



# The Town of Franklin

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## Town of Franklin Board Meetings

### Minutes of the Monthly Town Board Meeting February 9, 2011 - 7:00 PM

#### Board members present:

Supervisor Arthur P. Willman, Jr.  
Councilman Allen Berg  
Councilman Clifford Smalley (arrived at 6:30 PM)  
Councilman Donald Hamm  
Councilman Bradley Merrill

#### Others Present:

Town Clerk Sandra Oliver, Doris Hamm, Ed Martin, Lynn Nichols, Derrick Romeo, Dick Jarvis

#### 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 a quorum was present.

#### 2. PUBLIC COMMENTS AND QUESTIONS

Q/C: LYNN NICHOLS asked the disposition of the wood removed from the Garden Road project. She asserted the Deputy Hwy. Supt. moved 3 truckloads to the Highway Superintendent's residence. She stated it should have been made available to Town residents. If so, this was an issue surrounding the resignation of the 2008 Highway Supt.

A: Supv. Willman indicated there is wood piled at the Garage, and a list is maintained at the Town Garage for residents to request fill and any other excess road material. If residents do not request the materials, it is acceptable for staff to take it. However, he will follow up on Mrs. Nichols' statement.

Q/C: Coun. Merrill indicated removal of firewood from Town roadways was an issue involving the 2008 Highway Supt. and that he would be interested in the outcome of Supv. Willman's follow-up.

Q/C: Ed Martin commended the Highway Dept. on the outstanding job and long hours they have worked to keep the roads clear of snow and ice. The Town Highway Dept. was plowing before the State plows were out.

A: Supv. Willman noted that on Saturday February 5th, a surprisingly heavy snow fell at 2-inches an hour. The Highway crew worked from 5:00 PM Saturday to 5:00 AM Sunday.

### 3. BUDGET AMENDMENTS. None

### 4. AUDIT OF CLAIMS

. The following claims were submitted for approval and payment on Abstract 1 of 2011:

General Fund	Vouchers 18 - 39	\$13,218.98
Highway Fund	Vouchers 8 - 23	49,919.36
Prepay General	Vouchers 2 - 4	1,714.53

Coun. Merrill opined it might not be a good idea to issue a lump sum check to the Highway Superintendent under the terms of Local Law #3 of 2010 - buyout of health insurance. Supt. DeMars could be injured or otherwise unable to complete his term of office. He proposed paying the \$6,000 quarterly or bi-annually. A discussion ensued, and the Board agreed to quarterly payments. Supv. Willman removed Voucher 38 from Abstract 2 and requested a motion for a resolution. Motion (B.Merrill-A.Berg m/s/p) ALL AYE

#### **RESOLUTION NO.6: DISBURSE BUYOUT OF HWY SUPT. HEALTH INSURANCE IN QUARTERLY**

**INSTALLMENTS** WHEREAS, Local Law No. 3 of 2010 authorizes the Town to pay the Highway Superintendent the sum of Six Thousand (\$6,000) Dollars in lieu of health insurance; and WHEREAS, the Highway Superintendent, per the Local Law, has provided proof of alternate insurance coverage; NOW, THEREFORE, BE IT RESOLVED, that payment of the buyout amount will be remitted on a quarterly basis, i.e, March, June, September and December in equal installments.

Those voting aye:

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

Those Voting nay:

None

Those Absent:

Councilman Clifford Smalley

Those Abstaining:

None

Supv. Willman then asked if there were any other questions concerning the claims, and as there were none, he asked for a motion to pay them. Motion to pay claims (B.Merrill-A.Berg m/s/p) ALL AYE

### 5. MINUTES.

minutes of the December 29, 2010 and January 12, 2011 meetings were accepted as presented. Motion (B.Merrill-A.Berg m/s/p) ALL AYE.

