



# The Town of Franklin

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[Home](#)
[Officials & Contact  
Info](#)
[Town Clerk/Tax Collector](#)
[Board Meetings](#)
[Town Budget](#)
[Laws & Forms](#)
[Newsletter](#)
[Public Notices & Bid Info](#)
[History, Photos & Maps](#)
[Property Assessments](#)
[Energy](#)
[Events, Recreation & Kate Mtn  
Park](#)
[Area  
Businesses](#)
[Town Journals](#)
[Emergency Preparedness](#)

[Menu](#)

## Town of Franklin Board Meetings

**Regular Board Meeting  
May 11, 2009 - 7:00 pm**

### Board members Present:

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

### Others Present:

Town Clerk Sandra Oliver, Donald Goff, Paul Ward, Jean Baltzly, Brad Merrill, Ed Martin, Tim Santos, Vince Pagano, Dave Whitson, Derek Romeo. Highway Supt. Jacques DeMars (late arrival).

### 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 the full board was present.

### 2. MINUTES.

The minutes of the April 13, 2009 board meeting were amended as follows:

### 3. CORRESPONDENCE

A. ADIRONDACK PARK AGENCY sent municipalities a list of properties to be reclassified; one is in the Town of Franklin and will be transferred from the NYS Dept. of Transportation to NYS DEC, on State Route 3, however, the site will still be owned by DOT. (change per 05-11-09 meeting)

### 4. QUESTIONS AND COMMENTS

Q: Engineer does not come under bid laws, but excavating does.

A. A contract has been signed with the engineer, and he is administering this project; if requests for prices must be advertised, the engineer will do so. (change per 05-11-09 meeting).

Motion to accept April 13, 2009 minute as amended (J.Ordway-C.Smalley m/s/p) ALL AYE

## 5. BUDGET AMENDMENT

2009 General Fund Budget Amendment No. 1 was adopted. Motion for resolution (J.Ordway-W.Kretser m/s/p) ALL AYE

### RESOLUTION NO. 16: 2009 GENERAL FUND BUDGET AMENDMENT NO. 1

WHEREAS, to balance the 2009 General Fund Budget the following transfers of funds are to be made:

FROM ACCOUNT	AMOUNT	TO ACCOUNT	AMOUNT
A1990.4 Contingent	\$3,500.00	A1010.4 Town Bd CE	\$1,000.00
		A1450.4 Elections CE	\$1,000.00
		A1930.4 Judgments & Claims	\$1,500.00

Those voting aye:

Supervisor Mary Ellen Keith  
Councilman Walt Kretser  
Councilman Al Berg  
Councilperson Janet Ordway  
Councilman Cliff Smalley

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

None

## 6. AUDIT OF CLAIMS

### The following claims were submitted on Abstract #5 of 2009:

General	Claims 112 - 137	\$17,674.71
Highway	Claims 59 - 74	\$8,493.77
Prepay General	Claims 15 - 17	\$1,298.10

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

## 7. SUPERVISOR'S REPORT

Balances at April 1, 2009:

<b>General Fund</b>	CK	\$20,329.26
	SV	\$2,804.98
	CLASS	\$226,790.15
<b>Highway Fund</b>	Historian	\$2,747.95
	CK	\$2,536.41
	SV	\$102,446.81
	CLASS	\$466,908.72
<b>Landfill</b>	Cap Proj Hwy	\$16,373.67
	CK	\$968.20
	CLASS	\$56,377.00
<b>Fire</b>	CK	\$18,033.73
	CLASS	\$685.28
<b>Cap. Building</b>	CLASS	\$24,626.77

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

## 8. HIGHWAY REPORT

### A. Hwy. Supt. DeMars could not be present; however, he submitted the following written report, read by Coun. Kretser:

a. Toured all roads in the Town of Franklin with the Franklin County Highway Dept. It was determined that a 1 mile section of Cold Brook Road was most in need of paving, as it had not been worked on in over 10 years ago. Therefore, ditching and patching culverts will be done on Fletcher Farm Road this year.

