



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 September 8, 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, Frances Oliver, Derrick Romeo, Les Parker, Ed Martin, Donald Goff, Ed Baltzly

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. MOMENT OF SILENCE

IN MEMORY OF THE VICTIMS OF THE SEPTEMBER 11, 2001 BOMBING OF THE WORLD TRADE CENTER.

3. PUBLIC COMMENTS

None

3. BUDGET AMENDMENTS.

RESOLUTION NO. 66: 2010 GENERAL FUND BUDGET AMENDMENT #5 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
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A1990.4 Contingent	\$7,767.00	A1620.2 Buildings Equipment	\$870.00
	A7140.2 Spec Rec Equipment		\$4,220.00
	A8810.2 Cemeteries Equip.		\$2,610.00
	A7310.4 Youth Program CE		\$67.00

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

5. AUDIT OF CLAIMS

The following claims were submitted on Abstract #9 of 2010:

General Fund	Claims 148 - 161	\$2,749.21
Highway Fund	Claims 162 -	\$5,971.77
Prepay General	Claims 36-	\$1,365.25

Supv. Willman noted that the contract with Atlantic Testing for asbestos abatement in the TownHall had been revised. He requested a motion to accept and authorize him to execute same. Motion (C.Smalley-A.Berg m/s/p) ALL AYE

RESOLUTION NO. 67: ACCEPT REVISED AGREEMENT WITH ATLANTIC TESTING WHEREAS, a contract for asbestos abatement with Atlantic Testing was executed; and WHEREAS, Atlantic Testing provided air monitoring service in excess of the amount quoted in the original contract; and WHEREAS, Atlantic Testing has requested and submitted a revised contract for air monitoring in sum of \$4,024.00; NOW, THEREFORE, BE IT RESOLVED, the Town Board accepts the revised agreement and authorizes the Supervisor 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

Coun. Smalley commented the Press-Republican invoice seemed very large, and it was withdrawn from the Abstract of Claims pending investigation.

Motion to pay claims (C.Smalley-A.Berg m/s/p) ALL AYE

6. MINUTES.

The minutes of the August 11 and August 26, 2010 meetings were accepted as presented. Motion to accept minutes (C.Smalley-A.Willman m/s/p) ALL AYE

7. SUPERVISOR REPORT.

Balances as at August 1, 2010:

General Fund	Checking	\$3,017.26
	Savings	\$100,258.46
	CLASS	\$112,184.48
	Historian	\$3,033.08
Highway Fund	Checking	\$48,036.58
	Savings	\$78,369.46

	CLASS	\$397,994.34
	Cap. Proj. Hwy.	\$ 36,470.08
Landfill	Checking	\$7,769.21
	CLASS	\$44,006.01
Fire Protection	Checking	\$4,414.18
	CLASS	\$685.30
Capital Project Building		\$434.84
Motion to accept Supervisor's Report (m/s/p) ALL AYE		

7. TOWN CLERK'S REPORT.

Balances as at August 1, 2010:

4 dog licenses	\$10.00
14 Building permits	\$856.00
3 Copies	\$.75

	\$866.75
Paid to Supervisor	\$862.05
Paid to County Treasurer(dogs)	\$4.70

	\$866.75

The Clerk mentioned the Town has issued 40 building permits thus far this year.

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

9. HIGHWAY MATTERS

A. SUPERINTENDENT'S REPORT.

Highway Superintendent DeMars submitted the following report of progress of the Department, read by Coun. Berg:

1) ROAD WORK

- Repaired washout on Cold Brook Road
- Paved southern end of Sinkhole Rd
- Paved end of Fletcher Farm and at the Y end of same
- Preparatory work performed prior to paving: ditching, culvert replacement, tree cutting tree limbing and road grinding.

2) SHARED HIGHWAY SERVICES

- Borrowed asphalt grinder from towns of Bangor, Ft. Covington and Moira and rolled the road that was ground. Used our new water truck for this.
- Borrowed Town of Saranac's vibrating roller for Y at Fletcher Farm and Cold Brook Roads
- Borrowed Hydroseeder from Soil & Water Conservation to reseed areas disturbed by ditching - no cost to Town, and labor will be reimbursed.
- Hauled asphalt for Towns of Saranac, Harrietstown, Santa Clara, St. Armand and Brighton, and they reciprocated by hauling asphalt for us.