### 6. SUPERVISOR'S REPORT.

Balances as of January 1, 2011

General Fund	Checking	\$29,231.95
	Savings	50,283.33
	CLASS	107,261.08
	Historian	3,034.55
Highway Fund	Checking	44,699.43
	Savings	411,833.64
	CLASS	188,196.25
	Cap. Proj. Hwy.	46,497.12
Landfill	Checking	6,309.15
	CLASS	44,036.45
Fire Protection	Checking	10,446.34
	CLASS	685.30
Capital Project Building		5,435.75

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

### 7. TOWN CLERK'S REPORT.

Balances For the month of December 2010: REVISED

8 dog licenses	\$138.00
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1 Building permits	\$417.50
2 Photocopies	\$.50
	-----
	\$556.50
Paid to Supervisor	\$505.50
<del>Paid to County Treasurer(dogs)</del>	<del>\$41.12</del>
Paid to NYS Ag&Mkts (dogs)	\$51.00
	-----
	\$556.50
The Clerk noted the County had returned the check for \$41.12, even though it was for dogs licensed in December 2010.	
For the month of January 2011	
3 dog licenses	\$7.00
	-----
	\$7.00
Paid to Supervisor	\$5.00
Paid to NYS Ag&Mkts (dogs)	\$2.00
	-----
	\$7.00

Motion to accept Tax Collection Report (B.Merrill-A.Berg m/s/p) ALL AYE.

## 8. TAX COLLECTION REPORT.

The amount of the 2011 warrant is \$2,264,464.87; the amount to be paid to the Town is \$1,088,501.00; the amount to be paid to the County Treasurer is \$1,175,963.19. During the weeks of January 10-Feb 7, 2011, \$1,116,464.17, for a total collection of \$1,222,221.91. A total of \$326,648.00 was paid to the Supervisor for the General Fund, and \$682,399.00 paid for the Highway Fund. The Town is now fully funded. \$50,000.00 was paid to the County Treasurer. The bank statement for January has been received and reconciled to the penny. Motion to accept Tax Collection Report (B.Merrill-A.Berg m/s/p) ALL AYE.

## 9. HIGHWAY MATTERS

### A. SUPERINTENDENT'S REPORT.

submitted by Highway Superintendent Jacques DeMars for the January 13 to February 9, 2011 period:

#### Road work

- Plowed and sanded when necessary

#### Equipment

- Truck #9 odometer running backward. M.A.Jerry notified
- The mechanic completed constructing the grizzly, a box to sift the chunks out of road sand before it is loaded onto vehicles. It is up and running fine. Each plow truck could have been outfitted with a sifter, but it would have cost approximately \$1500 each. A pre-made grizzly is about \$15,000.
- New tandem has plow, sander and combination box installed and is currently at M.A.Jerry. Will be delivered soon.

#### Administrative

- Section 284 Agreement to Spend Highway Funds in draft. Several options to be reviewed by Town Board. The Board will discuss at the March 9th meeting.
- Monthly maintenance and fuel log sheets completed and given to Couns. Berg and Hamm.

Coun. Merrill requested copies of the maintenance and fuel log sheets.

### B. HIGHWAY COMMITTEE. No report

### C. QUESTIONS AND COMMENTS ON HIGHWAY MATTERS.

Coun. Berg asked whether Franklin County had scheduled repair of the Franklin Falls Bridge, and Coun. Hamm replied they were to repair the bridge last summer but did not have the funds. Coun. Hamm conjectured the bridge would not be worked on in the near future.

Q/C: Please clarify the buyout of the Highway Supt. health insurance.

A: Supv. Willman explained the Highway Superintendent is the only elected official to receive health insurance as part of his compensation. In 2010 the Town adopted Local Law #3 which permits the Highway Superintendent to opt out of Town health insurance providing he can offer proof of alternate insurance. The Hwy. Supt.'s health insurance premium is approximately 23,000, and he pays 15% of that, leaving a balance of \$19,000. The buyout option costs the Town \$6,000, thereby saving \$13,000.

Q/C: Are people allowed to work on their personal vehicles at the Town Garage? If so, is it open to everyone?

A: Supv. Willman replied historically staff perform work on their personal vehicles in the Garage if the weather is inclement, but it is not open to the public.

