



# 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 Organizational and Monthly Town Board Meeting January 11, 2012 - 7:00 PM

#### Board members present:

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

#### Others Present:

Town Clerk Sandra Oliver, Doris Hamm, Frances Oliver, John Houghton

#### 1. CALL TO ORDER

Supervisor Arthur P. Willman, Jr. called the meeting to order at 7:00 pm. The Pledge of Allegiance was recited, the Town Clerk called the roll and introduced guests and declared the full board was present.

### ORGANIZATIONAL BUSINESS

#### 1. TOWN OF FRANKLIN 2012 BOARD APPOINTMENTS

**Deputy Supervisor** - Clifford P. Smalley has been appointed by Supervisor Willman as Deputy Supervisor with the powers and obligations accorded to him by law and will be paid \$500 per year as per budget. (A1220.4)

**Deputy Highway Superintendent.** - Todd Law has been appointed by Highway Superintendent Jacques DeMars and will be paid \$1,200. per year as per budget, to be renegotiated with each deputy each year. (A5010.11)

**Deputy Town Clerk.** - Lauren LeFebvre Deputy Town Clerk/Tax Collector was selected by Sandra Oliver, Town Clerk. There is no salary for the position. (A1415.1)

**Budget Officer** - Richard Meagher has been appointed Budget Officer and will be paid \$730. per year as per budget. (A1340.4)

**Town Bookkeeper.** - Richard Meagher will contract with the Town of Franklin for the position of Town Bookkeeper in the amount of \$10,187. per year. (A1320.4)

**Town Historian.** - Kevin Ransom is reappointed Town Historian. A stipend of \$800 is budgeted for this position. (A7510.4)

**Registrar of Vital Statistics.** - Sandra J. Oliver, Town Clerk, will be Registrar of Vital Statistics and will be paid \$400. as per budget. (A4020.4)

**Fixed Assets.** - Sandra J. Oliver, Town Clerk, will be Fixed Asset Officer and will be paid \$400. per year. (A1410.4)

**Court Clerk.** - Meredith Symonds has been re-appointed Court Clerk at an hourly rate of \$11.69. A1130.1

**Supervisor's Confidential Secretary.** - Melissa Begor has been re-appointed Confidential Secretary to the Supervisor at an hourly rate of \$11.69 (A1310.1)

**Codes Enforcement Officer.** - Robert R. Drosdowich, Vermontville, NY, is Codes Enforcement Officer at the salary of \$9,300. (A3010.1)

**Process Server.** - Brian Manny will continue to serve as Process Server and will receive \$250. per year (A3120.4)

**Cemetery Custodian.** - Vivian Manny will continue to serve as Cemetery Custodian and will receive \$650. per year. (A8810.4)

**Cemetery Worker.** - The Grounds Maintenance employee will maintain the Cemeteries. (A8810.1)

**Assessor** - Douglas Tichenor will receive a salary of \$18,000 in the year 2012. (A1355.1)

**Health Officer.** - George Cook, M.D., will serve as Health Officer at a yearly salary of \$300. (A4010.4)

**Official Town Newspaper.** - The Adirondack Daily Enterprise will be the Official Town Newspaper.

**Board Liaison Committees.** - The Board Chair shall select non-Board committee members.

Highway Committee - Allen Berg, Donald Hamm

Recreation Committee - Arthur Willman, Allen Berg

Assessor - Arthur Willman, Donald Hamm

Audit Committee - Allen Berg, Bradley Merrill

Celebration Committee - Arthur Willman, Kate Mountain Community, Recreation Assn.

Cemetery Committee - Clifford Smalley, Bradley Merrill

Fire/Rescue - Arthur Willman, Allen Berg

Landfill Committee - Arthur Willman, Clifford Smalley

Building Committee - Donald Hamm, Clifford Smalley

Newsletter - Vincent Pagano, Edward Martin

**Salaries.** - All salaries of elected and appointed officials are provided for in the 2012 budget.

**Medical Insurance.** - The Town of Franklin will offer Health Insurance to the Buildings & Grounds Maintenance Worker in the NYS Teamster's Health and Hospital Fund Medical Insurance Plan, as defined in the Contract with the Teamsters Union.

**Pension Plan.** - The Town of Franklin has joined the New York State Retirement System to establish a legal pension plan and is offered to all town employees. All new employees must join the NYS Retirement Plan. Part-time employee membership in the NYS Retirement Plan is optional.

**Official Depository.** - Community Bank, Broadway, Saranac Lake, NY, is the Official Depository for the Town of Franklin. The Town will also continue to contract with MBIA (CLASS) as a savings depository.