3) ANIMAL NUISANCE PROBLEMS.

- Ongoing beaver problems on Cold Brook Rd near Lou Meyers' property caused washout. The beaver dam was pulled apart several times.

4) SIGNAGE.

- Began sending out our old signs to Midstate for refacing.

5) ADMINISTRATIVE.

- Working on budget estimates for 2011 and inventory for insurance company

6) EQUIPMENT.

- Gas pumps at garage out of order, so Department borrowed gas from Town of St. Armand (54 gallons). A new pump has been ordered.

Coun. Berg asked why M C Motors was used for inspection and if Olympic Auto gave the Town a discount. Coun. Hamm opined that most commercial accounts receive a discount. Coun. Hamm then explained that the asphalt grinder borrowed from Bangor, Ft. Covington and Moira was called a "zipper", and it was very effective in grinding the road surface. Supv. Willman noted that Supt. DeMars is researching whether the Town could share the cost of a "zipper" with perhaps Towns of St. Armand and Brighton at an estimated cost of \$100,000. Split 3 ways this would not be a bad investment. The machine put down a solid base and helped the Department do a really good job of paving. He recommended the Board consider this.

B. COMMENTS AND QUESTIONS RE HIGHWAY MATTERS. None

10. NEW BUSINESS

A. REAPPOINT CHARLOTTE MITCHELL TO ETHICS COMMITTEE. Charlotte Mitchell, one of the first appointees to the Town's Ethics Committee has consented to serve another 3-year term. Supv. Willman requested a motion for a resolution reappointing Mrs. Mitchell. Motion (C.Smalley-A.Berg m/s/p) ALL AYE

RESOLUTION NO. 68: REAPPOINT CHARLOTTE MITCHELL TO ETHICS COMMITTEE WHEREAS, Charlotte Mitchell has served on the Ethics Committee since its inception in 2003; and WHEREAS, her appointment ends September 30, 2010; and WHEREAS, she is willing to serve another 3-year term; NOW, THEREFORE, BE IT RESOLVED, the Town Board reappoints Charlotte Mitchell to another 3-year term on the 12-9PM Ethics Committee (term October 1, 2010 - September 30, 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

B. REPORT OF TOWN JUSTICE Town Justice Roger Symonds reported that Supervisor Willman had audited his accounts and Supervisor Willman stated he had found the Justice accounts in good order, following guidelines established by the Comptroller's Office which stipulate that numbered receipts be issued, the checkbook reconciled and deposits made in a timely fashion. Justice Symonds contained, explaining that the Court collects fees from fines and surcharges which are paid over to the Town Supervisor and a report of same transmitted to the Comptroller. The Comptroller then notifies both the Justice and Town Supervisor of amounts to be paid to the Unified Court System. The Court collects between \$3,000 and \$5,000 per month, and the court system is separate from local government. The Court handles not only vehicle and traffic violations but also matters involving dogs (dog bites, animal cruelty), landlord-tenant, Dept. of Environmental Conservation violations, small claims, and all criminal cases up to a Class A misdemeanors. The Town Justice also handles felony arraignments and felony preliminary hearings. When the Family Court is not in session (evenings, weekends and holidays), the Town Justice serves at hearings in domestic disputes. The public is welcome to sit in on any court session.

When asked by Coun. Smalley about training, Justice Symonds responded local justices must accumulate 16 approved credits per year, which includes 9 county magistrate meetings annually in Malone, and a 2-day training in Potsdam. Justice Symonds attends enough sessions to accumulate 25 credits per year, although the credits are only good for one year. He continued, stating he tries to manage the Town Court on a minimal budget, with his wife as his clerk. He types his own correspondence and makes his own deposits. If a justice makes an accounting mistake, he pays for it out of his own pocket.

