



# The Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 • 518-891-2189 • Fax: 518-891-6389 • [www.townoffranklin.com](http://www.townoffranklin.com)



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[Home](#)
[Officials & Contact Info](#)
[Town Clerk/Tax Collector](#)
[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 Special Town Board Meeting Public Hearing On Proposed Local Law #1 Of 2012 And Monthly Town Board Meeting March 14, 2012 - 6:30 Pm

#### PUBLIC HEARING AMENDMENT TO LOCAL LAW #4 OF 2010 DOG CONTROL & LICENSING

#### Board members present:

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

#### Others Present:

Deputy Highway Superintendent Todd Law Codes Enforcement Officer Robert Drosdowich, Town Clerk Sandra Oliver, Doris Hamm, Frances Oliver, Alleen Willman, Lena Bombard, Tri-Lakes Humane Society Kate Ryan, Student Daniel Plosila

#### 1. CALL TO ORDER

Supervisor Arthur P. Willman, Jr. called the public hearing to order at 6:30 PM. The Pledge of Allegiance was recited, the Town Clerk called the roll and introduced guests and declared the full board was present.

**2. PURPOSE OF PUBLIC HEARING:** - Supv. Willman stated the purpose of the public hearing was for the Board to hear public comments on the amendment to the Town's dog control & license law which amendment reestablishes the Purebred License and requires dogs to be leashed.

#### 3. PUBLIC COMMENTS AND QUESTIONS:

**DANIEL PLOSILA** asked if attacks on large husbanded animals such as sheep or cows could be addressed in the law, and the Town Clerk responded that dog attacks on herd animals are covered under the Agricultural law, and that if a farmer whose livestock is attacked by dogs seeks restitution, he complains to the Assessor.

**LENA BOMBARD**, Tri-Lakes Humane Society Shelter Manager, commented there is no provision in the Town's law establishing penalties for unlicensed dogs. Every other town has this provision. Supv. Willman and Coun. Smalley referred her to Section 6 a. of the Town's law. She also stated without this provision, she cannot effectively do her job as dog control officer. Coun. Berg asked how often she patrols the Town of Franklin, and she replied once a month. She stated New York State law requires licensing of dogs, and the Clerk replied that there were some individuals who refuse to do so. Coun. Smalley indicated all the Town wanted her to do was to pick up the strays, not to enter onto private property (accompanied by a police officer) to seize unlicensed animals or dogs without tags.

**4. ADJOURNMENT:** - There being no further comments, a motion for adjournment was made by Coun. Smalley and seconded by Coun. Merrill at 6:59 pm.

## MONTHLY TOWN BOARD MEETING

### 1. CALL TO ORDER

Supv. Willman called the regular board meeting to order at 7:00 PM, the Pledge of Allegiance having already been recited and the roll called.

**2. PUBLIC COMMENTS AND QUESTIONS:** None

### 3. BUDGET AMENDMENTS

Coun. Hamm noted with sadness on the death of Marie Gonyea, a woman who was more than generous with her time and energy. He requested the Board send a letter of condolence to her family. The Board concurred.

### 4. AUDIT OF CLAIMS

The following claims were submitted for approval and payment on Abstract 2 of 2012:

General Fund	Vouchers 34- 52	\$11,237.49
Highway Fund	Vouchers 26 -42	\$64546.93
Prepay General	Vouchers 5 - 10	\$17,091.16

### 5. MINUTES

The minutes of the February 8, 2012 meeting were accepted as presented. Coun. Merrill stated the minutes of the February 24, 2012 did not reflect his strong opposition to removing all Town monies from CLASS. The minutes of the February 24, 2012 minutes were accepted as amended, as follows:

"C. NY CLASS. The Town currently maintains its funds in NY CLASS, a safe investment cooperative comprised of New York municipalities; however, for the past year, it has paid virtually no interest. Investment of taxpayer funds is stringently regulated by the State of New York. Supv. Willman proposed closing the CLASS accounts and transferring all funds to savings accounts at Community Bank where the Town would garner at least \$100 per year more in interest. Coun. Merrill stated his opposition to the transfer and commented that CLASS, although it does not pay enough interest, is very, very safe. Coun. Hamm stated it was not a good idea to "put all our eggs in one basket", Coun. Smalley noted a few hundred dollars in interest was not enough to warrant the switch. Following further discussion, the Board determined it would not transfer funds out of CLASS for a miniscule amount of interest. The matter will be revisited at year end." (changed at Mar 14, 2012 meeting)

Motion (B.Merrill-A.Berg m/s/p) ALL AYE

### 6. SUPERVISOR'S REPORT.

Balances as at February 1, 2012

General Fund	Checking	\$278,357.50
	Savings	2,091.74
	CLASS	107,302.96
	Historian	3,037.04
Highway Fund	Checking	133,584.92
	Savings	977,473.46
	CLASS	188,269.80
	Cap. Proj. Hwy.	46,515.28
Landfill	Checking	1,070.01
	CLASS	44,053.59
Fire Protection	Checking	16,681.65
	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:**

For the month of February 2012

6 dog licenses	\$52.50
4 Photocopies	\$1.00
	-----
Total	\$53.50
<hr/>	
Paid to Supervisor	\$38.50
Paid to NYS Ag&Mkts (dogs)	\$15.00
	-----
Total	\$53.50

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

**8. TAX COLLECTION REPORT:**

As of March 14, 2012, collections are at 79%, with total receipts of \$1,373,147.48. A total of \$230,020.94 has been remitted to the County Treasurer. Motion to accept (A.Berg-C.Smalley m/s/p) ALL AYE.

**9. HIGHWAY REPORT**

**A. SUPERINTENDENT'S REPORT.** submitted by Supt. DeMars, covering February 7 to March 14, 2012:

- Plowed and sanded as necessary; also cut and pushed back banks
- Grader used working on ice buildup on several roads
- Loader/backhoe used several times to poke holes in snowbanks to remove water from roads
- Received alert from Richard Jarvis about runoff water on Norman Ridge. Loader and backhoe sent to the site; snow moved from ditch and calcium chloride used in culverts.
- Water ran over Fletcher Farm Rd and along edges on both sides; loader and backhoe used to move snow and open culverts. The edges of parts of Fletcher Farm suffered some damage; subsequently material replaced in those areas.
- All town roads posted until further notice New F550 delivered by Vision Ford on Thursday March 1st ahead of projected date
- On March 7th Supt. DeMars attended Advocacy Day at NYS Capitol in Albany. Met with Sen. Betty Little and Assmby. Janet Duprey. Numerous highway superintendents throughout the State attended to lobby for CHPS funds.

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

**B. HIGHWAY COMMITTEE.**

**1. Proposed New Roller.** 1. Alder Brook Road culvert. An engineer named Kirby will design the culvert, submit to APA and DEC at no charge. He also performs all tests and will submit his proposal.

**2. Soffits at Garage.** Coun. Berg asked if someone was available to paint the soffits at the Garage. Coun. Hamm indicated the soffits need repair work and perhaps should be replaced with vinyl.

**3. Shed Roof.** Supt. DeMars asked the Highway Committee to investigate the shed roof. The Department would like to tack a shelter for vehicle storage onto the salt shed. Coun. Merrill advised not to store vehicles next to the salt shed. Supv. Willman stated the Department might have to choose between the soffit and the fascia work. Coun. Hamm recommended storing the vehicles at the Merrillsville barn -- \$6,000 would fix that structure.

