



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 Town Board Meeting August 12, 2009 - 7:00 PM

Board members present:

Supervisor Mary Ellen Keith
Councilman Al Berg
Councilman Clifford Smalley
Councilman Walt Kretser

Board members absent:

Councilperson Janet Ordway

Others Present:

Town Clerk Sandra Oliver Kathy Drake, Angela Ward, Daniel Drake, Mike Ward, Frances Oliver, Karen Smalley, Dick Jarvis, Brad Merrill, Don & Doris Hamm, Ed Baltzly, Derek Romeo, Art Willman, Nancy Bernstein, Rhonda Swinyer, Ed Martin, Bruce & Zoe McCulley, Brendan & Jean McCann, Paul Hamlein, James Keith, Shir Filler, Bruce Young, Vince Pagano, Karen Atkinson, Hugh Tyler, Alan Oliver, Mike Ward, Shawn Merrill, Nathan Brown - Adirondack Daily Enterprise

1. CALL TO ORDER

Supervisor Keith called the meeting to order at 7:00 pm. The Pledge of Allegiance was recited. The Town Clerk called the roll, introduced guests and stated a quorum was present.

2. BUDGET AMENDMENTS.

None

3. AUDIT OF CLAIMS

The following claims were submitted on Abstract #8 of 2009:

General	Claims 190 - 204	\$13,487.15
Highway	Claims 91 - 105	\$12,929.52
Prepay General	Claims 23 - 27	\$1,202.60

The following claims were submitted on Abstract #3 of 2009:

Landfill	Claim 4	\$503.75
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The following claims were submitted on Abstract #2 of 2009:

Capital Projects Building	Claim 4	\$10,723.15
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Coun. Smalley indicated there was an invoice from Geomatics for a road survey of Garden Road which required a new line be added to the General Fund budget, and Supv. Keith indicated she would inform the bookkeeper.

Motion to approve payment of claims (W.Kretser-A.Berg m/s/p) ALL AYE

4. SUPERVISOR'S REPORT

Balances at July 1, 2009:

General Fund	CK	\$4,227.43
	SV	\$1,811.33
	CLASS	\$176,910.35
	Historian	\$2,749.88
Highway Fund	CK	\$33,232.55
	SV	\$71,138.51
	CLASS	\$467,203.37
	Cap Proj Hwy	\$16,383.81
Landfill	CK	\$495.52
	CLASS	\$56,412.48
Fire	CK	\$3,533.43
	CLASS	\$685.29
Cap. Building	CLASS	\$24,642.43

The minutes of the July 8, regular, and July 15, 2009 special, board meetings were accepted as presented.
(C.Smalley-A.Berg m/s/p) ALL AYE

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

5. MINUTES

The minutes of the July 8, regular, and July 15, 2009 special, board meetings were accepted as presented.
(C.Smalley-A.Berg m/s/p) ALL AYE

6. SUMMER YOUTH PROGRAM REPORT

A. KATHY DRAKE.:Kathy Drake, Summer Youth Recreation Program Director, read the following report to the Board:

"August 12, 2009 Dear Board Members, Community Members and Friends:

I would like to report to you regarding the Summer Youth Recreation Program. This was my seventh year as the director and coordinator. I have enjoyed watching the children grow and develop over this time, including my own son and daughter. It has been a pleasure to get to know so many children and their families. I have developed friendships and a family that has blessed me beyond measure.

I have provided a flexible schedule each year with a variety of activities. Among the children's favorites are Carnival day, Egg Day, Baseball Day, a Bike Rodeo with Deb Kreider, and Field Day with Bill Peer. We also gave them the opportunity to participate in many contests such as Talent, Crazy Clothes, the Limbo and Chalk Art. There are always crafts available and various indoor activities when the weather doesn't cooperate. Most of all they love to just run around and play games such as Capture the Flag, Dodge Ball, Gold Rush, and Four-Square.

