



The Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 • 518-891-2189 • Fax: 518-891-6389 • www.townoffranklin.com



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Town of Franklin Board Meetings

Minutes of the Monthly Town Board Meeting March 13, 2013 – 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, Codes Officer Robert Drosdowich, Deputy Hwy Supt Brian Snickles, Doris Hamm, Frances Oliver, Derek Romeo, Richard Jarvis, Mary Ellen Keith, Lora Couture

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. QUESTIONS AND COMMENTS

MARY ELLEN KEITH representing the 55+ Club, reported the Club enjoyed its first daytime meeting. They will have 3 more day meetings and then return to meeting during the evening. Elections were held, and Lorna Shene was elected President, Mary Ellen Keith Vice President, Jean Darrah, Treasurer and Donna Buckley, Secretary. Charles Lashway was appointed Activities Director. Mrs. Keith also mentioned she had heard that Lester G. Parker, Jr. was required to resign from all "political" appointments which included resignation as Town of Franklin 55+ Club representative to Association of Senior Citizens in Franklin County, Inc. Supv. Willman indicated he would speak with Mr. Parker and if so, the Board would appoint someone else. He also asked that the 55+ Club submit minutes of meetings.

EDWARD MARTIN spoke in opposition to the New York SAFE Act concerning gun control. He stated the Franklin County Legislature adopted a resolution in opposition to it, and the majority of "upstate" New York opposes it. Both Essex and Clinton Counties are drafting resolutions opposing the law. The Governor, he opined, is incorrect, and

the law was enacted too swiftly, without public comment or review. Further, counties and sheriffs will be required to enforce it, and it is another unfunded mandate.

LORA COUTURE commented that with respect to the Verizon problem on her road, she and other homeowners are anxious for a cell tower on a tall hill close by.

RICHARD JARVIS having been informed that no bids had been received in response to the published RFP for the water treatment system, urged the Town Board to pursue the project. He noticed the 2013 284 Agreement on the agenda, and urged the Highway Superintendent to work on Fletcher Farm Road. Supv. Willman, in reply, indicated the Highway Supt. and Highway Committee will make a tour of the Town roads after the thaw to determine which roads to work on. The 2013 Agreement will be adopted in whole, not in partials, of course, depending on emergency work. Regarding the proposed Board resolution in opposition to the NY SAFE Act, he stated the issue should be left to individuals to express their opinions and added that the Board should emphasize the opposition is from the Town Board, not the entire municipality.

3. BUDGET AMENDMENTS. None

4. AUDIT OF CLAIMS

The following claims were submitted for approval and payment on Abstract 3 of 2013:

General Fund	Vouchers 45 - 63	\$4,498.80
Highway Fund	Vouchers 26 - 40	\$20,575.24
Prepay General	Voucher 5	\$1,774.05

The following claims were submitted for approval and payment on Abstract 1 of 2013:

Fire Protection	Voucher 1	\$40,761.00
Landfill	Voucher 1	\$1,119.78

With respect to the payment to the Bloomingdale Volunteer Fire Department, Supv. Willman announced that this concludes the Town's payment for the "Jaws of Life" equipment. Coun. Hamm asked if the Jaws of Life payments in 2012 and 2013 would be considered a donation to the BVFD, and Supv. Willman confirmed they would be considered as such. In addition, the BVFD will hold the Town's fire protection contract at \$30,000 per year through 2015.

Coun. Smalley asked how long the closed landfill will have to be monitored, and Supv. Willman replied "forever". Coun. Hamm suggested the Town look for another engineering firm to monitor the landfill to achieve some savings.

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

5. MINUTES

The minutes of the February 13, 2013 meeting were accepted as presented. Motion (A.Berg-C.Smalley m/s/p) ALL AYE

5. SUPERVISOR'S REPORT.

Balances as of February 1, 2013

General Fund	Checking	\$96,236.61
	Savings	\$170,439.32
	CLASS	\$87,323.41
	Historian	\$ 3,037.48
	Kate Mt Sp Reserve Fund	\$ 1,125.03
Highway Fund	Cemeteries Sp Reserve Fund	\$200.00
	Checking	\$94,143.59
	Savings	\$ 712,004.04
	CLASS	\$538,348.86
Landfill	Cap. Proj. Hwy.	\$46,524.44
	Checking	\$8,445.51
	CLASS	\$ 34,060.67
Fire Protection	Checking	\$ 73,125.24
	CLASS	\$685.30
Capital Project Building		\$25,438.70

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

6. TOWN CLERK'S REPORT

For the month of January 2013

Dog licenses: 2 1yr & 1 3yr licenses	\$23.00
Vitals death ctf's	\$60.00

Copies 6 copies	\$1.50
Hist Books: 7 They Told Me So	\$70.00

Total	\$184.50
<hr/>	
Paid to Supervisor	\$178.50
Paid to NYS Ag&Mkts (dogs)	\$6.00

Total	\$184.50
Motion (C.Smalley-B.Merrill m/s/p) ALL AYE	

8. TAX COLLECTION REPORT:

As of March 7th, collections are at 81%, with total receipts of \$1,524,518.16. The second \$150,000 payment to the County has been made. The last day for in-person payment is Monday, April 1st.

