



# 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)



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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](#)

## Town of Franklin Board Meetings

### Minutes of the Monthly Town Board Meeting February 10, 2010 - 7:00 PM

#### 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, Vince Catlin, Frances Oliver, Jean Baltzly, Dick Jarvis, Joe Rupp, Leisa Almekinder, Bruce Young, Donald Goff, Sandy Hayes, Donald Symonds, Doris Hamm, Alleen Willman, Ed Martin, Derek Romeo, Les Parker, Chuck Bullis, Hugh Law, John Alexander - WNBZ, Nathan Brown - Adirondack Daily Enterprise

#### 1. CALL TO ORDER

Supervisor Arthur P. Willman, Jr. called the meeting to order at 7:00 pm. The Pledge of Allegiance was recited, the Town Clerk called the roll and introduced guests and declared the full board was present.

#### 2. MEMORIAL

Coun. Hamm requested a moment of silence in memory of Marvin Begor, a lifetime resident, outstanding citizen and long-time firefighter.

#### 3. COMMENTS AND QUESTIONS

Supv. Willman announced that beginning with this special meeting and for all meetings of the Board, a 15-minute comment and question period would be held. A two-minute limit was established for each commenter who signed in.

Q/C Why do you need to adopt proposed Local Law #1 of 2010 repealing the planning board? There were lots of comments and information presented at the public hearing that the public hasn't seen. You should publish the comments received before taking action on this. Concerned about outlaw developments. You should amend the

Major Subdivision Control Law before eliminating the planning board. Has the Town Board received copies of all the submitted comments?

A: Supv. Willman responded, stating a tally was taken of the speakers, although there was no show of hands. Most of the comments presented were in favor of abolishing the planning board, about 59%. Those who spoke and submitted written statements were counted as one. He continued that he has read the Major Subdivision Control Law about 6 times, and has listened to comments, both at the public hearings and during the November 2009 campaign. Regarding section 100 of the Subdivision Control Law, the attorney for the town, James Martineau, has opined that because the planning board was authorized by the Town Board, when the planning board is abolished, administration of the law defaults to the Town Board. There is no jeopardy here. The Town Board will receive copies of all comments shortly.

#### 4. GENERAL FUND BUDGET AMENDMENT #3.

Supv. Willman requested a motion for a resolution authorizing the transfer of funds.

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

**RESOLUTION NO. 16: 2010 GENERAL FUND BUDGET AMENDMENT #3** WHEREAS, need exists to balance the 2010 General Fund; NOW, THEREFORE, BE IT RESOLVED, that the following transfer of funds is hereby authorized: Transfer \$329.00 from A1990.4 Contingent to A1910.4 Insurance.

Those voting aye:

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

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

#### 5. AUDIT OF CLAIMS

The following claims were submitted on Abstract #2 of 2010:

General Fund	Claims 16 - 29	\$6,286.93
Highway Fund	Claims 14-20	40,101.01
Prepay General	Claims 2 - 5	6,814.49

The following claim was submitted on Abstract #1 of 2010:

Fire Protection	Claim 1	\$30,000.00
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Motion to pay claims (B.Merrill-C.Smalley m/s/p) ALL AYE

#### 6. MINUTES.

The minutes of the January 13 organizational and January 27, 2010 special meetings were accepted as presented.

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

#### 7. SUPERVISOR'S REPORT.

Balances as of January 31, 2010

General Fund	Checking	\$14,608.84
	Savings	209,117.22
	CLASS	37,001.95
	Historian	3,031.05
Highway Fund	Checking	27,690.99
	Savings	385,043.59
	CLASS	47,497.37
	Cap. Proj. Hwy.	36,429.10
Landfill	Checking	24,238.75
	CLASS	28,972.57
Fire Protection	Checking	67,381.13
	CLASS	685.30
Capital Project Building		434.84

Motion to accept Supervisor's Report (B.Merrill-D.Hamm m/s/p) ALL AYE

## 8. HIGHWAY MATTERS

### A. SUPERINTENDENT'S REPORT.

Highway Superintendent Jacques DeMars presented the following report of activities of the Department:

1. Plowed and sanded when necessary
2. Filled out and submitted a letter of intent with Franklin County for salt request for fall 2010.
3. Jan 21 - electrical inspector on site with Couns. Hamm and Merrill. Several small problems were discovered.
4. Jan 22 - Morrisonville Septic pumped tanks
5. Jan 25 - High winds downed several trees. Department employees cut same and made use of loader and backhoe.
6. Feb 2 - In response to request from taxpayer, Department erected a large snow bank on Alder Brook Park Road so vehicles prevented from using this seasonal road, which is not maintained by Town during winter months.
7. Feb 3 - New loader delivered; insurance company notified, and insurance transferred.
8. Feb 5 - Unit 9 transported to M.A.Jerry - electrical smell in cab. Clutch fan replaced and vehicle returned on Feb 8
9. Feb 10 - Unit 2 down due to hydraulic leak on sander, which was replaced and returned same day.

**B. HIGHWAY COMMITTEE.** No report

### C. QUESTIONS AND COMMENTS RE HIGHWAY

Q/C The Highway Superintendent is doing a great job, and the shift work really saves us money!

## 9. NEW BUSINESS

### A. PROPOSED LOCAL LAW #1 OF 2010

Coun. Smalley stated he opposed the adoption of the proposed law which would repeal Local Law #2 of 2009, thereby eliminating the Planning Board. The Planning Board has no self-interest. In addition, the Town needs a master plan, and the current planning board could do this. Dissolution of the Planning Board is a mistake.

Coun. Berg agreed.

Coun. Merrill stated he spoke with many residents during the fall 2009 campaign, and a large percentage were against both the Planning Board and the Major Subdivision Control Law. There are problems not addressed by the two local laws adopted in 2009. What would be better? What would it cost? Coun. Berg stated the Town would lose local control over development, and Coun. Merrill replied it would not.

Coun. Berg conjectured that if the Adirondack Park Agency were to be eliminated in the next 10 years, and the Town had no planning regulations, what would happen?

Coun. Merrill responded the Town could craft much better regulations in 10 years. With respect to the APA, there is some good in it and some bad. Whatever plan is fashioned, it will be political. At present there is no big rush to develop land in the Town; and there is very little available land to develop. Most of the available land is not developable. Coun. Merrill continued, stating he owns 60 acres on the side of a mountain. The Town Board should research this. Hamlets are a small percentage of land in the Town.

Coun. Berg indicated hamlets could be expanded, and Coun. Merrill responded it was a very long process.

Coun. Smalley asked what entity will administer the Major Subdivision Control Law, and whether the Town Board was a valid substitute.

Supv. Willman indicated it was not strange to repeal the planning board law first. Most people do not want another agency. To follow the mandate of the November 2009 election, the subdivision law would not exist in its present form. However, the agency administering the subdivision law should be abolished first. Many people propound the reason for both 2009 local laws is the manner in which the Stickney Point Subdivision was approved by APA. In fact, during its approval process, APA published 3 separate notices. Nothing was done or discussed by the Town government. The rush to create land use regulations was an emotional response to a few individuals who were upset over the Stickney Point development. There exists no good reason for either the subdivision law or the planning board. Before regulating land development, it would be a much better idea to inventory the land available for development. This Town Board will follow the mandated granted by the voters in November 2009. We seek to dissolve the planning board and review, revise or repeal the subdivision law and start again with a land use inventory. We hope that all interested parties will get involved to do the land inventory. Once that is accomplished we'll go to the community and advise them of the results. It is also possible for developers to structure their deeds with covenants and restrictions and avoid the costly legal process contemplated by the subdivision control law.

Coun. Berg asked whether both 2009 local laws could be "shelved."

Supv. Willman replied the attorney for the town had researched the matter, and apparently the laws either have to be administered or repealed. The Town Board must take action on this. He asked for a motion for a resolution adopting Local Law #1 of 2010, repeal of Local Law #2 of 2009.

