



# The Town of Franklin

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



# The Town of Franklin

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



# The Town of Franklin

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

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

**Monthly Meeting**  
**June 14, 2017**  
**5:30pm**

**BOARD MEMBERS PRESENT:**

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

**BOARD MEMBERS ABSENT:**

None

**OTHERS PRESENT:**

Doris Hamm, Highway Superintendent Jacques DeMars, Code Officer Paul Blaine, and Town Clerk Lauren LeFebvre

**CALL TO ORDER**

Supervisor Willman called the meeting to order at 5:30pm. The Pledge of Allegiance was recited and the Town Clerk called the roll noting Councilman Cliff Smalley absent and a quorum present.

**REVIEW/APPROVAL OF May 10, 2017 MEETING MINUTES**

Minutes approved as presented. (D.Hamm-T.Bartiss m/s/p) all aye

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

<b>General Fund</b>	Abstract 6	Claims 98-122	\$10,145.51
<b>Highway Fund</b>	Abstract 6	Claims 82-99	\$104,886.81
<b>Pre-Pay General</b>	Abstract 6	Claims 19-23	\$1,598.01
<b>Landfill</b>	Abstract 3	Claim 4	\$660.00

(D.Hamm-T.Bartiss m/s/p) all aye

**SUPERVISOR'S REPORT**

Balances on hand as of May 31, 2017:

<b>GENERAL FUND</b>	Checking	\$114,760.00
	Savings	\$82,217.40
	Historian	\$3,038.79
	Kate MT. SRF	\$36,658.18
	Cemetery RF	\$2,202.13
	CLASS	\$238,080.66
<b>HIGHWAY FUND</b>	Checking	\$240,189.82
	Savings	\$325,542.69
	Cap. Proj. Hwy.	\$46,815.30
	CLASS	\$391,342.53
<b>LANDFILL CLOSURE CAP RES</b>	Checking	\$5,397.26
	CLASS	\$19,207.01
<b>FIRE PROTECTION</b>	Checking	\$7,920.99
	CLASS	\$20,715.38
<b>CAP. PROJ. BLDG</b>	CLASS	\$65,648.41

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

**HIGHWAY SUPERINTENDENT'S REPORT**

Superintendent Jacques DeMars read the following report:

1. Finished brooming all the town paved roads.
2. Cut shoulders on Fletcher Farm Road- approx.. 1 mile
3. Cut shoulders on Cold Brook Road- approx.. 1.5 miles
4. Several times had men out cutting trees that fell in the roadway.
5. Raked several of our gravel roads.
6. Met with engineers about culverts on Cold Brook Road.
7. Met with Franklin County Soil and Water about culverts on Cold Brook Road and Goldsmith Road.
8. New dump truck- Has been ordered
9. Had mower on Goldsmith Road-
10. Hired new employee
11. Mowing contract- 284 for Goldsmith Rd.
12. Request the Town Board puts out to bid sand, up to 13,000 tons
13. Ongoing beaver problems- continuous cleaning out of many culverts.
14. Gas, fuel and maintenance logs given to Highway Committee

**RESOLUTION #18 2017 - AGREEMENT WITH FRANKLIN COUNTY TO MOW COUNTY ROADS IN THE TOWN OF FRANKLIN**

On a motion by Councilman Woodcock, second by Councilman Hamm, **BE IT RESOLVED** that the Town of Franklin Town Board does hereby approve entering into an agreement with Franklin County to mow the county roads located within the Town of Franklin in exchange Franklin County will pay the Town of Franklin \$4,000. ALL AYE

**RESOLUTION #19 2017 284 AGREEMENT FOR THE EXPENDITURE OF HIGHWAY FUNDS**

On a motion by Councilman Woodcock, second by Councilman Smalley, **BE IT RESOLVED** that the Town of Franklin Town Board does hereby approve the expenditure of Highway Funds of up to \$20,000 for a distance of 1.5 miles for permanent improvements on Goldsmith Road. ALL AYE

**RESOLUTION #20 SOLICIT BIDS FOR 2017-18 ROAD SAND**

On a motion by Councilman Woodcock, second by Councilman Bartiss, **BE IT RESOLVED** that the Town Board of the Town of Franklin does hereby approve the Town Clerk to solicit sealed bids, to be opened at the July 12, 2017 board meeting, for the purchase of up to 13,000 tons of road sand to meet NYSDOT specifications. ALL AYE

**Highway Committee Report** - Councilman Hamm will discuss shoulders on Plank Road and asphalt cracks with Superintendent DeMars prior to the July 12 board meeting.