**Petty Cash Fund.** - The Town Clerk/Tax Collector Sandra J. Oliver and Supervisor Arthur Willman have declined the option of a Petty Cash Fund.

**Contracts.** - The Town will contract as follows::

Fire Protection-Bloomingdale Volunteer Fire Department

- Saranac Lake Voluntary Ambulance & Rescue, Inc.

- North Country LifeFlight

- Saranac Lake Civic Center

- Franklin Snowmobilers, Inc.

- Employee Assistance Service

- Landfill monitoring - F.X. Browne

- Association of Towns (NY)

- Adirondack Association of Towns

- Franklin County Self-Insurance

- Tri-Lakes Humane Society

- Bloomingdale Boosters

**Town of Franklin 55 Plus Club.** - The Town will continue to sponsor the 55 Plus Club and the Saranac Lake Adult Center as per budget. A6772.4

**Board of Assessment Review Members.** - Jean Baltzly, Roland LaPier, Lauren LeFebvre, Jennifer Norman and Mildred Vorrath will serve as members of the Board of Assessment Review. A1355.4

**Ethics Committee Members.** - Paul F. Ward, Charlotte Mitchell and a Thomas Bartiss will continue to serve as unpaid members of the Ethics Committee.

**Attorney for the Town.** - James Martineau, Esq., will serve as the Attorney for the Town at the rate of \$100.00 per hour, not to exceed \$8,500 per year. A1420.4

**Youth Program Director and Youth Program Assistant.** - Youth Program Director is appointed by the Town Supervisor upon the recommendation of the Recreation Committee. Kathy Drake has been appointed as Youth Program Director for 2012 and will be paid \$11.90 per hour because of her experience. Assistants will be paid minimum wage \$7.25 per hour.

**Saranac Lake Area Fire Advisory Board.** - Arthur Willman is appointed as Town representative to SLAFAB and Allen Berg is appointed as alternate representative.

**Mileage Allowance.** - Reimbursement for mileage for officers, employees and appointees in performance of business for the Town will be \$.50 cents per mile.

## 2. RULES OF PROCEDURE

The Rules of Procedure for regular and special Town Board meetings, workshops and executive sessions follow and replace and suspend all prior town board rules of procedure:

### REGULAR TOWN BOARD MEETINGS

A regular town board meeting is one in which the town board meets once a month at a fixed time and place throughout the year to conduct town business. In the case of the Town of Franklin, regular town board meetings will be held once a month on the second Wednesday of the month at 7:00 P.M. The board will audit bills prior to the meeting - between 6:30 and 7:00 P.M.

### Notice of Regular Town Board Meetings

After the town board establishes by resolution a regular fixed time and place for its meetings throughout the year, no other notice need be given to the members of the board. The Town Clerk is authorized by the Town Board to publish one Public Notice for the year stating the day, time and place for all regular Town of Franklin Board Meetings.

### Rules of Conduct at a Regular Town Board Meeting

1. The supervisor, when present, shall preside and act as chairperson. In his/her absence, his/her deputy shall act for him/her.
2. Members of the board are to be recognized by the chairperson before addressing the rest of the board or the public.
3. No member of the public shall be permitted to address the town board unless recognized by the chairperson. In that event, the person must identify himself /herself by clearly stating his/her full name and address and then stating the nature of his/her business.
4. A period of 15 minutes will be aside at the start of each meeting for public comment or questions. Members of the public will be given 2 minutes to ask their question or make their comment. A sign-in sheet will be located near the front door. Any person wishing to speak during this comment period must so indicate by signing the sheet.
5. The chairperson may set a limit on the time on each occasion which each member of the public addresses the board.
6. Persons speaking to the town board with the consent of the chairperson shall address their remarks to the town board, not to other members of the audience.
7. No such person has the right to demand an answer to a specific question from a member of the board. All such questions shall be directed to the chairperson, who may either answer them or refer the questions to a board member or the attorney for the town, if present. The answer may be deferred and subject to further review or study and answered at a later date.
8. No member of the public or board shall engage in any demonstration, booing, hand clapping, or otherwise disrupt the formality of a town board meeting.

### Town Board Resolutions

The adoption of resolutions is the most frequent type of formal action taken by the town board in its legislative and administrative capacities. Resolutions are often confused with motions. The latter are the vehicle by which resolutions are brought before a town board for action. The two can be used interchangeably. Typical examples of actions that require resolutions are as follows:

1. transferring money from one budget to another
2. establishing a salary
3. designating depositories

### Town Board Voting at a Town Board Meeting

The voting on every issue requiring a resolution, ordinance, or law shall be "ayes" and "nays" and the names of the members present and their votes shall be entered in the minutes of the town board.