Motion for resolution (B.Merrill-D.Hamm m/s/p) 3 AYE; 2 NAY

**RESOLUTION NO. 17: ADOPT LOCAL LAW #1 OF 2010 - REPEAL LOCAL LAW #2 OF 2009 (CREATION OF PLANNING BOARD)** WHEREAS, a proposed Local Law #1 of 2010 concerning the Planning Board within the Town of Franklin was introduced by Councilman Bradley Merrill on the 27th day of January 2010, and a copy of said

proposed local law having on that date been delivered to or placed on the desks of all members of the Town Board of the Town of Franklin; and WHEREAS, and by Resolution of the Town Board of the Town of Franklin duly adopted on the 27th day of January 2010, the Town Board did determine to conduct and hold a public hearing upon said local law on the 8th day of February 2010, at the Town Hall, Vermontville, NY, at 6:00 PM; and WHEREAS, said notice of Public Hearing has been duly posted and published as required by law; and WHEREAS, said Public hearing was duly held and all persons attending the same have been heard; NOW, THEREFORE, and after due deliberations, it is hereby enacted ordered and resolved as follows:

1. That the Local Law of the Town of Franklin entitled "Dissolution of Planning Board" being proposed Local Law #1 of 2010 addressed within the Town of Franklin be and the same is hereby enacted and adopted subject to complying with the filing requirements of the Municipal Home Rule Law of the State of New York.
2. That said Local Law #1 for 2010 shall supersede and replace Local Law #2 of the year 2009 (as amended).
3. That the Town Clerk and attorney for the Town of Franklin are hereby authorized, empowered and directed to file the same with the offices of the Secretary of State of the State of New York, as required by law.
4. That upon the filing of said Local Law, the same shall become effective.
5. This Local Law shall take effect immediately.

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

#### **B. ELLEN BEBERMAN - BARK EATER FOOD CO-OP.**

Ellen Beberman introduced herself and the Bark Eater Food Co-op to all present. She indicated the food buying club orders monthly, receives deliveries and picks up at the Town Hall. Town residents are encouraged to call her for information, and the Town Clerk was given her card.

#### **C. DEFERRED COMPENSATION - PENSION & RETIREMENT**

Supv. Willman stated as part of the union negotiations, Teamsters Union members requested to join NYS Retirement System. This would be at no cost to the Town and would be funded by straight employee contributions. He requested a motion for a resolution.

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

**RESOLUTION NO. 18: ADOPT NEW YORK STATE DEFERRED COMPENSATION PLAN** WHEREAS, the Town of Franklin wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan") for voluntary participation of all eligible employees; and WHEREAS, the Town of Franklin is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law; and WHEREAS, the Town of Franklin has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Franklin by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement; NOW, THEREFORE, BE IT RESOLVED, that the Town of Franklin hereby adopts the Plan for the voluntary participation of all eligible employees; and BE IT

FURTHER RESOLVED, that the appropriate officials of the Town of Franklin are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation and maintenance of the Plan; and BE IT

FURTHER RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

Those voting aye:

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

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

The contract was signed by the Board.

**D. APPOINTMENT OF P. HORNBECK TO APA BOARD.** Supv. Willman stated there has been some concern expressed in the local news media regarding the appointment of Peter Hornbeck to the Adirondack Park Agency Board, as he may be overly concerned with environmental matters. Residents of the Adirondack Park want some fairness, and Supv. Willman asked the Board whether it wanted to adopt a resolution opposing the appointment. Discussion ensued. Coun. Berg stated he was not familiar with Mr. Hornbeck. Coun. Smalley indicated he was unfamiliar with Mr. Hornbeck's politics. Coun. Merrill stated Mr. Hornbeck is a member of the Residents Committee to Protect the Adirondacks, and that his appointment seemed one-sided. He said he'd rather see someone else appointed. Coun. Hamm noted he preferred a better assessment. Supv. Willman declared that Mr. Hornbeck makes very good boats, but he did not know very much else about him. He suggested tabling the matter.

Motion to table (C.Smalley-A.Willman m/s/p) ALL AYE

## 10. OLD BUSINESS

**A. UNION NEGOTIATIONS UPDATE.** Supv. Willman declared the negotiations with the Teamsters Union were complete and that an agreement had been reached. Union members will receive a 2% increase, then 2.5% and in the third year 2.5%, a 7% increase overall. Absentee time was tightened. The clothing allowance was increased, and employees will purchase items at IBC on account with a voucher at a 5% discount on Carhart and boots. Employees must wear protective boots with 75-lb. toes. Jeans and work pants are acceptable attire. The negotiations were friendly, and the contract was tightened up. The Union acknowledged that the Town was in a financial bind, and the new contract is fair to all concerned. Supv. Willman requested a motion for a resolution accepting the contract.

