



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

Public Hearing Local Law #1/Year-End Board Meeting 5:30pm

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Councilman Pete Woodcock

OTHERS PRESENT:

Doris Hamm, Code Officer Paul Blaine, Jeff LeFebvre, Patty and Dick Meagher, Ed Martin, Mary LaBrake, Rose and Emily Bartiss, Town Justice Roger Symonds, Karen Smalley, and Town Clerk Lauren LeFebvre

CALL TO ORDER

Supervisor Willman called the Public Hearing to order at 5:30pm. The Pledge of Allegiance was recited, the Town Clerk called the roll, noting Woodcock absent, and a quorum present.

LOCAL LAW #1

Supervisor Willman read the following proposed local law aloud and opened the floor to public comment:

Providing for written notification of defects and obstructions on town highways, bridges, streets, sidewalks, crosswalks, and culverts in the Town of Franklin.

Be it enacted by the Town Board of the Town of Franklin.

Section 1. No civil action shall be maintained against the Town or Town Superintendent of Highways for damages or injuries to person or property sustained by reason of any highway, bridge, street, sidewalk, crosswalk, or culvert being defective, out of repair, unsafe, dangerous, or obstructed unless written notice of such defective, unsafe, dangerous, or obstructed condition of such highway, bridge, street, sidewalk, crosswalk, or culvert was actually given to the Town Clerk or Town Superintendent of Highways, and there was a failure or neglect within a reasonable time after giving such notice to repair or remove the defect, danger or obstruction complained of.

No such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, street, sidewalk, crosswalk, or culvert, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or Town Superintendent of Highways and there was failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section 2. The Town Superintendent of Highways shall transmit in writing to the Town Clerk within five days after the receipt thereof all written notices pursuant to the local law and subdivision 2 of section 65-a of the Town Law. The Town Clerk shall cause all written notices received pursuant to this local law and subdivisions 2 of section 65-a of the Town Law, to be presented to the Town Board within five days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner.

Section 3. This local law shall supersede in its application to the Town of Franklin subdivisions 1 and 3 of section 65-a, of the Town Law.

Section 4. This local law shall take effect immediately upon its filing in the office of the Secretary of State

Public Comments: - None

ADJOURNMENT

There being no comments, Supervisor Willman adjourned the Public Hearing at 5:35pm.

Respectfully submitted, Lauren LeFebvre, Town Clerk

Year-End Board Meeting

PAYMENT OF CLAIMS The board audited and approved payment of the following claims:

General Fund	Abstract 13	Claims 241-243	\$451.00
Highway Fund	Abstract 13	Claims 223-235	\$80,03655
(C.Smalley-T.Bartiss m/s/p) all aye			

NEW BUSINESS

A. Local Law #1 2017

RESOLUTION #52 LOCAL LAW #1 2017 PROVIDING FOR WRITTEN NOTIFICATION OF DEFECTS AND OBSTRUCTIONS ON TOWN HIGHWAYS, BRIDGES, STREETS, SIDEWALKS, CROSSWALKS, AND CULVERTS IN THE TOWN OF FRANKLIN.

Providing for written notification of defects and obstructions on town highways, bridges, streets, sidewalks, crosswalks, and culverts in the Town of Franklin.

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Section 3. This local law shall supersede in its application to the Town of Franklin subdivisions 1 and 3 of section 65-a, of the Town Law.

Section 4. This local law shall take effect immediately upon its filing in the office of the Secretary of State

Those voting aye:

- Supervisor Willman
- Councilman Hamm
- Councilman Bartiss
- Councilman Smalley

Those voting absent: Councilman Woodcock

Those Abstaining: None

B. 2018 FREIGHTLINER TANDEM TRUCK BOND

Supervisor Willman has been informed by the Town's Bond Counsel that Resolution #44 (November 8, 2017) is invalid due to the fact that a bond vote requires four board members present. There were three board members in attendance on November 8, 2017 therefore the Town must begin the bond process again.

WHEREAS, the Town Board of the Town of Franklin, County of Franklin, New York, has heretofore at this meeting adopted a resolution authorizing the issuance of obligations of the Town of Franklin, New York, in the County of Franklin, in the sum of \$172,915.00 for the purpose of purchasing a 2018 Freightliner Tandem Dump Truck with plow equipment and extended warranties , the total cost of which is not to exceed the sum of \$207,000.00.

WHEREAS, no other outstanding obligations of the Town of Franklin, New York have been previously issued by the Township for or with respect to such purpose and this resolution replaces the resolution adopted the 27th day of November, 2017; and

WHEREAS, the Town Board of the Town of Franklin, New York, now desires to provide for the issuance of obligations of the Town of Franklin, New York, and it now desires to provide for other matters with respect to such purchase;

BE IT, THIS 27 day of December, 2017

RESOLVED, by the Town Board of the Town of Franklin, County of Franklin, New York, as follows:

Section #1. The Town of Franklin, in the County of Franklin, New York, shall issue its serial bonds or statutory installment bonds of the aggregate principal amount not to exceed the sum of \$172,915.00, and notes in the anticipation of the issuance thereof, pursuant to the Local Finance Law of the State of New York including but not limited to **Section 169.00 of such Local Finance Law, in order to finance the specific purpose hereinafter described.**

Section #2. The specific purpose to be financed pursuant to this resolution is purchasing a 2018 Freightliner Tandem Dump Truck with plow equipment and extended warranties , the total cost of which is not to exceed the sum of \$207,000.00.