1. The supervisor is a member of the board and therefore must vote. He/she may also move or second resolutions.
2. The town clerk or (in his/her absence) his/her deputy calls a roll of town board members on every issue in question before the town board.
3. The town clerk must take minutes and keep a record of all proceedings of the board meetings, even though he/she is not a board member and does not have a vote.

### Regular Town Board Meeting Agendas

1. A preliminary agenda will be developed by the supervisor and/or board members prior to the meeting and published via posting in public places, newsletter, and/or news media whenever practical.
2. Because urgent issues may not be presented to the board until shortly before a town board meeting, a final agenda may not be adopted by the supervisor until shortly before the meeting.
3. No additional matters are to be considered until each matter on the prepared agenda has been acted on by the town board.

Members of the public are invited to bring an issue, questions, or comments before the board in one of the following four ways:

1. by written request to be put on the formal agenda at least five business days before the scheduled regular town board meeting, or
2. by addressing the board at a segment set aside per the Agenda at the end of the meeting specifically for that purpose. The supervisor reserves the right to limit each speaker to two minutes. The speaker may request that the board have a special meeting at a later date to consider that particular issue. At the end of this session, the board will decide if such a meeting is feasible and will set a date and time for it, or
3. by addressing the board at the end of the meeting during a questions and answers segment.
  1. Members of the news media may have ten minutes at the conclusion of the meeting to ask questions concerning matters that came up at the meeting.

### **Minutes of Regular Town Board Meetings**

1. The town clerk, when present, will record minutes of the meetings proceedings as prescribed by law and shall make such minutes available within two weeks of the meeting. In the absence of the town clerk, his/her deputy or another person appointed by the board shall take his/her place.

### **TOWN BOARD WORK SESSIONS**

1. A town board work session is held to discuss and deliberate matters that are coming up at the next regular board meeting, special board meetings, or public hearing. No votes will be taken at work sessions. As with all public meetings, the public is free to attend these sessions but are not to participate or ask questions. Members of the board are expected to attend work sessions when called for by the supervisor.

### **PUBLIC HEARINGS BY THE TOWN BOARD**

A public hearing is a meeting of the board and the public regarding an important issue that may have a significant economic, environmental, or other serious impact on the town and its residents.

1. The purpose of a public hearing is to give the public an opportunity to express its views.
2. The public has the right to appear and give evidence and the right to hear and examine witnesses regarding the issue at hand.

### **Notice of Public Hearings**

The supervisor will give notice of public hearings in writing to the board and town clerk ten days before the hearing, when possible. The town clerk will then post a notice of the hearing in at least one public location and will give notice to the news media at least 72 hours prior to the hearing.

### **Preparation for Public Hearing**

A study or report should be prepared by an expert in the subject matter of the hearing, such person to be present to testify in favor of the proposal.

Rules of Conduct at Public Hearings

### **1. COMMENTS AND QUESTIONS**

1. Oral Comments. The Town Clerk will maintain a sign-in sheet at the public information desk for each person who wishes to make oral comments. Anyone who wants to do so must enter his/her full name and address on the sign-in sheet, in the spaces provided. **ANYONE NOT SIGNING THE SIGN-IN SHEET WILL NOT BE PERMITTED TO ADDRESS COMMENTS TO THE TOWN BOARD.**
2. Questions. The Chairperson will entertain questions from the floor. Questions shall be for the sole purpose of obtaining information about the subject matter of the public hearing or clarifying its provisions. Questions shall not have the intent of provoking a debate between the questioner and the Town Board or any individual in the audience.
3. Written Comments. The Town Board will accept written comments on the subject matter of the public hearing **PROVIDED ALL WRITTEN COMMENTS ARE GIVEN TO THE CHAIRPERSON BY THE END OF THE PUBLIC HEARING.**

### **PRESENTATION OF COMMENTS AND QUESTIONS.**

**Presiding Officer.** The Town Supervisor or designee will preside over the public hearing, and act as Chairperson. In his/her absence, the Deputy Town Supervisor or designee will act as the Chairperson.

### **GROUND RULES FOR THE PRESENTATION OF COMMENTS**

The purpose of a public hearing is to gather public comment on (subject of Public Hearing). The Board encourages all in attendance to offer comments and ask questions. However, a successful public hearing requires that some simple ground rules be followed. These ground rules will ensure that all in attendance are treated in a respectful and courteous manner, and that all who desire to speak will have the opportunity to be heard:

1. No one may speak unless recognized by the Chairperson for that purpose. Upon recognition, the person must identify him/herself by clearly stating his/her full name and address.