Even while all this fun is going on, I still promote safety, manners, courtesy, cooperation and sportsmanship. The children learn to get along and interact with all ages as they play and work together. This is something that I feel is very important in a society where virtues and family values are being forgotten. They are learning to accept each other and to respect them, as well.

Each year I have seen an increase in attendance. This year we had 104 children registered in the Program. Our average daily attendance was 42, which is a 35.4% increase over last year. Our largest age group, 34% of our attendance, was between the ages of 3 and 8. These are all children that could be attending for years to come.

Many people donated items as well as their time and I want to thank all of you for your generosity and support. It's impossible to name everyone, but our children all benefited because of you! This helped to keep costs down and it also shows the children that you are interested in their lives. Thank you, again! We all need to thank Mary Ellen, who has helped supply the lunches and drinks each day. This year she worked with Mike Kilroy [Saranac Lake Central School District] to have the school lunches provided for the children. Thank you, Mary Ellen! I also need to say a big thank you to Dan and Angie who worked beside me each day to ensure that the children were safe and happy. Thank you both!

This Program gives kids a place where they can come to have fun, make friends and stay out of trouble. They get a sense of community and belonging. Not only does the Program benefit the lives of children, but it also benefits the rest of the community. We are training up the next generation to be better citizens who show respect and compassion for others. We are also helping families that cannot afford child care all summer long. We are giving people a beautiful and safe place to come and enjoy themselves. I feel that we have given the Town of Franklin something to be proud of and I'm glad that I have been a part of it! It would be a shame to see this Program canceled! I hope that we can all pull together and do what is needed to keep the Program a vital part of our community.

In closing, I would like to express a concern. I feel that it would be helpful to add another paid assistant to the program. This year we were blessed to have some of our older children help out, but if they aren't here next year and our numbers keep going up as they have, we could be sacrificing safety. Lord willing, I do plan to return next year, and I feel it would be a benefit to have an extra pair of hands while serving lunch, doing crafts, applying band-aids, or just tying shoelaces.

Thank you for the opportunity to serve my community and to improve the lives of our children. I welcome your comments and your input. I will also be glad to answer any questions that you may have. Respectfully submitted, Kathy Drake"

B. ANGELA WARD.:Staff Member of the Summer Youth Recreation Program, read the following::

"To the Town Board and Community Members:

Hello, my name is Angela Ward. I'm 18 years old and live directly across from the park. Over the past 16 years living across from the park I have seen the wonderful transformation of the park. Witnessing everything from the construction of the playground and trail to improvements in the basketball court, baseball fields and pavilion. I recently had my high school graduation party here with two other friends. This park was the first place on our list and we weren't the only people who wanted to get the park! During this part my parents received several compliments about the parking including, [that] it was the ""best maintained part in a small town"" that they had ever seen.

Not only this but several times a week, any season of the year, I see people stop outside my house to capture the breathtaking view of the park. This park attracts people to not only stop in and visit but for them to become a resident of our wonderful town. I have heard my parents say several times over the years that the view of the park out of our window sold them our house. I couldn't imagine growing up and being without this beautiful park.

The summer program is something I have always associated with the park. I have participated in the program for several years with Bill Wilson, Megan Arnold, and for the past 7 years Kathy Drake. Not only have I been a participant in the program but for the past 3 years I have worked here. I have seen the inner workings of this program and what it means to the kids and parents. One girl came up to me the other day and told me that ""you know, people say that we don't have a lot around here, but if you think about it, we have a lot."" I looked at her and told her she was absolutely correct.

This program gives the kids a place to be. Instead of sitting at home being bored they can come to the park for a few hours and be with people who genuinely care for them. Kids have a chance to hang out with friends, play games and explore their creativity. We offer an array of games including Capture the Flag, Four Square and Dodgeball. We also have a theme for most days some of which include Egg Day, Winter in July, Picnic Day, various Water days and everyone's favorite - Carnival Day. All the kids look forward to coming to the program, and when they can't make it one day - we all hear about how much they missed it. It's great to see the kids so excited for something and always looking forward to coming to the program. Also we instill values in the kids, even if they don't know it. Sportsmanship, cooperation, safety and individuality are just to name a few.