**10. NEW BUSINESS****A. OPEN BIDS FOR LIGHTING REPLACEMENT**

<b>Bidder:</b>	Ampersand Electric
Materials:	\$185.00
Labor	\$788.00 (garage) \$762.00 (Town Hall)
Amount	\$1735.00
<b>Bidder:</b>	North Country Electrical Services, Gabriels
Materials	\$3,682.63
Labor	\$2,000.00
Amount	\$5,682.63
<b>Bidder:</b>	Jeremy Schenk, Ray Brook
Labor	\$1,850.00
Amount	\$1,850.00

**B. OPEN BIDS FOR BACKUP GENERATOR**

<b>Bidder:</b>	D&H Property Management, Wilmington
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<b>Make/Model</b>	Briggs & Stratton; 2100 amp auto transf switch - \$4172.00
Materials	\$498.24
Labor	\$2,325.00
Total	\$6,995.24
<b>Bidder:</b>	BetterPower, Rochester, NY
Make/Model	Generak \$2,880 auto transfer switch \$812
Total	\$3,962.00
<b>Bidder:</b>	Fastenal, Saranac Lake
Make/Model	Generator \$3,373.18 Generak transfer swich \$700
Total	\$4073.18
<b>Bidder:</b>	Hall Electric, Saranac Lake
Make/Model	Kohler with auto transfer swich, installation & labor
Total	\$7,296.00
<b>Bidder:</b>	Shane Hunter, Moira, NY
Make/Model	Generak with auto transfer switch \$5,200 Block heater,
Labor	\$1,600
Total	\$6,800
<b>Bidder:</b>	Gordie Stone, Rouses Point
Make/Model	Generator with transfer swich \$5,672.50
Installation	\$2,600.
Total	\$8,272.50
<b>Bidder:</b>	North Country Electric, Gabriels,
Make/Model	Generak w/shipping, cold weather kit, deep cycle battery, misc parts \$5,228.00
Labor	\$800
Total	\$6,028.00
<b>Bidder:</b>	Woodhill Electric, Ray Brook
Make/Model	Generak with materials \$4,376.26
Labor	\$1,200
Total	\$5,576.26
<b>C. OPEN BIDS FOR USED MEDIUM ROLLER</b>	
<b>Bidder:</b>	Abele Tractor, Albany, NY
Make/Model:	(1) 2008 Bomag \$69,900 (2) 2008 Dynapac \$60,750 (3) 2005 Bomag \$58,100 (4) 2004 Bomag \$39,900
<b>Bidder:</b>	Caledonia Diesel, Caledonia, NY
Make/Model:	(1) 2004 Hamm \$38,950 (2) 2004 Caterpillar \$56,500
Bidder:	Vantage Equipment, Latham, NY
Make/Model:	2006 Ingersoll Rand DD90 \$49,900

**D. SPECIAL BOARD MEETING.** Supv. Willman recommended the Board hold a workshop to review and discuss the above bids and a special board meeting immediately following to award the bids at 9:00 AM on Thursday, March 22, 2012. The Board concurred.

**E. NY CLASS.** Supv. Willman distributed copies of a communication from NY CLASS, the financial cooperative into which the Town's funds are maintained. The Village of Potsdam is now serving as Lead Participant, and the Village Administrator is serving as Lead Fiscal Officer. All participants are required to adopt a resolution reflecting the amendment to the Cooperative Agreement (see below). In addition, JP Morgan Asset Management and First Southwest Asset Management now serve as program administrators. Towns will again earn interest on deposits with CLASS. The amendment to the agreement reads as follows:

"AMENDMENT DATED AS OF APRIL 23, 2012 TO THE COOPERATIVE LIQUID ASSET SECURITIES SYSTEM MUNICIPAL COOPERATION AGREEMENT AS AMENDED AND RESTATED AS OF OCTOBER 20, 1999

The Municipal Cooperation Agreement referenced above is hereby amended so that it shall now be by and between the Village of Potsdam and the Participants thereto. In addition, the following definitional changes are made:

Section 1. The definition of "investment Advisor" means the investment advisor with which the Governing Board has contracted to serve in such capacity under the Agreement.

The definition of "Lead Participant" means the Village of Potsdam, but solely in its capacity as Lead Participant hereunder and not individually.

The definition of "Services Agreement" means the agreement between the Governing Board and the Investment Advisory, as the same may be amended from time to time, providing for administrative and investment advisory services to the Governing Board. Dated: February 27, 2012 Agreed to and accepted by (Name of Entity) By Name, Title"

Supv. Willman requested the Board adopt the resolution. Motion (C.Smalley-A.Berg m/s/p) ALL AYE.

