



# The Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 • 518-891-2189 • Fax: 518-891-6389 • [www.townoffranklin.com](http://www.townoffranklin.com)



# The Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 • 518-891-2189 • Fax: 518-891-6389 • [www.townoffranklin.com](http://www.townoffranklin.com)



# The Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 • 518-891-2189  
Fax: 518-891-6389 • [www.townoffranklin.com](http://www.townoffranklin.com)

[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](#)

## Town of Franklin Board Meetings

### MINUTES OF THE PUBLIC HEARING -

**Proposed Local Law #2 of 2010 Repeal of Local Law #1 of 2009 - Major Subdivision Control Law April 28 2010 - 600 PM and**

**SPECIAL BOARD MEETING Immediately Following Public Hearing**

#### Board members present:

Supervisor Arthur P. Willman, Jr.  
Councilman Allen Berg  
Councilman Clifford Smalley  
Councilman Donald Hamm  
Councilman Bradley Merrill

#### Others Present:

Town Clerk Sandra Oliver Doris Hamm Fran Oliver Ed Martin Donald Goff Vince Catlin Bruce Young Sandy Hayes Leisa Almekinder Ed Korter Susan Grenier Donald Symonds Derrick Romeo David Nester Nancy Bernstein Les Parker

#### 1. CALL TO ORDER

Supervisor Arthur P. Willman, Jr. called the public hearing to order at 6:00 pm. The Pledge of Allegiance was recited, the Town Clerk called the roll and introduced guests and declared the full board was present.

#### 2. MOMENT OF SILENCE

in memory of Hubert Tyler, lifetime resident, 30-year member of Highway Department and enthusiastic supporter of the Kate Mountain Rec Park. He will be missed.

#### 3. REVIEW OF PUBLIC HEARING RULES.

Supv. Willman reviewed the Agenda with attached Proof of Publication, Public Hearing Rules, and proposed local law #2 of 2010. The floor was opened to the public for comments:

#### 4. PUBLIC COMMENTS

RICHARD JARVIS, read his statement for inclusion in the minutes: "I am strongly against proposed local law #2 of 2010. The reasons for my opposition to the draft repeal law include:

The results of March 2009 survey sent to all town property owners indicated a 2 to 1 ratio of support for the concepts of the major subdivision control law. Of those in support of subdivision regulations, 43 or 27% indicated they were seasonal residents. This hearing is being held at a time when not all property owners/taxpayers are aware of the proposed law, including the tax paying, non-voting, seasonal landowners. The fall 2009 election was about more than just the subdivision law.

The board's reasons for the repeal are based on misinformation and misunderstanding. The existing subdivision law does not apply to state land and lands with easements prohibiting further subdivision. Other state agencies have limited jurisdiction on subdivisions, including the APA on lands classified hamlet and low intensity use. DOH and DEC do not review all potential impacts of subdivisions in a comprehensive way. Where both the town and state agencies have jurisdiction, similar application information are required with costs to the applicant covered by eventual lot sales, and most of the costs to the town can be covered by application fees. The current law, if properly administered, would not result in "increased legal jeopardy associated with lawsuits" as stated in the SEQR declaration. Provisions of the current subdivision law helps insure that development costs and risks (liability) will rest with the developer and not shift the burden of a failed or incomplete project to the taxpayers. The existing town law provides for opportunities for the neighbors and town residents to participate in the 3 stages of the review process, including an on-site visit and discussion with applicant. This is better than the public participation process by APA or other state agencies.

The Local Law 1 of 2009 should not be repealed UNTIL the town board has: ( a) completed its "land inventory" as mentioned at 2010 board meetings and in the April 5, 2010 SEQR declaration, AND (b) legislated amendments to the existing law or an appropriate local law that will meet the 6 worthy public interest purposes of the existing law. If the repeal law is effective before a new subdivision control law is enacted, the town's interests will not be best protected.

The Town of Franklin is well positioned for future growth given the development trends and real estate values of the area. Why do we wait for a crisis or call for corrective action to occur, rather than take a long term, progressive, preventive action like the current major subdivision control law?

The Town of Franklin is where we all live and enjoy its rural characteristics, natural beauty and unique environmental attributes. The enacted subdivision law provides the basis for town officials to preserve these qualities for us and many generations to follow. Planning for the town future is the common sense decision for our town's people, its environment and fiscal health."

**BRUCE YOUNG**, read his statement for inclusion in the minutes: "An open letter to the Town of Franklin Town Board and Citizens by Bruce Young: This evening I stand before you as a citizen of the Town of Franklin who is exercising not only his right to speak publicly but to also get some stuff off his chest.