**CODE OFFICER'S REPORT ENDING MAY 31**

Four building permits and one Certificate of Occupancy were issued, four inspections were conducted and fees collected were \$691.00. Dilapidated properties were discussed. Code Officer Paul Blaine will give written notice to the appropriate property owners.

**NEW BUSINESS****A. Bond Resolution for Community Center****RESOLUTION #21 2017 - BOND RESOLUTION DATED JUNE 14, 2017 AUTHORIZING THE ISSUANCE OF SERIAL BONDS AND NOTES IN ANTICIPATION OF THE ISSUANCE THEREOF AND/OR STATUTORY**

**INSTALLMENT BONDS AND NOTES IN ANTICIPATION OF THE ISSUANCE THEREOF, OF THE TOWN OF FRANKLIN, NEW YORK, IN THE COUNTY OF FRANKLIN, PURSUANT TO THE PROVISIONS OF THE LOCAL FINANCE LAW OF THE STATE OF NEW YORK AND PURSUANT TO APPLICABLE PROVISIONS OF THE TOWN LAW OF THE STATE OF NEW YORK IN AN AMOUNT NOT TO EXCEED \$700,000.00 FOR THE PURPOSE OF PAYING THE COSTS OF THE TOWN OF FRANKLIN'S CREATION AND CONSTRUCTION OF A NEW COMMUNITY CENTER FOR THE TOWN OF FRANKLIN, THE TOTAL COST OF WHICH IS NOT TO EXCEED THE SUM OF \$700,000.00.**

**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 \$700,000.00 for the purpose of paying the costs of the creation and construction of the Town of Franklin Community Center, the total cost of which is not to exceed the sum of \$700,000.00.

**WHEREAS**, no other outstanding obligations of the Town of Franklin, County of Franklin, New York have been previously issued by the Township for or with respect to such purpose; and

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

**BE IT, THIS 14th day of June, 2017, RESOLVED**, by the Town Board of the Town of Franklin, County of Franklin, New York, as follows:

1. 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 \$700,000.00, 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.
2. Section #2. The specific purpose to be financed pursuant to this resolution is to pay the costs of the creation and construction of the Town of Franklin Community Center, the total cost of which is not to exceed the sum of \$700,000.00.
3. Section #3. The maximum estimated cost of such purpose as estimated by the Town Board is \$700,000.00 and the plan of financing thereof is by the issuance of a maximum of \$700,000.00 in serial bonds, statutory installments bonds, and/or bond anticipation notes issued in anticipation of such serial bonds and statutory installments bonds, from any grants or other financial assistance obtained from the United States Department of Agriculture, Rural Development, 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. Pursuant to Section 107.00(d)(3) of the Local Finance Law of the State of New York, current funds will be provided prior to the issuance of any serial bonds, statutory installment bonds or bond anticipation notes issued in anticipation of such bonds.
4. 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 may exceed five years.
5. 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, County of Franklin New York, to any Serial Bonds or Statutory Installment Bonds and any Bond Anticipation Note and to attest such seal.
6. 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.
7. Section #7. The faith and credit of the Town of Franklin, County of Franklin, 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 an amount sufficient to pay the principal and interest on such obligations as the same may be due but, if not paid from such source, all of the taxable real property in said Town 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.

8. 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:
1. A. Such obligation is authorized for an object or purpose for which said Town is not authorized to expend money, or
  2. B. 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
  3. C. Such obligation is authorized in violation of the provisions of the Constitution.
9. Section #9 This resolution is 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.

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 June 14, 2017, as follows: ALL AYE

### **B. RESOLUTION #22 2017 - APPROVAL BY TOWN BOARD TO ENTER INTO LEGAL SERVICES AGREEMENT-BOND COUNSEL**

On a motion made by Councilman Woodcock, second by Councilman Hamm **BE IT RESOLVED** the Town Board of the Town of Franklin does hereby approve and agree to the following:

**THIS AGREEMENT** made this 14TH DAY of June, 2017 between the Town of Franklin (the "Town"), P.O. Box 209, Route 3, Vermontville, New York 12989 and Eric J. Gustafson, attorney at law, of Pease and Gustafson, LLP ("Bond Counsel"), 40 Main Street, Massena, New York 13662.

