



# The Town of Franklin

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## Town of Franklin Board Meetings

### Minutes of the Special Town Board Meeting March 24, 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 Doris Hamm Ed Martin Sandy Hayes Karen Smalley Richard Jarvis Derek Romeo 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. MINUTE OF SILENCE IN MEMORY OF RAYMOND TUTHILL.

Ray Tuthill, a well-respected and lifetime resident of the Town died on March 10th. He served on the Town Board for many years and will be missed.

#### 3. 15-MINUTE COMMENT AND QUESTION SESSION.

Q/C: Richard Jarvis read the following statement into the record:  
"Major Subdivision Control Law, SEQR: On March 22, 2010 I visited the town hall to review the completed Environmental Assessment Form (EAF) Part 1, for the proposed town legislation to repeal the major subdivision control law, signed by Supervisor Willman, and reviewed the brief comments letters from DEC, DOH and APA. I found the information describing the town's cultural and natural resources absent or grossly inadequate. Since the proposed legislative action would be applicable to private lands within the town of Franklin, the EAF should list and consider resources on the private lands, similar to the EAF done in mid 2009 during the drafting of the original law.

The town board should first inventory the natural and cultural resources, and then assess the environmental consequences of repeal of the law.

The board's description of action assumes that one or more state agencies will have jurisdiction on the major subdivisions in the town. I noted the three state agencies did not provide specific details on the limits of their respective jurisdiction and review considerations on major subdivisions; detail on the lack or limited of jurisdiction, and the scope the scope of review by each agency, should be a part of assessing the environmental consequences of repeal of the law. For example, APA in hamlet classified private lands only has review over 100 or more lots, parcels or sites, absent critical environmental areas like wetlands. DOH only reviews realty subdivisions involving 5 or more lots, with lots 5 acres or less in size, and offered for sale, sold or leased over any 3 consecutive years. DOH review is not comprehensive like APA since they focus only on the adequacy of facilities for water supply and wastewater treatment. The DEC also does not have comprehensive review, so the layout of lots and road access and impact to neighbors is not a factor in their review.

I noted in the APA letter that they could provide assistance regarding GIS resources and mapping capabilities.

**Replacement of Town Furnace Contract:** Supervisor Willman disclosed at the last town board meeting that there was asbestos involved with the existing heating system and indicated that he was researching possible use of a Dept. of Corrections crew for asbestos abatement. To my knowledge the request for bids did not address the asbestos issue. To avoid problems for the town, the town must address this issue prior to any work being performed that is in full compliance with applicable federal and state requirements."

R: Supv. Willman replied there is no certainty asbestos is present. He has been in touch with Atlantic Testing and has consulted Dept. of Corrections in Albany regarding prison work crews. Gabriels had an asbestos removal crew, but Gabriels Prison is now closed. Clinton County Correctional currently has a crew but can only be used internally because of the lack of prison guards. However, the possible asbestos does not have to be disturbed, as it is not necessary to remove it.

Q/C: Coun. Smalley cautioned that if a contractor were exposed during the furnace replacement, the Town might be liable.

R: Supv. Willman stated he would contact Fred Stupe regarding possible encapsulation of the site.

Q/C: Derek Romeo reported that Hugh Tyler has been relocated from CVPH, Plattsburgh, to Adirondack Medical Center, Saranac Lake, on the 3rd floor. A fundraiser spaghetti dinner will be held on Saturday, March 27th at the Town Hall from 4:00-7:00 PM for Hugh and his family. Donations of dessert and help serving are needed.

Q/C: Coun. Berg reported that Rep. Tim Burpoe called him following the March 10th board meeting and advised the Transit Supervisor for the County would be in contact with him or Supv. Willman regarding a bus through Bloomingdale.

#### 4. BIDS FOR TOWN HALL FURNACE.

**A. UNITS AND PRICES** Discussion held regarding various bidders, furnaces and prices. Supv. Willman acknowledged that additional references and information are required before a decision can be made. The 2 foremost bidders are B&E of Saranac with a Ducane low-boy oil furnace and All Trades with prices for 3 different units, 2 Olsen and an Adams. Supv. Willman found the Adams proposal intriguing, however, noted that although two of the Adams furnaces were sold by All Trades, neither has been installed yet, therefore, no references have been forthcoming on the models. He likes the 3" PVC outlet pipe concept of the Adams. Although condensation is a concern, the unit neutralizes the condensate which is then discharged through the septic. The Adams unit has been in manufacture since 2004.

Supv. Willman indicated All-Trades had suggested performing a heat-loss assessment. The Town Hall duct is sized for 125 BTU, and if All-Trades is awarded the bid, it would perform the heat-loss assessment.

Coun. Berg asked if these items were sized appropriately to the building, and Supv. Willman indicated B&E sized its proposal to 125 BTU and could have 145 BTU. All-Trades bid the same item and came in \$72 less.

