



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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[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 On Village Of Saranac Lake 2011 Ambulance-Rescue Contract And Special Town Board Meeting October 27, 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, Doris Hamm, Donald Goff

1. CALL TO ORDER

Supervisor Arthur P. Willman, Jr. called the hearing to order at 6:00 PM, the Pledge of Allegiance was recited, the Clerk called the roll, introduced guests and declared the full board was present. A copy of the Proof of Publication of the public hearing was attached to the Agenda, as well as the rules of procedure for Town of Franklin public hearings.

2. PURPOSE OF HEARING.

Supv. Willman announced the purpose of the hearing was to receive public comment on the contract with the Village of Saranac Lake for ambulance-rescue services and asked for comments.

3. COMMENTS.

Coun. Hamm opined the cost of the contract was too high. Coun. Smalley objected to the sixth condition of the contract, that fees were based on assessed value, which was not fair. He continued, that the Village of Saranac Lake is paying for its numerous ambulance and rescue costs by charging its costs to participating municipalities. Supv. Willman indicated that in a few years, the Town would not have to contract with the Village, once the Saranac Lake Volunteer Ambulance-Rescue Squad, Inc. is certified. However, the certification is being held up by

the NYS Dept. of Health. Coun. Smalley commented he is glad the Town of Franklin is not in the same situation as the Towns of Harrietstown and Santa Clara which received substantial increases.

4. ADJOURNMENT.

There being no further board or public comments, the hearing adjourned at 6:08PM. Motion to adjourn (A.Berg-B.Merrill m/s/p) ALL AYE

SPECIAL BOARD MEETING

1. CALL TO ORDER

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

2. NEW BUSINESS.

A. ACCEPT AMBULANCE-RESCUE CONTRACT WITH VILLAGE OF SARANAC LAKE. The public hearing having been held and comments received, Supv. Willman requested a motion for a resolution accepting the contract. Motion (B.Merrill-D.Hamm m/s/p) ALL AYE.

RESOLUTION NO. 82: ACCEPT 2011 CONTRACT WITH VILLAGE OF SARANAC LAKE FOR AMBULANCE-RESCUE SERVICE. WHEREAS, the Town of Franklin is in need of ambulance and rescue service; and WHEREAS, the Village of Saranac Lake has offered to contract for such services in the amount of \$35,329.89 for the fiscal year June 1, 2010 to May 31, 2011; NOW, THEREFORE, BE IT RESOLVED, that the Town of Franklin Town Board hereby accepts the contract with the Village of Saranac Lake; and BE IT FURTHER RESOLVED, the Supervisor is authorized to execute said contract.

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. ACCEPT AGREEMENT WITH COUNTY TO REMOVE SNOW AND ICE. Supv. Willman stated that Highway Supt. Jacques DeMars reviewed the proposed contract with the attorney for the Town and then requested a motion for a resolution accepting the Agreement with Franklin County to remove snow and ice from County roads in the Town of Franklin. Motion (A.Berg-C.Smalley m/s/p) ALL AYE

RESOLUTION NO. 83: ACCEPT 2011 CONTRACT WITH COUNTY FOR REMOVAL OF SNOW AND ICE FROM COUNTY ROADS IN TOWN OF FRANKLIN. WHEREAS, an agreement with the County of Franklin for removal of ice and snow from County roads located in the Town of Franklin having been received from the County of Franklin; and WHEREAS, said agreement is subject to review and signature by the Attorney for the Town; NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Franklin does hereby approve and accept said agreement (pending approval of the attorney for the Town); and BE IT FURTHER RESOLVED, the Highway Superintendent is authorized to execute 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

C. ACCEPT AGREEMENT WITH TEAMSTERS UNION RE MECHANIC PAY SCALE. The Board reviewed and discussed the terms of the agreement with the Teamsters Union regarding the pay scale of the newly employed

MEO-Mechanic. Supv. Willman requested a motion for a resolution accepting the agreement and authorizing execution of same. Motion (B.Merrill-A.Berg m/s/p) ALL AYE.

