



The Town of Franklin

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[Home](#)
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[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 Monthly Town Board Meeting May 9, 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:

Highway Supt. Jacques DeMars, Codes Enforcement Officer Robert Drosdowich, Town Clerk Sandra Oliver, Thomas Mortati, Esq., Doris Hamm, Ed Martin, Derrick Romeo, Bruce Young, Father Paul Beyette

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.

2. MOMENT OF SILENCE:

in memory of Roland Lapier, president 55+ Club and member of the Board of Assessment Review.

3. EXECUTIVE SESSION 7:03 PM.

Supv. Willman introduced Tom Mortati, attorney for Trident Insurance, who will speak to officials regarding resolution to the E.Merrill litigation against the Town. Motion (C.Smalley-A.Berg) AYE: Willman/Berg/Hamm/Smalley; ABSTAIN: B.Merrill. The Board entered Executive Session to discuss settlement of the matter. No action was taken in the session.

4. RECONVENE MEETING 7:37 PM.

Supv. Willman requested a motion to adjourn Executive Session and reconvene the monthly Town Board meeting. Motion (C.Smalley-A.Berg) AYE: Willman/Berg/Hamm/Smalley; ABSTAIN: B.Merrill.

5. LITIGATION SETTLEMENT.

Members of the Board having heard confidential specifics of the proposed settlement of the Merrill v. Town of Franklin litigation in Executive Session, Supv. Willman requested a motion accepting terms of the settlement. The majority of the settlement award (amount is confidential under terms of the settlement agreement) will be paid by the insurance company, and the Town will pay \$2,500 to cover its deductible. Motion (A.Berg-C.Smalley) AYE: Willman/Berg/Hamm/Smalley; ABSTAIN: B.Merrill.

RESOLUTION NO 31: ACCEPT TERMS OF SETTLEMENT IN E.MERRILL v. TOWN OF FRANKLIN, et al., LITIGATION WHEREAS, attorneys representing the Town of Franklin have recommended a settlement in the E.Merrill v Town of Franklin, et al., litigation; and WHEREAS, in Executive Session Board members Willman, Berg, Hamm and Smalley heard and understand the confidential terms (Board member Merrill having abstained); NOW, THEREFORE, BE IT RESOLVED, the confidential terms of the settlement proposed in the instant litigation are hereby approved and accepted.

Those voting aye:

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

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

Councilman Bradley Merrill

Mr. Mortati then left the meeting.

6. PUBLIC COMMENTS AND QUESTIONS:

DERRICK ROMEO, representing Kate Mountain Community Recreation Association, asked if the Board had reviewed the KMCRA proposed Memorandum of Understanding and whether it would sign it. Supv. Willman indicated he would like to meet with KMCRA at the organization's next meeting, scheduled for June 5, 2012.

7. BUDGET AMENDMENTS. None

8. AUDIT OF CLAIMS

The following claims were submitted for approval and payment on Abstract 5 of 2012:

General Fund	Vouchers 72 - 86	\$8,120.57
Highway Fund	Vouchers 28 - 44	\$82,128.24
Prepay General	Vouchers 15 - 17	\$1,439.22

Supv. Willman indicated he will hold the LaBarge Agency claim for insuring the roller until Mrs. LaBarge confirms the additional liability coverage is necessary.

Coun. Hamm inquired of Hwy Supt DeMars why the Town was purchasing salt at this time of year, and Supt. DeMars replied the amount was part of the contract, and that all salt is being secured at the Garage.

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

9. MINUTES.

The minutes of the April 11, 2012 meeting were accepted as presented. Motion (C.Smalley-D.Hamm m/s/p) ALL AYE

10. SUPERVISOR'S REPORT.

Balances as of April 1, 2012

General Fund	Checking	\$230,565.89
	Savings	2,091.88
	CLASS	107,303.25
	Historian	3,037.17
Highway Fund	Checking	42,351.61

	Savings	977,608.60
	CLASS	188,270.76
	Cap. Proj. Hwy.	46,515.49
Landfill	Checking	1,070.09
	CLASS	44,053.77
Fire Protection	Checking	16,682.80
	CLASS	685.30
Capital Project Building		5,437.85

Supv. Willman noted that the changeover in NY CLASS has been accomplished. Cutwater will stay on as Asset Manager, and the only change will be the Administrator, who will be from Potsdam, NY.

