



The Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 • 518-891-2189 • Fax: 518-891-6389 • www.townoffranklin.com



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Town of Franklin Board Meetings

Minutes of the Monthly Town Board Meeting October 13, 2010 - 7:00 PM

Board members present:

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

Others Present:

Town Clerk Sandra Oliver, Highway Superintendent Jacques DeMars, Tim Burpoe Franklin County Legislator, District #7, Betsy Nicastro, Candidate for County Legislator, Doris Hamm, Frances Oliver Derrick Romeo, Les Parker, Joe Pickreign, Ed Martin, Karen Smalley, Jon Alexander - WNBZ News, Jessica Collier - 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 Clerk called the roll, introduced guests and declared the full board was present.

2. PUBLIC COMMENTS

Q/C: Thank you for commending Wes Wilson on his Ironman achievement. He is very proud that the Town recognized this.

3. BUDGET AMENDMENTS.

Supv. Willman requested a motion for a resolution transferring \$7,575.00 from A1990.4 Contingent to cover the cost of the asbestos abatement at the Town Hall. Motion (C.Smalley-A.Berg m/s/p) ALL AYE

RESOLUTION NO. 76: 2010 GENERAL FUND BUDGET AMENDMENT #6 WHEREAS, in order to maintain balance in the 2010 General Fund Budget, it is necessary to transfer the following amounts; NOW, THEREFORE, BE IT RESOLVED, such transfer shall be effected:

FROM ACCOUNT	AMOUNT	TO ACCOUNT	AMOUNT
A1990.4 Contingent	\$7,575.00	A1620.2 Buildings Equipment	\$870.00
	A1620.4 Buildings CE		\$7,500.00
	A7310.4 Youth Program CE		\$75.00

Those voting Aye:

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

Those Voting Nay:

None

Those Absent:

None

Those Abstaining:

None

4. AUDIT OF CLAIMS

The following claims were submitted on Abstract #10 of 2010:

General Fund	Claims 1186 - 204	\$30,854.64
Highway Fund	Claims 133 - 147	\$135,409.89
Prepay General	Claims 30 - 33	\$1,365.17
Motion to pay claims (B.Merrill-A.Berg m/s/p) ALL AYE		

5. MINUTES.

The minutes of the September 8, 27 and October 4, 2010 meetings were accepted as presented. Motion to accept minutes (A.Berg-B.Merrill m/s/p) ALL AYE

6. SUPERVISOR REPORT.

Balances as at September 1, 2010:

General Fund	Checking	\$42,971.41
	Savings	\$50,272.90
	CLASS	\$112,200.23
Highway Fund	Historian	\$3,033.34
	Checking	\$83,052.69
	Savings	\$146,888.76
	CLASS	\$398,050.40
Landfill	Cap. Proj. Hwy.	\$ 36,475.25
	Checking	\$7,458.40
	CLASS	\$44,012.22
Fire Protection	Checking	\$4,414.54
	CLASS	\$685.30
Capital Project Building		\$434.84

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

7. TOWN CLERK'S REPORT.

Balances as at September 1, 2010:

7 dog licenses	\$32.50
34 Building permits	\$45.83
Copies (FOIL) 9 pg @.25	\$2.25

	\$80.58
Paid to Supervisor	\$65.31
Paid to County Treasurer(dogs)	\$15.27

	\$80.58

Motion to accept Town Clerk report (A.Berg-C.Smalley m/s/p) ALL AYE

8. HIGHWAY REPORT

A. SUPERINTENDENT'S REPORT.

Highway Superintendent Jacques DeMars reported on the progress of the Department:

1) ROAD WORK

-
- Plowing and sanding as necessary
- Checked roads numerous times due to downed trees
- Cold patched several small areas
- Goldsmith Road - parking area almost completed
- Sinkhole Road - added material and dirt
- Merrill Road - added material and dirt
- Bigelow Road - grading started
- Swinyer Road - hydroseeded
- Seasonal roads in effect as of December 1st

2) EQUIPMENT

- nit #7 got stuck today and was towed. This vehicle will be out of service until further notice.
- Request Board consider keeping old plow truck (Unit #3) as a backup instead of selling it.
- Grader broke down on Bigelow Road (circle crank assembly) but has been repaired.