Q/C: Does the 284 Agreement have something to do with CHPS funds?

A: Coun. Merrill explained the agreement is signed by the Highway Superintendent and Town Board in matters involving capital expenditures. If the Department fills a pothole, that is a simple repair and does not require Board approval, but working on a stretch of road is an expenditure of capital funds, and requires Board approval.

**"TOWN OF FRANKLIN AGREEMENT TO SPEND HIGHWAY FUNDS PURSUANT TO SECTION 284 OF THE NEW YORK STATE HIGHWAY LAW**

1. **IN GENERAL.** Pursuant to Sect. 284 of the Highway Law, the TOWN BOARD OF THE TOWN OF FRANKLIN and the SUPERINTENDENT OF HIGHWAYS OF THE TOWN OF FRANKLIN agree that monies for the repair and improvement of the Town's highways that are (1) levied and collected by the Town or transferred by resolution by the Town Board, or (2) received from New York State, shall be set aside and expended for such repair and improvement at the places and in the manner provided in Sections 3, 4, and 5.

2. **DEFINITIONS.** For purposes of this Agreement:

(a) The term "highways" as used in Section 1 includes sluices, culverts and bridges having a span of less than five feet and boardwalks or renewals thereof.

(b) The term "repair" means the act of restoring a material thing or structure to a sound or unimpaired condition in the event of actual or possible decay or damage.

(c) The term "repair project" may include one or more repairs, but all reasonably foreseeable repairs of a similar nature undertaken in a specific geographic area shall be considered part of a specific project. For example, filling several potholes on a road would constitute a single "repair project", whereas filling each pothole would not constitute a single project.

(d) The term "improvement" means to advance or raise to a better quality or condition; to make better, increase in value.

(e) For purposes of this Sections 2 and 3, the amount of a repair project shall equal the sum of the materials used on the project, the hourly wages of all employees working on the project, and the reasonable rental value of all machinery and equipment used in the project.

3. **REPAIR PROJECTS:** The sum of \$ \_\_\_\_\_ shall be set aside and expended for repair projects not exceeding \$3,000 per specific project.

4. **MAJOR REPAIR PROJECTS.** The following information shall be provided for all repair projects in excess of \$3,000 per specific project:

(a) On the road commencing at \_\_\_\_\_ and leading to \_\_\_\_\_, a distance of \_\_\_\_\_ miles, there shall be expended not more than the sum of \$ \_\_\_\_\_ for type \_\_\_\_\_ width of traveled surface \_\_\_\_\_ thickness \_\_\_\_\_ sub base \_\_\_\_\_.

(b) On the road commencing at \_\_\_\_\_ and leading to \_\_\_\_\_, a distance of \_\_\_\_\_ miles, there shall be expended not more than the sum of \$ \_\_\_\_\_ for type \_\_\_\_\_ width of traveled surface \_\_\_\_\_ thickness \_\_\_\_\_ sub base \_\_\_\_\_.

(c) On the road commencing at \_\_\_\_\_ and leading to \_\_\_\_\_, a distance of \_\_\_\_\_ miles, there shall be expended not more than the sum of \$ \_\_\_\_\_ for type \_\_\_\_\_ width of traveled surface \_\_\_\_\_ thickness \_\_\_\_\_ sub base \_\_\_\_\_. (Attach additional pages as necessary.)

5. **IMPROVEMENTS.** The following information shall be provided for each improvement: (a) On the road commencing at and leading to \_\_\_\_\_, a distance of approximately \_\_\_\_\_ miles, there shall be expended not more than the sum of \$ \_\_\_\_\_ (b) for type \_\_\_\_\_ width of traveled surface \_\_\_\_\_ thickness \_\_\_\_\_ sub base . (c) On the road commencing at \_\_\_\_\_ and leading to \_\_\_\_\_

\_\_\_\_\_ , a distance of \_\_\_\_\_ miles, there shall be expended not more than the sum of \$ \_\_\_\_\_ for type \_\_\_\_\_ width of traveled surface \_\_\_\_\_ thickness \_\_\_\_\_ subbase \_\_\_\_\_. (Attach additional pages as necessary.)