**RESOLUTION NO. 14: ACCEPT CHANGES TO NY CLASS COOPERATION AGREEMENT** WHEREAS, the Town of Franklin is currently a participant of the NYCLASS program; and WHEREAS, the Town of Franklin has been notified of an amendment to the Cooperation Agreement governing NYCLASS which reflects that the Village of Potsdam will become the new Lead Participant and provides for changes to the to the Investment Advisor from time to time as determined by the Governing Board of NYCLASS (form of such Amendment attached hereto: and WHEREAS, the Town Supervisor recommends that the Town Board approve an Amendment to the Cooperative Liquid Assets Security System Municipal Cooperation Agreement, in which certain terms are modified to reflect the change in the Lead Participant and Investment Advisor for the program; NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Franklin (Franklin County) does hereby authorize the Town Supervisor to execute the amendment.

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

**F. PROPOSAL TO REPLACE COUNTY LEGISLATURE WITH BOARD OF SUPERVISORS** Edward Martin submitted the following letter with a request that it be included in the minutes of the meeting:

"March 12, 2012

To: Town of Franklin Town Board

From: Edward T. Martin

Subject: County Board of Supervisors vs County Board of Legislators

I am requesting that you as a Town Board of the Town of Franklin consider that the County Board of Legislators be replaced with a County Board of Supervisors.

If this was approved it could happen this fall at election time, if the legislators puts it on the ballot, which they can do.

In a recent poll/survey the Adirondack Daily Enterprise conducted in February of this year, the numbers speak for themselves. The support of this is there, I believe.

The main advantage of this is that each town is on the Board through its Supervisor, which we elect here in the towns. Plus each Supervisor lives here, pays taxes here in our towns, not somewhere else. They know us and our needs.

So, if you as a Town Board would consider this and possibly do a resolution, it would be appreciated. Thank you!

Respectfully submitted, Edward T. Martin"

Discussion of the proposal ensued, with Coun. Merrill opposed the Town Board adopting a resolution without first ascertaining public sympathies. He suggested that petitions be circulated by the interested parties. Coun. Hamm opined the matter should be addressed by the political parties at their meetings and caucuses. Coun. Smalley indicated the Board could adopt a resolution recommending further study of the matter and that switching to a Board of Supervisors would give towns a voice. Coun. Merrill stated most counties in the state have legislatures and that in the 1960's Franklin County had a Board of Supervisors, but votes were not weighted according to population. Supv. Willman recommended that the process should be started somehow. Coun. Hamm asked if changing to a Board of Supervisors would incur further expense to the municipalities, and Supv. Willman indicated it would not, that County expenses would be paid from County funds. In addition the Enterprise poll Mr. Martin referenced in his letter evidenced 57% in favor of the change, with 13% undecided. Coun. Merrill opined if Mr. Martin wanted a county board of supervisors, he should circulate petitions among the voters. However, Supv. Willman and Coun. Smalley conceded it would not hurt to adopt a resolution exploring the idea. Motion (C.Smalley-A.Berg m/s/p) ALL AYE

**RESOLUTION NO. 15: SUPPORT EXPLORATION OF RETURNING TO COUNTY BOARD OF SUPERVISORS**

WHEREAS, in response to an editorial in the Adirondack Daily Enterprise, said paper conducted an informal survey in which 57% of responders were in favor of abolishing the Franklin County Legislature in favor of a weighted Board of Supervisors; and WHEREAS, the Town Board of the Town of Franklin opines investigation of the subject is worthy of exploration; NOW, THEREFORE, BE IT RESOLVED, the subject of whether to abolish the County Legislature in favor of a Board of Supervisors should be investigated, researched and explored.