It's not only good for the kids but also for the parents as well. Parents have a chance to leave their kids in a safe and caring environment. They have the chance to go and run errands, clean the house or just have a few hours to themselves. Also the program is free so parents who work don't have to pay for summer day care. I know that when my siblings and I were younger my parents loved the program, knowing that we were safe and active.

Losing this program would be devastating to the kids and parents. But the loss of this program would also be devastating to me as well. I wake up eager to come to work and see all the kids, even on those days of torrential rain and whipping winds. I can honestly say that I love my job. I love these kids, they are the great kids to work with and are always cooperative and ready for fun. If I had to make the decision to work at the Town of Franklin Park Program, I would do it again in a heartbeat. I want to thank all who make this possible including all the parents for their donations and help. The kids for being so great and always eager to help and play. Kathy, for all that she does to make this program run smoothly and making it as fun as possible. And most of all, Mary Ellen for all that she does for these kids. I don't know if she knows how much not only the kids appreciate all that she does, but how much I personally appreciate all that she does. Thank you for time and for giving me the chance to voice my opinion, it means a lot to me!

Sincerley,
Angela Ward"

C. PAUL HAMLEIN - VIDEO.: Staff Member of the Summer Youth Recreation Program, read the following.:

A brief video was then shown depicting the children in the Summer Youth Recreation Program. Some children in the video stated how they enjoyed the program.

D. JAY ANNIS, CAN-AM RUGBY TOURNAMENT.

At the invitation of the Recreation Committee (Councilman Al Berg, Alan Oliver and Hugh Tyler), Jay Annis, principal of Spencer Boat Works, described the growing Can Am Rugby Tournament. Each year the tournament utilizes about 11 fields, and the Kate Mountain Recreation Park, if prepared properly, could be used for this purpose. The Tournament requires two side-by-side fields on a flat surface, with adequate parking areas. The Tournament provides its own sanitation facilities, insurance and pays a day-use fee to use fields. Having inspected the area beyond the softball field, Mr. Annis opined the Recreation Park could be used for these purposes. Rugby players as well as the Tournament vendors, make use of local businesses, buy sandwiches and refreshments, require campgrounds, etc. If the Town opts to prepare rugby fields, the fields could also be used for other tournaments like soccer, Frisbee and touch football.

Coun. Berg commented that a rugby tournament would pay about \$1,000 for field use.

E. RECREATION MATTERS QUESTIONS AND COMMENTS.

Q/C My child participates in the Summer Program and enjoys it. I think this program should continue and that it is worthwhile.

Q/C I have two kids, aged 8 and 12, and they both enjoy the program.

C So happy this program is available.

Q Is there a concern that the Summer Program will not continue in 2010?

A Supv. Keith replied this Town Board is committed to the Summer Recreation Program and have always funded it in the yearly budget process and the Board will do what it can to assure continuation of the Program.

Q/C Will there be an effort to close this program?

A Supv. Keith answered that she does not want to close it down, but that people need to understand how necessary the program is - that these children are the future of the Town. Some attendees at budget hearings have expressed dissatisfaction with monies being spent on anything having to do with the Kate Mountain Recreation Park. Wages, including those of the Town Custodian and Youth Program staff, are funded by taxpayers. Everything but salaries is funded through donations and money from bottle deposit returns. A shed is situated at the rear of the Town Hall for this purpose. Glenn Swinyer, the Town Custodian, does a masterful job of maintaining the grounds and pavilion, and Supv. Keith expressed her gratitude to Mr. Swinyer for his dedication and good work. The Park is used all year long, especially in the nicer weather. People reserve the pavilion for private parties and gatherings, and there is no charge. The Park is an asset to the Town. Each Wednesday night a softball league uses the field for practice and on August 15th, a girls' soccer tournament will be held. During the winter, a skating rink is created (weather providing) and cross-country ski trails are available. She added that Town taxpayers only pay for the salaries of the employees and craft items, not the food, which is supplied by the Food Pantry and volunteers. The children are fed from paper plates and cups and if any permanent pots or dishes are utilized, volunteers take them home to wash them. The children and any other individuals taking advantage of the site, must use a portable toilet.