Section #3. The maximum estimated cost of such purpose as estimated by the Town Board is \$207,000.00 and the plan of financing thereof is by the issuance of a maximum of \$172,915.00 in serial bonds, statutory installments bonds, and/or bond anticipation notes issued in anticipation of such serial bonds and statutory installments bonds, along with any grants or other financial assistance obtained from the United States Department of Agriculture, Rural Development, the State of New York and any of its development authorities, the Development Authority of the North Country, the New York Dormitory Authority and/or the New York State Environmental Facilities Corporation and/or from any municipal contributions from the Town of Franklin.

Section #4. It is hereby determined that said purposes is an object or purpose described in Section 11.00 of the Local Finance Law of the State of New York and that the probable useful life of said purpose is fifteen (15) years. The final redemption date of said bond to be issued will not extend beyond fifteen (15) years from the date of their initial issuance. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section #5. Subject to the terms and conditions of this resolution, and the Local Finance Law of the State of New York, the power to authorize Bond Anticipation Notes in anticipation of the issuance of the Serial Bonds or Statutory Installment Bonds authorized by this resolution and the renewal of said notes and the power to prescribe the terms, form and contents of such Serial Bonds or Statutory Installment Bonds and of such Bond Anticipation Notes and the power to sell and to deliver such Serial Bonds or Statutory Installment Bonds and Bond Anticipation Notes issued in anticipation of the issuance of such Serial bonds or Statutory Installment Bonds and the power to sell and deliver bonds providing for substantially level or declining annual debt service is hereby delegated to the Town Supervisor as the Chief Fiscal Officer of the Town of Franklin, County of Franklin and State of New York. The Chief Fiscal officer of the Town of Franklin is hereby authorized to sign any Serial Bonds or Statutory Installment Bonds issued pursuant to this resolution and any Bond Anticipation Notes and renewals' thereof including but not limited to those set forth in Section 169.00 of the Local Finance Law issued in anticipation of the issuance of said Serial Bonds or Statutory Installment Bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town of Franklin, Franklin County, New York, to any Serial Bonds or Statutory Installment Bonds and any Bond Anticipation Note and to attest such seal.

Section #6. The Town Supervisor is hereby further authorized, at his/her sole discretion, to execute a project finance agreement and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific purpose described in Section 2 hereof, or a portion thereof, by a serial bond, a statutory installment bond and/or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section #7. The full faith and credit of the Town of Franklin, Franklin County, New York, is hereby irrevocably pledged for the payment of the principal of and interest on such Serial Bonds or Statutory Installment Bonds and any Bond Anticipation Notes and renewals thereof issued in anticipation of the issuance of such bonds as the same shall respectively become due and payable. There shall be annually apportioned and assessed upon real property located within the Town of Franklin, County of Franklin an amount sufficient to pay the principal and interest on such obligations as the same may be due and all of the taxable real property in said Town of Franklin, County of Franklin shall be subject to the levy of ad valorem taxes without limitation as to rate or amounts sufficient to pay the principal and interest on such obligations as the same shall become due, except as otherwise may be required by law.

Section #8. This resolution or a summary hereof shall be published by the Town Clerk of the Town of Franklin, County of Franklin, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York. The validity of the Serial Bonds or Statutory Installment Bonds and of any Bond Anticipation Notes and renewals thereof issued in anticipation of the issuance of such Serial Bonds or such Statutory Installment Bonds issued hereunder may be contested only if: Such obligation is authorized for an object or purpose for which said Town is not authorized to expend money, or If the provisions of law which should have been complied with as of the date of publication of such resolution were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or obligation is authorized in violation of the provisions of the Constitution.

Section #9 This resolution is not subject to referendum pursuant to Section 35.00 of the Local Finance Law of the State of New York and Article 7 of the Town Law of the State of New York.

STATE OF NEW YORK)
)SS:
COUNTY OF FRANKLIN)

Lauren LeFebvre, Town Clerk of the Town of Franklin, County of Franklin, State of New York, does hereby certify that the foregoing Resolution was duly adopted by the Town Board of the Town of Franklin at a meeting held on December 27, 2017, as follows:

Supervisor Arthur P. Willman, Jr. AYE
Councilperson Peter Woodcock ABSENT
Councilperson Clifford Smalley AYE
Councilperson Donald M. Hamm AYE
Councilperson Thomas Bartiss AYE
Seal:

C. RESOLUTION #54 ACKNOWLEDGE AUTHORIZATION OF TAX COLLECTOR TO ACCEPT PREPAYMENTS FOR 2018 PROPERTY TAXES

On a motion by Councilman Smalley, second by Councilman Hamm, BE IT RESOLVED that Town of Franklin Town Board does hereby acknowledge the authorization by the Governor of New York and the Franklin County Legislature for the prepayment of 2018 property taxes and BE IT FURTHER RESOLVED that the Town of Franklin Tax Collector shall accept said payments as per the Tax Collection Warrant executed by the Franklin County Legislature dated December 21, 2017.

Those voting aye:

Supervisor Willman
Councilman Hamm
Councilman Bartiss
Councilman Smalley

ADJOURNMENT

There being no further business to discuss, Supervisor Willman adjourned the meeting at 5:45pm.

Respectfully submitted, Lauren LeFebvre, Town Clerk

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