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

**G. ADOPT AMENDED DOG CONTROL AND LICENSING LAW AS LOCAL LAW #1 OF 2012.** The public hearing having been held earlier in the evening and public comments received, Supv. Willman read the amended Dog Control & Licensing Law into the record:

"Town of FRANKLIN (Franklin County)

State of New York

Local Law No. 1 of 2012

A Local Law AMENDING DOG CONTROL AND LICENSING LAW FOR THE TOWN OF FRANKLIN

Be it enacted by the TOWN BOARD of the Town of FRANKLIN as follows:

**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. All dogs in the Town of Franklin must be leashed or otherwise under the control of the owner (see SECTION 5(a)).
- (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" imprinted upon it. Licenses can be purchased for a period of one, two or three years, depending on date of rabies vaccination expiration. 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.
- (h) "Purebred License" means licenses of dogs registered with the American Kennel Club or other similar organization. A Purebred License may be purchased by purebred kennel owners with all dogs meeting proof requirements for current rabies vaccinations. Purebred licenses shall list all dogs on one license form. Owners of purebred dogs shall insure that dogs are obedience trained, housed in individual kennels or cages and that the surrounding property adequately fenced.

**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. Dogs shall not run at large unless the dog is leashed or otherwise 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 or being trained to hunt 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 unsprayed 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 unsprayed 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.~~ Purebred licenses will be based on the number of purebred dogs maintained on the premises of the owner, as follows:

**Purebred licenses will be based on the number of purebred dogs maintained on the premises of the owner, as follows:**

**1 to 10 dogs @ \$25.00 plus \$3.00 per dog for spay/neuter program**

**11 to 25 dogs @ \$50.00 plus \$3.00 per dog for spay/neuter program**

**26 plus dogs @ \$100.00 plus \$3.00 per dog for spay/neuter program**

(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 (a) through (h) 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 immediately upon filing with the Secretary of State."

Motion (B.Merrill-A.Berg m/s/p) ALL AYE

**RESOLUTION NO. 16: ADOPT AMENDED DOG CONTROL AND LICENSING LAW AS LOCAL LAW #1 OF 2012** WHEREAS, the amendment to Local Law #4 of 2010 was introduced at the February 8, 2012 regular meeting of the Town Board; and WHEREAS, a public hearing was duly held on March 14, 2012 and public comments received; NOW, THEREFORE, BE IT RESOLVED, the Franklin Town Board hereby adopts Local Law #1 of 2012 amending the Dog Control and Licensing Law.

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

**H. TECHNOLOGY** At the suggestion of the Mechanic, Supv. Willman obtained a State contract price on a rugged Dell Laptop for use by the Mechanic in analyzing vehicles. The cost of the laptop is \$2,118.33 with software, installation and service. Coun. Berg queried if this would be charged to the Highway Fund, and Supv. Willman responded in the affirmative. Coun. Smalley asked about the initial software fee, and Supv. Willman answered \$3,500 initially and \$500 or less annually. Highway Superintendent Jacques DeMars who arrived at 8:00 PM, stated the Highway Dept. occasionally borrowed Saranac's computer and found it saved mechanic time and vehicle mileage. He is less than pleased with M.A. Jerry, and since most of the warranty repairs are performed by the mechanic, recommended the Board approve the laptop purchase. A question was raised about purchasing a "code reader", and Supv. Willman assured the Board that the laptop was more comprehensive a tool. Coun. Berg noted that Supt. DeMars had saved the Town money by hiring the Mechanic. Motion for resolution (C.Smalley-A.Berg m/s/p) ALL AYE

**RESOLUTION NO. 17: AUTHORIZE PURCHASE OF DELL LAPTOP FOR MECHANIC** WHEREAS, motorized vehicles are increasingly automated; and WHEREAS, such automation requires analysis by computer when a vehicle is out of order; NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the purchase of a rugged Dell laptop for use by the Mechanic in diagnosing vehicles.

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

**I. RAINBOW LAKE ASSOCIATION GRANT APPLICATION** In past years the Town has supported the Rainbow Lake Association grant application to the Lake Champlain Basin program. The Association has asked for the Town's support once again, and Supv. Willman requested a motion in support. Motion (A.Berg-C.Smalley m/s/p) ALL AYE.