2. Anyone choosing to speak must address his/her remarks to the Town Board, and not to other members of the audience. Any debate between those "for" and those "against" the proposal must be strictly avoided.
3. Oral comments can generally be delivered in two minutes. If there are a large number of persons wishing to speak, the Chairperson reserves the right, in its sole discretion, to strictly enforce the 5-minute rule, so that all who wish to speak may have an opportunity to do so.
4. The Town Board is here to listen to the public's comments, and to answer questions about the Preliminary Budget. The Board is NOT here to express its own views or opinions thereon. The Board will NOT participate in a debate of the issues. We want your advice and assistance in coming to the proper conclusion on the issues involved. If you are in favor, simply tell us and give us your reasons why; and likewise, if you are opposed.
5. No person has the right to demand an answer to a specific question from a member of the Board. As noted earlier, questions should seek clarification and information and should not lead to a debate of the issues. All questions are to be directed to the chairperson, who may either answer them or refer them to a Board member or the Attorney for the Town. The answer may be deferred and subject to further review or study and answered at a later date.
6. No person may speak a second time until everyone who wants to speak has spoken.
7. No member of the public or Town Board shall engage in any demonstration, booing, handclapping, or otherwise disrupt the formality of the public hearing.

The Town Clerk will be responsible for ensuring that these rules are followed. **ANYONE VIOLATING ANY OF THESE GUIDELINES WILL BE ASKED TO REFRAIN FROM DOING SO, AND MAY, IN THE SOLE DISCRETION OF THE CHAIRPERSON, BE ASKED TO LEAVE THE PUBLIC HEARING.**

### **SPECIAL TOWN BOARD MEETING**

Special town board meetings may be called by the supervisor at any time for urgent or lengthy issues or for any other important reason determined by the supervisor. Notice of special town board meetings and rules of conduct are the same as for public hearings.

### **EXECUTIVE SESSIONS**

Executive sessions may be held only after an open meeting is convened and a motion to hold an executive session, identifying the area or subject to be considered in such executive session, is adopted by the majority vote in the open meeting.

Executive sessions matters are restricted to:

1. A matter which will imperil the public safety if disclosed.
2. A matter which may disclose the identity of a law enforcement agent or informer.
3. Information with respect to investigation or prosecution of a criminal offense which would jeopardize effective law enforcement if disclosed.
4. Discussions relating to litigation.
5. Matters relating to collective negotiations under the Taylor Law.
6. Medical, financial, credit, or employment history of a particular person or corporation, re relating to appointment, promotion, demotion, discipline, or removal.
7. Preparation, grading, or administration of examinations.
8. Acquisition, lease, or sale of real property or securities when publicity would substantially affect the value.

Attendance is restricted to town board members and any other persons authorized by the board.

### **Minutes of executive session proceedings**

Summary minutes must be made of any final determination taken by formal vote, including the date and the vote thereon; however, such summary should not include any matter which is not required to be made public under the Freedom of Information Law. Such summary minutes shall be available to the public within one week from the date of executive session. If no formal action was taken in an executive session, then no executive session minutes need to be taken.

Supv. Willman highlighted a change in the Rules, that at the beginning of each meeting, 15 minutes would be allotted for public comments and questions. Each individual should sign in, and will have 2 minutes for question or comment.

## **3. ADDITIONAL ITEMS**

**A. Intermunicipal Shared Services Agreements.** The Supervisor is authorized to execute and the Town Clerk is requested to send Intermunicipal shared services agreements to the same municipalities as previously following consultation with the Highway Superintendent.

**B. Prepayment of Certain Claims.** Certain invoices are regularly received by the Town and delaying payment of same for Board approval results in interest being charged to the Town, the Supervisor, as chief financial officer of the Town, is hereby authorized to prepay those certain regularly-occurring claims prior to the monthly Town Board meeting; and the Town Board, at its regularly-scheduled monthly meeting, will approve vouchers for said claims.

**C. Authorization to Publish Public Notices.** The Town Clerk is hereby authorized to publish and post all public notices as required by the Town Board in the Official Newspaper, Adirondack Daily Enterprise, and other local newspapers.

## **4. ADOPT ORGANIZATIONAL ITEMS.**

Supv. Willman requested a motion for a resolution accepting the organizational items.  
Motion for resolution (A.Berg-B.Merrill m/s/p) ALL AYE

**RESOLUTION NO. 1: ACCEPT ORGANIZATIONAL ITEMS** WHEREAS, the Town Board has reviewed the preceding organizational items and finds such items acceptable; NOW THEREFORE, BE IT RESOLVED, that the Franklin Town Board accepts the organizational items as set forth above.