Of utmost importance is for a local justice to protect the rights of the defendant. The State Police have any number of individuals to represent them in prosecution, including the District Attorney and assistants. The defendant is on his own until he retains counsel. Therefore, each individual appearing before Justice Symonds is treated with courtesy and respect.

Supv. Willman commented Justice Symonds had done an excellent job both as a magistrate in maintaining good accounts; he then requested a motion for a resolution accepting the audit of the Justice Court accounts. Motion (A.Berg-C.Smalley m/s/p) ALL AYE

RESOLUTION NO. 69: ACCEPT AUDIT OF JUSTICE ACCOUNTS WHEREAS, Town Justice Roger Symonds, in compliance with NYS Comptroller guidelines, appeared before the Town of Franklin Town Board on Wednesday, September 8, 2010, and explained his accounting records for the fiscal period June 2009 through May 2010 and WHEREAS, the Town Supervisor inspected said records on Wednesday, September 1, 2010, bank statements and accounts, inclusive, and found them to be in good order; NOW, THEREFORE, BE IT RESOLVED, that the Town of Franklin Town Board hereby accepts and approves of the accounting records maintained by Town Justice Roger Symonds.

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. CODES OFFICER. The Town of Franklin shares the costs of Codes Officer Ed Lagree with the Town of Santa Clara via a contract which expires December 31, 2010. Both Codes Officer Lagree and the Town of Santa Clara have indicated orally to Supervisor Willman that Mr. Lagree is required full-time in Santa Clara and the contract will not be renewed, although Mr. Lagree has not submitted a resignation. Therefore, the Town will need to hire a new codes enforcement officer, and one individual has already expressed interest in the position, although he is not certified. Coun. Hamm noted that the Town of St. Armand hired a part-time codes officer who is certified. Supv. Willman requested those present to mention the position to any individual who is certified. He then indicated the position would have to be advertised, and requested a motion for a resolution authorizing publication of the job opening. Motion (C.Smalley-A.Berg m/s/p) ALL AYE.

RESOLUTION NO. 70: AUTHORIZE PUBLICATION OF AD FOR CERTIFIED CODES OFFICER WHEREAS, the Town contracts with the Town of Santa Clara for the services of current Codes Officer Edward Lagree; and WHEREAS, it appears the contract will not be renewed; and WHEREAS, the Town must have a codes enforcement officer; NOW, THEREFORE, BE IT RESOLVED, publication of a classified ad in the Adirondack Daily Enterprise is hereby authorized.

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. CULVERT POLICY AND APPLICATION. At the recommendation of Coun. Merrill and concurrence by the Board, the culvert policy was clarified. Supv. Willman requested a motion for a resolution. Motion (C.Smalley-A.Berg m/s/p) ALL AYE

RESOLUTION NO. 71: REVISE CULVERT POLICY WHEREAS, the policy adopted on August 11, 2010 requires clarification; NOW, THEREFORE, BE IT RESOLVED, the Town's Culvert Policy is hereby revised as follows (revision in boldface and italic):

CULVERT POLICY

Commencing August 12, 2010, property owners who need to install a new culvert for the purpose of creating a roadway entrance must follow the following procedures:

1. The property owner or his representative will meet with the Highway Superintendent at the site to discuss and determine the location of the roadway entrance.
2. Upon determination of the roadway entrance and size of culvert is determined, the culvert will be ordered. The property owner will be responsible for the cost of the culvert materials and crushed stone required to install same.
3. Payment for the materials will be made to the Building Codes Officer.
4. Highway Department personnel will install the culvert at no additional cost to the property owner.
5. Existing culverts will be replaced entirely at Town expense providing culvert replacement is performed in connection with capital road improvements and/or routine maintenance (ditching, grading, etc.). Culverts requiring replacement not in connection with capital road improvements will be replaced at the property owner's expense by Highway Department personnel.