Coun. Smalley suggested if the possible asbestos were disturbed by the successful bidder, the liability for same should be covered by the contractor's insurance, not the Town's.

Coun. Smalley asked whether the Town Hall chimney is in good condition, and Supv. Willman replied the smoke pipe is not, and said it will need to be assessed. Coun. Hamm indicated a new liner could be installed in the chimney.

Coun. Smalley recommended the Town accept a similar replacement furnace.

Coun. Berg asked if an engineer would be required for the project, and the Board responded it would not.

No work can be commenced until the warm weather, therefore, on motion of Coun. Smalley and second by Coun. Berg (m/s/p ALL AYE), the matter was tabled to the April 14, 2010 meeting.

**B. POWER AUTHORITY GRANT FUNDING.** Coun. Smalley queried the amount and parameters of the grant, and whether it was for the Town Hall only or also included the Town Garage. Supv. Willman indicated the grant was for \$64,000. Ex-Supv. Mary Ellen Keith received 90% of the funding in advance, which is \$57,600. Supv. Willman telephoned the head of the agency regarding the original description of work to be done which was based on the 2006 Yellow Wood Final Report and Recommendations. The floor in the Town Hall is too thick, so radiant in floor heating cannot be installed. He received oral permission to change the description to oil/hot air and also asked for a new front door and some windows. He wrote to Angela Darkins, grant manager of POA but has not yet received a reply. The Garage simply cannot be seen to at this time.

#### 5. INCREASED INSURANCE VALUATION FOR MERRILLSVILLE BUILDINGS.

Supv. Willman announced that Andre ♦ LaBarge reported the Town had double paid an endorsement in sum of \$450, therefore, it would only cost the Town \$71.83 to increase the valuation on the Merrillsville Town Hall and Barn. The Board affirmed it did not want to increase value on either building. Coun. Smalley inquired whether the

\$450 could be used to repair anything at either building and was informed the back door of the Town Hall needed repair and that there was a good deal of moss on the roof. Supv. Willman indicated he would like a refund of the \$450. The Board concurred. Coun. Hamm suggested obtaining competitive bids on insurance for the Town, and Supv. Willman replied he would investigate same.

Motion to authorize Supervisor to request refund (C.Smalley-A.Berg m/s/p) ALL AYE

## 6. ASSESSMENT UPDATE.

Supv. Willman reported the Assessor had requested a resolution in support of the 2011 assessment update and read same into the record. Coun. Smalley commented that the reason the Assessor requested a postponement was not only because of a lack of sales; it was due to lack of staff and an assessment update for another town, and the Board concurred.

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

**RESOLUTION NO. 28: POSTPONE 2010 ASSESSMENT UPDATE** WHEREAS, the Town Assessor reports there are insufficient current and comparable sales to perform the assessment update in 2010; and WHEREAS, the Board is willing to postpone the update for another 12 months; and WHEREAS, the Board supports the 2011 assessment update; NOW, THEREFORE, BE IT RESOLVED, the Town Board agrees to postpone the assessment update for one additional year, until 2011.

Those voting aye:

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

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

None

## 7. FRANKLIN FALLS CEMETERY

Coun. Merrill stated the cemetery has been abandoned, and read into the record the resolution based on NYS Town Law Section 291, declaring the Town of Franklin would be responsible for administration and maintenance of its portion.

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

**RESOLUTION NO. 29: DECLARE FRANKLIN FALLS CEMETERY ABANDONED AND ASSUME RESPONSIBILITY FOR PORTION WITHIN TOWN OF FRANKLIN** WHEREAS, the "Union Cemetery Association of St. Armand and Franklin" (known as "Franklin Falls Cemetery") has been abandoned as a not-for-profit public cemetery; and WHEREAS, a portion of said cemetery lies within the boundaries of the Town Franklin, County of Franklin and State of New York; and WHEREAS, pursuant to NYS Town Law §291, Burial Grounds, the Town of Franklin hereby acknowledges it is responsible for only that portion of the cemetery located within the Town of Franklin; NOW, THEREFORE, BE IT RESOLVED, the Town of Franklin hereby assumes responsibility for administration and maintenance of only that portion of the said cemetery lying within the boundaries of the Town of Franklin, County of Franklin and State of New York.

Those voting aye:

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

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

None

Coun. Merrill indicated the cemetery is approximately 3 acres; the Town of St. Armand in Essex County is responsible for 2 acres, and the Town of Franklin in Franklin County is responsible for 1 acre. Maintenance required by law is minimal; accessibility should be maintained and the area mowed 3 times per year and cleared of leaves and branches. The road to the cemetery is in the St. Armand portion.

When asked whether new interments are available, Coun. Merrill indicated that there is a preference for family members with an existing presence in the site. There is not much room left in the cemetery, approximately an acre, of which only 1/3 is usable, as the rest is hillside. There are very few available plots.