Those Voting Aye:

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

Those Absent:

None

Those Abstaining:

None

Those Voting Nay:

None

## 5. OFFICIAL UNDERTAKING

The Town Board has approved the procurement of a blanket undertaking from the Curtis Latremore Agency, Inc., which is duly authorized corporate surety covering the officers, clerks, and employees of the town. Such approval assures that this blanket undertaking indemnifies against losses caused by the failure of officers or employees to faithfully perform their duties or by their fraudulent or dishonest acts. Motion accept Official Undertaking (C.Smalley-A.Berg m/s/p) ALL AYE

Motion to accept Official Undertaking (C.Smalley-A.Berg m/s/p) ALL AYE

**RESOLUTION NO. 2: ACCEPT OFFICIAL UNDERTAKING** WHEREAS, the Town Board has negotiated with Curtis Latremore Agency, Inc. for procurement of a blanket undertaking, which is duly authorized corporate surety covering the officers, clerks, and employees of the town; NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Franklin approves the purchase of such blanket undertaking which assures that this Undertaking indemnifies against losses caused by the failure of officers or employees to faithfully perform their duties or by their fraudulent or dishonest acts. The Clerk is directed to file same with the county clerk. The elected officers of the Town of Franklin hereby execute this undertaking as follows:  
WHEREAS, Arthur P. Willman, Jr., of the Town of Franklin, County of Franklin, New York, has been elected to the office of SUPERVISOR of the Town of Franklin; and  
WHEREAS, Allen S. Berg, of the Town of Franklin, County of Franklin, New York, has been elected to the office of COUNCILMAN of the Town of Franklin; and  
WHEREAS, Clifford P. Smalley, of the Town of Franklin, County of Franklin, New York, has been elected to the office of COUNCILMAN of the Town of Franklin; and  
WHEREAS, Donald M. Hamm, of the Town of Franklin, County of Franklin, New York, has been elected to the office of COUNCILMAN of the Town of Franklin; and  
WHEREAS, Bradley L. Merrill, of the Town of Franklin, County of Franklin, New York, has been elected to the office of COUNCILMAN of the Town of Franklin; and  
WHEREAS, Roger P. Symonds, Sr., of the Town of Franklin, County of Franklin, New York, has been elected to the office of TOWN JUSTICE of the Town of Franklin; and  
WHEREAS, Jacques DeMars, of the Town of Franklin, County of Franklin, New York, has been elected to the office of SUPERINTENDENT OF HIGHWAYS of the Town of Franklin; and  
WHEREAS, Sandra J. Oliver has been elected to the office of Town Clerk/Tax Collector of the Town of Franklin;  
NOW, THEREFORE, we as respective officers above, do hereby undertake with the Town of Franklin that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and This undertaking of the TOWN SUPERVISOR is further conditioned upon that he will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into her hands as such Supervisor; and This undertaking of the TOWN JUSTICE is further conditioned upon that he will well and truly keep, pay over and account for all moneys and property belonging to the Town coming into his hands as such TOWN JUSTICE; and This undertaking of the TOWN CLERK/TAX COLLECTOR is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Clerk/Tax Collector; and The Town does and shall maintain insurance coverage, presently with American Alternative Insurance Group, in the sum of \$20,000.00 plus additional \$350,000.00 for the Town Clerk/Tax Collector, \$50,000.00 for the Town Supervisor and \$50,000.00 for the Town Justice to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions of employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

TOWN OF FRANKLIN

Arthur P. Willman, Jr., Town Supervisor	Date	Notary
_____	_____	_____
Allen S. Berg, Councilman	Date	Notary
_____	_____	_____
Clifford P. Smalley, Councilman	Date	Notary
_____	_____	_____
Donald M. Hamm, Councilman	Date	Notary
_____	_____	_____
Bradley L. Merrill, Councilman	Date	Notary
_____	_____	_____
Jacques DeMars, Highway Superintendent	Date	Notary
_____	_____	_____
Roger P. Symonds, Sr., Town Justice	Date	Notary
_____	_____	_____
Sandra J. Oliver, Town Clerk/Collector	Date	Notary

Those Voting Aye:

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

Those Absent:

None

Those Abstaining:

None

Those Voting Nay:

None

The Undertaking was immediately signed by the Town Board and notarized.

