



# The Town of Franklin

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## Town of Franklin Board Meetings

### Minutes of the Special Town Board Meeting January 27, 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, Bruce Young, Ed Martin, Doris Hamm, Sandy Hayes, Donald Goff, Dick Jarvis, Ed Baltzly, Les Parker, John Kortner, Jill Reymore, Leisa Almekinder, Joe Rupp, 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. MOMENT OF SILENCE

Supv. Willman requested a minute of silence in memory of Cora Cray, election inspector and lifelong resident and John Moore, former Highway Superintendent.

#### 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 2-minute limit was established for each commenter who signed in.

Q/C Richard Jarvis spoke and handed his written comments to the Clerk: "I strongly recommend the Town Board retain the existing Local Law #2 of 2009. The Town of Franklin took significant actions to guide future development of, for, and by the Town in 2009. A public planning and decision process to identify and to resolve major subdivision issues was established. The law is accompanied with standards and guidelines for both applicants and decision

makers to fairly evaluate options for town growth. The subdivision law provides review of development in areas not protected by existing state laws on private lands classified Hamlet and Low Intensity Use.

Town Law provides a number of options for what government body makes the decisions implementing the subdivision law. After much study and discussion, the decisions regarding subdivision planning was balanced between the town board and the planning board. Under the current local law, the town board has the authority to appoint and to remove members and alternates and chairperson of the planning board, to approve application and inspection fees, to approve annual budget, to appoint the code enforcement officer, and to legislate local laws. The planning board was empowered to administer the major subdivision control law, using the procedures and guidelines set forth in the law. Qualified volunteers on the planning board must obtain appropriate annual training; attend meetings, hearings, field trips; research technical issues; and comply with SEQRA. Together both the town and planning boards have important roles, and there is a design of checks and balances built into the laws.

A number of other significant factors were considered by the town board deciding to empower interested and qualified residents to administer the subdivision law. First, the town board has significant important duties and issues to address as town business, requiring members time and study. Secondly, the subdivision review process is subject to a scheduled decision process, which could conflict with other important town business. Thirdly, better decisions are derived from full participation by 5 board members; given the "small town" nature of our town and application of town ethics law, conflicts of interest are likely to occur. The current planning board law addresses this concern by providing for 2 alternates to serve; there is no similar provision for elected town board members.

Repeal of the planning board law would establish all the power to administer the subdivision law with the town board. This would eliminate the shared and balanced administration of the law. This would create a time management problem with the town board members taking on additional responsibilities. Conflicts of interest will likely occur, resulting in less than 5 members contributing to the discussions and decisions, and less likely to achieve fair and consistent application of the law.

For these important reasons, I strongly recommend the town board retain the existing local law 2 of 2009, and give the qualified planning board members an opportunity to administer the town's major subdivision control law."

Q/C Bruce Young spoke and handed his written comments to the Clerk: "Thank you. There are been a few rumors floating around the town that I would like to have clarified, please. First the background: You are citizens-in-government, and as such could not possibly know all the things you'd need to know about running a town, so I commend both Supervisor Willman and Councilman Merrill's taking advantage of a local government education session in Albany. These sessions are available, and as such should be utilized.

Now, as we all know, the Planning Board had an allotted 2010 budget of \$1,000. However, I have heard that those monies were recently reallocated from their original and legally-mandated budgetary purpose to another section of the budget for easier access—prior to the actual dissolution of said Board.

Simply worded, that these taxpayer-originated and legally-designated monies were basically grabbed and used to cover a rather high "tab"—word has it, in the realm of \$1,300—in Albany, for a few days and nights—before said monies were properly dealt with along with the rest of the Planning Board matter being resolved or rescinded.

If so, this could be seen as misappropriation of public funds, or so I hear. I know that if true, some here will find it funny or oddly appropriate; however, there are many outside these walls who might be interested to know whether their tax money is being spent appropriately or not by those who told them that the previous Board was spending their money on nonsense.

What say you, sirs? [Will the process and receipts be made public?]"