Motion accept Clerk and Tax reports (C.Smalley-A.Berg m/s/p) ALL AYE.

9. CODES REPORT.

Codes Officer Drosdowich reported one building permit renewal was issued and during which period 3 building permits were issued for \$170, and 4 inspections/site visits were performed. In addition, Mr. Drosdowich reported on a conference he attended March 4, 5, 6 and 7:

- Emergency Preparedness plans were emphasized at the conference, especially in light of the destruction done to Long Island, lower Manhattan and New Jersey by the October 2012 storm, Hurricane Sandy. Supv. Willman noted the Town is in compliance with the County Emergency Management Plan.
- Energy Code with new, tougher 2010 standards were reviewed. The State of New York will be emphasizing this more and more with new construction.
- Engineers' Stamps New regulations require an extension to an existing structure of 1500 sq ft or less have an engineer's stamp because the existing structure is accounted in the total new square footage.
- Sprinkler Systems will probably be required for new homes over \$300,000 to \$400,000 in value. The State has not decided whether to base the dollar amount on market value or square footage. Mr. Drosdowich estimates that within 5 years, these systems will be required. This may cause difficulty in municipalities like the Town of Franklin, which do not have public water systems. A water storage tank for the sprinkler system will probably be required.

Propane Tanks on decks and safe storage thereof were discussed with emphasis on fire safety.

- Contractors are now required to have a written agreement with the property owner, no matter the project. Included in contract terms are estimated start time and completion of the project, as well as location of the contractor's bank where his escrow account is.
- Fire Department Access for homeowners was discussed. It is mandatory that a 20-foot-wide driveway be accessible to fire and rescue vehicles.

Coun. Smalley asked what steps are being taken to educate contractors about the new and future regulations, and Mr. Drosdowich replied that all information regarding building codes can be accessed on line. He stated further that when he speaks with contractors he does his best to inform them of new and upcoming regulations.

10. HIGHWAY REPORT

A. SUPERINTENDENT'S REPORT. covering February 14 to March 13, 2013 period:

- Plowed and sanded when necessary
- Department sent out several times to cut banks and create weep holes
- During the slight flooding in several areas in Town, all problems taken care of
- On March 6th Highway Superintendents from all over New York State converged on the Capitol building in Albany. The northern group, from Clinton, Essex and Franklin counties, chartered a bus to Albany to meet with Sen. Betty Little and Assemblywoman Janet Duprey regarding CHPS funding. Both assured us of continued funding, as well as fighting for additional money.
- Town dirt roads have been posted and will remain so until further notice. I'll continue to monitor our paved roads and they will be posted in the near future.
- I spoke with the Highway Committee members Al Berg and Don Hamm regarding the 284 Agreement. It was determined to wait for better conditions to evaluate possible road improvements for 2013.

B. HIGHWAY COMMITTEE.

1. Request for County Assistance. Each year the Town requests the County to assist with major road repair and improvement projects. The County Highway Department has requested the Town to sign an agreement for same. Motion (C.Smalley-A.Berg m/s/p) ALL AYE.

RESOLUTION NO. 10: REQUEST FOR COUNTY HIGHWAY ASSISTANCE WHEREAS, the Town of Franklin Highway Department, in its road repair and improvement program has need of assistance from the County of Franklin Highway Department; and WHEREAS, the County of Franklin Highway Department has requested

execution of a hold-harmless clause indemnifying the County, and the language of such indemnification is: It is agreed that this work is undertaken by the Town of Franklin Highway Department and project is totally under the direction and supervision of the Town Highway Department. The Town is required to obtain all necessary agency permits, property owners' agreements, and provide utility notification. As inducement for such assistance the Town will hold the County harmless from property damages, and any claims brought by any third party as a result of this work, and if the County is held responsible for damages, the Town will indemnify the County. NOW, THEREFORE, BE IT RESOLVED, the Town of Franklin hereby requests assistance from the County of Franklin Highway Department by the loan of the County's paver, water truck (for paving), bulldozer, and guard rail post pounder; and BE IT FURTHER RESOLVED, the Town hereby holds the County of Franklin harmless from all claims, etc.