## 11. OLD BUSINESS

**A. SPEED LIMIT REDUCTION ON CO. RT. 60.** The Town Clerk was copied on a letter from NYS DOT to the Franklin County Highway Superintendent acknowledging receipt of the request to lower the speed limit on the eastern end of Co. Rt. 60. NYS DOT will evaluate the request with the Traffic Sergeant of the NYS Police.

**B. TRAFFIC DIVERSION PROGRAM.** Supv. Willman stated the Town had received its first check with respect to the traffic diversion program where a first offender can clear his record (providing the infraction is minor) by attending a driving class. The proceeds of this program are split between the Town and the County.



**C. FIRE PLATFORM ON LOON LAKE.** Coun. Berg reported he had spoken with Attorney Denin with respect to the address for the principal of Loon Gulf, the owner of the lake bottom. The Town should correspond to the principal and the Bloomingdale Volunteer Fire Dept. should do the same, requesting permission to construct a platform. Motion (A.Berg-C.Smalley m/s/p) ALL AYE

**RESOLUTION NO. 18: CORRESPOND WITH LOON GULF INC. RE CONSTRUCTION OF FIRE PLATFORM ON LOON LAKE** WHEREAS, there is a need for a fire platform and dry hydrant on the \_\_\_\_\_ side of Loon Lake; and WHEREAS, ownership of the site rests in Loon Gulf; NOW, THEREFORE, BE IT RESOLVED, the Town Board will correspond with the principal of Loon Gulf regarding the need for such fire prevention and protection; and BE IT FURTHER RESOLVED, the Bloomingdale Volunteer Fire Dept. will be requested to do the 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

**D. INFRASTRUCTURE UPDATE.**

1. GARAGE. The Town is still investigating and researching the oil-water separator to be constructed at the Garage.
2. TOWN HALL. The new toilets have been installed at the Town Hall.

**E. LAND INVENTORY.** No progress made on this.

**F. SL CIVIC CENTER.** The Board will correspond with the Saranac Lake Civic Center next year concerning the lack of "free public skate" times.

**G. ROAD SAND FROM CLOSED LANDFILL SITE.** Coun. Berg inquired if any progress had been made on this, and Supv. Willman replied it had not.

**12. COMMITTEE REPORTS**

**A. AUDIT.** The Clerk/Collector indicated the books were ready for an audit.

**B. CEMETERY.** Nothing new to report except that there is less vehicular intrusion.

**C. RECREATION.** Couns. Berg and Smalley spoke with Derrick Romeo of the Kate Mountain Community Recreation Association. There was an agreement that a dispute has arisen between the Town of Franklin and the Association. The KMCRA is clarifying its by-laws and broadening its scope of interests. Supv. Willman indicated he would like to see some kind of fund-raising for the Town's recreation activities and expressed disappointment at the lack of communication. Coun. Smalley indicated the KMCRA is an independent organization, and the Town should not depend on it for fund-raising, even though it was initially created for this purpose. He also expressed disappointment that the KMCRA still has "Recreation" in its name, as he felt it was misleading. Supv. Willman stated that Town should assume the responsibility for celebrations once again. A meeting between Supv. Willman and the KMCRA Board will be scheduled." (change per April 11, 2012 meeting)

**13. CORRESPONDENCE**

A. Kenneth Guerin submitted a letter to the Town Board concerning a proposed non-motorized boat launch onto Loon Lake which he suggested should be sited on Mensink Road. The Board all agreed it had no business in the matter, as the site recommended was not on Town land, only the right-of-way.

B. The Clerk announced she had corresponded with the County Treasurer to alert his department that she would no longer be handwriting transactions in the tax roll as the same data is input into her receipts journal, the tax collection software, receipted bills and deposit slips. She will submit the BAS collection report for roll section 1. The Board concurred.

**14. QUESTIONS AND COMMENTS.** None

**15. ADJOURNMENT**

There being no further business to discuss or conduct, the meeting adjourned at 9:29 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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