a motion for same. Motion for resolution (C.Smalley-J.Ordway m/s/p) ALL AYE

RESOLUTION NO. 33: SUPPORT OF LOCAL RECREATION SURVEY

WHEREAS, the Town of Franklin wishes to submit an application to the State of New York, Office of Parks Recreation and Historic Preservation under the State's Environmental Protection Fund Program to develop the Kate Mountain Community and Recreation Center, and

WHEREAS, the Town of Franklin does not possess a local Comprehensive Plan or other formal or informal local planning documents of any kind for the purposes of complying with the request of the State in the EPF grant application for supplying this information, and

WHEREAS, the Town of Franklin recently conducted a comprehensive public facilities assessment as part of a demonstration program of the nationally piloted Green Communities Technology Program, funded through the US

Department of Agriculture, which recommended and cited the Kate Mountain Community and Recreation Center as a priority project of the Town; and

WHEREAS, the Town conducted a survey of residents of the Town which indicated that it is in the public interest for the Town to develop recreational services for its residents, and

WHEREAS, the Town is pursuing development of the Kate Mountain Community Recreation Center to meet the needs of the recreational, physical and health needs of the residents of the Town in response to increasing demand for this public service; NOW THEREFORE,

BE IT RESOLVED, that the Town of Franklin declares that the Kate Mountain Community and Recreation Center is consistent with the community and recreational planning goals of the Town of Franklin, its residents and taxpayers. The Town Board believes public and community support for the project exists so as to warrant actions to pursue grant funding for its development and completion.

THOSE VOTING AYE:

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

THOSE VOTING NAY:

None

OLD BUSINESS

1. INFRASTRUCTURE UPDATE.

TOWN GARAGE. This remains the first priority. The current design of the Garage is being re-evaluated. Less emphasis will be placed on "green" building materials and construction methods in order to reduce costs.

Essentials for the Garage:

The addition is important - Town now has more vehicles than in the 1980's and the vehicles are much larger. The side walls will be inspected closely to determine whether they need to be completely replaced. Doug and Bryan will speak with Don Hamm, Whiteface Construction, for details of the garage construction in 1981. Ventilation regulations for vehicle repair sites have been strengthened over the past three decades. Whatever system is installed must reheat outside air, which will increase costs. Tom Riley of Salem Engineering is reviewing the problem. The floor must be addressed Insulation is important The height of the building should be lowered Instead of the Garage becoming a "dry shop", Doug Ferris recommended installation of a holding tank which will allow evaporation of liquid. A sludge will form in the tank, which can be removed.

PROPOSED CONSTRUCTION AT KATE MOUNTAIN REC PARK

Architect will work on the Master Plan. Engineer to visit the Rec Park first week in June and begin preliminary site work by drilling holes to review septic options.

FRANKLIN TOWN HALL. TOWN COURT.

The Justice Court will be located in the Town Hall rather than at the Kate Mountain structure because revenue sharing funds were used to purchase the property and municipal business cannot be conducted in a recreation area. In addition, the NYS Parks & Recreation grant requirements preclude the funds from being used for other than recreational purposes.

This building will eventually be renovated, but not at the present time.

RECORDS ROOM

The contractor stated his original quote was not accurate. Because paper records are to be stored, the fire suppression system must use powder, not water, and the price of \$2,500 has increased to \$20,000. The heat pump he bid on will not work in the North Country. In addition, the electrical system needs to be relocated, and that work was not included in the contractor's original estimate. The Town Codes Enforcement Officer Ed Lagree stated he requires detailed engineering drawings of the electrical, fire suppression, dehumidifier, heating and air conditioning systems. He also stated the foundation of the building would require work. The additional cost of the fire suppression system, relocation of the electrical system and building foundation work required exceed the amount of the grant. The decision was made to amend the NYS Archives grant application to include 4 to 6 fireproof lateral file cabinets and not renovate.

TIMETABLE

Renovation work on the Garage will commence in October of this year.

2. **FIRE/RESCUE UPDATE** . Supervisor Keith and Coun. Berg attended a meeting of the Saranac Lake Area Fire Advisory Board on June 11. The Town has a contract for ambulance/rescue services only based on the Town's 20% share of ambulance/rescue costs. The Village was to have hired a full time Emergency Medical Technician by December 31, 2008. The Village has not done so, and Supv. Keith questioned whether the Village could bill the adjoining municipalities another \$25,000. The Fire Department is preparing a "paper petition" to separate fire and

rescue services in order that insurance companies may be billed for ambulance and rescue services. This will increase the revenue of the fire department and lower the cost to adjoining municipalities.

3. **SUBDIVISION UPDATE** . Coun. Smalley reported on the organizational meeting held June 9th of the "subdivision committee" which has changed its title to "Citizens Advisory Board". Workshops of this committee will be held on the first Monday of each month at the Franklin Town Hall in Vermontville. Meetings will be announced on the website and posted on the marquee outside; the public is invited to attend and observe. The nature of the committee is advisory only; it will make recommendations to the Town Board. The committee has a core document (the subject of the December 26, 2007 meeting) and several other source documents concerning subdivisions to draw on. He recounted the reason the Town is working on regulating large subdivisions - more than 5 lots. In December 2006 a large subdivision came before the APA for approval. Despite public outcry from residents of the Town, APA approved the subdivision. When asked why the subdivision was approved despite objections by Town residents, APA indicated it had no jurisdiction over refurbishment or replacement of existing shoreline structures and also because the Town of Franklin had no land use regulations at all. Coun. Smalley stated the Citizens Advisory Board on Subdivisions was not creating zoning or a comprehensive land use plan - it's purpose is to recommend to the Town proposed regulation of large subdivisions - baby steps. Coun. Kretser added that in the mid-1990's when the Town's Land Use Task Force mailed a survey to Town residents, of those responding 3 to 1 were in favor of some land use regulation. The Citizens Advisory Board is working on this, a set of guidelines.