3) SHARED HIGHWAY SERVICES

- Borrowed roller from Town of Saranac for use on Garden Rd.
- Returned Hydroseeder

4) INFRASTRUCTURE

- Garage floor repaired and new apron completed.

5) GARDEN ROAD.

- Necessary improvements have been made, and touch-ups will be done in the spring.

6) ACKNOWLEDGEMENTS

- Thanks to Dan Wilson and Bruce Young for assisting Allan Hadley and Jacques DeMars to remove fallen trees on Cold Brook Road

7) PROPOSED VEHICLE PURCHASE

- Supt. DeMars requested the Board consider the purchase of a crew cab dump truck. The 2004 Chevrolet pickup has more than 100,000 miles on it and the 2006 Dodge pickup has more than 70,000 miles on it. A small dump truck would take the place of a pickup, and would permit transport of more than 3 employees to a job site as well as add versatility to the vehicle inventory. Coun. Smalley asked about cost, and Supv. Willman replied \$62,140.26 delivered. Coun. Hamm expressed concern about an entire crew having only one vehicle at a job site and cautioned the small crew cab dump truck is a long vehicle with a bad turn radius. He suggested a small dump truck with a 3-man bench seat be considered. Coun. Merrill recommended additional research be made and suggested replacing one of the old pickups with a 1-ton dump truck. Supv. Willman stated the additional vehicle would be required in the spring, but there is not a rush. Coun. Merrill recalled that Supt. DeMars had requested the Department purchase its own roller. Coun. Hamm reported that the Town of Wilmington recently purchased a 1-ton pickup truck on state contract for less than \$20,000. TABLED to January 13, 2011 meeting.

8) ADMINISTRATIVE

- Town Barn Lane - Per Board resolution, Town Barn Road will be removed from NYS Dept. of Transportation Local Road listing. However, according to LHI Coordinator, Data Services Unit Planning & Program Management, removing it off the roads inventory does not indicate it is a private road. The inventory is the method used to compute and allocate CHIPS funding.

Supv. Willman indicated the Town Board adopted a resolution which was adopted in February 2000 to place Town Barn Lane on the inventory of public roads. Therefore, it is officially a public road. Further research is necessary for the Town to take steps to convert it officially to a "utility area".

- Kushaqua Mud Pond Road. The bridge in the middle of this road is closed as it was deemed unsafe. Bridges are the responsibility of the County, and Franklin County has no plans to repair this span. Emergency vehicles, dispatched from Malone, approach from the wrong side of the closed bridge (which appears on 911 maps as a bridge without mention that the bridge is closed). Significant delays occur, as too much time is wasted approaching from other side of road. Most locals refer to the Loon Lake part of the thoroughfare is "Mensink Road." Request road to be split and renamed.

Coun. Merrill recalled that before it was called "Kushaqua Mud Pond", the Onchiota portion of the road was "Kushaqua", and the Loon Lake portion "Mud Pond"; however, he did not support renaming the road "Mensink." Supv. Willman suggested in order to avoid confusion at the 911 center, the two parts of the road be named something completely different. Supv. Willman requested that Mike Canty research the matter, which he did, and the 911 center is ready for the Town to rename the road. Coun. Merrill recommended the matter not be decided this evening, and Supv. Willman requested a motion to table the matter. TABLED to December 29, 2010 special meeting.

B. QUESTIONS AND COMMENTS RE HIGHWAY MATTERS

Q/C: Have the split shifts helped employee morale? Are you still managing to plow all the roads? Is maintenance being performed? I think the Department clearly has improved. I have not complaints, and it looks as though the split shifts have helped.

A: Supt. DeMars replied there are no split shifts on weekends, but daily 2 men start at 4:00 AM. The employees are working hard, and the shifts have saved overtime dollars. In addition, we have hired a wonderful mechanic who will also be driving. His last repair saved thousands of dollars. Morale is good, and employees know when they are coming in to work. Previous superintendents would have the entire department start at 4:00 AM, but you can't load 4 trucks with sand and get them out in a timely manner. In addition, we have one man to a truck, instead of one man driving and a second man on the wing.