Although there are budgetary constraints, Supervisor Keith would like to see a permanent enclosed building to shelter people during inclement weather. The Summer Youth Recreation Program should have a Dept. of Health-approved kitchen. This year, any food prepared by volunteers has been prepared in the Birch Bark Deli kitchen which meets NYS DOH standards. The Park is an asset to the Town and well worth any money spent on it.

She continued, that the Recreation Committee has recoated the basketball court and has plans to construct a volleyball court.

The summer program is such a success and so well run, perhaps the Town could contract with other municipalities to run their programs.

A Kathy Drake added she'd be happy to run a "winter" recreation program for children.

A Coun. Kretser stated the Town Board has always supported the summer youth program and that it is a tremendous asset because it is a good programs.

Q/C I've not heard any rumors that the program would not be funded. It's a good one.

Supv. Keith thanked everyone involved in the Summer Youth Recreation Program for their time and talent.

7. HIGHWAY REPORT

A. SUPERINTENDENT'S REPORT. Highway Supt. DeMars submitted the following written report covering July 9 - August 11, read by Councilman Kretser:

Cut out and patched a section of a driveway accidentally hooked while Dept. cut the shoulder on one of the roads

Removed boulder on Swinyer Road; will blacktop when site does not settle further

2 employees loaned to Town of Saranac in return for use of Saranac's grader

3 loads of metal sold to scrap yard from Norman Ridge site; proceeds of sale deposited in Town accounts by Supervisor Keith.

Patched large holes behind Town Hall

Shoulders cut on Sinkhole Road.

Borrowed St. Armand loader while ours was out of order. Our loader now repaired.

Raked and rolled Blue Spruce Drive, Garden Road, Thatcherville Road to steel deck bridge, Mensink, French, Goldsmith and Merrill Roads. Yemasee Lodge Road raked.

Mowed Cold Brook, Norman Ridge, Keith, Tyler, Muzzy, Plank and Paye Roads and Roseman Lane.

New Holland broom removed for repair

Prep work performed on Cold Brook Road, and the Gorman Group reclaimed section of this road.

Preparing for budget workshops

Maintenance, gas and fuel logs submitted to Highway Committee.

So far the Department has cut shoulders on 21 centerline miles of road. From a total of 68.19 miles, this equals 31% of all town roads

B. HIGHWAY COMMITTEE.

Coun. Kretser stated the reclamation work was done very well.

C. QUESTIONS AND COMMENTS RE HIGHWAY.

None.

8. NEW BUSINESS

A. ETHICS COMMITTEE

Supv. Keith reported that Lauren LeFebvre, whose term expires on September 30, 2009, does not wish to continue as a member of this committee. She requested any Town resident interested in being appointed to the Ethics Committee to write a letter addressed to the Town Clerk.

9. OLD BUSINESS

A. SUBDIVISION UPDATE.

1. Enactment of Law Coun. Smalley reported that the Citizens Advisory Committee on Subdivisions at its most recent meeting, decided it required more time to review public hearing comments on the proposed law. He requested a special board meeting be scheduled, and the Board agreed to hold same on Wednesday, August 26, 2009. The Clerk will publish notice.