**ADJOURN ORGANIZATIONAL PORTION OF MEETING.**

As no further organizational items required discussion or action, Supv. Willman requested adjournment at 7:12 PM. Motion to adjourn ( m/s/p) ALL AYE

**MONTHLY TOWN BOARD MEETING**

**1. CALL TO ORDER.**

. The organizational matters having been adopted, the Pledge of Allegiance having been recited and the roll called, Supv. Willman called the regular monthly meeting to order.

**2. PUBLIC COMMENTS AND QUESTIONS:**

None

**3. BUDGET AMENDMENTS**

**A. 2011 GENERAL FUND BUDGET AMENDMENT #4** Supv. Willman requested a resolution approving transfers within the General Fund. Motion (A.Berg-D.Hamm m/s/p) ALL AYE.

**RESOLUTION NO. 3: 2011 GENERAL FUND BUDGET AMENDMENT #.4** WHEREAS, there is need to balance the 2010 General Fund Budget; NOW, THEREFORE, BE IT RESOLVED, the following transfers of funds are made:

<b>FROM ACCOUNT</b>	<b>AMOUNT</b>	<b>TO ACCOUNT</b>	<b>AMOUNT</b>
A1990.4 Contingent	\$3,129.00	A1620.4 Buildings CE	\$1,354.00
		A8810.4 Cemeteries CE	\$1,094.00
		A9060.8 Hosp & Med Ins.	\$681.00

Those Voting Aye:

- Supervisor Arthur P. Willman, Jr.
- Councilman Allen Berg
- Councilman Clifford Smalley

Councilman Donald Hamm  
Councilman Bradley Merrill

Those Absent:

None

Those Abstaining:

None

Those Voting Nay:

None

**B. 2011 HIGHWAY FUND BUDGET AMENDMENT #2** Supv. Willman requested a resolution approving transfers within the Highway Fund. Coun. Berg asked what the Motion (D.Hamm-A.Berg m/s/p) ALL AYE.

**RESOLUTION NO. 4: 2011 HIGHWAY FUND BUDGET AMENDMENT #2** WHEREAS, there is need to balance the 2010 Highway Fund Budget; NOW, THEREFORE, BE IT RESOLVED, the following transfers of funds are made:

FROM ACCOUNT	AMOUNT	TO ACCOUNT	AMOUNT
DA 5112.2 Capital Improvements	\$24,779.00	DA5110.4 Gen Repairs CE	\$13,294.00
		DA5140.1 Brush/Weeds PS	\$3,331.00
		DA5148.4 Svcs Other Govt	\$7,382.00
		DA9050.8 Unemployment	\$772.00

Those voting aye:

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

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

#### 4. AUDIT OF CLAIMS.

The following claims were submitted for approval and payment on Abstract 1 of 2012:

General Fund	Vouchers 1 - 16	\$5,229.17
Highway Fund	Vouchers 1 - 12	\$44,630.95
Prepay General	Voucher 1	\$610.71

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

#### 5. MINUTES

The minutes of the December 14 and 28, 2011 meetings were accepted as presented. Motion (C.Smalley-A.Berg m/s/p) ALL AYE

#### 6. SUPERVISOR'S REPORT.

Balances as of December 31, 2011

General Fund	Checking	\$9,236.97
	Savings	27,020.43
	CLASS	107,302.96
	Historian	3,036.79
Highway Fund	Checking	44,351.32
	Savings	184,098.35
	CLASS	188,269.80
	Cap. Proj. Hwy.	46,515.28
Landfill	Checking	1,069.92
	CLASS	44,053.59
Fire Protection	Checking	10,454.75
	CLASS	685.30
Capital Project Building		5,437.85



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

## 7. TOWN CLERK'S REPORT.

For the month of December 2011:

5 dog licenses	\$38.50
4 Building permits	\$120.00
2 Donations	\$100.00
	-----
	\$258.50
Paid to Supervisor	\$247.50
Paid to NYS Ag&Mkts (dogs)	\$11.00
	-----
	\$258.50

Motion (B.Merrill-C.Smalley /s/p) ALL AYE

## 8. TAX COLLECTION REPORT.

As of Jan 11, 2012, collections are at 10%, with total receipts of \$185,892.32. The Fire Protection Fund has been paid, and \$50,000.00 of the General Fund was paid. Motion (A.Berg-B.Merrill m/s/p) ALL AYE.

## 9. HIGHWAY REPORT

**A. SUPERINTENDENT'S REPORT** covering December 14, 2011 to January 11, 2012 period:

### Road work

- Plowed and sanded when necessary
- Received 2012 beaver removal permits
- Cut trees on Fletcher Farm Road
- Franklin County bulldozer transported to the Rec Park; the Town Highway Dept. used it for training by leveling the piles of rubble
- Worked on Grizzly, grinding and painting rust protection coat.

