



# The Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 • 518-891-2189 • Fax: 518-891-6389 • [www.townoffranklin.com](http://www.townoffranklin.com)



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## Town of Franklin Board Meetings

**CDBG Public Hearing/Monthly Town Board Meeting 5:30pm**

**December 11, 2019 - CDBG Public Hearing**

### BOARD MEMBERS PRESENT:

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

### OTHERS PRESENT:

Melissa Frenia—Friends of the North Country, Doris Hamm, Franklin Co. Legislator Lindy Ellis, Dick Jarvis, Leo Demong, Karen Smalley, Dot Brown, Al Hadley, Ann Marie Nightingale, Sandy Ladd, Julie Woodcock, Autumn LeFebvre, Code Officer Paul Blaine, Highway Superintendent Jacques DeMars 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 and the Town Clerk called the roll, noting a quorum was present.

**CDBG:** Melissa Frenia informed the board of the upcoming funding cycle. She stated the Town has approximately 20 residents on the wait list. If funding is approved, this list will be updated to ensure eligibility. Recipients are selected on a first come, first served basis. Friends of the North Country also has approximately \$22,600 in Access to Home fund to add to projects that in need of rehab to physical disability..

**RESOLUTION #39 APPROVE APPLICATION FOR \$450,000 FOR CDBG FUNDING ASSISTANCE** Resolution moved by Councilman Hamm, second by Councilman Bartiss-- WHEREAS, this Town Board hereby authorizes the Town's participation in the Community Development Block Grant Program (CDBG), administered by New York State Homes and Community Renewal; now therefore be it RESOLVED, that Friends of the North Country, Inc., a 501(c)3 not-for-profit corporation, is hereby authorized to assist the Town to prepare and submit an application to New York State Homes and Community Renewal for the purposes of Community Development within the Town's jurisdiction, and be it further RESOLVED, that this Town Board does hereby adopt the Abbreviated Consolidated Plan, the Citizen Participation Plan and the Anti-Displacement Plan for the purposes of the CDBG application and program; and be it further RESOLVED, that a copy of the Abbreviated Consolidated Plan, Citizen Participation Plan and Anti-Displacement Plan be retained at the Town Office by the Town Clerk of the Town of Franklin, and be it further

RESOLVED that the Town Supervisor is hereby authorized to sign and execute associated documentation for the aforementioned NYS Homes and Community Renewal CDBG Application.

Those Voting Aye:

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

Those voting No: None

**Adjourn Public Hearing** Supervisor Willman adjourned the Public Hearing at 5:45pm and opened the regular meeting.

**December 11, 2019 Monthly Town Board Meeting**

**Public Comment:**

**Ed Martin** thanked Supervisor Willman and Councilman Hamm for their work regarding the Town Highway Garage fire on December 7, 2019.

**Leo Demong** thanked all town officials for their dedication during and following the fire.

**Dick Jarvis** also thanked town officials as well as local fire departments, county and state personnel and all first responders.

**Karen Smalley** thanked Superintendent DeMars for his tireless effort to ensure the Town roads remain safe in this tumultuous time.

**REVIEW/APPROVAL OF November 13, 2019 MEETING MINUTES** Minutes approved as presented. (T.Bartiss-D. Hamm m/s/p) all aye

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

<b>General Fund</b>	Abstract 12	Claims 217-236	\$11,506.00
<b>Highway Fund</b>	Abstract 12	Claims 191-209	\$96,972.18
<b>Pre-Pay General</b>	Abstract 12	Claims 47-52	\$1315.40

((D.Hamm-C.Smalley m/s/p) all aye

**SUPERVISOR'S REPORT:** Balances on hand as of October 31, 2019

**General Fund**

Checking	\$33,352.11
Savings	\$2,349.98
Historian	\$3,039.55
Kt. Mt SRF	\$2,057.18
Kate Mt. CLASS	\$46,348.99
Cemetery RF	\$5,505.11
CLASS	\$249,309.93

**Highway Fund**

Checking	\$248,039.09
Savings	\$141,666.17
Cap Proj. HW	\$48,826.76
CLASS	\$408,156.99

**Landfill Clos. CR**

Checking	\$1,020.42
CLASS	\$16,970.53

**Fire Protection**

Checking	\$6,264.35
CLASS	\$21,605.49

**Capital Proj Bldg**

CLASS	\$68,469.12
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(Hamm-Bartiss m/s/p) All Aye

**HIGHWAY SUPERINTENDENT'S REPORT**

Superintendent DeMars submitted the following written report:

1. Plow and sanded when needed
2. Finished hauling sand

3. As everyone is aware by now, we recently had a fire at the garage and it's a total loss.
4. Many towns have contacted me offering condolences for our loss as well as offering equipment and assistance. I have secured 5 tandems and a one ton truck all with sanders and plows. The towns of Brighton has allowed us to park one of the trucks in their garage and the town of St. Armand has given us the use of 2 bays in their garage and one truck.
5. Towns of Chateaugay, Plattsburgh, Santa Clara, Harrietstown have all given us tandems to use. The Village of Lake Placid gave us a one ton with a plow and sander to use. Numerous other towns have called and offered equipment. The Town of Plattsburgh has brought us a loader to use.
6. A few towns have given us care packages with grease, soap, towels, shovels etc.
7. Several private companies have contacted me offering equipment and assistance with no strings attached. It's very humbling to have so much support in our trying times.
8. Assemblyman Billy Jones, as well as many Legislators have stopped and or called asking what we may need.
9. A very special thanks to all the fire departments and fire personnel that worked tirelessly to bring the fire under control.

*Superintendent DeMars verbally added that he contracted the Town's insurance company Trident, regarding transporting the John Deere Loader to an authorized NORTRAX dealer for an inspection/evaluation following the fire. Superintendent DeMars has received approval from Trident to transport the loader to NORTRAX for this purpose. The board agreed this inspection is necessary.*

## NEW BUSINESS

**RESOLUTION #40 Opposing the Concepts of the Bail Reform Act and Urging the New York State Legislature to Repeal the Changes** WHEREAS: The New York lawmakers approved as part of the State budget in April of 2019, the New York Criminal Justice Reform Act (CJRA), which will take effect on January 1, 2020; and WHEREAS: The Legislation eliminates the ability of judges to set bail on all misdemeanor and nonviolent felony crimes and some violent felonies, such as Robbery 3rd and Burglary 2nd; and WHEREAS: For domestic violence cases, if it is a misdemeanor offense then bail cannot be set for individuals and the Court is required to release the defendants; and WHEREAS: Bail could not be set for defendants who commit crimes such as manslaughter in New York State, because that is not considered a violent crime; and WHEREAS: Bail could not be set for a sex offenders who fail to register a new address; and WHEREAS: Also in the new law, there is a provision that allows the defendant to inspect the crime scene, so in burglaries and sexual assaults, the defendants have that right to make that application and re-enter a victim's home or apartment; and WHEREAS: The new law also requires prosecutors to turn all discovery material with fifteen (15) days of arraignment, which is a completely unreasonable demand that imposes an additional burden on law enforcement and prosecutors that will impair the ability to adequately process crimes; and WHEREAS: Names of witnesses and contact information must be provided to a defense attorney within fifteen (15) days of someone's arraignment, which will significantly deter the willingness of witnesses to cooperate with law enforcement; NOW, THEREFORE, BE IT RESOLVED: That the Town of Franklin Town Board strongly opposes the Bail Reform Act and urges the New York State Legislature to repeal the changes; and be it FURTHER RESOLVED: Town of Franklin Town Clerk is hereby directed to transmit a copy of this resolution to New York State Governor Andrew Cuomo, New York State Senator Elizabeth O'C. Little and New York State Assemblyman D. Billy Jones, urging immediate attention to this matter.

Those Voting Aye:

Supervisor Willman  
 Councilman Hamm  
 Councilman Smalley  
 Councilman Bartiss  
 Councilman Woodcock

Those voting No: None

**RESOLUTION #41 DECLARING PUBLIC EMERGENCY AND AUTHORIZING THE EXECUTION OF CERTAIN CONTRACTS PURSUANT TO THE PROCUREMENT OF GOODS AND SERVICES NECESSARY TO REPLACE THOSE LOST IN THE BUILDING FIRE ON DECEMBER 7, 2019** WHEREAS, the Town of Franklin requires that the following goods and/or services be provided in an expedited manner to rebuild the Highway Garage, recently lost in a fire, along with 5 tandem trucks equipped with plow equipment and combination boxes and a variety of tools and the entire contents of the building WHEREAS, Subdivision (4) of Section 103 the New York State General Municipal Law sets forth an exception to competitive bidding requirements for emergency situations; and WHEREAS, the situation facing the Town has arisen out of an unforeseen occurrence or condition as follows: the fire and subsequent destruction of the Highway Garage and its contents occurred on Saturday, December 7th at approximately 3:08 pm. An alarm was sent to the Bloomingdale Volunteer Fire Dept. and subsequently to the Highway Superintendent and Town Supervisor WHEREAS, these circumstances affect public buildings, public property or the life, health, safety or property of the county's residents as follows: the destruction of the trucks and equipment has forced the Town to search for alternatives including borrowing trucks from other municipalities. Further, the loss of the building prevents the required repair and maintenance from occurring on premises and forces us to search for alternative location(s) to do required work. The destruction of the contents of the building necessitates that we borrow equipment until replacements along with a building to house them has been constructed WHEREAS, the foregoing demonstrates that this situation requires immediate action which cannot await competitive bidding for the following reasons: our roads need to be plowed in the most effective, efficient manner and require the replacement of plow trucks, equipment, and material. The building needs to be replaced as soon as possible to enable the proper storage and maintenance of our vehicles and equipment as well as a permanent location from which to base all of our highway operations. This will require solicitation of surveyors,