#### **WITNESSETH:**

**WHEREAS**, the Town intends to undertake a project known as the creation and construction of the Town of Franklin Community Center to be located in the Town of Franklin, County of Franklin, under the provisions of the Town Law and Local Finance Law of the State of New York;

**WHEREAS**, the Town wishes to retain Bond Counsel in connection with various bond matters related to said improvement district; and

**WHEREAS**, Bond Counsel has been selected to provide the desired bond-related services on the terms and conditions set forth herein;

**NOW, THEREFORE**, in consideration of the promises and mutual covenants contained herein, the parties do hereby agree as follows

1. Section 1. Authorization to Proceed as Bond Counsel. The Town shall by appropriate resolution adopt and ratify this Agreement, and Bond Counsel is hereby authorized to provide legal services as described in this Agreement and for the professional fees specified herein.
2. Section 2. Bond Counsel Services. Bond counsel agrees to provide its professional services in connection with all bond issuance and other debt activities of the Town subject to the conditions and in consideration of the payment of fees set forth herein. Bond Counsel agrees, at the request of the Town, to:
  1. (A) Review proposed financing programs as to their legal feasibility and compliance with applicable law, including U.S. Treasury regulations;
  2. (B) Advise as to structuring procedures, required approvals and filings, and schedule of events for timely issuance;
  3. (C) Attend meetings with the Town, the Town's financial advisor(s), underwriters, rating agencies and others appropriate for development or sale of bonds or dissemination of information in connection therewith;
  4. (D) Prepare bond ordinances or resolutions and any amendments thereto in order to authorize the issuance of the bonds;
  5. (E) Prepare any trust indenture, escrow deposit agreement, registrar or paying agent agreement, and any other agreements or similar documents necessary, related or incidental to the financing;
  6. (F) As requested by the Town, assist in or conduct any public hearings regarding such financing;
  7. (G) Review all disclosure documents prepared or authorized by the Town insofar as such documents describe the bonds and summarize the underlying documents; provided, however, that Bond Counsel assumes no responsibility for the disclosure documents insofar as such documents describe the financial circumstances of the offering or any other statistical projections or data, nor does Bond Counsel assume any responsibility for preparing "Blue Sky Memorandums," registering obligations of the Town in any State, or preparing legal investment surveys;
  8. (H) Prepare, obtain, deliver and file all closing documents necessary in connection with the sale and issuance of the bonds, including, but not limited to: certified copies of all minutes, ordinances, resolutions and orders; certificates such as officers, seal, incumbency, signature,

arbitrage and others; and verifications, consents and opinions, as needed, from accountants, engineers, consultants, and attorneys;

9. (I) Prepare documents for obtaining a loan or grant with funding agencies;
  10. (J) Review all underwriting proposals, and attend and assist in closing; and
  11. (K) Render an opinion in written form at the time the bonds are delivered, which opinion shall cover (i) the legality of the bonds and the proceedings by which they are issued, and (ii) the exemption from gross income for federal income tax purposes of the interest paid on the bonds.
3. Section 3. Professional Fees and Expenses. The Town shall pay to Bond Counsel for professional services rendered hereunder the following fees: \$175.00 per hour with a \$3,000 maximum. Reimbursement of expenses shall be made by the Town for reasonable out-of-pocket expenses including, but not limited to, photocopying, postage, court costs, and travel costs incurred by Bond Counsel in the performance of the duties hereunder. Said fees and expenses shall be payable monthly as billed.
  4. Section 4. Ancillary Services. In addition to the services listed in Section 2 herein, Bond Counsel agrees to provide certain ancillary services, such as ongoing consultation with the Town on such financing, bond validation proceedings, preparation of legislation, and performance of other legal services at the request of the Town, all of which shall be performed at the hourly rate specified in Section 3 herein.
  5. Section 5. Indemnification and Insurance. Bond Counsel agrees, through the provision of professional liability insurance and similar coverages, to protect, defend and indemnify the Town and its officers, employees and agents from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees and other expenses or liabilities of every kind and character caused by any negligent act or omission of Bond Counsel, its employees and agents in connection with or arising out of this Agreement and/or the performance hereof in an amount not to exceed One Million Dollars (\$1,000,000).
  6. Section 6. Construction and Amendments. This Agreement shall be governed and construed in accordance with the laws of the State of New York. This Agreement may be amended only by a writing duly entered into by the Town and Bond Counsel.

**IN WITNESS WHEREOF**, the Town and Bond Counsel have executed this Agreement as of the date first written above. ALL AYE.