Motion accept Highway Supt. report (C.Smalley-B.Merrill m/s/p) ALL AYE

### B. HIGHWAY COMMITTEE.

**1. Plank Road Bridge.** Supv. Willman reported that the County Highway Supt. Hutchins indicated it will complete repair of the bridge by the end of January and the bridge will then be open. Coun. Hamm noted that the bulkheads for the bridge were poured before Christmas, and required time for curing.

**2. Plank Road Culverts.** Supv. Willman reported that the engineer for the project sent a report to FEMA. FEMA was unhappy with the recommendations. The Town of Franklin deems it important to perform hazard mitigation. If additional water from Lincoln Brook flows through the same size culvert, it will overflow and fail. The engineers will check the inside of the culvert to ascertain if it is at a 2% pitch.

**3. FEMA Reimbursements.** The Town has received approximately \$330,000 in reimbursement for repair work as a consequence of the spring floods. FEMA reimbursed 50% of the cost for Alderbrook Road, but none for Goldsmith which will require a great deal of work to correct damage done by the storms. Coun. Hamm recommended Highway Dept. employees attend a "ditching" school. Apparently the ditching performed by the Department this past year made Goldsmith Road worse than before. Supv. Willman announced that Franklin County will be replacing the bridge on Goldsmith Road.

**4. Future Repairs.** Supv. Willman noted at the sharp turn on Alderbrook Road at Route 3 has a 7x5 concrete culvert which will require replacement.

### C. QUESTIONS & COMMENTS RE HIGHWAY MATTERS

1. Coun. Merrill inquired whether the small dump truck will be paid for in cash rather than by financing, and Supv. Willman replied it would.

2. Coun. Hamm noted some improvements must be made to the Garage by installing strap and insulation so as to reduce heat loss. Supv. Willman replied these types of repairs must be paid from the General Fund, which has not had the benefit of FEMA reimbursements. The funds may not be taken from the Highway Fund. He advised waiting to see how the budget is spent.

## 10. NEW BUSINESS

**A. BLOOMINGDALE VOLUNTEER FIRE DEPARTMENT.** John Houghton, First Assistant Chief of the BVFD, reported on the election of officers of the department. He announced that February 2, 2012 will be official 100th anniversary of the brigade. A ceremony will be held at 6:30PM that evening commemorating the event, and on July 14, 2012 a parade will be held in Bloomingdale with volunteer fire departments from neighboring areas.

**B. DISCUSSION - LOON LAKE FIRE PLATFORM.** Mr. Houghton, Couns. Hamm and Berg reviewed the position of the proposed fire platform on Loon Lake. Coun. Hamm suggested constructing the platform nearer to Bass Pond Road, where there is adequate space for trucks to turn around. Mr. Houghton will review this with the Fire Department.

**C. DISCUSSION - AMEND DOG LICENSE LAW.** Mr. Houghton, a kennel owner, reported that Town kennel owners would appreciate re-institution of the kennel license at a flat \$100 per year fee. The kennel licensing system used by NYS Dept. of Agriculture & Markets' pricing is based on the number of dogs housed; in addition, all kennel animals are listed on one license, rather than a separate piece of paper for each dog. The Town Clerk and the Board proposed using the former kennel licensing system at the old pricing schedule. Mr. Houghton will discuss the Town's proposed amendment with the two other kennel owners in town and report back to the Town Clerk. The Board anticipated it would act on the amended dog law in March.

### C. GARAGE INFRASTRUCTURE.

**1. Additional Spigots.** Supv. Willman stated the Highway Dept. employees would like to have plumbing pipe installed for air takeoff, as well as two additional water spigots for cleaning off the vehicles. When Supv. Willman suggested publishing RFP's, Coun. Hamm asked if the department employees could perform the work themselves. Coun. Smalley indicated the mechanic would know the materials to be used.

**2. Ventilation.** Supv. Willman noted the employees wanted an air hose in the grinding areas. Coun. Merrill recommended running an air line to the back of the Garage and Coun. Hamm indicated he would investigate this and telephone various vendors. Supv. Willman will review the situation with Hwy. Supt. DeMars.

**3. Oil-Water Separator.** Coun. Berg suggested installing the oil-water separator first, but Coun. Hamm indicated the additional spigots and air hose should be installed before the oil-water separator, which is more of a major undertaking.