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

11. TOWN CLERK:

for the month of April 2012

2 dog licenses	\$10.50
4 Building permits	\$256.00
Vitals -1 Marr lic; 2 ctfd cps	\$52.00

Total	\$338.50

Paid to Supervisor	\$313.00
Paid to NYS Dept Health	\$22.50
Paid to NYS Ag&Mkts (dogs)	\$3.00

Total	\$338.50

The Clerk noted the disparity in the Codes report and hers in that although Mr. Drosdowich may have received the checks in April, it might not be recorded in her records until May. Motion accept Clerk's report (B.Merrill-A.Berg m/s/p) ALL AYE.

12. CODES REPORT:

Codes Enforcement Officer Robert Drosdowich presented the following report:

A. CODES WORKSHOPS FOR CONTRACTORS. Mr. Drosdowich is working with the NYS Dept. of Labor, DEC Rangers to schedule seminars on various building requirements, such as proper asbestos and lead paint removal procedures. The workshops will be held in several 1-2 hr sessions over a month. There will be no cost to these sessions, and will update local contractors.

B. MONTHLY REPORT. Six building permits were issued in April for a total of \$476. In addition 15 inspections and site visits were made. Mr. Drosdowich noted he is reviewing older building permits and sites as well.

C. HOME OFFICE. Mr. Drosdowich announced he has completed work on his home office and will be more than happy to receive applicants at 7811 State Route 3 in Vermontville. He can be reached at any time on his cell phone (518) 524-6209. He will continue to keep office hours at the Town Hall on Tuesdays from 4:00 to 6:00 PM, however, due to the lack of space and privacy in the Town Hall, he preferred to work out of his home office. Coun. Smalley asked if he expected additional remuneration, and Mr. Drosdowich indicated he would only request reimbursement for mileage; the rest of his outlays would be declared on his personal income tax.

The Board thanked Mr. Drosdowich for his report and his availability. He then left the meeting.

13

A. SUPERINTENDENT'S REPORT. Hwy Supt. DeMars is currently on vacation but he submitted a written report covering the March 15 to April 11, 2012 period:

- Plowed snow as required
- Swept most roads and picked up sand in some areas
- Ditched on Norman Ridge and Fletcher Farm Roads
- Cut trees on Fletcher Farm Rd. prior to ditching
- Raked Merrill, McManus, Tyler and Goldsmith Roads
- Chipper prepped and painted. New safety stickers applied, as well as DOT-approved high-reflectivity tape.
- Repaired, prepped and repainted York rake
- Weight limit signs were removed
- Beginning May 14, county will be closing portion of Co. Rt. 48 commencing at the intersection of Co. Rt. 48 and Plank Rd heading south onto Co. Rt. 48. A detour will be created to reconnect to Co. Rt. 48

A discussion then ensued between Coun. Merrill and Hwy. Supt. DeMars concerning the work done on Merrill Road.

B. ACCEPT AMENDED PARTIAL 284 AGREEMENT. Supv. Willman requested a motion for a resolution for an amended partial Section 284 Agreement between the Highway Superintendent and Town Board for Expenditure of Highway Monies covering the intersection of Cold Brook Road and Fletcher Farm Road for 20 feet of blacktop at \$153,037.50. Each board member reviewed the partial agreement, and Supt. DeMars indicated the price of blacktop was calculated at 2011 rates as the 2012 price had not yet been established. Motion (A.Berg-C.Smalley m/s/p) ALL AYE.

RESOLUTION NO. 32: ACCEPT AMENDED PARTIAL SECTION 284 AGREEMENT WHEREAS, section 284 of the NYS Highway Law mandates the expenditure of highway funds be set out in writing as an agreement between the municipal governing board and the Highway Superintendent; and WHEREAS, the Superintendent has proposed blacktopping 20 feet of the intersection of Cold Brook and Fletcher Farm Roads; and WHEREAS, the 2012 price of blacktop has not yet been established; and WHEREAS, the 2011 price of blacktop has been used to calculate the estimated cost of the project at \$153,037.50; NOW, THEREFORE, BE IT RESOLVED, the Franklin Town Board hereby accepts and executes the amended partial section 284 agreement covering the intersection of Cold Brook and Fletcher Farm Roads.

Those voting aye:

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

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

RESOLUTION NO. 33: PUBLISH RFP FOR LOW PROFILE 12-15 TON TRAILER FOR PAVEMENT ROLLER

WHEREAS, the Town has purchased a pavement roller; and WHEREAS, the pavement roller cannot be moved without a trailer; NOW, THEREFORE, BE IT RESOLVED, the Clerk is authorized to publish a request for bids for a "low profile" 12 to 15 ton tow-behind trailer, bids to be due by 6:00 PM on Wednesday, June 13, 2012.