engineers, project managers, contractors and other professionals and their subsequent engagement to avoid any undue delay later when the weather improves in the spring. WHEREAS, the Town of Franklin Highway Superintendent has recommended that the Town of Franklin Town Board declare a public emergency arising out of an unforeseen occurrence or condition affecting public property and/or the life, health, safety or property of the inhabitants of the Town, which requires immediate action which cannot await competitive bidding, in connection with: the purchase of five new tandem dump/plow trucks, the procurement of replacement tools and equipment as soon as appropriate, and the replacement of the Highway Garage in the most effective, efficient, and cost effective manner. Therefore be it RESOLVED, that the Franklin Town Board of declares a public emergency arising out of an unforeseen occurrence or condition affecting public property and/or the life, health, safety or property of the inhabitants of the county, which requires immediate action, which cannot await competitive bidding; and be it FURTHER RESOLVED that no solicitations for rebuilding the Town of Franklin Highway Garage, including building plans, site plans, surveying, etc will commence until after January 1, 2020. FURTHER RESOLVED, that the Supervisor is duly empowered and that contracts for the foregoing goods and/or services shall be duly executed between the Supervisor of the Town of Franklin and those vendors, contractors, etc. as deemed acceptable by the Town Board and be it FURTHER RESOLVED that the Town Supervisor is empowered to execute contracts necessary pursuant to this declaration

Those Voting Aye:

Supervisor Willman  
Councilman Hamm  
Councilman Smalley  
Councilman Bartiss  
Councilman Woodcock

Those voting No: None

**RESOLUTION #42 AUTHORIZING PURCHASE OF 5 2020 TENDEM TRUCKS** On a motion by Councilman Bartiss, second by Councilman Smalley, BE IT RESOLVED that the Town of Franklin does hereby authorize the purchase of Five 2020 Tandem Trucks with Snowplows with extended warranty through Charlebois, Inc.

Those Voting Aye:

Supervisor Willman  
Councilman Hamm  
Councilman Smalley  
Councilman Bartiss  
Councilman Woodcock

Those voting No: None

## OLD BUSINESS

### A. 2020 Municipal Insurance

**RESOLUTION #43 2020 MUNICIPAL INSURANCE** On a motion by Councilman Smalley, second by Councilman Bartiss, BE IT RESOLVED that the Town of Franklin Town Board does hereby select NYMIR as the carrier for the Town's 2020 insurance.

Those Voting Aye:

Supervisor Willman  
Councilman Hamm  
Councilman Smalley  
Councilman Bartiss  
Councilman Woodcock

Those voting No: None

### B. Unit 11-Superintendent DeMars reported the 2011 International sold on a NYS Online Auction Site for \$19,100

**RESOLUTION #44 APPROVAL TO SELL 2011 INTERNATIONAL TANDEM** On a motion by Councilman Hamm, second by Councilman Woodcock, BE IT RESOLVED the Town of Franklin Town Board does approve of the disposition through Auctions International online sale in the amount of \$19,100.

Those Voting Aye:

Supervisor Willman  
Councilman Hamm  
Councilman Smalley  
Councilman Bartiss  
Councilman Woodcock

Those voting No: None

## OTHER

**A. Mobile Office Trailer** - Councilman Hamm questioned Town Clerk, Lauren LeFebvre regarding the delay in delivery of a mobile office trailer for the Highway Department. The Town Clerk explained Supervisor Willman was investigating a separate heated restroom only trailer to get along with the traditional mobile office trailer as he is concerned about the water freezing. Councilman Hamm expressed concern about the disruption to the employees

work day and stated obtaining the trailer as soon as possible would be beneficial to the men. The Town Clerk requested board approval to contact Avderi and have one delivered as soon as possible.

D. Hamm-T. Bartiss m/s/p ALL AYE

**B. Project Manager** - Councilman Bartiss informed the board he has a business acquaintance, Nathan Hammaker, who handles emergency project management. A tentative special meeting is planned to discuss the highway garage situation with Mr. Hammaker on December 18, 2019 at 5:30pm

#### ADJOURNMENT

There being no further business, Supervisor Willman adjourned the meeting at 7:00pm.

Respectfully submitted, Lauren LeFebvre, Town Clerk

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