I ran for elected office last Fall to get one of the seats that were coming open on this Board. One reason why I made the attempt was the very issue we are discussing tonight. In fact, all the candidates did. This one issue brought forth five people who were either in favor of, or opposed to, the passage of a law that was seen as potentially a long-term, common sense solution to unforeseen future problems, or a problematic piece of legislation that was deemed redundant to current state laws.

Based upon who I see sitting at the head of the room right now, I'd say those who took the long-view lost, while those who won have an ironic opinion that, despite an intense mistrust of APA regulations, feel that APA regulations are just fine, thank you very much.

By the way, my belated congratulations on your victory, gentlemen. That leaves me here in the gallery asking the following: What are we doing here tonight? Are we here tonight to air out the relative merits of what is a foregone conclusion? The so-called elephant in the room is that this law came into existence despite the best pre-election efforts of those now in majority power to squelch it, and who are now empowered to do pretty much the same thing they so forcefully complained about last Summer and Fall: A group forcing their own agenda upon the whole of the town. Only this time we'll see a law that they personally disagree with killed, despite the needs of others not here in this room at this time.

By "here" and "at this time," I refer to future residents. Our own families as well as those we have yet to meet. I'd like to ask if anyone in this room has the power to see into the future. If so, I'd like to talk to you afterward about next Friday's winning lottery numbers. But since most of us don't have the power of clairvoyance, let me ask everybody here if we are all willing to abide by a decision to repeal, that down the road will affect this town in many harmful ways.

And no, I'm not psychic, but I have studied history and I've seen that towns that adopt a law like this are towns that, when push comes to shove, come out ahead. Towns that don't have such laws are at best left in the dust, and at worst they become they targets of all sorts of development problems that nobody now can foresee. Repeal this law and you also repeal any doubts that there will be problems. I'm no gambler, but that's a bet even I'll take. I will acknowledge that the Adirondacks need affordable housing and properties on which to put them. No argument. In fact, I salute those who stick their necks out so that full-time residents - not just seasonal, second-home buyers - can afford to work and live decent lives here. We will always need people to do all the day-to-day things in the Town of Franklin, and again, no one's arguing this point.

However, ladies and gentlemen, what this law was intended to do was make sure that those who buy a plot of land and build on it are buying from someone who followed proper code procedures in order to ensure that they, or their neighbors - or ultimately the town government - are not dragged into costly litigation stemming from possible shoddy work like bad roads, poorly-sited septic systems, water run-off, etcetera. If the job is done correctly, no problem. If the preliminary work is not done correctly, it can be shown that knowledgeable people saw it and

stated as much. Either the town government has a say in this issue or it doesn't, and for anyone to say it does not is begging for a ton of problems in the future. All of you at the head of the room are sworn to uphold the safety and well-being of the town's citizens - not to look the other way, not to assume that people will always do what's right. One look at the mess on Wall Street will tell an intelligent person that "hands off" doesn't work.

I am therefore asking those of you in favor of repealing this law to ask yourselves two questions. First: Before you cast your vote to repeal, are you ready to reap the whirlwind in the future? The decision you make will have a lasting effect on the character of this town which leads to the second question: When people decide they'd rather live and pay taxes somewhere else because they cannot be guaranteed that the Franklin town government will be defending their rights to clean drinking water, to name but one thing this law addresses, are all of you ready to own up to the fact that maybe this law was NOT so bad after all? That it might have been better to have left it in place - or maybe even amended it to suit your concerns and given it a year or two trial period - than to kill it outright? No one will fault you for not keeping a campaign promise. People will see that you were able to fix something that you discovered in need of fixing.

However, if you can't hear my words and are still able to sleep at night, heaven help us all. Thank you."

**EDWARD MARTIN**, stated his support for proposed local law #2 of 2010 and opposition to the Major Subdivision Control Law, adopted in 2009. The Town of Franklin has done fine for 160 years or more without problems. 70% of the land is controlled by the State, and Adirondack Park Agency, Dept. of Environmental Conservation and Dept. of Health now protect the available land. The subdivision law was not drafted properly. Our future here is survival, not regulation. We don't need it now nor will we need it in 20 years.