RESOLUTION NO. 84: ACCEPT AGREEMENT WITH TEAMSTERS UNION REGARDING PAY SCALE OF MEO-MECHANIC WHEREAS, an agreement exists between the Town of Franklin and Teamsters Union Local 687 which sets forth pay scales for categories of employees; and WHEREAS, the Town of Franklin has recently hired a new employee with special skills as a "M E O / Mechanic"; and WHEREAS, the employee's pay scale should reflect his abilities; NOW, THEREFORE,

BE IT RESOLVED, the Town Board of the Town of Franklin hereby accepts the terms and conditions of the agreement with the Teamsters Union and authorizes the Town Supervisor to execute same, as follows:

"ARTICLE OF AGREEMENT BETWEEN TEAMSTERS LOCAL 687 AND TOWN OF FRANKLIN: The following is the agreement between Teamsters Local 687 and the Town of Franklin. This agreement is intended for the sole purpose of creating and filling the position of Mechanic/MEO within the Town of Franklin Highway Department. The Mechanic/MEO will become a member of Teamsters Local 687 and the existing contract will be followed, in full, with the exception of the following: (1) If the Mechanic/MEO begins work prior to January 1, 2011 the Highway Superintendent has the right to waive the probation after 90 calendar days from the date of hire. If the probation is waived the Mechanic/MEO shall receive all benefits available to all full time employees including health insurance which he shall be responsible for fifteen (15%) of the cost. (2) Pay Scale: Starting salary will be \$15.30 per hour. After 90 calendar days and the successful completion of probation, the pay shall increase to \$16.30 per hour. After 180 calendar days and obtaining the proper CDL A or B license, the pay shall increase to \$17.30 per hour."

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

D. REAPPOINT LAUREN LEFEBVRE TO BOARD OF ASSESSMENT REVIEW Lauren LeFebvre's term of appointment expired on September 30, 2010, and she is willing to serve another 5-year term. Supervisor Willman requested a motion for a resolution reappointing her. Motion (C.Smalley-A.Berg m/s/p) ALL AYE.

RESOLUTION NO. 85: REAPPOINT LAUREN LEFEBVRE TO BOARD OF ASSESSMENT REVIEW WHEREAS, Lauren LeFebvre has served the Board of Assessment Review faithfully since 2004; and WHEREAS, her term of appointment ended September 30, 2010; and WHEREAS, she is willing to serve another term; NOW, THEREFORE, BE IT RESOLVED, the Franklin Town Board reappoints Lauren LeFebvre to the Board of Assessment Review.

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

E. PROPOSED LOCAL LAW #3 OF 2010 BUYOUT HIGHWAY SUPT. HEALTH INSURANCE. Coun. Berg read into the record the language of the proposed local law as follows:

"HIGHWAY SUPERINTENDENT HEALTH INSURANCE BUYOUT

(1) The Highway Superintendent has historically received health insurance benefits by virtue of his employment with the Town of Franklin. If the currently-serving Highway Superintendent does not wish to receive health insurance benefits through the Town of Franklin, he may have the option of receiving a "buyout" of these benefits in sum of Six Thousand and no/100ths dollars (\$6,000.00) annually, provided he submits proof of health insurance coverage from an another source.

(2) This local law shall become effective upon filing with the Secretary of State."

Supv. Willman requested a motion for a resolution setting date for public hearing. Motion (B.Merrill-A.Berg m/s/p) ALL AYE

RESOLUTION NO. 86: INTRODUCTION OF PROPOSED LOCAL LAW NO. 3 OF 2010 - BUYOUT OF HIGHWAY SUPT. HEALTH INSURANCE WHEREAS, a proposed local law entitled "Highway Superintendent Insurance Buyout" being proposed local law #3 of 2010 has been introduced by Councilman Allen Berg; and WHEREAS, copies of said proposed local law in its final form have on October 20, 2010, been given and distributed to all members of the Town of Franklin Town Board; and WHEREAS, the Town Board has determined to hold a public hearing upon said proposed local law as required by statute; NOW, THEREFORE, BE IT RESOLVED that the Town Clerk shall cause to be prepared and published a notice of public hearing to be conducted by the Town Board upon the aforesaid proposed local law, said hearing to be held at 6:30PM on Wednesday, November 10, 2010 at the Franklin Town Hall, Vermontville, NY 12989; and FURTHER RESOLVED, the Clerk is hereby directed to prepare, publish and post such Notice of Public Hearing, which Notice shall outline briefly the purpose of said proposed local law with date and time and place of hearing.

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

F. PROPOSED LOCAL LAW #4 OF 2010 - DOG CONTROL AND LICENSING. Coun. Smalley read into the record the text of the proposed local law as follows:

"DOG CONTROL AND LICENSING LAW FOR THE TOWN OF FRANKLIN

Section 1 Purpose: The Town Board of the Town of Franklin finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs has caused physical harm to persons, damage to property and has created nuisances within the Town. The purpose of this Local Law is to protect the health, safety and well being of persons and property by imposing restrictions on the keeping and running at large of dogs within the Town.