6. **EXECUTION.** Executed on

Town Board Member: \_\_\_\_\_ Town Board Member: \_\_\_\_\_  
\_\_\_\_\_ Town Board Member:  
\_\_\_\_\_ Town Board Member:  
\_\_\_\_\_ Town Board Member:  
\_\_\_\_\_ Superintendent of Highways

A: Coun. Hamm added that Supt. DeMars is contemplating on extensive repairs to the Franklin Falls hill.

**10. NEW BUSINESS**

**A. OPEN BIDS FOR TOWN HALL WINDOW REPLACEMENT**

Requests for bids on window replacement (labor only at prevailing wage) having been published, five bids were received:

Trade Craft Builders, Saranac Lake	\$9,990
Beaney Construction, Lake Placid	\$5,813.
RLC Construction, Peru	\$3,815. (prevailing wage) \$3,030. (private wage)
Doug Snickles, Onchiota	\$4,400.
Peck's Builders, Wilmington	\$4,800.

The Board will review the bids and award at the March 9th Board meeting.

**B. AWARD BID FOR TOWN HALL ELECTRICAL REPAIR.** Bids were opened at the January 12th Board meeting, as follows:

Accord Electric	\$3,912.00 w/existing 100 amp service
Schuyler Falls	\$4,632.00 w/new 200 amp service
Harold R. Clune, Inc. Ballston Spa	\$7,400.00 w/new 200 amp service
Old Mountain Electrical Service Lake Placid	\$4,759.00 with new 200 amp service

Supv. Willman reported an envelope had been received from Woodhill Electric but it was a certificate of insurance which they routinely mail to customers. They were not interested in bidding on the project. The Board having had time to review the submissions, decided to award the project to Accord Electric, providing Gerald Race, electrical inspector, would provide a reference and providing Accord will also be responsible for the electrical inspection results after the work is completed. Coun. Hamm also requested a lamp be installed at the gable end of the rear of the Town Hall to light the rear parking area, and Supv. Willman indicated he would also ask about installation of a generator hookup. Motion (C.Smalley-B.Merrill m/s/p) ALL AYE

**RESOLUTION NO. 7: AWARD BID FOR TOWN HALL ELECTRIC REPAIR TO ACCORD ELECTRIC** WHEREAS, requests for prices on the repair of the Franklin Town Hall electrical system were published; and WHEREAS, bids were received and opened at the January 12, 2011 meeting; and WHEREAS, the Town Board has reviewed each bid; NOW, THEREFORE, BE IT RESOLVED, that the bid for Town Hall electric repair is awarded to Accord Electric, Schuyler Falls, in the sum of \$3912.00, provided Inspector Gerald Race provides favorable reference and provided Accord will include the final inspection and adjustment into its bid.

Those voting aye:

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

Those Voting nay:

None

Those Absent:

Councilman Clifford Smalley

Those Abstaining:

None

**C. AUDIT PROCEDURE FOR TAX COLLECTION.** This will be road-tested on Tuesday, February 15 by Supv. Willman and Couns. Berg and Merrill.

**D. ACCEPT CONTRACTS AND AUTHORIZE SUPERVISOR TO EXECUTE.** The following contracts are hereby accepted and the Supervisor is authorized to execute same: (1) James Martineau, (2) FREMSA, (3) LifeFlight, (4) Franklin Snowmobilers, (5) Saranac Lake Adult Center, (6) Tri-Lakes Humane Society, (7) Saranac Lake Civic Center, (8) Bloomingdale Boosters, (9) 55+ Club. Motion (C.Smalley-A.Berg m/s/p) ALL AYE.

**RESOLUTION NO. 8: ACCEPT CONTRACTS AND AUTHORIZE EXECUTION** WHEREAS, at its January 12, 2011 organizational meeting, the Town Board agreed to contract with certain entities; and WHEREAS, those same contracts will require execution; NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby accepts the contracts with (1) James Martineau, Esq., (2) FREMSA, (3) LifeFlight, (4) Franklin Snowmobilers, (5) Saranac Lake Adult Center, (6) Tri-Lakes Humane Society, (7) Saranac Lake Civic Center, (8) Bloomingdale Boosters, (9) 55+ Club and hereby authorizes the Supervisor to execute same.