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

### **RESOLUTION NO. 19: ACCEPT 3-YEAR CONTRACT WITH TEAMSTERS UNION AND AUTHORIZE**

**EXECUTION** WHEREAS, negotiations with Teamsters Union Local 687 were recommenced; and WHEREAS, a fair agreement has been reached; NOW, THEREFORE, BE IT RESOLVED, that the Town of Franklin Town Board hereby accepts the terms and conditions of the contract, effective January 1, 2010 through December 31, 2012; AND BE IT FURTHER RESOLVED, the Supervisor is authorized to execute same.

Those voting aye:

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

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

**B. FIRE/RESCUE UPDATE.** Coun. Berg reported he had no news to report. Supv. Willman reported the Town paid the workers compensation portion of the contract amount due for the Bloomingdale Volunteer Fire Department which was \$2,000 less than last year.

**C. ASSESSMENT UPDATE.** Supv. Willman reported Assessor Doug Tichenor had postponed the assessment revaluation until 2011. A workshop with the Town Board will be held at the Town Hall on Wednesday, February 17th at 6:00 PM with the Assessor and a representative of Real Property Services, Ray Brook.

### **D. INFRASTRUCTURE UPDATE.**

**1. Garage Electrical.** A certified electrical inspector examined the wiring at the Town Garage and has submitted a list of 20 minor items needing attention, such as hanging wires and conductors needing grounding. Coun. Hamm stated the inspector is certified by the National Electrical Association. Supv. Willman requested a motion for a resolution to effect electrical repairs to the Garage.

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

**RESOLUTION NO. 20: AUTHORIZE PUBLICATION OF REQUEST FOR BIDS FOR ELECTRICAL REPAIRS AT TOWN GARAGE** WHEREAS, an inspection of the electrical system at the Town Garage resulted in a report enumerating 20 items needing repair; NOW, THEREFORE, BE IT RESOLVED, that the Clerk is authorized to publish a request for bids for repair.

Those voting aye:

Supervisor Arthur P. Willman, Jr.  
Councilman Allen Berg  
Councilman Donald Hamm

Councilman Bradley Merrill  
Councilman Clifford Smalley

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

**2. New Furnace for Town Hall.** The Board reviewed the draft of request for bids for new furnace and suggested changes. Supv. Willman will edit the draft and the Clerk will publish same: "PLEASE TAKE NOTICE the Town of Franklin, 7 Cold Brook Rd, P O Box 209, Vermontville, NY 12989, hereby solicits SEALED BIDS for a replacement furnace for the Town Hall, as follows: °Furnace should be a 125,000 to 130,000 +/- BTU rear exhaust high-efficiency oil furnace - a lowboy with both plenums located on the top. °Replacement of 275 gal fuel tank, fuel line, piping, etc. °Bids should include price for full installation and removal of old unit. °Appointment for site inspection and specifications are available by contacting TOWN CLERK 891-2189. °Bids must be addressed to TOWN CLERK, be accompanied by a non-collusive bidding certificate, documentation of workers compensation and liability insurance, and submitted in a sealed envelope. The item(s) to be bid upon and the date and time for opening must be clearly written on the envelope front. Bids will be received until 6:00 pm on Wednesday, March 10, 2010 and will be opened at 7:00 PM at the Town Board on that same date. Bids will be awarded at a special meeting later in the month. The Town Board reserves the right to reject any and all bids. BY ORDER OF THE TOWN BOARD /s/ Sandra J. Oliver, Town Clerk." The RFP will be published twice in the Adirondack Daily Enterprise and in the Press Republican. Coun. Hamm suggested including inspection of the holding tank in the specifications, and Coun. Smalley recommended a new filter be installed.

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

**E. 2009 ANNUAL REPORT.** Supv. Willman announced the 2009 Annual Report for the Town had been completed and is on file and available for inspection in the Town Clerk's office.