Section 2 Authority: This Local law is enacted pursuant to the provisions of (Article 7, chapter 39, Part T) of the Agriculture and Markets law and the Municipal Home Rule Law of the State of New York

Section 3 Title: The title of this Local Law shall be the Dog Control and Licensing Law of the Town of Franklin.

Section 4 Definition of Terms: As used in this Local law the following words shall have the following respective meanings:

- (a) "Dog" means male and female, licensed or unlicensed, members of the species canis familiaris.
- (b) "Owner" means person entitled to claim lawful custody and possession of a dog and who is responsible for purchasing the license for such dog unless the dog is or has been lost and such loss was promptly reported to the dog control officer and a reasonable search has been made. If a dog is not licensed, the term "owner" shall designate and cover any person or persons, firm, association or corporation, who or which at any time owns or has custody or control of, harbors, or is otherwise responsible for any dog which is kept, brought or comes within the Town. Any person owning or harboring a dog for a period of one (1) week prior to filing any complaint charging a violation of this Local Law, shall be held in and deemed to be the owner of any dog found to be in violation of this chapter shall be under 18 years of age, the head of the household in which said minor shall be deemed to have custody and control of said dog and shall be responsible for any acts of the said dog in violation of this Local Law.
- (c) "Leashed" means restrained by a leash which is attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.
- (d) Tag" means the prenumbered Town tag with license identification number. This tag is permanent. The dog will only receive one of these.
- (e) "License" means the annual renewal of the dog license. The license will be issued by the Town Clerk with the "tag" number" on it. Licenses can be purchased for a period of one, two or three years, depending on date of rabies vaccination expiration. As of January 1, 2011, unexpired single and multiple year licenses issued under NYS Dept. Agriculture & Markets will be honored if rabies vaccination has not expired.
- (f) "Run at large" means to be in a public place or on private land without the knowledge, consent and approval of the owner of such lands.
- (g) "Town" means the Town of Franklin, Franklin County, State of New York.

Section 5 Restrictions: It shall be unlawful for any owner of any dog in the Town to permit or allow such dog to:

- (a) Run at large unless the dog is accompanied by its owner or a responsible person and under the full control of such owner or person. For the purpose of this Local Law, a dog or dogs hunting in the company of a hunter or hunters shall be considered as accompanied by its owner.
- (b) Engage in habitual and loud howling, barking, crying or whining or conduct as to unreasonably and habitually disturb the comfort or repose of any person other than the owner of such dog.

- (c) Uproot, dig or otherwise damage any vegetables, lawns, flowers, garden beds or other property without the consent or approval of the owner.
- (d) Chase, jump upon or otherwise harass any person in such manner as to reasonably cause intimidation or fear or to put such person in reasonable apprehension of bodily harm.
- (e) Habitually chase, run alongside or bark at motor vehicles, motorcycles or bicycles while on a public street, highway or place, or upon private property without the consent or approval of the owner of such property.
- (f) Create a nuisance by defecating, urinating or digging on public property or upon private property without the consent or approval of the owner of such property.
- (g) Kill or injure any dog, cat or other household pet.
- (h) If an unspayed female dog, when in heat, be off the owner's premises, unrestrained by a leash.

Establishment of the fact(s) that the owner of a dog has allowed or permitted such dog to commit any of the acts prohibited by this Section 5 of this law shall be presumptive evidence against the owner of such dog that he or she has failed to properly confine, leash or control such dog.