**DONALD GOFF**, a lifelong resident employed in the construction industry, expressed his opposition to the subdivision control law and support for proposed local law #2 of 2010. He resides on land he subdivided prior 1973 before the APA came into existence. Had he built after 1973 each lot would have needed 10 acres. We also have to follow NYS Building Codes and APA, DEC and DOH regulations, there is no need for a subdivision control law. It is too costly for the average builder, so there would not be any affordable housing. In addition, planning board members would have differing opinions. One neighbor might take his complaints to the planning board and the builder and new property owner would be penalized. Property owners must obtain Dept. of Health approval for septic, and must have building permit through Town Codes Office - already too many permits. He asked the Board to repeal the subdivision law.

**JILL REYMORE**, submitted the following letter for inclusion in the record:

"53 Norman Ridge Road

Vermontville, New York 12989

April 25, 2010

Town of Franklin Town Board, 7 Cold Brook Road, P.O. Box 209, Vermontville, New York 12989

RE: Comments opposing Local Law #2 of 2010

Dear Supervisor Art Willman and Councilmen Cliff Smalley, Allen Berg, Brad Merrill and Don Hamm:

Thank you for the opportunity to express my concerns about passing Local Law #2 of 2010 that repeals Local Law #1 of 2009, providing regulations for major subdivision proposals in the Town of Franklin.

The '09 Major Subdivision Control Law, designed by Town residents and the previous Town Board over an 18-month period, impressed me very much, giving me a good feeling that this Town cared about its future development and character. It is one of the reasons why I wanted to be part of the Planning Board that was created from the law. Following the last Nov. election, however, you newly elected Town Board officials seemed to think that you got in because you wanted to do away with this new law and the planning board. I believe you got elected due to other reasons, none of which had anything to do with the major subdivision control law.

Why would you want to do away with the subdivision control law? I'm trying to figure this out. This law applies to major projects of five lots or more on existing public roads and any sized projects that include new public roads. Anything with less than five lots on existing public roads would be still completely unregulated by Town law. One of the law's main goals is to give an early and continuing voice to residents in the Town process of proposed major subdivisions. Another intent of this law is to create guidelines to show developers how to create a subdivision appropriately. The threat of fly-by-night developers is real. These are people who start projects and then are unable to complete them properly, often leaving a town's taxpayers left "holding the bag." We don't need that.

In reality, this is what this law prevents! Local Law #1 of 2009 merely lays out the acceptable ways to do major subdivisions while maintaining the community's character, environment, property values and home rule. The law does not prevent well-planned subdivisions. It is that simple. It's hard for me to understand why anyone would oppose such a law when the Town would benefit from it. I challenge the Town Board to present credible evidence showing how the law would have a negative impact on the community. Unfortunately, you who oppose the law have never made an attempt to better understand the law. You never attended a single one of the Franklin Citizen Advisory Committee's (CAC) many work sessions, nor have you accepted the invitation to sit down with CAC members to review the law.

I strongly oppose Local Law #2 of 2010 that repeals Local Law #1 of 2009. No one knows when the next subdivision project will be proposed within this beautiful Town, but there will be more coming down the pike. I encourage all of Franklin's residents to take an interest in how this Town plans for its future, and hold this Board accountable for its actions.

Ignorant men don't know what good they hold in their hands until they've flung it away. (Sophocles--Greek poet)

Sincerely, Jill Reymore, Former Franklin Planning Board Member"

**BARBARA ROTTIER** submitted the following for inclusion in the record of the hearing:

"Dear Town Board and Fellow Town of Franklin Residents:

I am a resident of the Town of Franklin and I support the existing subdivision law. The subdivision law establishes a reasonable process to ensure that residents and the Town have a voice in proposed subdivision development. Development is important for the Town, but it should occur in a way that preserves the character of the Town and the area. It should not occur in inappropriate locations or in a way that would impact important natural resources. The law would help make sure that roads are not built on steep slopes, and that there is adequate soils for each on-site waste water treatment system. The review process provides the opportunity for the Town to help guide development to fit into the landscape, working around the most valuable environmental assets, such as streams, wetlands, special animal habitats or plants. We would have the opportunity to protect our farmland for farming, rather than fill it with houses.

The subdivision law would be administered by Town residents who surely would act in good faith on behalf of the Town. Everyone would have the opportunity to comment on proposals, which can only serve to improve the result. Most proposals benefit from a public evaluation of pros and cons; development proposals are no different. The developer and the Town can work together under a subdivision law to produce attractive developments in the Town. This is what should be done, and in fact is done in most communities throughout this great Nation."

**NANCY BERNSTEIN** read into the record the following statement:

"28 April 2010

To: Franklin Town Board

From: Nancy Bernstein

Re: Proposed local law #2 of 2010

Supervisor Willman and Town Board members,

I wish to offer my comments in opposition to the Town of Franklin's proposed law #2 of 2010 to repeal the Major Subdivision Control Law of 2009. I remain a supporter of regulating major subdivisions in the Town of Franklin, and in particular for local oversight of development in our town.