Those voting aye:

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

Those Voting nay:

None

Those Abstaining:

None

2. 284 Agreement for 2013 Coun. Hamm indicated the Highway Committee, in discussions with the Highway Superintendent, determined that part of Fletcher Farm Road is a possible candidate for repair, along with Franklin Falls Hill, Cold Brook Road near Lou Myers' residence and by Shumway Pond where the road is sinking.

3. New Pickup Trucks. Both 2006 Dodges are still in use by the Highway Dept. and the Groundsman. The underbodies of these vehicles are not in good shape, and the fuel systems are problematical. Coun. Hamm distributed copies of draft pick up Ford truck specifications, as Ford has the New York State contract. Coun. Hamm suggested selling the old Chevrolet pickup and replacing it with a new Ford F250 with extended cab and 6.5 foot bed, and perhaps selling the 2006 Dodge pickup used by the General Fund Groundsman and replacing it with a Ford F250 with an 8-foot bed. Coun. Hamm will write more specific specifications and deliver them to the Town Clerk by Friday. Coun. Merrill queried whether the Highway Dept. would sell the 2006 Dodge, and Coun. Hamm replied they would use it until it fell apart. Supv. Willman requested a motion to publish an RFP for two new Ford F250's. Motion (A.Berg-D.Hamm m/s/p) ALL AYE.

RESOLUTION NO. 11: PUBLISH RFP FOR TWO (2) 2013 FORD F250's UNDER STATE CONTRACT

WHEREAS, the 2006 Dodge pickup truck used by the General Fund and the Chevrolet pickup used by the Highway Dept. are in poor condition; and WHEREAS, New York State has awarded the procurement contract for pickup trucks to Ford Motor Company; NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby authorizes the publication of request for bids for two (2) 2013 Ford F250 pickup trucks, bids to be due by 6:00 PM Wednesday April 10, 2013.

Those voting aye:

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

Those Voting nay:

None

Those Abstaining:

None

4. Mowing County Roads. Coun. Hamm commented the County would like the Town to take over mowing of all County roads in Town for financial consideration as yet undetermined. Coun. Hamm indicated he was not in favor of it as the Town has far too much mowing of its own to do, even with summer help.

5. Road Grinder. Coun. Hamm reiterated the best way to rebuild a road is to grind the existing pavement and reuse it. He reported it was possible that sharing the cost of a Zipper Road Grinder with the Town of Harrietstown, which contains nearly the same amount of road mileage as Franklin, might be a possibility. In the long run it would benefit the Town of Franklin financially to do so because the cost of hiring a contractor doubles the cost of each project. Coun. Hamm indicated he would like to grind the road from the bridge at Woodchuck Hill for one mile but the cost of contracting the work would be \$50,000. The Town could purchase 50% of the Zipper Grinder which hitches to the loader with a down payment of \$25,000 and finance it at 2 or 3% over several years. Coun. Merrill indicated he was leery about sharing a piece of equipment, but that he would be in favor of such a purchase if the Town could afford it. Coun. Hamm will encourage Supt. DeMars to do research on the matter and to broach the subject with Harrietstown.

C. QUESTIONS AND COMMENTS RE HIGHWAY. None.

11. NEW BUSINESS

A. SET WORK DAY FOR APPOINTED OFFICIALS. Codes Officer Robert Drosdowich is employed by the State of New York and also the Town of St. Armand and is enrolled in the New York State Retirement System. The Retirement System has requested a resolution of the Board setting a "standard work day" for Mr. Drosdowich. Supv. Willman and Codes Officer Drosdowich have reviewed the Codes calendars by month, week and by day and have determined that on average Mr. Drosdowich spends 6.5 days of 6 hours per day per month as Town of Franklin Codes Enforcement Officer. To that end Supv. Willman requested a resolution to that effect. Motion (A.Berg-B.Merrill m/s/p) ALL AYE.

RESOLUTION NO. 12: SET STANDARD WORK DAY FOR APPOINTED OFFICIAL WHEREAS, appointed Town Codes Enforcement Officer Robert R. Drosdowich is enrolled in the New York State Retirement System by virtue of full-time employment with Clinton Correctional Facility, and part-time employment with the Town of St. Armand; and WHEREAS, after consulting with the Town Supervisor and reviewing Mr. Drosdowich's calendars; NOW, THEREFORE, BE IT RESOLVED, that Codes Officer Robert R. Drosdowich spends 6 hours a day for 6.5 days per month for the Town of Franklin.