**D. CONTRACT WITH ATTORNEY FOR TOWN.** As part of the organizational portion of the meeting, James E. Martineau, Jr. has been appointed attorney for the Town. Supv. Willman requested a resolution to that effect. Motion (A.Berg-C.Smalley m/s/p) ALL AYE.

**RESOLUTION NO. 5: APPOINT JAMES E. MARTINEAU, JR. ATTORNEY FOR TOWN** WHEREAS, James E. Martineau, Jr. has successfully served the Town as its attorney; NOW, THEREFORE, BE IT RESOLVED, that James E. Martineau is appointed Attorney for the Town of Franklin with a salary at the rate of \$200 per meeting and an hourly rate of \$100 for any legal work performed by the Attorney, and that the term of said appointment shall begin on January 1, 2012 and end on December 31, 2012, or if sooner terminated by the Town within 39 days' prior written notice; BE IT FURTHER RESOLVED, the Town of Franklin Board is aware that the Attorney for the Town will be called upon to devote additional professional time to matters regarding litigation and matters concerning special projects which require the devotion of extensive professional time not envisioned and to be compassed in the regular salary for the attorney. It would be inappropriate to charge these additional services to the salary for meetings assigned to this position and these services will be paid for in addition to the annual salary for meetings, the Town of Franklin hereby agrees to pay said attorney for services relative to litigation, special improvement districts and any other matters subsequently deemed by this Town Board to be over and beyond regular duties of the attorney for the Town at an hourly rate of \$100 per hour upon submission of an itemized vouchers and proper proof of services.

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. PLANK ROAD CULVERT REPAIR (FEMA).** As reported above, the Town is negotiating with FEMA.

**B. HUD GRANT RE-APPLICATION.** Supv. Willman has not heard from Friends of the North Country about resubmission of the grant application.

**C. TOWN HALL RESTROOMS.** Codes Officer Rob Drosdowich has submitted some estimates from Hulberts for two new commodes. Supv. Willman indicated the Town Grounds Maintenance employee should be able to install them.

**D. LIGHTING.** Because the lighting in the Town Hall and the Garage is insufficient, at the December 28, 2011 special meeting, replacement lighting was discussed. The remaining balance of the NY Power Authority grant can be used for this purpose. Codes Officer Rob Drosdowich obtained a quote for replacement lights - T8, CEE rated with GE ballasts - 30 lights for \$2,805. Coun. Hamm recommended getting this work done now and offered his assistance in formulating a spec sheet. Supv. Willman requested a motion for a resolution to publish RFP's for new

lights, including installation and all necessary supplies. Each location will be advertised separately. Motion (C.Smalley-A.Berg m/s/p) ALL AYE

**RESOLUTION NO. 6: PUBLISH RFP (1) TOWN HALL REPLACEMENT/UPGRADE LIGHTING AND (2) GARAGE REPLACEMENT/UPGRADE LIGHTING** WHEREAS, lighting at the Town Hall and the Garage is insufficient; and WHEREAS, the remaining balance of the New York Power Authority grant is adequate; NOW, THEREFORE, BE IT RESOLVED, two request for prices, including installation and all necessary supplies will be published, one for the Town Hall, and the second for the Garage.

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

## 12. COMMITTEE REPORTS

**A. AUDIT** No Report

**B. CELEBRATION.** No Report

**C. CEMETERY COMMITTEE.** Coun. Merrill distributed copies of section markers for the cemeteries. Prices range from \$1.50 apiece to \$9.00.

## 13. CORRESPONDENCE

Supv. Willman received a letter from Loon Lake resident Kenneth Guerin reminding the Board he had not received the courtesy of a reply to his September 12, 2011 letter regarding further right-of-way encroachments on Garden Road in Loon Lake. Supv. Willman will reply to Mr. Guerin. He stated that not only were the steps created by the Highway Dept. to Mr. Gilmore's residence a possible encroachment (Mr. Gilmore had insisted the walkway was public and would not encroach on the Town's right-of-way), but that there are issues with respect to a very high hedge and pillars farther down the road. Mr. Guerin's letter recommended the Highway Dept. proceed with its work on the Garden Road. Supv. Willman opined further 2011 storm repair work would take precedence.

## 14. ANNOUNCEMENTS.

The Association of Towns conference is scheduled for Presidents' Weekend in New York City.

## 15. QUESTIONS AND COMMENTS.

None

## 16. ADJOURNMENT

There being no further business to discuss or conduct, the meeting adjourned at 9:44 PM. Motion (B.Merrill-C.Smalley m/s/p) ALL AYE

Respectfully submitted, Sandra J. Oliver, Town Clerk

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### Town of Franklin

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