There seems to be a popular misconception that the Adirondack Park Agency already has oversight for development in our town. While I am impressed that so many residents, particularly those opposed to the Major Subdivision Control Law, are satisfied with the APA authority over our town, there are many subdivisions of 5 lots or more that can occur in the Town of Franklin over which APA has no jurisdiction. Franklin has 250 lots (391 acres) in hamlet areas which only trigger APA jurisdiction of a subdivision involves 100 lots or more. In Low Intensity Use areas, which Franklin has 517 lots (6,916 acres), APA jurisdiction cuts in at 10 lots or more. While subdivisions of 5 or more lots would be under APA authority in Rural Use and Resource Management areas, the oversight of APA and the Town of Franklin's laws differ in some very important ways.

The Major Subdivision Control Law was designed to allow for in-depth public review of major development in our town. This does not at all imply that neighbors can stop other neighbors from developing their own land. What it allows is for Town residents to express their concerns about the specifics of a development. This is the essence of home rule, something that is very limited under APA review.

In addition, APA review mainly concerns itself with impacts to water quality and open space. When drafting the Major Subdivision Control Law, the Town Board was very concerned with the current condition and costs of the Town's 70+ miles of town maintained roads, recent requests for potential to take responsibility for maintenance of additional new subdivision roads, and for quality of private roads and providing year round emergency services. The Town of Franklin law therefore established minimum standards for road construction. This is done to protect the Town from inheriting the maintenance on poorly built roads, not a high priority for the APA.

I understand that the current Town Board believes they are acting under a perceived "election mandate" to abolish the Major Subdivision Control Law of 2009. However, there was no referendum on the ballot concern this nor have I ever seen a poll of voters' reasoning for why they voted how they did. Besides this, I feel strongly that the Subdivision Law is a concern of the Town's landowners, not just registered voters. This is why the Subdivision Review Committee chose to survey all landowners in the Town of Franklin in which 2/3 responding supported subdivision [regulation]. The results of the survey including respondent's resident status (full-time or part-time) are public record.

While not all will agree with the specifics of the law, the Major Subdivision Control Law was an attempt by the previous Town Board to move our Town in a forward direction. In my eyes, abolishing the law after only 6 months is not only short-sighted, but spiteful and reactionary. I question the reasoning and motivation of the new Town Board to move the Town of Franklin in a backwards direction. I urge you to reconsider your action.

Thank you for hearing me. Nancy Bernstein."

**EMAIL FROM ERIC HUPPERT** in opposition to Local Law #2 of 2010: "While not a resident, I'm a frequent visitor to the area. My tourist dollars are spent in your county. If zoning laws are relaxed, allowing for more "Everywhere USA" type development (including big box development), the more inclined I'd become to take my leisure time and vacation business elsewhere."

Supv. Willman requested the inclusion of the letters from residents received prior to the February 8, 2010 public hearing in opposition to and in favor of Local Law #1 of 2009, Major Subdivision Control Law:

"February 8, 2010

To: Town of Franklin Town Board,

I'm writing this letter to let you all know I'm against the Subdivision Law that is on the Town books from last year. I'm asking that this law be rescinded as soon as possible. I'm also asking that the new appointed Planning Board be removed from their posts and the posts be removed as appointed. Thank you.

Edward T. Martin, Alleen Willman, Donald Goff, Doris Hamm, Edward Baltzly, Donald Symonds, Floyd John, Jewel Foley, Thomas Foley"

**EMAIL FROM ALFRED AND ELEANOR ENGELS**

"Subject: subdivision law  
From: Al & Eleanor Engel  
Sent: January 29, 2010

Dear Art,

We would like to register our disapproval of the subdivision law currently on the Town of Franklin books. My husband and I have been involved with several small subdivisions in the Town of Franklin and in each case, we were put through the wringer by the APA. In our opinion, their tactics exceeded what was allowed in their regulations. This type of treatment is currently receiving a lot of press via the LeRoy Douglas case at Silver Lake and others who have sufficient funds to challenge the APA decisions legally.

We feel that the APA is more than enough of a monitoring agency to prevent rampant development in the Town of Franklin. The subdivision law just adds another level of bureaucracy to the mix and in our opinion could be enough to forestall development in the Town altogether which is not helpful in terms of growth.