9. NEW BUSINESS

A. CURTIS LATREMORE. Mr. Latremore's agency, which also handles insurance for 15 towns and villages, including the Town of Malone, was awarded the bid for comprehensive municipal insurance. He distributed copies of a summary of insurance for the Town of Franklin. He commended Supervisor Willman and Councilman Berg on their research and review of the three competing bids, and complimented Supv. Willman on his efforts to ensure the three bidders were bidding on equal coverage. The Town has the same or better coverage as before. In addition, he is researching auto glass coverage, but the company went out of business, so he is investigating other options.

RESOLUTION NO. 78: ADOPT 2011 PRELIMINARY BUDGET WHEREAS, the Town Board, along with Budget Officer and department heads have held workshops to review, discuss and revise the 2010 Preliminary Budget; NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the 2011 Tentative Budget prepared by its Budget Officer as the Town's 2011 Preliminary Budget; AND BE IT FURTHER RESOLVED, that a public hearing will be held on Wednesday, November 3, 2010, at 7:00 PM, and the Town Clerk shall publish notice of same.

Those voting aye:

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

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

B. 2011 AMBULANCE-RESCUE CONTRACT WITH VILLAGE OF SARANAC LAKE A public hearing on the 2011 Ambulance-Rescue contract must be held before the Town Board can accept it. Supv. Willman suggested 6:00 PM Wednesday, October 27, 2010, and the Board concurred. Motion (A.Berg-C.Smalley m/s/p) ALL AYE

RESOLUTION NO. 79: SET PUBLIC HEARING ON 2011 AMBULANCE RESCUE CONTRACT WITH VILLAGE OF SARANAC LAKE WHEREAS, the Village of Saranac Lake has proffered its 2011 contract for ambulance and rescue services; and WHEREAS, a public hearing must be held; NOW, THEREFORE, BE IT RESOLVED, the Town of Franklin Town Board sets public hearing for 6:00 PM on Wednesday, October 27, 2010, at the Franklin Town Hall; and BE IT FURTHER RESOLVED, the Clerk is requested to publish notice.

Those voting aye:

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

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

, and suggested saying "no" to some funding requests. She recommended scrutinizing bids received by the County and that it do some bottom line cutting.

Q/C: Jacques DeMars asked Mr. Burpoe what impact the funding of the North County Community College proposed capital project would have had on the 2011 County budget. Further, he questioned the benefit of the college to the

surrounding communities. He also queried whether the contemplated layoff of 50 County employees might not be increased to 60.

A: TIM BURPOE replied the \$64 million would be halved, \$32 million in funding from SUNY (the State University of New York Capital Fund); the remaining \$32 million would be split between both Essex and Franklin Counties (\$16 million each). If approved, the impact on the Franklin County budget would be a 9% increase. As for the benefits to the communities, Mr. Burpoe emphasized the need to educate area children and retraining adults whose jobs have been eliminated for other fields. He indicated taxpayers should see the benefits NCCC provides to all. The college draws students from outside the County, who pay higher tuition, if the live "in-state" NCCC can charge back a fee to those counties, and if our counties students (Essex & Franklin) go elsewhere, those Community Colleges can do the same, and those students require housing and purchase goods in area stores.

Q/C: Coun. Smalley asked both candidates whether the negative vote in Essex County on the NCCC capital improvement program set the tone for Franklin County.

A: TIM BURPOE replied it did, as Franklin County was not then required to make a decision on the matter. He is hoping that other candidates review the funding request, as it is a matter above and beyond mere fiscal responsibility. Everyone knew the project was coming up for approval, and they took the easy way out.

A: BETSY NICASTRO replied it is easy to say New York State would fund half the project, but questioned whether New York State could guarantee funding. She noted a government must consider everyone. North Country is a wonderful asset but the County government must ensure that everyone can afford their taxes. Many people are on limited incomes. We must be conscious of everyone in our communities. Franklin County still has to pay off the bond for the jail which will take 2 more years. A "no" vote on the NCCC capital project does not mean a "no" to the college.

