



Town of Franklin

September 2002 Newsletter

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Town of Franklin

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TOWN BOARD MEETINGS

Regular town board meetings are held the second Monday of each month at the Franklin Town Hall. The meetings are open to the public.

The next regular meeting will be held Monday, October 14, 2002, at 6:30 p.m.

Check the town Website for up-to-date information on upcoming town events and meetings, minutes of past meetings, and agendas for upcoming meetings, plus lots of other information on the Town of Franklin. ❖

Off-the-Grid Residents Turn to Board for Help

When Mark and Nanette Winters bought their property on Paye Road, their dream was to have a small Adirondack home with 35 acres they could roam with their dogs, where they would live out the rest of their lives. Everything was going as planned until the one roadblock they never imagined they had to worry about stopped them. They quite possibly may be denied access to the Niagara Mohawk power grid. Not only would they not have electricity, but being off grid means they won't be able to get a mortgage to build their home.

Roland LaPier, who lives on Goldsmith Road, knows very well that getting electricity is not to be taken for granted. For years, he and his 34 neighbors have been battling with New York State to

have power lines run to their homes.

For most people in this day and age, it's as surprising as it was to the Winters and the LaPiers that anyone should be living without access to electricity other than by choice.

According to New York State's constitution, power cannot be run over state land. On the Goldsmith Road, both ends of the road between the homes and Route 3 have stretches owned on both sides by the state. LaPier has for years worked to find a way to get power down the road, and he recently has enlisted the help of Assemblyman Christopher Ortloff. According to LaPier's research, the state's deed reads that there is power right-of-way. However, a ruling by the attorney general de-

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Town Board Considers Garbage Law

Time and again over the years, Franklin town boards have come up against the problem of garbage on properties in the town. When neighbors would come forth with complaints of the unsightliness and odor, with no land-use law in place, there is not much that the town can do. The current town board has decided to consider a town law that would specifically address the problem in situations where the garbage has been allowed to accumulate and become a health hazard. By weighing the problem of health issues on the one

hand and recognizing that getting to a landfill or paying the costs of garbage pick-up fees can be beyond some people's means, the board hopes to draft a town law everyone can live with.

Language defining garbage problems would be spelled out. Garbage would include decaying and decomposing animal and vegetable matter, trash, clutter, litter, or debris. It will clearly not include compost used by gardeners.

Homeowners also will be required to store garbage in

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Grant Application Prepared for Merrillville Hall

The Franklin Town Board has applied to the 2002 New York State Adirondack North County Community Enhancement Program for funds to be used on the Merrillville Town Hall. Plans are to have the hundred-year-old Merrillville building, originally built as a tuberculosis cure cottage, upgraded to make it more useful as a municipal building and as an emergency center.

Should the grant be successful, the money will be used to replace the electric heat system with a fuel furnace, to provide water and septic systems, and to install indoor bathroom facilities.

After the 1998 Ice Storm, Franklin County gave the town two generators to install for future emergencies. One will be used at the Franklin Town Hall. For now, the Merrillville Town Hall is not usable because the generator wouldn't be able to run an electric heating system and there is no water source. With the upgrade, it will meet the needs as an emergency shelter.

The board also foresees using the Merrillville building for town meetings and as a community center.

Past successful enhancement grants have been used to clean up abandoned buildings around town and for the purchase and clean up of property that will be added to Kate Mt. Park. ❖

Not sure what to do, right?

by Lauren LeFebvre

I know, I know, you love the idea of a doing a Haunted House in the Town Hall. Look at the all the positives: Older kids having something to do instead of get into trouble, parents and children working together, creative juices oozing all over the place, laughter and just plain fun. I can't ask for more than that, can I?

Well, actually, I can. Gutsy, aren't I? Thanks to a small, but brave, few who have attended the two Haunted House meetings held by the Celebration Committee, we will press on with the Haunted House idea. (This is the part where I'm going to ask for more and put you on the spot.)