Al and Eleanor Engel"

**LETTER FROM SANDY HAYES REALTY**

"February 2, 2010  
Supervisor Arthur Willman  
Town of Franklin, P O Box 209, Vermontville, NY 12989

Dear Art:

I realize that you and the rest of the town board are considering rescinding Local Law #1, 2009, titled "Major Subdivision Control Law" and I am enclosing a copy of an article which appeared in yesterday's issue of the Adirondack Daily Enterprise by Ernest Hohmeyer. You will see by Mr. Hohmeyer's credentials that he is no ranting local who has an agenda, but a professional economist with more than 25 years of education and experience. He does not refer to any particular town or village or any specific law or regulation, but gives an honest, experienced opinion as to the future of the Adirondacks in general.

I have hi-lited four portions of this article which I feel, once again reinforce my strong opposition to the recently passed subdivision law. Just to briefly touch on what confirms my argument to rescind the law, I will mention a portion of each hi-lited area:

- (1) In no way is the subdivision a 'streamlined regulatory process.'
- (2) This definitely is one of the 'numerous overlapping government and regulatory bodies'
- (3) The law would certainly not encourage 'a stable and healthy community environment that is hopefully growing'. The intent is to discourage growth and development.
- (4) The law does in fact, add to the 'myriad of local, county and regional economic entities'

Mr. Hohmeyer seems to be 100% accurate with his projection and, while the Town of Franklin alone can not solve the problem by rescinding the subdivision law, it certainly does not need to contribute to the problem by allowing it to remain on your books.

I encourage every member of your town board to read Mr. Hohmeyer's article and the five that will follow and consider the four points I have made in this letter.

Yours truly, Sanford C. Hayes III"

**EMAIL FROM JOEL STRETCH**

"From: Joel Stretch  
Sent: Tuesday, February 02, 2010

Mr. Willman,

My name is Joel Stretch from 224 Fletcher Farm Road. I wanted to drop a line to you with regard to the removal of the planning board. I feel there was a clear mandate expressed by the voters of Vermontville last fall to undo what the previous board put together. Don't be swayed by the vocal minority. I hope you don't mind my using your email. Thank you.

Joel"

**EMAIL AND FAX FROM REV & MRS. DURRANCE**

"Sent Tuesday, February 02, 2010

This is an email for Supervisor Art Willman. My husband and I would like to endorse the quote below. The less regulations the better. We do have the Adirondack Park Agency, after all. The zoning law should be repealed.

'This election was a clear statement by the people that they aren't comfortable with something of this magnitude, Willman said, but personally, I am a firm believer that we should keep government out of the people's business. I could certainly live with nothing.'

By the way, we live in Vermontville on Route 3 (8234 Rt 3) but are away at present and will return in the Spring.  
Sincerely, Rev. and Mrs. Durrance"

**EMAIL FROM KENNETH SIMPSON**

"Sent: Wednesday, February 03, 2010

Subject: Subdivision Planning Board

I am in favor of discontinuing or abolishing the Subdivision Planning Board in the Town of Franklin.

Ken Simpson, 844 Cold Brook Road, Bloomingdale, NY 12913"

**EMAIL FROM BRYON AND AMY TUTHILL**

"Sent: Sunday, February 07, 2010

Subject: Repeal of Land Use and Subdivision Laws

Dear Mr. Willman,

Please accept this letter as our support for the Board's decision to repeal the Major Subdivision Control Law and to abolish the Zoning Board initiative, both of which were enacted in 2009 by the previous Town of Franklin Town Board.

Sincerely, Bryon and Amy Tuthill"

**EMAIL FROM MARION HAMM**

"Sent Sunday, February 07, 2010

Subject: Opposed to Planning Board

February 7, 2010

Dear Mr. Willman:

I want to be one of the many Franklin residents making you aware of my opinion of being totally opposed to any planning board in the Town of Franklin. I have lived here and been a tax payer for most of my life and I see no reason to have a planning board or subdivision laws for any future land restrictions. Over the course of my 84 years of life here in Vermontville, I have seen very few developments that have been shocking or a terrible th[r]eat to mankind. If you or anyone else needs to contact me to personally discuss this matter, I live at 7967 State Route 3 Vermontville and my phone number is 891-[ ].

Thank you, Marion Hamm"

**LETTER FROM RALPH ETIENNE**

"85 Alder Brook Park Rd., Loon Lake, NY 12989

February 8, 2010

Town of Franklin Town Board, Vermontville, NY 12989

To the Board:

I am writing in favor of the Franklin Planning Board and the Major Subdivision Control Law. This effort to help relay positive growth in the Town is a good thing for the future of the town.