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

The Application for Culvert Application (with above revisions) was accepted. Motion for resolution (C.Smalley-A.Berg m/s/p) ALL AYE

CULVERT POLICY

Commencing August 12, 2010, property owners who need to install a new culvert for the purpose of creating a roadway entrance must follow the following procedures:

1. The property owner or his representative will meet with the Highway Superintendent at the site to discuss and determine the location of the roadway entrance.
2. Upon determination of the roadway entrance and size of culvert is determined, the culvert will be ordered. The property owner will be responsible for the cost of the culvert materials and crushed stone required to install same.
3. Payment for the materials will be made to the Building Codes Officer.
4. Highway Department personnel will install the culvert at no additional cost to the property owner.
5. Existing culverts will be replaced entirely at Town expense providing culvert replacement is performed in connection with capital road improvements and/or routine maintenance (ditching, grading, etc.). Culverts requiring replacement not in connection with capital road improvements will be replaced at the property owner's expense by Highway Department personnel.

APPLICATION FOR CULVERT INSTALLATION

- _____ New culvert
- _____ Replacement (not part of capital road improvement project)

PROPERTY OWNER INFORMATION

Name: _____

Address: _____

Tax Map No.: _____ Site of culvert _____

Property Owner Signature _____

Date of meeting with Highway Superintendent _____

Highway Superintendent Approval _____

Date payment to Codes Enforcement Officer _____ \$ _____ (Amt)

CULVERT PERMIT NO. _____

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. SUPPORT FOR RAINBOW LAKE ASSN. GRANT. The Town has in the past written to support the application of Rainbow Lake Association for a grant through the Champlain Basin Program to curtail the spread of invasive species and protect the waterway. Supv. Willman received a request to do so again and requested a motion for a resolution in support thereof. Motion (C.Smalley-A.Berg m/s/p) ALL AYE

RESOLUTION NO. 73: SUPPORT GRANT APPLICATION OF RAINBOW LAKE ASSN. WHEREAS, the Rainbow Lake Association works hard to maintain and protect the Rainbow Lake waterway; and WHEREAS, the Association is applying for grant funding to continue its work through the Champlain Basin Program and has requested a letter of support from the Town Board; NOW, THEREFORE, BE IT RESOLVED, the Franklin Town Board hereby offers a letter in support of the grant application of the Rainbow Lake Association and authorizes the Supervisor to execute such letter.

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

11. OLD BUSINESS

A. INFRASTRUCTURE TOWN HALL FURNACE UPDATE

A. AMBULANCE/RESCUE CONTRACT. Although the ambulance-rescue portion of the Village of Saranac Lake Fire Dept. is nearly autonomous, the Village has unilaterally determined to base its apportioned costs to participating municipalities on assessed value rather than on percentage of use. The charge to the Town for 2011 is \$35,329.89 (a residence assessed at \$150,000 will be paying \$23.70 per year for ambulance service). In addition, the Saranac Lake Volunteer Rescue Squad, Inc. has requested an additional payment in 2011 of \$2,450. In the past, the Village has contributed \$50,000 to the Fire Dept. and Rescue Unit over the years totalling \$150,000 and was placed in a "reserve account." That \$150,000 is not noted in the Village's budget, and its contribution has dropped by \$27,500. Village Manager Sweeney maintains the Village has fulfilled its obligation and is no longer required to contribute \$50,000 to the Rescue Unit. Supv. Willman, in a telephone conversation with John Sweeney, reminded him that the Village was to continue contributing to the rescue unit until it became independent; Mr. Sweeney maintains the rescue unit is now independent. The Village's contribution to the SLV Rescue Squad was removed from the Village's budget. The Saranac Lake Fire Advisory Board was not consulted, and its September 1st meeting was attended by 15-20 representatives of the municipalities, including Village Trustee John McInerny. Supv. Willman will discuss the matter with the Attorney for the Town, James Martineau.

B. BLOOMINGDALE VOLUNTEER FIRE DEPT. The Town contracts with the Bloomingdale Volunteer Fire Department for fire protection, and the Department confirmed no increase in the contract for 2011; however, it would like to have a 3-year contract which would contain a schedule of percentage increases. The reason it recommends a 3-year contract is to reduce the amount of paperwork caused by the annual contract.

