



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

Regular Town Board Meeting
February 10, 2016
5:30pm

BOARD MEMBERS PRESENT:

Supervisor Art Willman, Councilman Pete Woodcock, Councilman Don Hamm, Councilman Tom Bartiss and Councilman Cliff Smalley

OTHERS PRESENT:

Jacques DeMars-Highway Superintendent, Jennifer Norman, Dick Jarvis, Doris Hamm and, Lauren LeFebvre-Town Clerk

CALL TO ORDER

Supervisor Willman called the meeting to order at 5:30pm. The Pledge of Allegiance was recited, the Town Clerk called the roll and noted the full board was present.

REVIEW/APPROVAL OF JANUARY 13, 2016 MINUTES

Minutes were approved as presented. (Woodcock-Smalley m/s/p) All Aye

APPROVAL OF CLAIMS

The board audited and approved payment of the following claims:

General Fund	Abstract 2	Claims 24-47	\$13,144.26
Highway Fund	Abstract 2	Claims 9-23	\$24,772.17
Pre-Pay General	Abstract 2	Claims 3-7	\$2,768.50
Landfill	Abstract 1	Claims 1	\$1,488.15

(Smalley-Hamm m/s/p) All Aye

SUPERVISOR'S REPORT

Balances on hand as of December 31, 2015:

GENERAL FUND	Checking	\$227,218.73
	Savings	\$25,494.53
	Historian	\$3,038.41
	Kate MT. SRF	\$20,828.43
	Cemetery RF	\$2,201.25

HIGHWAY FUND	CLASS	\$87,425.52
	Checking	\$390,167.50
	Savings	\$83,334.04
	Cap. Proj. Hwy.	\$46,578.77
LANDFILL CLOSURE CAP RES	CLASS	\$538,988.34
	Checking	\$6,292.10
FIRE PROTECTION	CLASS	\$24,091.78
	Checking	\$19,807.30
CAP. PROJ. BLDG	CLASS	\$685.37
	CLASS	\$25,467.02

(Smalley-Woodcock m/s/p) All Aye

HIGHWAY SUPERINTENDENT'S REPORT

Superintendent DeMars reported roads were plowed and sanded as needed as well as trees removed when necessary.

Highway Committee Report - The Highway Committee reported they met with the Highway Superintendent to discuss road conditions and priority work to be completed this year. It was agreed upon that town roads in Loon Lake are a priority. The work discussed is contingent upon fund availability and unforeseen circumstances.

CODE OFFICER'S REPORT

67 permits were issued in 2015 for a total of \$3,579.50 in fees collected. Abandoned and/or dangerous properties were discussed. Supervisor will discuss the board's concerns with Code Officer Rob Drosdowich.

NEW BUSINESS

A. Town Attorney/Attorney for the Town/strong

RESOLUTION #9

On a motion by Councilman Smalley, second by Councilman Bartiss the following resolution is adopted:

ABOLITION OF OFFICE OF TOWN ATTORNEY; APPOINTMENT OF ATTORNEY FOR THE TOWN

WHEREAS, Section 20(2) of the NYS Town Law provides the following two ways in which Towns can obtain legal services:

1. Section 20(2)(a) authorizes the Town Board to establish the Office of Town Attorney, and to appoint an attorney who is an elector of the Town to serve in that Office; and
2. If a Town has not established the Office of the Town Attorney, Section 20(2)(b) authorizes the Town Board to employ an attorney on a contract basis;

WHEREAS, Edward Murphy, Esq., currently serves as the Town Attorney in the Office of Town Attorney, which was established by the Town Board on February 11, 2015, pursuant to Section 20(2)(a) of the Town Law;

WHEREAS, after February 28, 2016, Mr. Murphy will no longer be an elector of the Town, and, therefore, is ineligible to serve in the Office of Town Attorney;

WHEREAS, the Town wishes to retain Mr. Murphy's legal services;

NOW, BE IT RESOLVED:

1. The Office of Town Attorney in the Town of Franklin, pursuant to Section 20(2)(a) of the Town Law, is hereby abolished;
2. Edward Murphy, Attorney at Law, is hereby appointed the Attorney for the Town, pursuant to Section 20(2)(b) of the Town Law, to serve without compensation; and
3. This **RESOLUTION** shall take effect on February 28, 2016.

ALL AYE

B. Pole Barn Garage Doors

RESOLUTION #10

On a motion by Councilman Smalley, second by Councilman Hamm, **BE IT RESOLVED** that the Town of Franklin Town Board does hereby authorize the Town Clerk to solicit sealed bids, to be opened at the March 9, 2016 board meeting, for the purchase and installation of four pull-chain, manually operated, 12'x14' garage doors with windows.

C. Proposed Kitchen Lease

The board was provided with a draft lease for the public to use the commercial kitchen in the Town Hall. This will be discussed further at the March 9 board meeting.