Q/C: Coun. Merrill commented people in the southern end of Franklin County shop and spend their money in Plattsburgh, and stressed the need to keep sales tax dollars in Franklin County, rather than Clinton. He stated there should be a large retailer in Saranac Lake so as to attract shoppers who could spend in our County. Because Franklin County's sales tax revenue is low, people pay higher real property taxes to support government services; his preference was for increased sales tax rather than high property tax.

A: TIM BURPOE responded the future looks brighter with the gas line being constructed from Massena to the Clinton County line. As a result there will be sales tax increases with businesses converting to natural gas and additional job creation. Look at the Adirondack Club & Resort project in Tupper Lake - increased mortgage taxes will be generated which will allow the County to pay off the bond for the jail earlier. There will be an opportunity for more jobs in the southern end of Franklin County.

A: BETSY NICASTRO stated she drove up County Route 26 and 99 with Father Beyette last week and it is sorely in need of repair. Fr. Beyette pointed out different trails that were to be developed by APA and DEC. We could have a wealth of sales tax revenue if we could improve what we already have in recreational opportunities. Bring in the bed & breakfasts, and get New York State to uphold its agreement to create recreational trails. Petition the State to re-broadcast the "I Love New York" ads.

A: TIM BURPOE reported there is work being done to connect an ATV trail from St. Lawrence to Clinton County. He agreed the cooperation of NYS is necessary. If the State would do what it promised, ATV's could also increase sales tax revenue.

Q/C: Coun. Hamm asked if there was a moratorium on all State land purchases and whether the County could stop future purchases.

A: TIM BURPOE answered the North County has a great advocate in State Senator Betty Little to halt any further purchases of land by the State. As a forester he could talk about this subject for hours - but bureaucrat came up with the idea of the State owning more land via conservation easements. NYS bought acreage it could not afford in these easements. Now the State can't afford to maintain or erect information signs, create parking areas or afford enforcement. Conservation easements are a difficult to manage, expensive to oversee and it's commitment forever for New York State to maintain this commitment.

Q/C: Supv. Willman commented that the State of New York and the Adirondack Park Agency are destroying economic opportunity in this part of the country. It has taken 3 months for the APA to approve a parking area on Goldsmith Road.

Q/C: Ed Martin stated County Route 26 needs help, and never gets worked on by the County Highway Department. Many more people would travel Co. Rt. 26 to Malone if it were repaired.

A: TIM BURPOE replied the Town of Franklin has received lots of assistance from the County Highway Department. Gary Lewis, County Highway Superintendent, just retired, is a very nice guy and did this with the approval of the county legislature and Tim Burpoe's urging. County Route 26 is a long road, and not that many people live or drive on it. For now the County's priorities have to lie elsewhere, we are accountable to everyone

Q/C: Ed Martin reported that fire access is a problem all along Co. Rt. 26 to, crossing State Route 3 to Kushaqua Mud Pond Road where a bridge has needed replacement for years. The money is still there, and both road and bridge need work.

A: TIM BURPOE said in these tough financial times, it is hard to justify the expense of replacing the Kushaqua Bridge, as APA approval is necessary as well as input from the Army Corps of Engineers. In response to Mrs. Nicastro comment that purchasing needs to be scrutinized, Mr. Burpoe stated that the Franklin County

purchasing system is second to none and the county auditor does a fantastic job and the State auditor comments are minimal.

Q/C: Coun. Smalley asked both candidates their opinions on the Village of Saranac Lake becoming a city.

A: BETSY NICASTRO reiterated she is a Saranac Lake resident, and taxation is very high and inequitable. She is not a proponent of the city option. She recommended the Village of Saranac Lake be placed in one town and in one county, and all in the township carry their own responsibility. She canvassed people in the Essex County portion of Park Avenue several years ago, and they were in favor of the Village being in one town and one county, and their preference was to be in Franklin County. Mrs. Nicastro maintained most of the Village is located in Franklin County, so residents in North Elba and St. Armand do not feel they are represented.