This law and the Planning Board do not stop subdivisions; it only concerns subdivisions of five or more lots. I've heard no good reasons for stopping the Planning Board from doing its job

At the very least, aren't there issues that do harm the town which need attention now? I'm in favor of dealing with the issues that need dealing with.

Sincerely, Ralph Etienne"

**LETTER FROM THE VAN COUR FAMILY**

"February 8, 2010

Town Supervisor Art Willman, Town of Franklin

The undersigned would like to express their opinion against the Town of Franklin Subdivision Law and the Town of Franklin Planning Board.

We feel that the Subdivision Law and the Planning Board should be abolished.

Norman VanCour

Lee Ann Van Cour

Shirley Chesebrough

89 Norman Ridge Road, Vermontville, NY 12989 518-891-[ ]"

**LETTER FROM THE PARKER FAMILY**

"86 Norman Ridge Road, Vermontville, NY 12989

February 7, 2010

Town of Franklin Town Board, P O Box 209, Vermontville, NY 12989

Dear Town of Franklin Board Members:

We are against repealing Local Law 2 of 2009. We support the existence of the Town of Franklin Planning Board and the Major Subdivision Law, which the planning board will administer when appropriate. We believe good planning, including land use and development planning, is and must be an essential part of any community's responsibilities and duties to its citizens. We support the local subdivision law as a supplement to the Adirondack Park Agency (APA) laws and regulations which provides for a stronger Town voice with regard to certain types of projects reviewed by the APA and provides for Town review of some projects which would otherwise receive no review at all.

The existence of the Planning Board is essential as the Town of Franklin looks to the future and must evaluate

**ADJOURNMENT - 6:26 PM** Supervisor Willman thanked everyone for their comments and requested a motion to adjourn the public hearing.

(B.Merrill-D.Hamm m/s/p) ALL AYE

## SPECIAL BOARD MEETING

### 1. CALL TO ORDER

Supv. Willman called the special meeting to order. The Pledge of Allegiance having been recited and the roll called, the meeting commenced.

### 2. NEW BUSINESS

**A. SEQR NEGATIVE DECLARATION.** Supv. Willman stated he had prepared the SEQR Negative Declaration form required by NYS DEC with respect to adoption or repeal of land use regulations. Board members had reviewed it except Coun. Smalley, to whom he handed a copy. He stated that 70% of the available land in the Town was owned or controlled by the State of New York, and that an available land inventory should have been prepared before the Major Subdivision Control Law was even drafted. He requested a motion for a resolution authorizing the Board to accept the SEQR negative declaration.

Motion for resolution (B.Merrill-D.Hamm m/s) A.Willman, D.Hamm, B.Merrill - AYE A.Berg, C.Smalley - NAY

**RESOLUTION NO. 39: ACCEPT EXECUTION AND SUBMISSION OF STATE ENVIRONMENTAL QUALITY REVIEW DECLARATION** WHEREAS, the Town of Franklin Town Board adopted Resolution 23 of 2010, requesting the Town be designated lead agency under the State Environmental Quality Review ("SEQR"); and WHEREAS, no negative responses were received from adjoining municipalities and agencies; NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the SEQR form and authorizes the Supervisor to submit said document entitled State Environmental Quality Review Negative Declaration, Notice of Determination and Non-Significance."

Those voting aye:

Supervisor Arthur P. Willman, Jr.  
Councilman Donald Hamm  
Councilman Bradley Merrill

Those Voting nay:

Councilman Allen Berg  
Councilman Clifford Smalley

Those Absent:

None

Those Abstaining:

None

### 3. OLD BUSINESS.

#### A. NEW TOWN HALL FURNACE

(1) Asbestos Testing. Supv. Willman reported that Atlantic Testing Laboratories performed the test on Wednesday April 21st and results are anticipated by the end of this week. He noted that the grant from the Power Authority covers costs related to asbestos testing and removal. Although the site could be painted, he expressed concern for the future. Although removal may prove expensive, he considered it a good idea. Coun. Smalley stated it was a good idea, and the rest of the Board concurred. As the results have not yet been received, Supv. Willman requested a motion to table all the items on the agenda regarding the new furnace, including asbestos removal and award of bid for new furnace.

Motion to table (C.Smalley-B.Merrill m/s/p) ALL AYE

**B. NEW LAWNMOWER FOR GENERAL FUND.** Supv. Willman has been obtaining prices on various models of lawnmowers and recommends a zero-turn vehicle with a 54" deck which will accommodate the Kate Mountain Recreation Park grass as well as maintenance of the town cemeteries.