A. Supv. Willman responded that yes, he and Coun. Merrill spent 3 nights in Albany at the Association of Towns' training session for newly-elected officials. The registration fee was \$200 each, 2 rooms cost \$333 each, meals were personally paid for, and Coun. Merrill's mileage was reimbursed at \$.45 per mile. The transfer of funds from the planning board budget line to the contractual expense line of the Town Supervisor was made in order that the Supervisor's line was not overdrawn. A promise was made during the campaign to review and revise or rescind the subdivision control law. The Planning Board takes time of citizens. Supv. Willman stated he found the characterization of "high tab" offensive.

Q/C Les Parker commented it seemed backwards to go after the planning board funding first before revoking the law. There are some things in the planning board law - it is not essential for the planning board to administer the subdivision control law. The planning board should be kept in place to develop a master plan. My concern is not about planning board members' time. I suggest developing a master plan. We should have a law that addresses safety issues, drainage requirements, etc., particularly in subdivisions out of APA jurisdiction.

Supv. Willman thanked everyone for their comments.

#### **4. NEW BUSINESS**

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

Coun. Merrill read into the record the provisions of proposed Local Law #1 of 2010, repeal of Local Law #2 of 2009:

"1. This Law is intended to repeal Local Law #2 of the year 2009 entitled "Creation of Planning Board. Said Local Law #2 of the year 2009 is repealed in all respects.

2. This Local Law shall be effective immediately."

Supv. Willman requested a motion for a resolution setting the date for a public hearing on proposed Local Law #1 of 2010 - Monday, February 8, 2010 at 6:00 PM.

**RESOLUTION NO. 10: FOR PROPOSED LOCAL LAW #1 OF 2010 - REPEAL OF LOCAL LAW #2 OF 2009 - CREATION OF PLANNING BOARD** WHEREAS, the results of the November 2009 Election evidenced voters' negative opinions regarding adopted Local Law #2 of 2009 - Creation of a Planning Board; and WHEREAS, the 2010 Budget does not provide adequate funding for education and training for members of the planning board; and WHEREAS, the proposed law must be subject to public review and a public hearing per established town hearing rules and WHEREAS, the public should have a fair opportunity to express its opinions on an important issue with significant impact on the town and its residents, and all board members should be able to focus on the comments presented;  
NOW, THEREFORE, BE IT RESOLVED, that the town board will issue the Notice of Public Hearing on Proposed Local Law No. 1 of 2010, Repeal of Local Law #2 of 2009, Creation of Planning Board, for official publication twice, with the hearing to be held at 6:00 PM on Monday, February 8, 2010 at the Franklin Town Hall, Vermontville, NY; AND BE IT FURTHER RESOLVED, the draft proposed law and rules of the public hearing will be made available to any interested party at the Franklin Town Hall; AND BE IT

Those voting aye:

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

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

Councilman Clifford Smalley

#### **B. TOWN HALL FURNACE**

Supv. Willman explained that over the past several months there has been a "fuel odor" when the Town Hall furnace is turned on, he requested Hyde Fuel to inspect and clean the furnace. The inspector found a small hole in one of the pipes in the heat exchanger, which explained the odor. The hole was repaired, and the patch will help get the Town Hall furnace through the winter, however, the furnace must be replaced. The Town has been awarded a grant for two new furnaces from NYS Power Authority but the amount does not cover the costs related to installation. Supv. Willman suggested advertising for bids to replace the furnace and requested a motion to that effect.

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

**RESOLUTION NO. 11: AUTHORIZE PUBLICATION OF REQUESTS FOR BIDS FOR NEW FURNACE FOR FRANKLIN TOWN HALL** WHEREAS, the furnace in the Franklin Town Hall requires replacement in order to conserve fuel and lower costs; and WHEREAS, a grant in sum of \$\_\_\_\_\_ has been awarded to the Town by the New York State Power Authority; NOW, THEREFORE, BE IT RESOLVED, that publication of requests for bids are hereby authorized, subject to specifications to be drawn up by members of the Town Board.

Those voting aye:

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

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

none

#### **C. SUPPORT FOR LOCAL 2010 WINTER OLYMPICS COMPETITORS.**

Supv. Willman requested a motion for a resolution in support of Bill Demong.

Motion for resolution (B.Merill-C.Smalley m/s/p) ALL AYE

**RESOLUTION NO. 12: SUPPORT FOR WILLIAM DEMONG, COMPETITOR IN 2010 WINTER OLYMPIC GAMES** WHEREAS, the 2010 Vancouver, Canada, Winter Olympic Games are of worldwide interest; and WHEREAS, William Demong, a Vermontville, NY, native son, has once again qualified to participate in the Games; NOW, THEREFORE, BE IT RESOLVED, that the Town of Franklin Town Board hereby declares its unqualified support, enthusiastic encouragement and very best wishes to William Demong in his bid for a gold medal at the Games.