A: TIM BURPOE stated that the city option does not create the very much of a savings as stated in the report. If more savings were possible, he would look closely at the alternative. He thought the manner in which the city option was promoted would make a difference, especially if the forecasted savings were high. It may happen then, however, he doesn't think it will work based on the reported small savings. He agreed with Mrs. Nicastro that it would be beneficial for all of the Village of Saranac Lake to be in the County of Franklin, and it makes sense to have the boundary lines moved, but it will be difficult to do. That is a more viable option, he believes.

Q/C: Coun. Hamm reported that the Towns of Peru and Black Brook paved 15 miles of blacktop on roads that did not need it. Did those towns get any stimulus funding? We can barely pave 1-1/2 miles a year.

10. OLD BUSINESS

A. ASSESSMENT MATTERS. Supv. Willman reported that Assessor Doug Tichenor is working on the reval.

B. INFRASTRUCTURE UPDATE. (1) Town Hall. The new furnace has been installed in the Town Hall. Supv. Willman is obtaining price estimates on window replacements for the Town Hall. Coun. Hamm suggested erecting a pole with a light in the back yard of the Town Hall to illuminate the Food Pantry trailer during the winter months. A light can be purchased for \$150, and there is a pole in the gravel pit. (2) Town Garage. Coun. Berg emphasized the importance of roof repair.

11. COMMITTEE REPORTS

A. CELEBRATION. An Autumn Harvest Festival for young children will be held on Saturday, October 30th starting at noon til 4:00 PM, first at the Birch Bark Deli for a fun house, then to the Town Hall for snacks and finally to the Nazarene Church for crafts, games and movies.

B. RECREATION A cover for the sandbox has been ordered.

C. CEMETERIES. Coun. Merrill reported that he and the Town Custodian cleared the back property line of the Merrillville Cemetery and erected new posts. Where possible, they repaired the fence, leaving the property line exposed and moved the fence in from the power lines. He still would like to reroof the sheds in the Vermontville and Merrillville cemeteries, as they are starting to leak. Supv. Willman indicated he will have an answer in a few days.

12. CORRESPONDENCE

A. Kenneth Guerin Garden Road resident Kenneth Guerin faxed a letter protesting the lack of progress on the Garden Road right-of-way encroachment and maintenance project and threatened legal action. Supv. Willman indicated he was aware of the problem with the delay and asked Supt. DeMars to respond. Supt. DeMars stated the encroachment into the Town road right-of-way has been an issue for quite some time. In 2009 he asked the Town Board to authorize a survey, which was finally received in May 2010, at which time letters were sent to each property owner on the Garden Road informing them of the encroachment problem and the maintenance project. There are trees which have grown into the utility lines, and these trees should be removed before any maintenance work starts. Supt. DeMars has telephoned National Grid and Verizon numerous times in order to move the project forward. National Grid has promised that tree removal "will begin soon." With respect to Mr. Gilmore's property, although the rocks in the wall were moved, not all the rocks were moved far enough back. Mr. Gilmore stopped Supt. DeMars one day to ask whether the rocks were okay, however, Supt. DeMars told him he was on his way to an appointment and did not have time to inspect the site. Supv. Willman asked the Board whether it would authorize him to have the attorney for the town draft a very strongly worded letter. Coun. Merrill opined the Town should not give Mr. Gilmore any more time to move the rocks. Coun. Smalley agreed, that Mr. Gilmore had been given ample time within which to move rocks. Supv. Willman indicated the area around Moriece's well needed to be measured so that it would not be interfered with. Coun. Smalley indicated the Highway Dept. will be sensitive and use common sense in the maintenance project.

B. Adirondack Park Agency. APA sent notice that no agency permit would be required to create a parking area for snowmobiles on the Goldsmith Road. Supv. Willman indicated that Chateaugay Woodlands is permitting the parking area, and the Town Highway Dept. will be constructing a 120 x 40 space.

13. QUESTIONS AND COMMENTS

Q/C: You may have a potential issue here with the property owner making an attempt to ascertain whether the rocks were placed properly. He can assert he made a "good faith effort."