**C. GARDEN ROAD RIGHT-OF-WAY.** Supv. Willman spoke with Stacy Allot of Geomatics and was informed the survey is nearly complete and should be received by the end of this week. He has also consulted with James Martineau, Esq., attorney for the Town, who is reviewing the proposed letters to be sent to property owners.

**D. TEAMSTERS MEMORANDUM OF UNDERSTANDING.** A draft Memorandum of Understanding with respect to the Town Maintenance Employee of the Buildings and Grounds Maintenance Department (formerly General Fund employee) was distributed to the Board members. As the matter concerned a single employee, Supv. Willman requested a motion to enter into Executive Session.

**D. TEAMSTERS MEMORANDUM OF UNDERSTANDING.** A draft Motion to adjourn to Executive Session - 6:44PM (A.Berg-B.Merrill m/s/p) ALL AYE

**D. TEAMSTERS MEMORANDUM OF UNDERSTANDING.** A draft Motion to leave Executive Session and resume Board meeting - 7:02 PM (C.Smalley-A.Berg m/s/p) ALL AYE

**D. TEAMSTERS MEMORANDUM OF UNDERSTANDING.** A draft Supv. Willman reported that the matter had been discussed in Executive Session but that no action had been taken. He requested a motion for a resolution accepting the terms of the Memorandum of Understanding with the Teamsters Union.

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

**RESOLUTION NO. 40: ACCEPT MEMORANDUM OF UNDERSTANDING WITH TEAMSTERS UNION RE TOWN MAINTENANCE EMPLOYEE OF BUILDINGS AND GROUNDS MAINTENANCE DEPARTMENT** WHEREAS, a contract exists between the Town of Franklin and Teamsters Union Local 687; and WHEREAS, the Town Maintenance Employee of the Buildings and Grounds Maintenance Department had previously been a member of said Union; and WHEREAS, the aforesaid employee wishes once again to be a member of said Union; and WHEREAS, the Town Board and the Teamsters Union are amenable under specific conditions; NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Franklin hereby accepts the Memorandum of Understanding with respect to the Town Maintenance Employee of the Buildings and Grounds Maintenance Department.

Those voting aye:

Supervisor Arthur P. Willman, Jr.  
Councilman Allen Berg  
Councilman Clifford Smalley  
Councilman Donald Hamm  
Councilman Bradley Merrill

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

#### 4. QUESTIONS AND COMMENTS.

Q/C: Who proposed repeal of the Subdivision Law? Why?

A: Supv. Willman replied that Coun. Hamm introduced proposed local law #2 of 2010 repealing Local Law #1 of 2009 - Major Subdivision Control Law. The decision to repeal the law came from opposition to the law in 2009. Two petitions were circulated, signatures obtained and submitted to the 2009 Town Board indicating opposition to the law. There was significant opposition to the law throughout the community. The results of the November 2009 election indicate that voters opposed the land use regulations - 62% voted in favor of the new board, and 38% voted for the other side.

Q/C: Will anyone on the Town Board prosper from this law being repealed?

A: Supv. Willman indicated he personally would not. He owns property on both sides of Alder Brook, classified as resource management. His home is on 37 acres - also classified as resource management. He will probably give a portion of it to his children. He opined the public might wish to discern who would prosper if the law were kept on the books - if land is regulated, it may become more valuable.

A: Coun. Merrill stated he has a reputation as having lots of acreage, but it is not developable, and he has no plans to sell any of it. He added repealing the law results in no benefit for him; if the subdivision law were kept and if he decided to sell his property he might benefit financially. He emphasized he has no plans to do so.

A: Coun. Hamm said he owns 200 acres of land which has been in his family for nearly a century. He likes farming and has no intention of selling. He would like Vermontville to stay as it was during his childhood but he knows it cannot. He stated the Town needs to grow or it will die. The mien age of Town residents has risen, and he does not wish the Town of Franklin to become a bedroom community for retirees.

A: Coun. Berg indicated he owns 15 acres of land and does not intend to subdivide it.

A: Coun. Smalley stated he supports the subdivision control law, and his 1.38 acres is classified as Resource Management.

Q/C: How did you figure the percentages of those supporting and those opposing the subdivision law? I didn't realize when I voted for you that I voted for repeal of the subdivision law. The November 2009 election concerned several other issues. I was against the garage bond. Where did the 62% opposition to the subdivision law come from?