#### **RESOLUTION #23 2017 - MANDATORY REFERENDUM**

Councilman Smalley, second by Councilman Woodcock, moved to put forth the following resolution

**Whereas** on June 14th, 2017 the Town Board of the town of Franklin, Franklin County New York adopted a bond resolution subject to special town election pursuant to the Town Law and the Local Finance law of the state of New York; and

**Whereas** a complete copy of this resolution is available for public inspection at the office of the Town Clerk of the Town of Franklin, Franklin County, New York; and

**Whereas** the Town Board of the town of Franklin, Franklin County New York desires to set forth the details of that special election as required by Section 82 of the Town Law of the State of New York, be it hereby

**Resolved**, that the special election of the Town of Franklin shall be held August 15th, 2017 at the Town Hall of the Town of Franklin, Franklin County, New York; and be it further

**Resolved**, that the Hours of the special election shall commence at 7am and finish at 7pm; and be it further

**Resolved**, that the proposition to be considered shall be as follows: Shall the Town of Franklin, Franklin County, New York (the Town) build a new community center for the Town with a maximum expenditure of \$700,000.00 and a maximum borrowing of \$700,000.00 for up to fifteen years pursuant to the plans of Tisdell Associates filed with Town Clerk on the 31st day of May, 2017 and the Bond Resolution of the Town Board of the Town of Franklin, Franklin County, New York adopted on the 14th day of June, 2017. ALL AYE.

#### **C. RESOLUTION #24 2017 - SET DATE FOR PUBLIC COMMENT ON BOND RESOLUTION**

On a motion by Councilman Bartiss, second by Councilman Smalley, **BE IT RESOLVED** that the The Town Board of the Town of Franklin, Franklin County, New York shall conduct a public hearing to discuss whether or not the Town of Franklin, Franklin County New York shall build a new community center at a cost not to exceed \$700,000.00, with a borrowing not to exceed \$700,000.00 pursuant to the Bond Resolution adopted by the Town Board of the Town of Franklin on June 14th, 2017. This Public Hearing shall take place on the 12th day of July, 2017 at the Town Hall of the Town of Franklin, Franklin County, New York located at 7 Cold Brook Road, at 6:00pm. All interested persons are encouraged to attend. ALL AYE.

#### **D. Landfill Monitoring**

Supervisor Willman has received word that our provider for this service has ended their contract with the Town of Franklin. Supervisor Willman has obtained two quotes from other vendors, Cedar Eden-\$2350 and Tisdell Associates-\$2400.

#### **RESOLUTION #25 SELECT LANDFILL MONITORING SERVICE PROVIDER**

On a motion by Councilman Woodcock, second by Councilman Hamm, **BE IT RESOLVED** that the Town Board of the Town of Franklin does hereby select Tisdell Associates, as the Town already has a working relationship with Tisdell, to provide landfill monitoring and testing for the Town of Franklin. ALL AYE.

#### **E. Tandem Financing**

#### **RESOLUTION #26 - SELECT FUNDING SOURCE AND EXECUTE CONTRACT FOR PAYMENT OF 2018 TANDEM**

On a motion by Councilman Smalley, second by Councilman Woodcock, **BE IT RESOLVED** that the Town of Franklin Town Board does hereby authorize Supervisor Willman to obtain financing and execute the necessary contracts and other documents regarding the financing of the 2018 Tandem. ALL AYE.

## OLD BUSINESS

### A. Dangerous Trees

Councilman Bartiss reported a meeting between the Town of Franklin and DEC is scheduled for June 21, 2017.

### B. Garage Painting

Supervisor Willman will sign the proposal with All-Action Painting and a check for \$4506 will be cut and sent to All-Action. (D.Hamm-P.Woodcock m/s/p) All Aye

## COMMITTEE REPORTS

### A. Cemetery

Councilman Hamm proposed a change in the Cemetery Policy regarding base/footings for the placement of headstones. Supervisor Willman proposed August 16 as a date for the Cemetery Committee to meet with local Funeral Directors and other appropriate parties. The Town Clerk will work with Councilman Smalley to set up the meeting.

### B. Veterans

No Report

### C. Celebration

Councilman Hamm reported Pete Ingraham and Coco-Cola have donated cases of bottled water to Founder's Day.

### D. Recreation

Youth Program will run July 5-August 11. Registration forms are on the website.

There being no further business before the board, Supervisor Willman adjourned the meeting at 7pm.

Respectfully submitted, Lauren LeFebvre, Town Clerk

[Click here to see past minutes](#)

---

[Newsletter](#) | [Town Events](#) | [History, Photos & Maps](#) | [Board Officials & Contact Info](#) | [Board Meetings](#) | [Town Budget](#) | [Laws & Forms](#) | [Real Property Assessments](#) | [Events, Recreation & Kate Mtn Park](#) | [Area Businesses](#) | [Town Journals](#) | [Emergency Preparedness](#) | [Home](#) | [Email the Town](#)  
| [Home](#)

---

### Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 · Tel: 518-891-2189 · Fax: 518-891-6389 · [info@townoffranklin.com](mailto:info@townoffranklin.com)

© Town of Franklin · Website Design: Rainbow Graphics

You are the visitor. Thank You for stopping by.