Those voting aye:

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

Those Voting nay:

None

Those Abstaining:

None

B. DEFIBRILLATOR. Although an RFP was published in January and due by February 13th, no bids were received. Therefore, Supv. Willman telephoned vendors and requested quotations. He distributed copies to the Board from:

Vendor	Make/Model	Extras	Price
www.cpr-savers.com Scottsdale, AZ	Zoll AED w/cabinet	1st Resp kit, wall mount Cabinet, carry case	\$3,250.00
		Wall sign, AED with LCD showing voice prompt messages, DISCOUNT (\$250 ea)	\$2,750.00
Foremost Rochester, NY	Philips Heart Start	Battery , SMART pad Carry case, booklets, 5 yr warranty	\$1,478.66
	Zoll AED	CPR D-Pads, 10pk batts Carry case, 7 yr warranty Cabinet w/alarm Pediatric pads, wall bracket Wall sign	\$1,469.66

Discussion regarding the various attributes and benefits of each submission ensued. Supv. Willman directed the Board's attention to the \$250 per unit discount offered by cpr-savers. Zoll has durable record and offers ten 123 batteries which are cheaper than the battery pack. The Philips battery pack 150 lasts 3 to 5 years. The smaller 123 batteries have the same life but are less expensive. Zoll offers a 1-piece pad with 2 electrodes and is a "no brainer." In addition, the Zoll's audible instructions walk the rescuer through the procedure. Perhaps the Town could coordinate training and instructions with the Rescue Squad which would be open to the public. It would also be a good idea to purchase a second defibrillator for the Garage. Coun. Smalley opined the Town should purchase two Zoll defibrillators from cpr-savers. Supv. Willman requested a resolution. Motion (C.Smalley-B.Merrill m/s/p) ALL AYE.

RESOLUTION NO. 13: PURCHASE TWO ZOLL DEFIBRILLATORS FROM CPR-SAVERS WHEREAS, an RFP for a defibrillator for the Town Hall was published in January, with bids due February 13, 2013; and WHEREAS, no bids were received; and WHEREAS, research and inquiries were performed and prices and description of product obtained; and WHEREAS, prices and products were reviewed by the Board; NOW, THEREFORE, BE IT RESOLVED, the Town of Franklin hereby authorizes the Supervisor to execute a sales contract with www.cpr-savers.com for two Zoll defibrillators (one for the Town Hall and one for the Highway Garage) for \$2,750.00

Those voting aye:

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

Those Voting nay:

None

Those Abstaining:

None

C. APPOINT SUMMER PROGRAM DIRECTOR.

OPPOSITION TO NEW YORK SAFE ACT. Opposition in the northern counties of the State of New York to the SAFE Act is increasing. Supv. Willman read the resolution in opposition to the passage of this act aloud and requested a resolution. Motion (A.Berg-C.Smalley m/s/p) ALL AYE.

RESOLUTION NO. 14: Resolution in Support of the Second Amendment and in Opposition to the Process Utilized to Enact the NY-SAFE Act and Portions Thereof

WHEREAS, the Right of the People to Keep and Bear Arms is guaranteed as an Individual Right under the Second Amendment to the United States Constitution and under the Constitution of the State of New York, and; WHEREAS, the Right of the People to Keep and Bear Arms for defense of Life, Liberty, and Property is regarded as an Inalienable Right by the People of The Town of Franklin, Franklin County New York, and WHEREAS, the People of the Town of Franklin, Franklin County, New York, derive economic benefit from all safe forms of firearms recreation, hunting, and shooting conducted within Franklin and surrounding areas, using all types of firearms allowable under the Constitution and Laws of the State of New York as well as the Constitution and Laws of the United States, and; WHEREAS, the Franklin Town Board, has been elected to represent the People of Franklin and have taken an Oath to uphold the United States Constitution and the Constitution of the State of New York, and; WHEREAS, the New York State Assembly and the New York State Senate, and Governor of New York State have been elected by the People of the State of New York and have sworn an Oath to uphold the Constitutions and Laws of the United States and the State of New York, and; WHEREAS, legislation passed by the New York Assembly and Senate and signed into law by Governor Cuomo bans the possession and use of firearms commonly in possession and now employed by individual citizens of the Town of Franklin, for defense of Life, Liberty and Property and all other lawful activity and would ban the possession and use of firearms now employed for safe forms of firearms recreation, hunting and shooting conducted within the Town of Franklin, Franklin County, New York, and; WHEREAS, the definition of Assault Weapons as pertained in the NY SAFE ACT of 2013 is opinionated and without merit; and WHEREAS, the legislation was passed in such haste without opportunity for the public or even members of the Legislature voting on it to truly understand its implications, and; WHEREAS, the Franklin Town Board believes there are many other less intrusive means available that would effectively control, manage, and reduce violence in our society, other than rash, confusing, and inarticulately drafted firearms laws. These might include, but are not limited to, mental health reforms, anti-bullying programs for schools, programs for improving the security of both our school buildings as well as overall security, enforcement of existing firearms laws to the fullest extent possible, and proper psychological counseling for those in need or who request it; NOW, THEREFORE, BE IT HEREBY