4. **LANDFILL** .

a. **Sale of shack**. Coun. Berg indicated he had not had the opportunity to inspect the shack at the landfill for possible use as a storage facility at the Rec Park. Coun. Ordway interest had been expressed about purchasing the shack.

5. **ASSESSMENT MATTERS** . Assessor Doug Tichenor telephoned to report he had hired Bob Weigold, a Loon Lake resident, as a data collector for the 2008 assessment update.

COMMITTEE REPORTS

1. **CELEBRATION COMMITTEE**.. On June 14th, at the Franklin County Bicentennial parade the Town was represented by Supervisor Keith, Councilman Smalley and Historian Bradley Merrill. The Town had displaying copies of historic Town documents and sold "They Told Me So" booklets which contain articles of historical significance.

2. **CEMETERY COMMITTEE**.

a. **Franklin Falls Cemetery** Historian Bradley Merrill researched the history and deed documentation of the Franklin Falls Cemetery, and the matter is still unresolved as to whom the cemetery belongs, whether to the private Association or to the Town of St. Armand in which owns two-thirds of the land is situated. The Town of Franklin has groomed the entire cemetery for decades, although only one-third of the land is in the Town. The cemetery does not belong to the Town of Franklin, and at last month's meeting, Mr. Merrill reported that recently a tool shed was constructed on the site and stated that the private association's bank accounts and meetings terminated 20 years ago. Supv. Keith telephoned the NYS Cemetery Commission and has requested a meeting with St. Armand Supervisor Joyce Morency and Eric Fahl. If the cemetery is declared abandoned, then the adjoining Towns must take responsibility for its maintenance.

b. **RECREATION MATTERS**

a. The Town Board thanked Zoe McCulley who volunteered her time and expertise to groom the flower bed in front of the Town Hall. The garden looks lovely, and the Town appreciates her work.

b. Coun. Berg reported on the Recreation Committee:

(1) Donations of paint and garden chips have been received and acknowledged.

Cost estimates for backboards for the lower field are between \$5,000 and \$6,000. In lieu of that purchase, the Recreation Committee is researching moveable fences. Coun. Berg displayed a baby seat from the Rec Park swing set which does not meet safety requirements. The baby seat from the Town Hall swing set is more appropriate. The path behind the recreation field needs to be cleaned up. Perhaps a day could be set aside for town residents to help with this.

c. **Summer Youth Program**. Supv. Keith stated the summer youth program at the Kate Mountain Recreation Park will commence the Monday following July 4th weekend - on Monday July 7. Kathy Drake, who has administered the program in the past, will do so again this year, with the same two assistants as last year.

d. **Open Bids For Electrical Repair At Recreation Park** . Requests for prices on this repair work were published earlier this year without response. The requirements of the Town's Procurement Policy having been followed, telephone calls were made soliciting estimates. Thus far only one bid was received from David Goff in the amount of \$2,299.64.

CORRESPONDENCE

1. **DEPT. OF HEALTH**. On March 10th, a DOH inspector tested the water at the Franklin Town Hall. Supv. Keith received the results, this water is negative for e-coli.

2. **EMERGENCY SERVICES**. Correspondence notifying the Town was received acknowledging that Emergency Services in Malone has the capability to "mass notify" residents in municipalities of water restrictions, etc. The Town of Franklin is in this system, and if necessary, can utilize it. If, however, there is a cost overrun, the Town will be asked to reimburse Emergency Services.

3. **FRANKLIN COUNTY TREASURER.** The Town Clerk stated she had received notification from the County Treasurer that it had received half of a \$50,000 grant from NYS Office of Real Property Services to study the feasibility of countywide tax collection. A representative of Allen J. Tunnell, software vendor that designed the St. Lawrence County tax collection system, will be in contact. Clerk Oliver indicated her enthusiasm for compliance with a countywide tax collection system; provided, however, that service to taxpayers is not compromised.

QUESTIONS AND COMMENTS

Supv. Keith encouraged everyone to attend the public hearing on wood smoke ban at the Harrietstown Hall on June 26th. A question was raised as to how soon the data collection would commence for the 2009 assessment update, and Coun. Kretser responded he was hopeful that it would begin soon.

IMPORTANT DATES.

JUNE 19>: 10 am - Building Committee meeting with Engineer and Architect
3:30 pm - Food Pantry

JUNE 23: 7 pm - Special Board Meeting, Award bid for 2009 tandem.

JUNE 7: 9 am - Summer Youth Program at Rec Park 7 pm. Citizens Advisory Board on Subdivisions workshop.
Public welcome

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 9:39 pm. (M.Keith-J.Orday m/s/p) ALL AYE
Respectfully submitted, Sandra J. Oliver, Town Clerk

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