b. The tractor has been repaired

- c. Cleaned the culvert at the Baltzly property on Fletcher Farm Road.
- d. Weight signs removed from roads
- e. PESH performed a follow-up inspection
- f. All roads have been broomed
- g. Alder Brook Road graded as was Goldsmith Road.
- h. New Agreement with Property Owners. Supt. DeMars drafted a proposed agreement between property owners who request fill in which the property owner indemnifies the Town. The Board will review the draft agreement and will revise or adopt it at the May 18, 2009 special meeting. Copies will be available at the Town Garage and in the Town Clerk's office.
- i. Lots of maintenance has been performed on equipment.
- j. The department is now filling out daily vehicle, mileage and fuel logs
- k. Locks have been changed at the Garage as a result of missing equipment. Coun. Ordway is suggesting purchase and installation of security cameras. Coun. Kretser stated a camera security system could be purchased for \$1,000 or less. As Town Barn Lane is one of the Town roads supported by CHPS funds, the installation of a metal gate would not be feasible.
- l. 284 Agreement to Spend Highway Funds. CHPS funding will be \$128,208, which is \$66 less than anticipated. The funds will be used to repave the estimated one mile of Cold Brook Road (from the iron bridge and heading east), depending on the price of asphalt. Supv. Keith requested a motion for a resolution accepting the 284 agreement and authorizing the Highway Superintendent to execute same.

Motion for resolution (C.Smalley-A.Berg m/s/p) ALL AYE

**RESOLUTION NO. 17: ACCEPT SECTION 284 AGREEMENT FOR 2009 CONCERNING CAPITAL ROAD IMPROVEMENTS**

WHEREAS, the Highway Superintendent having consulted with the Highway Committee submitted his recommendations for capital road improvements for 2009 and the Town Board having agreed with same; NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Franklin hereby accepts the 284 agreement, as proposed by the Highway Superintendent; and BE IT

FURTHER RESOLVED, that approximately one mile of Cold Brook Road is to be paved; and BE IT

FURTHER RESOLVED, the Highway Superintendent is authorized to execute said agreement; and BE IT

FURTHER RESOLVED, the Town Clerk is directed to transmit same to the Superintendent of Highways of Franklin County.

Those voting aye:

Supervisor Mary Ellen Keith  
 Councilman Walt Kretser  
 Councilman Al Berg  
 Councilperson Janet Ordway  
 Councilman Cliff Smalley

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

None

m. Three-Year Plan for Road Improvements. A three-year plan for road improvements will be discussed by the Highway Superintendent and Highway Committee members next week.

n. Roadside Cleanup. During the month of May waste disposal fees are reduced for roadside trash. If residents will clean up trash on their roads, deposit refuse in trash bags and leave on the side of the road, the Highway Dept. will pick up the trash bags left alongside the roads. In addition, on Saturday, May 23rd, a truck will be stationed behind the Town Hall for additional trash deposits. No tires or appliances, please!

o. Norman Ridge Illegal Dumping. Supervisor Keith, Councilperson Ordway and Engineer Doug Ferris (Earth Science Engineering) met with NYS DEC official Brian Hyuck. The Town was served with a \$10,000 Consent Order by NYS DEC because of the illegal dumping by the Highway Dept. at a site on Norman Ridge Road. As the Town contracted with ESE to manage the illegal dumping and Consent Order, all requirements of DEC have been met. To that end the Consent Order was first reduced to \$5,000 and is now \$2,500 because the Town is adhering to the NYS DEC timetable, the fine was reduced. Although Engineer Ferris has in the past negotiated large-sum consent orders served on other communities as low as \$250, because of New York State's fiscal crisis, no fines are being negotiated lower. Coun. Smalley noted that the Consent Order's language holds the rest of the original \$10,000 fine in abeyance if the Town does not fully comply with the timetable. Supv. Keith requested a motion for a resolution accepting the terms of the Consent Order and authorization to pay the \$2,500 before the May 15th deadline.

Motion for resolution (J.Ordway-C.Smalley m/s/p) ALL AYE

**RESOLUTION NO. 18: ACCEPT TERMS OF NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSENT ORDER RE ILLEGAL DUMPING AT NORMAN RIDGE RD. SITE AND AUTHORIZE PAYMENT**

WHEREAS, in July 2008, the Town Highway Department illegally deposited waste materials at a closed landfill located on Norman Ridge Road; and

WHEREAS, NYS Dept. of Environmental Conservation was alerted to this fact and found the Town of Franklin responsible for the illegal disposal of materials at the site and subsequently served the Town with a Consent Order in the amount of \$10,000; and

WHEREAS, the Town contracted with the engineers Earth Science Engineering to administer soils testing at the site and develop a DEC-acceptable timetable for cleaning up the site; and

WHEREAS, the amount to be paid by the Town pursuant to the terms of the Consent Order was reduced to \$2,500; NOW, THEREFORE,

BE IT RESOLVED, that the Town Board of the Town of Franklin hereby accepts the terms of the Consent Order; and BE IT

FURTHER RESOLVED, that the Supervisor is authorized to execute such Consent Order and remit the sum of \$2,500 to the Commissioner of NYS DEC.