2. RESPONSE TO PETITION REQUESTING REFERENDUM ON SUBDIVISION LAW. Coun. Smalley read into the record the response of James E. Maher, Esq., attorney to the Town:

"James E. Maher

Attorney at Law

81 Main St., P O Box 627

Saranac lake, NY 12983
July 29, 2009

Town of Franklin
Mary Ellen Keith, Town Supervisor
P O Box 209, Vermontville, NY 12989

Re: Question concerning request for a referendum on subdivision regulations

Dear Mary Ellen:

You have asked for my opinion concerning petitions submitted to the Town Board on July 27, 2009 which request the Town Board to hold a public referendum on the question of whether the Town should enact subdivision regulations. Accompanying the petitions is a letter to the Board dated July 27, 2009 from Mr. Don Hamm which states that the referendum request is based on the section of Town Law described in the petition heading, i.e, Section 81(1)(d).

Regardless of Town Law Section 81(1)(d), and as in the letter I wrote to the Board on September 18, 2008, it continues to be my opinion that the Town cannot conduct an advisory referendum on whether to enact subdivision regulations. To do so would be illegal and an improper expenditure of Town funds. As stated in an opinion of the New York State Comptroller, 1978 Op. St. Compt. #913, 'A referendum which is not specifically required or permitted by statute is illegal.'

Town Law Section 81 states specific instances in which a town board must hold a referendum on a question or proposition if a petition to the board so requests (and is signed by the required number of persons). These include such specific items as whether to erect a monument to commemorate a person or event; to establish an airport or a public park; and to dredge a waterway.

Section 81(1)(d) cited by the petitions which have been presented to the Town Board states that one of the items is 'To vote upon or determine any question, proposition or resolution which may lawfully be submitted, pursuant to this chapter [the Town Law] or any general or special law' (emphasis added).

Town Law Section 81 is not the only section of law that authorizes a referendum on petition. For instance, the Local Financial Law requires a referendum on petition concerning certain types of municipal borrowing. Section 24 of the Municipal Home Rule Law authorizes a referendum by petition on a proposed local law if the law does certain things, none of which include or pertain the enactment of zoning or subdivision regulations.

I enclose a copy of NYS Comptroller's Opinion #91-41, which specifically states that Section 81(1)(d) [which was labeled 'e' in 1991] 'only applies if submission of a proposition to the electorate is specifically authorized by some other law,' citing the case of *Greene v Town Board of the Town of Warrensburg*, 90 AD 2d 916.

There is no law in New York State that authorizes or requires a referendum to be held before subdivision regulations may be enacted, and therefore Town Law Section 81(1)(d) is inapplicable and does not authorize such a referendum. The Town Law is very specific in providing a procedure for enacting such regulations: a duly noticed public hearing being held by the Town Board.

Again, in New York State it is not legal for a town to hold an advisory referendum. As stated by the New York State Comptroller in several opinions, It has been consistently held in this State that a municipality may not submit a question to a referendum, either advisory or binding, in the absence of express statutory authority. Based upon these cases, we have stated that referenda which are neither authorized nor required by statute are improper and without effect and that municipal monies may not be expended for such purposes. (emphasis added)

Please let me know if you and/or the Board have any further questions about this issue. I am copying this letter to the Board members and ask that you provide them with copies. Yours very truly,

James E. Maher"
ENCLOSURE:

OPINIONS OF THE STATE COMPTROLLER - OPN NO. 91-41 REFERENDUM - Tax Limitation (authority by petition to compel referendum)

TOWN LAW §81: Town electors may not, by petition, compel the town board to hold a referendum on a proposition to impose a limit on the amount by which real property taxes may be annually increased.

You ask whether, pursuant to Town Law §81, town electors may, by petition, compel the town board to hold a referendum on a proposition to impose a limit on the amount by which real property taxes may be increased from year to year.

It is well established that a municipality may not submit a proposition to referendum unless expressly authorized or required by State statute (see, e.g., *McCabe v Voorhis*, 243 NY 401; 1990 Opns St Comp No. 90-64a, p 164; 1988 Opns St Comp No 88-70, p 137). Town Law §81 lists several specific questions which may, upon town board motion, and shall, upon petition, be submitted to referendum. The imposition of a limitation on real property tax increases is not one of the specific listed questions in Town Law §81.