D. CDBG Hazard Mitigation Plan/Project Approval

RESOLUTION #11

On motion by Councilman Smalley, second by Councilman Woodcock, **BE IT RESOLVED** that the Town of Franklin Town Board does hereby approve the following Franklin County Multi-Jurisdictional Hazard Mitigation Plan Update 2015:

Whereas, the Franklin County Emergency Services Office, with assistance from the Town of Franklin and Friends of the North Country, Inc., has gathered information and prepared the Franklin county Multi-Jurisdictional Hazard Mitigation Plan Update 2015 ; and

Whereas, the Franklin County Multi-Jurisdictional Hazard Mitigation Plan Update has been prepared in accordance with the Disaster Mitigation Act of 2000; and

Whereas, the Town of Franklin is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the action in the Plan; and

Whereas, the Town of Franklin has reviewed the Plan and affirms that it will assist the County to Update the Plan no less than every five years;

Now Therefore Be It Resolved by the Franklin Town Board that the Town of Franklin adopts the Franklin County Multi-Jurisdictional Hazard Mitigation Plan as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan contingent upon availability of funding and resources.

ALL AYE

RESOLUTION #12

As part of the Town of Franklin NYS HCR Housing Rehabilitation Program a motion was made by Councilman Smalley, second by Councilman Bartiss, authorizing the expenditure of \$17,857.72 of program funds for Project #FR-13-08 all inclusive of capital, project delivery and Note & Mortgage filing fees.

ALL AYE

OLD BUSINESS

A. Public Use of Kate Mountain Park Policy - The board has reviewed the draft of proposed changes to the Use of Kate Mountain Park Policy.

RESOLUTION #13

On a motion by Councilman Hamm, second by Councilman Smalley, the Use of Kate Mountain Park Policy will be changed and adopted as follows:

TOWN OF FRANKLIN RULES GOVERNING PUBLIC USE KATE MOUNTAIN RECREATIONAL PARK

INTRODUCTION.

The Recreation Park of the Town of Franklin is available for the short-term use of residents of the Town and their guests.

These rules apply to group events, such as wedding receptions, community dinners, athletic events, field days, and family reunions. All such events must be scheduled in advance with the Town, and at least one event participant must be a resident of the Town.

Commercial or business activities in the Recreation Park or on its premises in connection with any such event are prohibited, except that such provision shall not apply to a single event sponsored by a nonprofit group, organization, or association, such as the Girl Scouts.

The solicitation of donations in connection with any such event is prohibited, except that this provision shall not apply to events for the purpose of assisting a family in need, such as a fund raiser for medical care of a family member or for a family whose home has been damaged or destroyed by fire.

These rules do not apply to informal visits, such as a walk through the Park or a family cook-out.

Use of the Recreation Park is free of charge, although a refundable \$50 deposit is required. The deposit will be returned to you after your event when it is determined the property has been cleaned up as required. The Town will accept contributions from users.

If more than one proposed user wishes to use the same area of the Recreation Park at the same time, use will be awarded to the proposed user who first submits an application for such use to the designated Town representative.

RESPONSIBLE PERSON.

The proposed user of the Recreation Park must designate one or more persons as the "responsible person" or "responsible persons." "Responsible persons" are charged with serving as the user's contact with the representative of the Town designated for this purpose, and with ensuring that the rules governing such use are complied with. Each "responsible person":

- Must be a competent adult, at least 21 years of age.
- Must be a resident of the Town of Franklin.
- Must execute a contract prescribed by the Town for the proposed use of the Recreation Park and its facilities and premises, which shall contain:
 1. A statement of the nature and length of the proposed use.
 2. A certification that each responsible person:
 - Has received a copy of the rules governing public use of the Recreation Park of the Town of Franklin, and has read them;
 - Has received a copy of these rules;
 - Will ensure that the rules and any other requirements imposed by the Town in connection with the proposed use will be complied with; and
 - After the event, has ensured that these rules and any other requirements imposed by the Town representative have been complied with.

At least one "responsible person" must be physically present at the event at all times.

Designation of a "responsible person" shall in no way limit the liability of any other persons or entities from which the Town may seek remedy under the law in the event of damage or other injury to the Recreation Park or its facilities and premises.

USE OF RECREATION PARK AND FACILITIES AND PREMISES:

SPECIFIC RULES.