Those voting aye:

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

Those Voting nay:



None

Those Absent:

None

Those Abstaining:

None

## 11. OLD BUSINESS

**A. ASSESSMENT UPDATE.** Supv. Willman reported that Assessor Douglas Tichenor is nearly ready to mail assessment notices. As a reminder, all exemption applications and renewals are due by March 1st.

**B. LAND INVENTORY PROJECT.** Discussion ensued about the land inventory project with Supv. Willman indicating interest on the part of Coun. Merrill. Coun. Merrill explained he did not think it advisable to evaluate properties, but to look to see if there are problem areas, and if so, to identify issues. Coun. Smalley inquired whether the project would include identification of developable land as well as critical areas. Supv. Willman noted that many individuals do not want further development, however, he would like to identify available land and pinpoint potential issues with congestion, etc. Coun. Merrill suggested reviewing APA maps such as "Rural Use" which permits construction of dwellings on approximately 8 acres. The probability is that most property owners will not subdivide as they do not want neighbors close by. Coun. Merrill continued, stating he did not think a comprehensive land inventory would be necessary. Supv. Willman indicated the land inventory would give residents or potential buyers something to look at, and suggested maps with overlays could be created. Coun. Smalley opined the land inventory discussion sounded like a foundation for planning. Coun. Merrill indicated he only potential issue is the Loon Gulf property - over 3,000 acres - almost 10% of available property in the Town of Franklin.

### C. INFRASTRUCTURE UPDATES.

1) Town Garage Heater Replacements. Supv. Willman reported the contract with All-Trades had been signed, and he, Jacques DeMars and Coun. Berg had traveled to Champlain, NY to inspect a similar heater installation. The heaters will be replaced within the next few weeks.

2) Town Garage Oil Water Separator. Supv. Willman conjectured the Town could construct its own oil-water separator.

3) Town Hall Doors. On order to be delivered and replaced in the spring.

4) Town Hall Kitchen Upgrade. There are no funds for this. Tabled to May.

## 12. COMMITTEE REPORTS

**A. CELEBRATION.** Derrick Romeo reported the Kate Mtn. Community Recreation Assn. is considering an Easter Egg hunt in the spring and possibly a corned beef dinner for St. Patrick's Day. He continued, that the Association is preparing for the August 20, 2011 Field Day already. They are accepting applications for vendors.

**B. CEMETERY.** No new report. However, Couns. Merrill and Smalley are currently reviewing the maps of cemeteries and will begin working on the gridding of both Vermontville and Merrillsville Cemeteries in the spring. Coun. Merrill acknowledged a generous donation of \$500 from the Estate of Isabella Amell. The donation will be used for improvements, like the gridding, not general maintenance.

**C. RECREATION.** The General Fund employee is working at the Rec Park to create a skating rink, but the water is absorbed into the soil. Derrick Romeo reported that Paul Ward saw some people at the rink. We would like to get a plastic liner so a skating rink might be created. Supv. Willman indicated a Smart Growth Grant has a deadline of mid-March.

## 13. CORRESPONDENCE

**A. APA LOCAL GOVERNMENT CONFERENCE.** . The Board members are encouraged to attend this conference in Lake Placid on March 22 and 23.

## 13. QUESTIONS AND COMMENTS.

Q/C:What are you trying to accomplish with the land inventory? The subdivision committee began collecting resource materials. Re the Smart Growth Grant - this is a reimbursement program, so the Town would have to fund any project up front. The Board should encourage a public process concerning development of the Rec Park. As far as the grant application is concerned, time is short, and the application is no simple task. Suggest it be tabled.

## 14. ADJOURNMENT

There being no further business to discuss or conduct, the meeting adjourned at 8:39 PM. Motion (C.Smalley-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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