Coun. Berg asked whether Franklin is required to repair grave markers, and Coun. Merrill indicated markers are a private, family responsibility, not the Town's.

Coun. Merrill indicated this is the first step in assuming responsibility for the cemetery. The next step would be to discuss with the Town of St. Armand the manner in which maintenance will take place. St. Armand does not have a full-time groundskeeper and has indicated its preference for Franklin to perform maintenance and then reimburse the Town for costs. Coun. Merrill suggested the Board adopt a resolution authorizing Supv. Willman to enter into discussions with the Town of St. Armand regarding cemetery maintenance reimbursement.

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

**RESOLUTION NO. 30: AUTHORIZE SUPERVISOR TO ENTER INTO DISCUSSIONS WITH TOWN OF ST. ARMAND RE MAINTENANCE OF FRANKLIN FALLS CEMETERY** WHEREAS, the "Union Cemetery Association of St. Armand and Franklin" (known as "Franklin Falls Cemetery") has been abandoned as a not-for-profit public cemetery; and WHEREAS, 2 acres of the cemetery are located within the Town of St. Armand and 1 acre of the site is within the boundaries of the Town of Franklin; and WHEREAS, the Town of Franklin has acknowledged its responsibility for administering and maintaining the portion of the cemetery within its borders; and WHEREAS, the Town of Franklin employs a full time groundskeeper; and WHEREAS, the Town of St. Armand has expressed an interest in contracting with the Town of Franklin for maintenance of the portion of the site within its boundaries; NOW, THEREFORE, BE IT RESOLVED, the Supervisor is authorized to enter into discussions with the Town of St. Armand for maintenance of the Franklin Falls Cemetery within the borders of the Town of St. Armand and to negotiate a fee for same.

Those voting aye:

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

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

None

## 8. SUBDIVISION CONTROL.

Coun. Hamm read into the record the draft text of a proposed local law no. 2 of 2010 - repeal of Local Law No. 1 of 2009:

"Town of Franklin (County of Franklin)

Local Law No. 2 of the year 2010.

A local law repealing Local Law #1 of 2009 - Town of Franklin Major Subdivision Control Law".

Be it enacted by the Town Board of the Town of Franklin (County of Franklin), as follows:

1. This Local Law is intended to repeal Local Law #1 of 2009 entitled "Town of Franklin Major Subdivision Control Law". Said Local Law #1 of the year 2009 is repealed in its entirety.
2. This Local Law shall be effective immediately."

Supv. Willman distributed copies of the proposed local law to the Board and suggested holding a public hearing within 2 weeks. Coun. Smalley noted that the schools will be on a 2-week spring break and residents will not have adequate notice of the public hearing. Additionally, referring to Richard Jarvis' comments, he asked whether the SEQR declaration is complete. Supv. Willman repeated the opinions of DEC and APA that the completeness of the SEQR declaration is debatable as the Town's proposed action is legislative in nature, and not site-specific. The Board members will receive copies of the SEQR declaration. Supv. Willman indicated he is following the sequence of events followed by the 2009 board in adopting the subdivision control law. The public hearing can go forward, as there have been no negative responses from State agencies on the SEQR. Wednesday, April 28th at 6:00 PM was suggested for the public hearing.

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

**RESOLUTION NO. 31: FOR PROPOSED LOCAL LAW #2 OF 2010 - REPEAL OF LOCAL LOCAL LAW #1 OF 2009 - MAJOR SUBDIVISION CONTROL LAW** WHEREAS, the results of the November 2009 Election evidenced voters' negative opinions regarding adopted Local Law #1 of 2009 - Major Subdivision Control Law; 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. 2 of 2010, Repeal of Local Law #1 of 2009, Major Subdivision Control Law, for official publication twice, with the hearing to be held at 6:00 PM on Wednesday, April 28, 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.

Those voting aye:

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

Those Absent:

None

Those Abstaining:

None

Those Voting nay:

None

## 9. SIGNAGE ATOP FRANKLIN FALLS HILL.

At the last board meeting mention was made of a need for road signs atop Franklin Falls Hill to designate Fletcher Farm Road and Rock Street. Supv. Willman will ask the Highway Superintendent to check with Emergency Services to determine how it designates street names. The signs will then be ordered and installed.

## 10. QUESTIONS AND COMMENTS

Q/C Thank you for the further research on the Town Hall furnace purchase and for postponing the public hearing until April 28th.

Q/C Schedule a meeting of the Fundraising people for 7:00 PM, Monday, April 12th at the Town Hall. This meeting will discuss the creation of a not-for-profit organization to collect funds for a community center at Kate Mountain Recreation Park.

## 11. ADJOURNMENT.

There being no further business, the meeting adjourned at 8:10 PM.

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

Respectfully submitted, Sandra J. Oliver, Town Clerk

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