Further, although Town Law §81(1)(e) authorizes a petition to require a referendum on a proposition '[T]o vote upon or determine any question . . . which may lawfully be submitted, pursuant to Town Law] or any general or special law', it has been held that this language only applies if submission of a proposition to the electorate is specifically authorized by some other law (*Greene v Town Board of the Town of Warrensburg*, 90 AD2d 916, 456 YS2d 873, app den58 NY2d 604, 459 NYS2d 1027). Therefore, inasmuch as there is no other State statute which authorizes or requires the submission to referendum of a proposition to impose a limit on

the amount of annual tax increases, section 81(1)(e) does not provide authority for a petition to require a referendum on that question.

Accordingly, it is our opinion that town electors may not, by petition, compel the town board to hold a referendum on a proposition to impose a limit on the amount by which real property taxes may be annually increased.

October 10, 1991

Alan M. Simon, Esq., Town Attorney, Town of Ramapo."

B. INFRASTRUCTURE UPDATE.

1. Proposed Grant Applications. Ann Holland's monthly report was received. It recommended a resolution authorizing application for a grant, but the grant requires matching funds. Coun. Kretser indicated the Town should not adopt such a resolution but that it should continue to search for fully funded grants. When asked if any stimulus funds were available, the Town Clerk reported she and Supv. Keith had attended the APA Local Government Conference and spoke with Assistant Secretary to the Governor, Anthony Giardina about stimulus funding. Mr. Giardina indicated most of the stimulus funding would be going to large projects, highways, bridges, tunnels, etc., and that although there was grant funding available, it would take the shape of low-cost loans or matching funds grants.

2. Petition Demanding Referendum on Garage Bond. At approximately 1:00 pm on Monday, August 10, 2009 the Town was served with a petition demanding a permissive referendum on the \$532,000 bond to fund the Garage rehabilitation and repair. Supv. Keith wondered aloud how the issues presented in the petitions were explained to the public for signature.

Coun. Smalley stated town residents should not be put through another referendum, and Coun. Kretser stated that the repairs will be made one way or another. The repairs will be effected on a piece by piece basis. Supv. Keith indicated the Town would use the grant for two new furnaces before the end of the year and then recommended repealing the resolution to bond. The Board concurred, and she affirmed the attorney for the Town had prepared, and read the resolution revoking the resolution into the record.

Motion for resolution (W.Kretser-C.Smalley m/s/p) ALL AYE

RESOLUTION NO. 30: RESOLUTION PURSUANT TO LOCAL FINANCE LAW SECTION 41.00(a) (1) REPEALING AND REVOKING RESOLUTION NO. 29 OF 2009 OF THE TOWN BOARD OF THE TOWN OF FRANKLIN. WHEREAS, on July 15, 2009 the Town Board of the Town of Franklin, pursuant to the pertinent provisions of the Local Finance Law of the State of New York adopted Resolution No. 29 (hereinafter the "bonding resolution") authorizing the reconstruction, repair and renovation of the Town's Highway Garage at an estimated maximum cost of \$532,000, appropriating said amount therefor and authorizing the issuance of up to \$532,000 of bond anticipation notes and serial bonds of the Town to pay the cost of the project, which bonding resolution was adopted subject to a permissive referendum; and

WHEREAS, on August 10, 2009, the Town Clerk of the Town of Franklin was served with a petition of town electors requesting a referendum vote on the matter of said bonding resolution; and

WHEREAS, Section 41.00(a)(1) of the Local Finance Law provides that the Town Board may at any time by resolution repeal or revoke a resolution theretofore adopted authorizing the issuance of financial obligations of the Town; and

WHEREAS, in consideration of the receipt of said petition and to avoid the necessity of holding a referendum on said bonding resolution, the Town Board has determined to repeal or revoke the bonding resolution in its entirety.