As you probably can tell, the Celebration Committee really loves a good party. Easter and July 4th were great. So great, in fact, that we spent most of our "party money" for the year. (I'm getting a little college déjà vu here.) This is where you can help. Bet you think I'm going to beg for money, right? No way! We need stuff. Here's the Celebration Committee's

Top Ten List of Stuff Most Needed for the Haunted House

1. Any outdoor decorations you don't need (especially fake tombstones)
2. White lab coat
3. Cobweb stuff
4. Colored light bulbs
5. Black plastic (tarps, tableclothes, huge garbage bags)
6. Creepy glow-in-the-dark stuff
7. Cages
8. People who are good with hair and/or make-up
9. Picture frames
10. Furniture that looks Victorian

All of this stuff you can have back. We only need it for the one night. By the way, the Haunted House will be Wednesday, October 30, from 6:00 to 8:00 p.m. This is changed from the original Thursday, October 31, plan. I forgot Thursday is Court Night at the Town Hall and in all honesty I did approach Judge Symonds about canceling court for that night. Now I know where the phrase "sober as a judge" comes from. To be fair, there were already items scheduled in the court for October 31. I know we could have worked something out if we'd have thought ahead.

The next meeting for the Haunted House is Saturday, September 28, at 11:00 a.m. at the Town Hall. If you really do agree that this is a good thing for everyone, a nice community event, look through your attic, basement and garage. I could have made it a Top 30 list but I didn't want to appear too demanding. If you think it's a neat Halloween thing and we might be able to use it, give me a call. The meeting on the 28th will be "do or die"—not enough response either by those willing to help or donate, then we'll have to forget it for this year. It's a huge undertaking just to throw together at the last minute. Let me know what you can do.

Don't think I'm not going to ask for money. I will, but not until we start planning the Christmas party.❖



Town Tuesday Lasagna Dinner September 17

The Franklin Scholarship Committee's September 17 Back-to-School Lasagna Dinner will be the town's fundraiser-of-the-month for September. The menu will be lasagna, salad, roll, beverage, and choice of dessert, all for a donation of any amount at the door.

The committee also will have a 50/50 drawing, and will be raffling off four candy-filled back-to-school piñatas.

As you've read above, the Celebration Committee will host the October town event. It won't be a Tuesday, but it will be fun-filled community get-together for the whole family.❖

Community Notes

Recreation Committee

The Recreation Committee is to be congratulated for their hard work this summer. They completed their goals for the year at Kate Mt. Park with the fencing around the basketball court and the Curtis Tyler Memorial Scoreboard, and by keeping the park looking great. Most of the work was done by committee members and volunteers and paid for with funds raised by the committee. The park is a invaluable asset to our town, and we owe our thanks and appreciation to Janet Ordway, Tim Goff, Derek Romeo, Norma and Carmen Longo, and the Oliver family – Alan, Robin, Brittany, Lauren, and Taylor – for taking the responsibility for its care and development.

The committee has more ideas and plans they'd like to see happen. Their next meeting will be Saturday, September 21, 2002, at 1:00 p.m., at the park if weather permits, or at the town hall. Anyone who enjoys the satisfaction of working with a successful and active group is welcome to attend.❖

Union Cemetery Sign Update

The construction of the sign at the Town of Franklin's Union Cemetery on Rt. 3 in Vermontville is ongoing. According to Scout Bryon Tuthill, who has taken on the work as his Eagle Scout project, he is waiting for delivery of a slab to place on the stone base which already is in place.

When completed, the sign will include benches and a flower garden.❖

Speed Limit Request for Fletcher Farm Rd.

The Town of Franklin board will pursue its request to have State of New York lower the speed limit past a day care home on Fletcher Farm Road.

The process involves applying to the county highway superintendent, who will take the request to the county legislature. The county then passes the request along to the state. The State of New York sets speed limits on all roads in the state.❖

Residents Concerned about Ni Mo Spraying

The Franklin Town Hall received many reports this summer about spraying going on along the town roads. Residents wanted to know what was being sprayed, and why they weren't notified. Ray Sherman was concerned about having eaten blackberries growing under power lines.

Superintendent Mary Ellen Keith, too, was concerned, and she contacted Niagara Mohawk's forester, Kenneth Johnner. In a letter response to her call, Johnner defended the use of spray to help keep growth under power lines from interfering with service. Every seven years, trees around wires are trimmed at least six feet back, and fifteen feet back from primary wires. High growing species are

cut under the lines back to a point ten feet from each side of the poles. The following year they selectively spray an accord-arsenal mix on high-growing re-sprouts and small trees.