Those voting aye:

Supervisor Mary Ellen Keith  
Councilman Walt Kretser  
Councilman Al Berg  
Councilperson Janet Ordway  
Councilman Cliff Smalley

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

None

**B. HIGHWAY COMMITTEE.** Coun. Ordway stated Supt. DeMars had filed a report with NY State Troopers regarding the missing inventory item, a paint sprayer. The disappearance occurred while Supt. DeMars was on vacation and resulted in all door locks at the Garage being changed as well as another inventory of all items in the Garage.

**C. QUESTIONS AND COMMENTS RE HIGHWAY MATTERS**

Q: The fine is only part of the cost of the illegal dumping at Norman Ridge. How much will it cost to clean it up?

The cost of cleanup has yet to be estimated.

Q: Will the cleanup be bidded out?

Supv. Keith replied that the Engineer was administering the project, and will publish requests for prices if necessary.

Q: What fund will the cost of cleanup come from?

The cost will be paid from the Garage account in the General Fund.

Q: Who did the dumping?

Supv. Keith responded no one was named. However, the dumping was done and the Town Board is dealing with it.

Q: You say you're going to pave one mile of Cold Brook Rd. with \$128,208 in CHPS funds. Is that definite?

We'll pave as much of the road as we can until the money is spent. We still don't know what the price of asphalt will be.

Q: How much did the April 21st permissive referendum cost?

\$1,000.

Q: This new agreement between Highway Dept. and property owners regarding fill, does that place the liability on the homeowner?

Yes. Coun. Kretser stated Supt. DeMars discovered that a municipality was held liable by NYS DEC because it had supplied fill to a property owner who placed the fill in a wetland area. No one wants that to occur in the Town of Franklin.

**9. NEW BUSINESS**

**1: TOWN JUSTICE** The Town Justice has requested an independent connection to the internet. He will research cost. The Board agreed.

**2. RESCHEDULE JUNE BOARD MEETING.** The Monday June 8 regular board meeting was rescheduled to Wednesday, June 10. On June 8th, a free rabies clinic will be held at the Town Hall starting at 6:30, and the Board

agreed it was less trouble to reschedule the board meeting than the free rabies clinic.

## 10. OLD BUSINESS

### A. SUBDIVISION REGULATIONS UPDATE.

a. **Coun. Smalley reported the draft law will be reviewed by special legal counsel and then will go through the SEQR process.** He requested a special board meeting be dedicated to this matter scheduled for Monday, May 18th at 7:00 PM. Following legal review, the draft regulations will be made available to the public in adequate time for review prior to the public hearing. Coun. Berg asked whether the proposed regulations would affect hamlets, and Coun. Smalley responded that Adirondack Park Agency regulations do not apply to hamlets, and in fact 38 subdivisions have been created in hamlets in the Town of Franklin since APA regulations were instituted. The proposed subdivision regulations would cover major subdivision development in these hamlets.

### b. QUESTIONS AND COMMENTS RE SUBDIVISIONS:

Q: Are there any exceptions for hamlets like Loon Lake which has a watershed?

Coun. Smalley replied he was not sure, that it depended on what expert legal counsel would opine. Both APA and DEC. DEC covers wetlands.

Q: There is a potential for development in Loon Lake, with the golf course.

Coun. Kretser commented many state agencies can be involved, including the Dept. of Health.

Q: Is there any developable land remaining in the hamlets?

Coun. Berg replied the Loon Lake golf course would be developable.

Q: What is the expert legal counsel charging?

Coun. Smalley answered the fee would be \$1,900.

Q: Will town residents have an opportunity to vote on these regulations?

Coun. Smalley responded the Town Board, following a public hearing, will vote whether to adopt the regulations.

Q: Where does the hamlet of Vermontville begin and end? The boundaries seem to be shrinking.

Coun. Berg commented the hamlet does seem to get smaller, although it can also be enlarged.

Coun. Kretser noted there is a procedure for review of hamlet boundaries which can be negotiated with APA. It is a lengthy process but boundaries of hamlets have been changed.

### B. ASSESSMENT MATTERS.

1. **2009-10 Revaluation.** Briggs Appraisal per prepaid contract with Town of Franklin hired data collectors. They will begin reviewing property record cards to update the Town's data. They will have identification badges and if property owners do not want them to enter their property, the property owner should notify Assessor Tichenor at 891-0436, and the data collectors will not enter the property. By September 1st the parcel inventory mailers will be sent to property owners. Assessor Tichenor can be reached Monday through Friday 8:30 to 4:30 at the Harrietstown Town Hall, 39 Main Street, Saranac Lake, NY 12983, (Telephone 518-891-0436).