A: Supv. Willman responded that his party's platform stated if elected new board members would review, revise or repeal the subdivision law. The 62% figure came from the February public hearing on repeal of the planning board. 62% favored eliminating the planning board and subdivision law and 38% favored keeping both. The percentage results of the November 2009 election were the same: 62% for the winning party candidates and 38% for the defeated party candidates. There was and is a lot of support for repealing the subdivision law. The Board is now in process of creating an inventory of land available for development, which, in his opinion, should have been done before a subdivision law was even drafted. 70% of land in the town is owned or controlled by the State of New York. In the future he will propose revising the Town's Building Codes to include regulations for new driveways which would include a culvert policy and address concerns about stormwater runoff.

A: Coun. Smalley stated his interpretation of the 62% concerned voters. 62% of property owners, according to the March 2009 survey sent to taxpayers, wanted the subdivision regulations to protect their investment.



Although it seems the voters have spoken, it all depends which set of statistics one cares to interpret.

Q/C: How many sheets did you send out in March 2009? A: Coun. Smalley responded 1,100 survey questionnaires were mailed out using addresses generated by the tax collection software. 25% of the surveys were returned, and 65% of the responses were in favor of land use regulations.

Q/C: That 25% response is not the majority of the people in the town.

A: Coun. Merrill stated the survey dealt with "land use regulations", not a subdivision control law. In addition, the survey was anonymous. No return addresses were revealed, just the point of mailing. Only landowners received the survey, and only one survey was sent to each household, whether or not ownership of a parcel was in more than one name. Not all property owners agree on everything.

Q/C: The petitions presented to the 2009 Town Board contained signatures of identifiable people. The petitions were not anonymous.

Q/C: No one ever came to my door and asked me to sign a petition opposing the subdivision law. That's not a referendum. Just because someone is a registered voter does not mean he is a property owner.

Q/C: This debate on petitions vs. survey is pointless. Neither was a referendum on the subdivision law. I remember Mr. Willman's campaign literature. You stated you would review, revise or rescind the subdivision law. You never presented your campaign as a referendum on the subdivision law or the planning board law. At the February public hearing on repeal of the planning board most of the bodies in the hearing room supported both the planning board law and the subdivision law. I don't see the harm of the subdivision law whether it is administered by a planning board or the Town Board or the Codes Officer. You haven't really sat down to revise the thing. We don't really know whether a majority of the people wanted the law repealed. I think you should keep the law on the books until you make a finding of harm.

Q/C: The inventory of available land should have been done prior to enacting the subdivision law. Some people were so opposed to land use regulations, they never filled out that March 2009 survey and returned it. Some people don't attend board meetings, even though they are vehemently opposed to any land use regulations. At one of the meetings in 2009, attorney Tim Smith said the only recourse was "elections". I believe the November 2009 election was a referendum to repeal the subdivision law.

Q/C: I am not a resident of the town, however, I represent the two largest taxpayers in this town. I have done over 20 subdivisions involving 280 lots. I have 4 ongoing projects, some of which are in the hamlets and in low density and resource management. I have placed \$12 million on the tax rolls. The Town of Franklin has never spent \$1 to maintain any road in any subdivision I built. I have increased the tax base without any cost at all to the Town. I deal with the Codes Officer, APA, DEC and Dept. of Health. All neighbors and officials are aware of any project. I have never maxed out any project. Most of your hamlets have no potential for growth via subdivisions. You do not need a subdivision law. Each level of review costs the buyers in terms of surveys, engineers, etc.

Q/C: On another subject, I want to remind everyone about the Kate Mountain Community Recreation Association meeting on Monday, May 10th at 7:00PM. We have installed officers and will be raising money to support Kate Mountain Recreation Park and the Summer Youth Program. We can use all the help we can get. Thanks.

## 5. ADJOURNMENT

Supervisor Willman thanked everyone for attending and for their comments.

Motion to adjourn (C.Smalley-A.Berg m/s/p) ALL AYE

Respectfully submitted, Sandra J. Oliver, Town Clerk

[Click here to see past minutes](#)

---

[Newsletter](#) | [Town Events](#) | [History, Photos & Maps](#) | [Board Officials & Contact Info](#) | [Board Meetings](#) | [Town Budget](#) | [Laws & Forms](#) | [Real Property Assessments](#) | [Events, Recreation & Kate Mtn Park](#) | [Area Businesses](#) | [Town Journals](#) | [Emergency Preparedness](#) | [Home](#) | [Email the Town](#)  
| [Home](#)

---

### Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 · Tel: 518-891-2189 · Fax: 518-891-6389 · [info@townoffranklin.com](mailto:info@townoffranklin.com)