A: Supt. DeMars replied that he and Supv. Willman made it extremely clear to Mr. Gilmore where the materials were to be moved.

Q/C: His position will be that he made a good faith effort.

Q/C: Regarding County Route 26, if that road were repaired properly more people would travel it. I live on County Route 55, and the traffic is heavy. It would be nice if C. R. 26 were repaired and people traveled it instead of C.R. 55.

A: Supv. Willman replied that at the northern end of the County people are not paying attention. The County should do carefully constructed road work and repair C.R. 26 so it can handle more traffic.

Q/C: With respect to sales tax, I listened to the Deputy Comptroller for NYS who indicated that counties are too dependent upon sales tax income. I agree, though we should try to push for Malone. Malone has Wal-Mart, Price Chopper, K-Mart, etc. Keep the sales tax revenue in Franklin County.

Q/C: Coun. Hamm commented that more and more counties are returning to grinding and oil because it is less expensive than asphalt.

Q/C: (1) Regarding Co. Rt. 26, I drive it often. At one time Franklin County's tourism department thought to incorporate that road into a network of scenic by-ways.

(2) We might have snow within a week. There is a significant stretch of Garden Road with no utility poles, so work can be done now. This encroachment situation is approaching its 8th year anniversary. Can show you where markers are. All board members are invited to inspect the road.

A: With respect to the Garden Road project, there are still 1 or 2 poles that have to be moved as well as tree removal. We would prefer to wait until that is accomplished.

Q/C: Thank you, Betsy Nicastro, for coming. And thank you, Jacques for doing such good work.

14. ADJOURNMENT

There being no further business to discuss or conduct, the meeting adjourned at 9:15 PM. Motion to adjourn (B.Merrill-C.Smalley m/s/p) ALL AYE.

Respectfully submitted, Sandra J. Oliver, Town Clerk

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Municipal Property

Building & contents	\$1.6 Million
Coinsurance	Waived
Loss of Income	ALS
Extra expense	No limit
Ordinance or law	
Valuable papers	50,000
Accounts receivable	50,000
Earthquake/flood	

Municipal Boiler & Machinery

Equipment breakdown	1.6 Million
Loss of income/extra expense	ALS
Expediting expense	100% of cost
Hazardous substance	25,000
Ordinance or law	
Spoilage	50,000
Newly acquired	1

Municipal Automobile

CSL	1 Million	
PIP	150,000	
OBEL	25,000	
Med Pay	5,000	
100% of increase	Supp Unins Motorists	1 Million
Non-ownership liab	1 M	
Hired auto liab	1 M	
1.6 Million	Mutual aid	1 M
Comp	\$500 deductible	
Collision		\$500 deductible
Rental reimburse	50/day 3,000 limit	
Towing	100	
Hired auto phys dam.	50,000	
1	Ded Reimb for officers	
and directors	1,000	

Municipal Public Officials Policy

locations	Million+contents				
Error in description	included		Employment related		
Service interrupt waiting per.	24 hr	practices	1M / 3M		
Demolition	Up to 100%	Land use liability	1M / 3M		
Data restoration	250,000		Back wages	75,000	
Municipal General Liability		Municipal Inland Marine			
BL/PD	1M/3M	Misc equipment	75,000		
Products completed ops	1M/3Million	Auto physical damage	720,000		
Pers injury & adver. Injury	1 M	Contractor equipment	494,550		
Fire damage legal liabil.	100,000	Unscheduled equip	75,000		
Med. Expense per person	5,000 per location	Munic Owners & Contractors Protective			
Employee Bens liability	1 Mi	Liability	1M / 1M		
Limited pollution liability	25,000	Munic Excess Catastrophe Liability Policy			
Public Officials		5M / 10M			
Outdoor & Ground Equip		10,000	Outdoor Property	10,000	
Bond		30,000	Excess		Storage tank system third party liability
Supervisor	50,000				1M / 5,
Tax Collector	350,000				
Justice	50,000				
Bookkeeper	30,000				