C. ASSESSMENT UPDATE. Supv. Willman reported that Assessor Doug Tichenor is in process of cross-checking the collected data with his records to ensure accuracy. Thereafter, he will be mailing assessment notices.

D. REVISION OF CONTRACTS TO USE TOWN FACILITIES. Having discussed this subject at length at several board meetings, the Board concluded it was not in the best interests of the Town at this time to revise the contracts so as to allow alcohol consumption. In the case of any future rugby tournaments, a waiver of the "no-alcohol" provisions could be made, and the sponsor of the tournament would carry its own liquor license. The Board concurred and decided to remove this item from future agendas.

E. AMENDMENT OF LOCAL LAW #2 OF 2002 - IMPROPERLY STORED GARBAGE. Supv. Willman will discuss this matter with Codes Officer Ed Lagree and the attorney for the Town.

F. LAND INVENTORY. No progress has been made on this.

12. COMMITTEE REPORTS

A. CELEBRATION. There are adequate funds from contributions to hold two children's parties, one at the end of October, and the other during December. The Clerk will coordinate the October event with the Birch Bark Deli and Nazarene Church.

B. CEMETERY COMMITTEE. Couns. Merrill and Smalley indicated they would like effect roof repairs to the sheds at both cemeteries before the cold weather. Tabled to the September 27, 2010 special meeting.

C. RECREATION The Town Picnic held Saturday August 21st was a success, and suggestions for improvement were received by the Kate Mountain Community Association and will be considered for next year Saturday, August 20, 2011. Thanks to all who contributed!

13. CORRESPONDENCE

APA. Notice received from APA that Cristian Reeve plans to build a cabin on County Rt 55.

DEC. Sean Reynolds of DEC, in a telephone conversation with Supv. Willman, indicated DEC was still in the APA permitting process, so the parking area on Goldsmith Road might not be approved until 2011.

14. ANNOUNCEMENTS.

LINDA PEER - TEACHER OF THE YEAR. Coun. Smalley reported Mrs. Peer had been awarded the 2009-10 Teacher of the Year Award. The Board was duly impressed. Motion (C.Smalley-B.Merrill m/s/p) ALL AYE

RESOLUTION NO. 74: RECOGNITION AND CONGRATULATIONS TO LINDA PEER AWARDED 2009-10 TEACHER OF THE YEAR WHEREAS, Town resident Linda Peer is a teacher in the Saranac Lake Central School District; and WHEREAS, she has been awarded 2009-10 Teacher of the Year; NOW, THEREFORE, BE IT RESOLVED, that the Town of Franklin Town Board hereby recognizes this achievement and wholeheartedly congratulates Linda Peer.

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

SEPT. 14 - PRIMARY ELECTION. All voting will take place at the Franklin Town Hall, and polls will be open from noon until 9:00 PM.

BUDGET WORKSHOPS AND SPECIAL BOARD MEETINGS. The General Fund and Fire Protection Fund Budgets will be discussed on Monday, September 27th at 7:00 PM, and the Highway Fund on Monday, October 4th.

15. QUESTIONS AND COMMENTS.

Q/C: It sounds like the Village might be double-dipping. When will the Rescue Squad begin billing insurance companies?

A: Supv. Willman replied the Squad should start billing in a month or so, and it will take several months to receive payment. After a while, they should be able to recoup some of their costs, but it will take some time.

Q/C: When they start billing will be costs to the Towns be reduced?

A: Yes. However, the Village is still charging for drivers, and the Rescue Squad has budgeted \$13,700 in rent. However, 2011 should be the last year for these extra charges. After 2011, the Rescue Squad will stand on its own.

Q/C: What have you heard about the sand from that pit the Village wants to sell?

A: That's on hold for the time being. However, Trudeau was awarded the Town of Franklin's sand bid at \$4 per ton.

16. ADJOURNMENT

There being no further business to conduct, the meeting adjourned at 9:40 PM. Motion to adjourn (B.Merrill-C.Smalley m/s/p) ALL AYE

Respectfully submitted, Sandra J. Oliver, Town Clerk

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