NOW, THEREFORE, BE IT RESOLVED, pursuant to local Finance Law Section 41.00(a)(1) that the said bonding resolution adopted by the Town Board on July 15, 2009, Resolution No. 29 of 2009, is hereby repealed and revoked and shall be of no further effect, and the Town Board is not authorized to issue any financial obligations of the town pursuant to said bonding resolution; and BE IT

FURTHER RESOLVED, that in view of the fact that Local Finance Law Section 35.00 states that it is a bonding resolution that is subject to a permissive referendum, and the effect of this resolution is to repeal and revoke the July 15, 2009 bonding resolution, the petition for permissive referendum received by the Town on August 10, 2009 is declared to be moot, and the Town Board will take no action thereon; and BE IT

FURTHER RESOLVED, that this resolution applies only to the bonding resolution adopted on July 15, 2009 and shall not be deemed to prohibit this Town Board or any future Town Board from enacting a bonding resolution in the future for the purpose or purposes described in Resolution No. 29, subject to all applicable requirements of the Local Finance law, including requirements for public notice and permissive referendums.

Those voting aye:

Supervisor Mary Ellen Keith
Councilman Walt Kretser
Councilman Al Berg
Councilman Cliff Smalley

Those Absent:

Councilperson Janet Ordway

Those Abstaining:

None

Those Voting nay:

None

C. FIRE/RESCUE UPDATE

A meeting of the Saranac Lake Fire Advisory Board has been scheduled. Supv. Keith and Coun. Berg have received email updates from Harrietstown Supervisor Larry Miller.

10. COMMITTEE REPORTS

A. CEMETERY COMMITTEE

(1) Franklin Falls Cemetery. Supv. Keith clarified news reports of problems with the Franklin Falls Cemetery, half of which is situated in the Town of Franklin and half in the Town of St. Armand. The Franklin Falls Cemetery was maintained in the past by a private cemetery association. When the association unofficially disbanded, the Town of Franklin assumed primary responsibility for its maintenance, however, no burial certificates were ever filed with the Town of Franklin, and its cemetery custodian was never contacted about interments. Several years ago, the Town of Franklin determined it did not own the cemetery and therefore ceased maintenance of it. Mr. Monroe Gladd, a private individual, asserted he would maintain the cemetery. Mr. Gladd has in the past requested funds from the Town of Franklin as payment for his services, but was rebuffed.

(2) Town Memories Day - August 19th at the Town Hall. All are invited to view the historic photos and birth, marriage and death indices. The Town Clerk will do free genealogical research, and there will a raffle and snacks. Any funds received will benefit the restoration of the Union and Merrillsville Cemeteries.

11. CORRESPONDENCE

. Supervisor Keith stated she had received notification that the AMC Mobile Dental Clinic would make its first appearance at the Town Hall on Thursday and Friday, August 27 and 28, 2009. An announcement would be made in the media, and the Town will distribute flyers.

12. QUESTIONS AND COMMENTS

Q/C That petition requesting a referendum on the subdivision was signed by a sizable number of people. Given that two current Town Board members are not seeking re-election and a new board will be elected, why not postpone implementation of this law until the new board can review it and vote on it?

Q/C This process of getting some kind of land use control in the town has been going on for years, and it's taken a year to get the proposed law ready. I say it's been long enough. The Board should move to enact this.

Q/C You should open this up to the public and put it on the November ballot. Let the people vote on it. According to the Attorney General, it can be put on the ballot.

Q/C It's clear what people don't want.

A: Coun. Berg responded that 150 or so people signed each petition, the first in the fall of 2008 and the second in July 2009. That means 1,000 of the voters in the Town did not sign.

Coun. Smalley added that according to the March 2009 survey on subdivisions, more people responded favorably than not.

5. ADJOURNMENT.

There being no further business to conduct, the meeting adjourned at 8:31PM. (M.Keith-W.Kretser m/s/p) ALL AYE
Respectfully submitted, Sandra J. Oliver, Town Clerk

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