RESOLVED that the Franklin Town Board does hereby oppose the process utilized in the enactment of the law commonly called the NY-SAFE Act and the body of the law thereof for the following reasons:

The law was enacted without any time for public review and comment and was negotiated entirely behind closed doors;

The law identifies and bans a group of weapons based solely on cosmetic properties, but which actually are semi-automatic and function on the same 100 year old technology as any other modern sporting rifle;

The law bans lawfully acquired personal property without any evidence that such a ban would actually serve to make our society safer;

The law arbitrarily chooses the number of rounds permitted to be loaded in a magazine without any recognition that such magazines are often not even manufactured for the relevant weapons and would only serve to further limit a person's right and ability to defend Life and Liberty;

The law actually places law enforcement at a disadvantage, making our streets less safe;

The law criminalizes inadvertent errors by persons who lawfully purchased magazines and load it with too many rounds;

The law requires a background check on those who simply purchase ammunition for target practice or hunting;

The law requires mandatory "recertification" of pistol licensees without specifying as to the cost and specific requirements for such "recertification"; and BE IT

FURTHER RESOLVED, that the Franklin Town Board hereby re-affirms its support of and for the 2nd Amendment to the United States Constitution; and BE IT

FURTHER RESOLVED that the Franklin Town Board affirms its support for the resolution as passed by the Franklin County Board of Legislators on March 7th, 2013; and BE IT

FURTHER RESOLVED, that a copy of this resolution shall be transmitted electronically and via Certified Mail to: Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman William Owens, Governor Andrew Cuomo, Senator Elizabeth Little, Assemblywoman Janet Duprey, NYS Assembly Leader Sheldon Silver, NYS State Senate Leader Dean Skelos, Association of Towns of the State of New York and the Adirondack Association of Towns.

Those voting aye:

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

Those Voting nay:

None

Those Abstaining:

None

12. OLD BUSINESS

A. FIRE ADVISORY BOARD. A meeting of the Saranac Lake Area Fire Advisory Board was held on February 21st, and Supv. Willman and Coun. Berg attended. There was much discussion concerning the absence of representatives of the Saranac Lake Volunteer Ambulance and Rescue Squad; therefore, no business was conducted.

B. ADDITIONAL STORAGE (POLE BARN) AT VERMONTVILLE GARAGE. Supv. Willman requested Codes Enforcement Officer Robert Drosdowich to look at the Garage property to ascertain whether an attachment to the Garage or a separate stand-alone structure would be better for equipment storage.

C. NEW FIELDS AT THE RECREATION PARK. Nothing to report. there must be a trail – Point A to Point B. Supv. Willman will check with both agencies.

D. LAND INVENTORY. No progress, no report.

E. OIL-WATER SEPARATOR. No progress, no report.

12. COMMITTEE REPORTS

A. AUDIT. No report. The monthly audit of tax collection will take place on Friday, March 15, 2013.

B. CELEBRATION.

1. The Kate Mountain Community Recreation Association will hold its Music Fest on Saturday June 15 at the Rec Park. The Association has asked permission to use Town tents, tables and chairs.

2. The Town will hold a Founders Day Celebration on Saturday, July 21 at the Rec Park.

C. CEMETERY. No report.

D. RECREATION. No report.

13. CORRESPONDENCE

The Board members were encouraged to attend the Local Government Conference in Lake Placid in April.

14. ANNOUNCEMENTS

The Food Pantry will be held Thursday March 21 at 3:30 PM.

15. QUESTIONS AND COMMENTS. RICHARD JARVIS asked when the next Town newsletter would be forthcoming, and Supv. Willman replied within the next month.

ED MARTIN announced that the major parties Democrat and Republican plan a Golf Tournament on June 6th at the Malone Golf Club. All are invited to attend and participate in this fundraiser.

17. ADJOURNMENT

There being no further business to discuss or conduct, the meeting adjourned at 8:45 PM. Motion (C.Smalley-D.Hamm m/s/p) ALL AYE

Respectfully submitted, Sandra J. Oliver, Town Clerk

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