**F. TAX COLLECTION.** The Tax Collector reported the Town was now fully funded.

## 11. COMMITTEE REPORTS

**A. CELEBRATION.** No Report.

### B. CEMETERY COMMITTEE.

**1. Franklin Falls Cemetery.** Coun. Merrill reported progress was being made on the Franklin Falls Cemetery. He spoke with the Dept. of State, Div. of Cemeteries. As there is no private association maintaining the site, the two municipalities are responsible to mow the area 3 times per year. St. Armand is responsible for its section but has no full time maintenance person and indicated it would reimburse the Town of Franklin for any maintenance at the Franklin Falls Cemetery.

**2. Union Cemetery.** Couns. Merrill and Smalley are also working on the Union Cemetery to have it limed. Coun. Merrill recommended a list of rules be created. He stated for 150 years town residents have been able to obtain a free burial plot. The Town Board should decide whether non-resident, extended family members are also entitled to a free burial plot. Perhaps they should be charged.

### C. RECREATION

Coun. Berg was asked to comment on the report that the Village of Saranac Lake was contemplating banning smoking in its parks, whether the Town of Franklin should do the same. He responded that while No Smoking-No Littering signs could be erected near the buildings, enforcement would be difficult.

## 12. CORRESPONDENCE

**A. CHPS FUNDING.** Supv. Willman reported a letter was received from Rep. Janet Duprey confirming CHPS funding would stay at the same level.

**B. LOCAL GOVERNMENT DAY,** sponsored by APA, will be held in Lake Placid March 23 and 24, 2010 at a cost of \$55.75.

**C. 2010 CENSUS.** The Census Bureau is seeking workers for the 2010 Census. Although only one year of employment is guaranteed, those hired will be paid \$12.75 per hour.

## 13. QUESTIONS AND COMMENTS.

Q/C: How will you advertise for electrical repairs?

A: Coun. Hamm recommended at time and material plus references.

A: Coun. Smalley suggested lowest charge per hour, plus references

A: Hwy. Supt. DeMars reported that Inspector Race advised not to get a solid bid because of all the variables

A: Coun. Smalley said the Town should bid suitable with add-ons

A: Coun. Berg said the Town could add on to the contract with charges by the hour

A: Coun. Hamm recommended obtaining a set price with an added on 10 or 15%. The Town is seeking a reputable contractor with insurance and references. Mr. Race will inspect all work done.

Q/C: With respect to the Town Hall furnace, you should have a way to see if the replacement is Energy Star. You should have a certain efficiency.

Q/C: With regard to Peter Hornbeck's appointment to APA Board, he replaces Sergei Leussi, a Lake Placid businessman, and Hornbeck is an environmentalist.

Q/C: Regarding the new contract with the Union, are the increases contained within the existing budget?

A: Supv. Willman responded that he had checked with Budget Officer Meagher, and the salary increases are within the budget.

Q/C: Is there anything protecting the Town from unpredictable health care costs?

A: Supv. Willman replied health insurance costs are shared, with employees contributing 15% of premiums for existing employees and 20% for new hires. The successful negotiations were a result of the Union recognizing the Town's financial situation. With respect to the Town of Brighton, its employees do not contribute to health insurance premiums and employees were not given an increase in pay.

Q/C: Are you doing any research to alleviate the high health insurance premiums, i.e., investigating other carriers?

A: Supv. Willman answered that the Town had 3 years to do the research, to seek a comparable plan with lower premiums.

Q/C: The last board adopted a resolution declaring an impasse. Don't you need another resolution?

A: Supv. Willman replied another resolution was not necessary to reopen negotiations. A good tone has now been secured between the Highway employees and the Town Board.

Q/C: Suggest you advertise for bids not on time and materials but put out to bid with provisions for change orders. It should save the Town some money.

A: Supv. Willman agreed.

Q/C: Regarding the new furnace, will you have to deal with asbestos abatement? Shouldn't you include that in the contract?

A: Supv. Willman opined the materials could be disassembled without disrupting the asbestos. However, asbestos abatement items could be included in the contract. He added some changes will have to be made in the basement.

Q/C: Thank you for enacting Local Law #1 of 2010. We didn't need or want that planning board.

#### 14. ADJOURNMENT

There being no further business, the meeting adjourned at 8:28 PM

(C.Smalley-D.Hamm m/s/p) ALL AYE

Respectfully submitted, Sandra J. Oliver, Town Clerk

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