Section 6 Licensing of Dogs

- (a) All dogs in the Town of Franklin must be licensed with the Town Clerk by the age of 4 months and are required to present a current Certificate of Rabies Vaccination at the time of licensing or the renewal of an existing license.
- (b) Licenses may be purchased for a period of one year, two years or three years, and will expire on the date of expiration of the rabies vaccination. Owners with multiple dogs will be issued a "multiple dog license".
- (c) Fees for Licensing of Dogs: The fee for a spayed or neutered dog will be \$3.50 per year (which includes the assessment of \$1.00 for the purpose of carrying out animal population control) and the fee for unspayed or unneutered dog will be \$12.50, (which includes assessment of a \$3.00 surcharge for the purpose of carrying out animal population control) with such fees being reviewed by the Town Board periodically and which may be changed by a resolution of the Town Board, if deemed necessary.
- (d) Enumeration Fee: When the town Board determines the need for a dog enumeration, a fee of \$5.00 will be assessed for each dog found unlicensed or renewed at the time the enumeration is conducted.
- (e) Purebred License: The Town of Franklin will NOT be issuing Purebred licenses. All dogs will be licensed individually as per fee system stated above.
- (f) Service Dogs: The Town of Franklin will NOT require a license for any guide dog, service dog, hearing dog or detection dog.
- (g) The Town of Franklin DOES NOT ALLOW the licensing of dogs by a shelter. The shelter must send the adoptive dog to the Town Clerk of the Town or City in which the dog will be harbored for licensing OR to the Town Clerk of the Town of Franklin if the dog is harbored in the Town of Franklin.
- (h) All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees.
- (i) All fees will be used in funding the administration of this Dog Control and Licensing Law in the Town of Franklin.
- (j) Fees for Seizure of Dogs. The fee for seizure and impoundment of dogs in violation of this law or the Laws of the New York State Department of Agriculture and Markets Law are as follows: First Offense: The same impoundment and euthanasia fee per animal that are charged to the town for such service. Second Offense: \$60.00 plus the impoundment and euthanasia fee per animal.

Section 7 Procedure for Seizure of Dogs

- (a) The Dog Control Officer or any peace officer shall seize:
 - 1) Any unlicensed dog whether on or off the owner's premises.
 - 2) Any dog not wearing a tag, and after June 15, 1985, not identified, and which is not on the owner's premises,
 - 3) Any dog found in violation of paragraphs of Section 5 of this Local Law. Such seized dog shall be kept and/or disposed of in accordance with the provisions of Article 7 of Agriculture and Markets Law and see that the order of the Town Justice of the Town of Franklin in such case is carried out.
- (b) The Dog Control Officer or peace officer observing a violation of this Law in his presence shall issue and serve an appearance ticket for such violation. Said Law should be considered a Petty Offense and not a Misdemeanor.
- (c) Any person who observes a dog in violation of this Local Law may file a complaint under oath with the Town Justice of the Town of Franklin specifying the nature of the violation, the date thereof, a description of the dog and the name and a residence, if known, of the owner of such dog. Such complaint may serve as a basis for enforcing the provisions of this Local Law.
- (d) No action shall be maintained against the Town of Franklin, any duly designated Dog Control Officer, or any other agent or officer of the Town, to recover the possession or value of any dog, or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this Local Law.

Section 8 Penalties. Any person convicted of a violation of this Local Law shall be liable for a civil penalty of \$25.00 for the first violation; of \$50.00 for a second violation and \$75.00 for each subsequent violation.

Section 9 Separability. Each separate provision of this Local Law shall be deemed independent of all other provisions hereof and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 10 Repealer. This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the control of dogs within the Town of Franklin, and they shall be upon the effectiveness of this Local Law, null and void.

Section 11 Effective Date. This Local Law shall be effective January 1, 2011, after filing with the Secretary of State."

Supv. Willman requested a motion for a resolution scheduling a public hearing on the proposed local law. Motion (C.Smalley-D.Hamm m/s/p) ALL AYE

RESOLUTION NO. 87: INTRODUCTION OF PROPOSED LOCAL LAW NO. 4 OF 2010 - DOG CONTROL AND LICENSING WHEREAS, a proposed local law entitled "Dog Control and Licensing Law" being proposed local law #4 of 2010 has been introduced by Councilman Clifford Smalley; and WHEREAS, copies of said proposed local law in its final form was given to all members of the Franklin Town Board on October 21, 2010; and WHEREAS, the Town Board has determined to hold a public hearing upon said proposed local law as required by statute; NOW, THEREFORE, BE IT RESOLVED that the Town Clerk shall cause to be prepared and published a notice of public hearing to be conducted by the Town Board upon the aforesaid proposed local law, said hearing to be held on Wednesday, November 10, 2010, immediately following the 6:30 PM public hearing on proposed local law no. 3, at the Franklin Town Hall, Vermontville, NY 12989; and the Town Clerk is hereby directed to prepare, publish and post such Notice of Public Hearing, which Notice shall outline briefly the purpose of said proposed local law with date and time and place of hearing.

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

G. PROPOSED AMENDMENT TO IMPROPERLY STORED GARBAGE LAW. Supv. Willman commented that the wording of the proposed amendment may be broader than necessary. He requested members of the Board review the matter with their comments prior to the November 3, 2010 special meeting. Tabled to November 3, 2010.