Those voting aye:

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

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

14. NEW BUSINESS

A. POSTPONE 2012 GRIEVANCE HEARINGS Hearings on complaints on assessments were scheduled for May 29, 2012 per Local Law #1 of 2011; however, some members of the Board of Assessment Review will not be available on that date. After consultation with certain members of the Board of Assessment Review, the Assessor and Franklin County Real Property Tax Services, the Clerk recommended postponing the hearings for one week, until June 5, 2012, and all agreed. Local Law #1 of 2011 will remain in effect. Motion (C.Smalley-D.Hamm m/s/p) ALL AYE

RESOLUTION NO. 34: POSTPONE GRIEVANCE HEARINGS ONE WEEK, TO JUNE 5, 2012 WHEREAS, Local Law #1 of 2011 specifies that grievance hearings will be held on the "first Tuesday following the fourth Tuesday in May"; and WHEREAS, certain members of the Board of Assessment will be unavailable on that date (May 29); NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby postpones hearings on complaints on real property assessments to Tuesday, June 5, 2012; and BE IT FURTHER RESOLVED, it is understood and acknowledged that Local Law #1 remains in full force and effect.

Those voting aye:

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

Councilman Donald Hamm
Councilman Clifford Smalley

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

B. PUBLISH RFP FOR REPAIRS TO MERRILLSVILLE TOWN GARAGE Coun. Hamm stated the Merrillsville Town Garage building would be adequate to store unused Highway Dept. equipment, but repairs are necessary, and it should be locked. Couns. Berg and Hamm drew up specifications for the project and distributed copies to the Board. Supv. Willman requested a motion for a resolution authorizing the publication of RFP for repair of same, labor only. The Town will purchase all materials necessary. Motion (B.Merrill-C.Smalley m/s/p) ALL AYE.

RESOLUTION NO. 35: PUBLISH REQUEST FOR BIDS - LABOR ONLY - FOR REPAIRS TO MERRILLSVILLE TOWN GARAGE WHEREAS, additional secure housing is required for Highway Dept. vehicles; and WHEREAS, the Garage located in Merrillsville would be suitable; and WHEREAS, repairs to said structure are necessary; NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Clerk to publish request for prices on labor for repairs to the Merrillsville Town Garage; and BE IT FURTHER RESOLVED, the Town of Franklin will purchase all materials; and BE IT FURTHER RESOLVED, bids will require a certificate of insurance, non-collusion certificate and will be due by 6:00 PM on Wednesday, June 13, 2012.

Those voting aye:

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

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

C. PUBLISH RFP FOR REPLACEMENT OF MERRILLSVILLE TOWN HALL ROOF - LABOR ONLY. The roof of the Merrillsville Town Hall requires replacement. Copies of the specifications for same were distributed to the Board. Supv. Willman questioned whether the Town could afford to repair the Merrillsville Garage and replace the Merrillsville Town Hall roof. However, the Board determined if the roof could not be economically replaced in 2012, perhaps there might be adequate funds in the 2013 budget. A decision was made to publish an RFP for labor for the Merrillsville Town Hall roof replacement. Once again, the Town would purchase the necessary materials. Motion (A.Berg-D.Hamm m/s/p) ALL AYE

RESOLUTION NO. 36: PUBLISH REQUEST FOR BIDS - LABOR ONLY - FOR REPLACEMENT OF MERRILLSVILLE TOWN HALL ROOF WHEREAS, the roof of the Merrillsville Town Hall requires replacement; NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Clerk to publish request for prices for labor for replacement of the Merrillsville Town Hall roof; and BE IT FURTHER RESOLVED, the Town of Franklin will purchase all materials; and BE IT FURTHER RESOLVED, bidders will require a certificate of insurance, non-collusion certificate and will be due by 6:00 PM on Wednesday, June 13, 2012.

Those voting aye:

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

Those Voting nay:

None

Those Absent:

None

Those Abstaining:

None

D. . SEPARATE TAX COLLECTION FROM TOWN CLERK DUTIES. The Town Clerk indicated she had been recommending for several years that the duties of tax collection be separated from those of the Town Clerk. It was not until 2001 that the jobs were combined. Until that time they were separately elected positions. Tax collection work begins in mid-December and ends in mid-April. From January through the first week of April, tax collection duties interfere with those of the Clerk, and tax collection requires 40-60 hours per week, and is not a part-time position. With the imposition of dog licensing duties imposed on her by the State, plus the normal clerk's duties, including meetings, minutes, and registrar duties, the Clerk finds herself in the office 6 to 7 days per week during the tax collection period. If the positions are to be separately elected, the matter would require placement on the 2013 November election ballot, the year Ms. Oliver's term expires. Coun. Smalley asked what would happen in the future, and Coun. Merrill indicated the positions were combined because the then-Clerk wanted more money. The matter will require thought, and will be brought up at a future meeting.