Those voting aye:

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

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

none

**D. HIGHWAY FUND BUDGET AMENDMENT.**

The 2010 adopted Budget for the Highway Fund contains a nearly \$10,000 shortfall in the workers compensation line. Supv. Willman requested a motion for a resolution transferring funds.

(B.Merrill-A.Berg m/s/p) ALL AYE

**RESOLUTION NO. 13: 2010 HIGHWAY FUND BUDGET AMENDMENT NO. 1** WHEREAS, there is a need to balance the 2010 Budget in order to fully fund the workers compensation line; NOW, THEREFORE, BE IT RESOLVED, the following transfers of funds are made:

FROM ACCOUNT	AMOUNT	TO ACCOUNT	AMOUNT
DA5148.4 Svcs	\$9,448.00	DA9040.8 Workers	\$9,448.00

Those voting aye:

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

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

none

**E. GENERAL FUND BUDGET AMENDMENT.** The 2010 adopted budget for the General Fund contains a nearly \$1,000 shortfall in the workers compensation line. Supv. Willman requested a motion for a resolution transferring funds.

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

**RESOLUTION NO. 14: 2010 GENERAL FUND BUDGET AMENDMENT NO. 2** WHEREAS, there is a need to balance the 2010 Budget in order to fully fund the workers compensation line; NOW, THEREFORE, BE IT RESOLVED, the following transfers of funds are made:

FROM ACCOUNT	AMOUNT	TO ACCOUNT	AMOUNT
A1990.4 Conting	\$934.00	A9040.8 Workers Comp	\$934.00

Those voting aye:

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

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

none

**5. OLD BUSINESS**

**A. AMEND ORGANIZATIONAL ITEMS.**

One item was omitted from the Organizational items which NYS Comptroller's Office likes incorporated - authorization to prepay utility bills. Supv. Willman requested a resolution amending the organizational items to include this. Coun. Smalley asked what would happen if one of the bills is incorrect, and Supv. Willman replied these are utility bills and have always been prepaid. If one of the bills is awry, the problem would be resolved before a voucher and check are prepared.

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

**RESOLUTION NO. 15: AMEND ORGANIZATIONAL ITEMS TO INCLUDE AUTHORIZATION TO PREPAY REGULARLY-OCCURRING CLAIMS**

WHEREAS, certain invoices are regularly received by the Town; and WHEREAS, delaying payment of same for Board approval results in interest being charged to the Town; NOW, THEREFORE, BE IT RESOLVED, that the Supervisor, as chief financial officer of the Town, is hereby authorized to prepay those certain regularly-occurring claims prior to the monthly Town Board meeting; and BE IT FURTHER RESOLVED, that the Town Board, at its regularly-scheduled monthly meeting, will approve vouchers for said claims.

Those voting aye:

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

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

none

**B. BOARD WORKSHOP WITH ASSESSOR AND ORPS.**

As reported previously, Supv. Willman stated that 2010 Assessment update has been postponed for another year. Assessor Douglas Tichenor requested a work session with the Town Board and NYS Office of Real Property Services to better acquaint new board members with the assessment process. Supv. Willman suggested Wednesday, February 17 at 6:00 PM. The Board concurred.

**6. CORRESPONDENCE.**

**A. NYSERDA GRANT.**

Supv. Willman received notice of a meeting regarding a NYSERDA block grant and attended the session on January 12th in Elizabethtown. The grant application is due on February 17th and consists of almost 90 pages. He received good information however concluded there was not enough time to complete the application.

**B. SARANAC LAKE CENTRAL SCHOOL DISTRICT.**

The School Board authorized continuation of lunches for the Town of Franklin Summer Youth Program for 2010.

**7. QUESTIONS AND COMMENTS**

Q/C You should develop a specification sheet for the new furnace.

A: Yes, that will be done before the publication of bid requests.

**8. ADJOURNMENT.**

There being no further business, the meeting adjourned at 7:30 PM

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

Respectfully submitted, Sandra J. Oliver, Town Clerk

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