H. CODES OFFICER On Monday evening, October 25th, Couns. Merrill and Smalley interviewed the three applicants for the position of Codes Officer for the Town. They recommended that Donald Goff be appointed to the position at a salary to be negotiated, and the rest of the Board concurred. Supervisor Willman requested a motion for a resolution appointing Mr. Goff to the position for 2 years. The Board congratulated Mr. Goff on his appointment and Mr. Goff thanked the Board for their confidence in him. Discussion ensued regarding certification courses. Motion (A.Berg-C.Smalley m/s/p) ALL AYE.

RESOLUTION NO. 88: APPOINT DONALD GOFF AS CODES ENFORCEMENT OFFICER WHEREAS, the current contract with the Town of Santa Clara for Codes Enforcement Officer, Edward Lagree, will expire December 31, 2010; and WHEREAS, Santa Clara will not be renewing the contract; and WHEREAS, Donald Goff has substantial experience in the field of construction and has applied for and is willing to serve as Codes Officer; NOW, THEREFORE, BE IT RESOLVED, that Donald Goff is appointed to the position of Codes Enforcement Officer for a 2-year term, commencing January 1, 2011 and ending December 31, 2012.

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

I. OPEN FUEL BIDS. Three bids were received, the Clerk opened and read them into the record:

Unleaded Gasoline	On Road Diesel	#2 Fuel Oil	Propane	Price Description
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Griffith Energy 760 Brooks Ave. Rochester, NY 14619	2.4825	2.6070	2.5475	1.799/gal	Fluctuates propane fixed
Hyde Fuel 196 Broadway Saranac Lake, NY	2.697	2.728	2.677	1.956/gal	Fluctuates
	2.5293	2.5627 Winter blend is 2.6273	2.5352	1.8337	State Contract
HomEnergy 33 Depot St. Saranac Lake, NY	2.859	2.719 2.819 Winter blend is	2.629	1.979	Fixed Price
	2.5889	2.6739 2.7381 Winter blend is	2.6174	1.7510	HomEnergy Daily Discounted

The Board will review the bids and award at the November 3rd special meeting.

3. OLD BUSINESS

A. FURTHER GARAGE REPAIRS.

1) Floor, Rear Door and Outside Slab. Coun. Hamm reported that with Couns. Berg and Merrill they have inspected the Town Garage. The rear of the building is a problem as the concrete inside the garage has cracked and sunk, leaving about a 4-inch gap under the door causing heat to escape. As the overhead door has been dented, the bottom section needs to be replaced. As to the sunken floor, Coun. Hamm recommended the flooring material be dug out and new concrete poured. He described a new type of quick-drying cement used to repair bridges and estimated that price at \$400. Although the cement does not cover a large area, adding pea gravel could be used to keep the price lower. The slab on the outside is sunken as well and it should also be repaired. The floor should be steam cleaned and sealed with Cure-Seal (5 pails @ \$35 each). The Cure-Seal seals pores in the concrete and prevents salt from eroding it.

2) Roofing Screws. The screws holding down the roof have been stripped and are protruding about 1-1/4 inches above the roofing material. These should be replaced with longer screws. Coun. Hamm estimated it would take 2 men one day to replace the roof screws at a cost of approximately \$400.

3) Entrance Door. This metal door was installed in the 1970's and requires replacement.

B. TOWN HALL WINDOWS AND DOORS. Supv. Willman indicated he was soliciting prices from three local suppliers, Curtis, Samples and Lamb Lumber for prices on new doors and windows for the Town Hall and at the November 3rd meeting will recommend publishing RFPs. Funding will be from the Power Authority grant and can be used for the Garage door. Because cold weather has settled in this area, window replacement will wait until next spring, but the 3 doors at the front of the Town Hall can be replaced this year.

C. CEMETERY SHEDS. Coun. Merrill indicated repairs to the cemetery sheds could wait until spring of 2011, although white mold is growing on the inside near the roofline.

D. ASSESSMENT UPDATE. The Assessor is working on this.

E. COLLAPSED MOBILE HOME. Coun. Hamm reported a possible hazard to health and safety on Swinyer Road where a mobile home collapsed. Supv. Willman confirmed he would ask the current Codes Enforcement Officer to review the situation.

4. CORRESPONDENCE

Supv. Willman read Wes Wilson's thank you note to the Board.

5. ADJOURNMENT

There being no further business to discuss or conduct, the meeting adjourned at 7:30 PM. Motion to adjourn (B.Merrill-A.Berg m/s/p) ALL AYE.

Respectfully submitted, Sandra J. Oliver, Town Clerk

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Town of Franklin

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