2. **Grievance Hearings on Assessments.** Set for Tuesday, June 2, 2009 from 5:00 PM to 9:00 PM at the Franklin Town Hall.

## 11. COMMITTEE REPORTS.

### 1. CEMETERY COMMITTEE.

a. **Union Falls Cemetery.** Supv. Keith reported that she, Coun. Smalley and Historian Bradley Merrill have reached a consensus that the Union Falls Cemetery is private and that the Town of Franklin should no longer maintain it. Monroe Gladd Sr. has for the past year cut the grass and trimmed back larger growth. She will contact the attorney for the town for a suitable resolution.

b. **Cemetery Rehabilitation.** Supv. Keith said she'd like to hold a fundraiser for the Merrillsville Cemetery sometime this summer. Last year funds donated by a volunteer cemetery committee were used to restore old grave markers in the Union Cemetery on Route 3 in Vermontville by an expert from New Hampshire. He did a wonderful job, and Supv. Keith would like to raise funds to refurbish the Merrillsville Cemetery so the work can be done. She encouraged all residents to visit the cemeteries, join a committee and hold a meeting to set goals. Public involvement will be required. She opined a new committee comprised of volunteers might sell wristbands or safety vests suitable for night bicycle riding and walking and she has an afghan she can raffle. She reminded everyone there is no charge to residents for a plot in the town cemeteries.

### 2. RECREATION COMMITTEE.

Coun. Berg reported a new swing set for the Rec Park has been ordered and will \$1,000, which is in the 2009 budget. The set contains 2 replacement swing seats, so one of those can be used for the swing set at the Franklin Town Hall. The volleyball kit was delivered last fall, but will discuss placement with Kathy Drake, Youth Program Coordinator, and Mark Daviau who is a surveyor and has volunteered to help.

### 3. FIRE/RESCUE

a. **PLATFORMS.** Coun. Berg reported that the platforms requested by the Bloomingdale Volunteer Fire Dept. are coming along, although there is a problem on Oregon Plains Rd. Coun. Berg is waiting for Officer Martin of NYS DEC to call, as the Town must follow DEC rules. All the platforms are being constructed over trout streams.

b. SARANAC LAKE AREA FIRE ADVISORY BOARD. Negotiations continue on the rescue contract for 2010.

c. QUESTIONS AND COMMENTS:

Q Is the Town of Franklin contributing to the cost of a full time EMT?

Supv. Keith answered yes, but that no EMT has yet been hired by the Village of Saranac Lake.

## 12. CORRESPONDENCE

a. A letter was received from Governor Paterson's office regarding the federal economic stimulus funds.

b. Ann Holland, grant writer, submitted a report to the Town Board of her progress. Supv. Keith noted that both State Senator Betty Little and Assemblywoman Janet Duprey have endorsed the Town's projects.

c. A letter was received requesting use of the Rec Park for a soccer tournament on Saturday, August 15, 2009. Coun. Berg stated the Recreation Committee is in favor of it.

## 13. APRIL 21, 2009 REFERENDUM ON GARAGE BOND.

Supv. Keith stated although the 20-year bond was voted down, the Town Board has a fiduciary responsibility to maintain the Town's buildings, and repairs must be made to the garage for the safety of the employees and to conform to environmental protection standards.

## 14. OTHER MATTERS

A. Sable Highlands Plan. Supv. Keith reported she attended a meeting in the Town of Saranac last week regarding the NYS DEC plan for the Sable Highlands portion of the conservation easement. About 75 people attended, and Supv. Keith encouraged the Town of Saranac to talk with DEC representatives about their concerns. She had good response to her comments. Coun. Smalley inquired about ATV use in conservation easement lands, and Supv. Keith responded that DEC plans to open 30 miles of ATV trails in the conservation easement. In response to a request to open a road to ATV use, Coun. Smalley replied that perhaps some town roads could be dovetailed into the Sable Highlands portion of the conservation easement, although from the end of old Inman overpass to the lower end of thoroughfare towards Duane belongs to Franklin County, and not the Town.

B. Food Pantry. When Camp Gabriels closes on July 1st, the Pantry will lose prisoner labor to unload food. The Food Pantry will require more volunteers to help twice a month. In addition, plastics bags are needed. Supv. Keith also encouraged town residents to donate plants and to try to grow their own vegetables perhaps in a container.

## 15. ADJOURNMENT

There being no further business to conduct, the meeting adjourned at 8:20 p.m. (M.Keith-J.Ordway s/p) ALL AYE  
Respectfully submitted, Sandra J. Oliver, Town Clerk

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