- The facilities and premises of the Recreation Park, including the Pavilion, must be returned to their condition before the event. The Pavilion must be cleaned, and all tables and other contents of the Pavilion must be returned as they were before the event.
- ATVs and snowmobiles are prohibited.
- Passenger vehicles may only be driven into the Recreation Park, but only on roads and parking facilities designated for that purpose.
- Alcoholic beverages in the Recreation Park, including the Pavilion, are prohibited.
- Open fires, including bonfires, are prohibited, except that users may use barbecue grills and other self-contained cooking facilities for the purpose of serving food to the users.
- Commercial or business activities in the Recreation Park or on its premises in connection with any such event are prohibited, except that such provision shall not apply to a single event sponsored by a nonprofit group, organization, or association, such as the Girl Scouts.
- The solicitation of donations in connection with any such event is prohibited, except that this provision shall not apply to events for the purpose of assisting a family in need, such as a fund raiser for medical care of a family member or for a family whose home has been damaged or destroyed by fire.
- All personal property belonging to event participants must be removed after the event. The Town is not responsible for any items belonging to event participants that are lost or stolen.
- All litter, debris, or garbage generated by the event must be collected and disposed of by the user in receptacles provided for this purpose. If there are no receptacles, or if all receptacles are full, the user shall remove the litter, debris, and garbage from the Recreation Park.

EMERGENCY NUMBER AND OTHER NUMBERS.

- For further information about the use of Recreation Park and its facilities and premises, call the Town representative at the number noted in the contract for the use of the Recreation Park.
- In case of fire or for rescue squad, call 911.
- For State police, call 897-2000.

TOWN OF FRANKLIN**CONTRACT FOR PUBLIC USE OF KATE MOUNTAIN RECREATION PARK**

In return for obtaining the permission of the Town of Franklin to use the Recreation Park and its facilities and premises, the responsible person, on behalf of the user, agrees to provide the following information and to make the specified certifications. This document represents the terms and conditions agreed upon between the Town of Franklin and the "responsible person" for the use of Recreation Park and its facilities and premises.

I. APPLICATION AND APPROVAL**1. GROUP OR ORGANIZATION REQUESTING USE:**

Name: _____

Address: _____

Phone Number: _____

Is at least one event participant a resident of the Town of Franklin? _____

2. EACH "RESPONSIBLE PERSON" DESIGNATED BY THE USER:

Name(s): _____

Address(es): _____

Phone Number(s): _____

Is the "responsible person" a resident of the Town of Franklin? _____

3. PURPOSE OF THE REQUESTED USE, INCLUDING DATES AND TIMES REQUESTED, AND WHETHER ANY PERMISSIBLE COMMERCIAL OR BUSINESS ACTIVITIES OR DONATIONS ARE PROPOSED:

4. AS A CONDITION OF APPROVAL, EACH "RESPONSIBLE PERSON" AND "APPLICANT" must certify that he or she has received a copy of the rules governing public use of the Recreation Park of the Town of Franklin, and has read them; and

- o Has received a copy of this form; and
- o Will ensure that the rules and any other requirements imposed by the town in connection with the proposed use will be complied with, and
- o Agrees to sign the following "hold-harmless" agreement:

AGREEMENT

The undersigned is over 21 years of age and has read this form and attached regulations and agrees to comply with them. He/she agrees to be responsible to the municipality for the use and care of the facilities. He/she on behalf of the above-named Applicant and Responsible Person do hereby covenant and agree to defend, indemnify and hold harmless the Town of Franklin from and against any and all liability, loss, damages, claims or actions (including costs and attorneys fees) for bodily injury, property damage, or any allowed commercial or business activities or solicitation of donations, to the extent

permissible by law, arising out of or in connection with the actual or proposed use of the property of the Town of Franklin, its facilities and/or services by the Applicant and Responsible Person.

Applicant _____

Responsible Person _____

Print Name _____

Print Name _____

Address _____

Address _____

Certification of "responsible person(s):" _____

Date: _____

ALL AYE

COMMITTEE REPORTS

A. Cemetery

Councilman Smalley requested a larger area be plowed to allow for better parking at Union Cemetery on Route 3 in Vermontville.

B. Veterans

None

C. Celebration

Lauren reported there probably will be no Easter Egg Hunt this year as last year's event proved to be difficult due to the large number of participants, small budget and few volunteers.

D. Recreation

Next Recreation Committee meeting is 2/11. The committee is circulating a survey soliciting resident's opinions on recreation in the Town.

PUBLIC COMMENT

Dick Jarvis-Mr. Jarvis expressed concern regarding leasing the kitchen out for commercial use as the Town prohibits commercial use of Kate Mt. Park. He also added he is impressed with the Recreation Committee's survey and would like to connect with the committee to discuss it.

Jennifer Norman-Ms. Norman voiced her concern regarding the roadside dumping on Bigelow Rd. She has volunteers willing to pick up the trash, furniture, computers, etc but is requesting the Town work to keep it clean. Supervisor Willman stated the problem with the dumping lies in the fact the the Town owns the road but the garbage is actually on NYS property. The town does not wish to abandon the road. Supervisor Willman will contact DEC regarding this ongoing issue.

ADJOURNMENT

There being no further business, Supervisor Willman adjourned the meeting at 7:14pm.

Respectfully submitted, Lauren LeFebvre, Town Clerk

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