15. OLD BUSINESS

A. JAWS OF LIFE.

Supv. Willman indicated that the Town of St. Armand is not able to contribute to the purchase of Jaws of Life Equipment and retrofitting of a vehicle for the Bloomingdale Volunteer Fire Department. The Town of Franklin can contribute \$_____, per the budget, and in return the BVFD will guarantee that the contract for fire protection will remain unchanged for several years. However, the membership of the BVFD must approve the arrangement. Coun. Hamm recommended that the BVFD take a loan out for the bulk of the purchase price and vehicle retrofit, and perhaps the Town of Franklin might guarantee the loan.

B. LAND INVENTORY. No progress on this.

C. OIL-WATER SEPARATOR. Highway Supt. DeMars indicated the placement of the drain must be moved towards the front of the Garage.

D. SCHEDULE TOWN PICNIC. The Kate Mountain Community Recreation Association has scheduled its music festival for Saturday, August 18, 2012. Bruce Young asked if the Town had executed the Memorandum of Understanding submitted to Supv. Willman last month. Supv. Willman replied he would like to discuss the matter with the KMCRA at its next meeting, which will be held on June 5, 2012. Coun. Smalley stated that August 18, 2012 conflicts with events occurring in adjacent communities. Mr. Young acknowledged it would. Coun. Smalley asked why select August 18, and Coun. Hamm added that the Redford Picnic would be held on August 19. Mr. Romeo replied that not everyone attends the Redford Picnic or the Saranac Lake Village Mayor's Regatta. Coun. Smalley asked why those competing events were not taken into consideration. Supv. Willman commented that the Birch Bark Deli is holding a music festival for the Food Pantry on August 11. Coun. Smalley expressed concern about the work involved in setting up and running the Town Picnic and it being in competition with other events. Mr. Romeo stated that summers in the Adirondacks offer events on every weekend and noted that in 2011 attendance at the Mayor's Cup was down the same percentage as the Franklin Town Picnic.

E. UPDATES ON RFPs.

1. The roller was delivered and is on the Goldsmith Road.
2. The lighting upgrade and replacement in the Town Hall and in the Garage is complete. The electrician will return to review outdoor lighting at the Garage. LED lights are now available and at a lower cost. Supv. Willman indicated that National Grid has offered \$1700 as a rebate for installed improvements, although the actual cost is \$4,300. He will fax the invoice to National Grid.
3. No word on the backup generator for the Town Hall. Coun. Smalley will call North Country to follow up.

16. COMMITTEE REPORTS

A. AUDIT. Supv. Willman and Coun. Berg audited the tax collection books and found them to be fine.

B. CEMETERIES. Coun. Merrill produced a preliminary drawing of the Union Cemetery gridding submitted by Stacey Allot of Geomatics. Coun. Smalley noted that the loop road will be added as well as a possible increase and repositioning of the swail. Coun. Merrill indicated this project is ready to go. Coun. Berg asked about funds to pay for the loop road, and Coun. Smalley replied the project is to be completed in phases - the gridding, Cemetery Policy and administration to be completed and 2012 and perhaps the loop road in 2013. Coun. Merrill recommended that a 12-foot piece be paved for parking. He then stated if the Board accepts the plan and proposed plot, Geomatics will set the pins; the Town will purchase the caps and he will donate the rebar. The Board concurred.

C. RECREATION. Topic covered above.

17. CORRESPONDENCE

received from the Harrietstown Town Board requests support for the Adirondack Regional Airport in the form of a volunteer to serve on a task force. A poll of the Town Board members resulted in a negative showing. Supv. Willman will reply no one will serve.

18. QUESTIONS AND COMMENTS. Coun. Smalley asked if any action had been taken on increasing the "free skate time" at the Civic Center. Supv. Willman acknowledged he had not spoken to anyone at the Civic Center. Coun. Merrill suggested the Town of Franklin sponsor some free skate time, and it was generally agreed it would be a good idea. The matter will be raised at next fall's budget workshops.

19. ADJOURNMENT

There being no further business to discuss or conduct, the meeting adjourned at 9:20 PM. Motion (C.Smalley-B.Merrill m/s/p) ALL AYE

Respectfully submitted, Sandra J. Oliver, Town Clerk

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