Niagara Mohawk subcontracts out the work. Spray contractors are supposed to notify people if they will be spraying within 100 feet from dwellings, building, and wells, which did not seem to be done. Because work is not done by Niagara Mohawk, promises to notify towns and landowners often get lost as the job gets handed down the chain.

Keith requested that in the future subcontractors be required to register at the town hall before the spraying begins so everyone in the town could be notified.

Keith may consider a local law requiring such registration. Niagara Mohawk offered to make available to homeowners red signs that read "Owner objects; please notify".

Meanwhile, Sherman has reported no ill effects from eating the berries. He met with the subcontractor and they went out on the road together to see where the spraying had been done.

"Nothing seemed to be affected by the spraying. What he showed me as sprayed areas looked no different from the unsprayed areas," he reported to the board. Sherman suggested that Niagara Mohawk take a closer look at their subcontractors. ❖

Adelphia Cable TV Franchise Renewal Process Begins

Cable TV is available in the Town of Franklin, and it can be easily taken for granted. But residents actually do have some say about who gets cable, what they pay, what franchise is paid to the town, what channels are received, and the service provided. As the current 10-year contract comes to an end, now is the time for residents to speak up.

Recognizing the importance of renegotiating the town's contract with Adelphia Cable, the town board invited Thomas Isabella to their September regular board meeting. Isabella is a consultant from the New York State's Department of Public Service's Office of Communications. The department provides, free of charge, consulting services to towns and municipalities in their dealings with cable companies.

The Town of Franklin has 212 cable subscribers and 13.5 miles of "plant" – areas where cable is run. The original agreement with Adelphia is a 10-year renewable contract, which runs until 2005. Renewal is a lengthy process, and by federal law, the process begins between 30 to 36 months before the end of the contract so that both sides have time to thoroughly review the contract. While much of the contract is spelled out by state and federal law, cable television users can have a say on what they want and need.

The board needs to hear from users whether or not Adelphia has lived up to

their contract: have they responded to complaints within a reasonable time frame; did they answer the phone service calls within 60 seconds; did they pro-rate bills for outages over four hours.

The town's current contract requires Adelphia to serve areas where there are 35 customers per mile. Isabella reported that the Town of Brighton recently renegotiated to 15 homes per mile, which would extend service throughout the town.

Also negotiable is Adelphia's franchise fees paid to the town, and what public and educational channels must be provided.

Adelphia's whole system is checked once a year by the Public Service Department, or more often if there are complaints or problems. According to Isabella, the Town of Franklin's service is state of the art, with a 90-channel capability system and Power-Link Internet service. Because small dish satellites are the only real competition to cable companies, many larger Adelphia customer areas are not as technically advanced. Nevertheless, the town board needs to look into the future, since the renewed contract will run until 2015.

There is the issue of Adelphia's Chapter 11 bankruptcy. For now, Isabella doesn't expect it to affect services. On September 23, the courts will decide whether Adelphia principals will be indicted, and until then Adelphia is in a

"holding pattern." They have a new CEO, and it can be assumed that they will continue to pay franchise fees and live up to commitments and contracts. Because the town's contract isn't due until 2005, the town can, for now, wait and see what will happen.

The worse case scenario would be that the cable right-of-way is sold to someone else. In that case, Isabella says that the new owner would have to adhere to the current contract. It is important that the new contract be drawn up with that in mind to protect the town.

Isabella has recommended to the town the first steps include a "ride out" through the town with a representative from Adelphia to identify new areas that would be included within the 35 (or 15) customers per mile for service. The board should hold a public hearing to determine if there are problems or public interest in researching Adelphia's service. If residents show an interest, they should be encouraged to form a committee. Another recommendation for gathering information from residents would be to distribute a survey. After input is gathered, the board will draft a document which Isabella will review.

The process must be started by January 2003. The board will have something in place by then. Any residents or cable users who want to have input into the next contract are invited to contact the town supervisor or one of the councilmen, or to come to town board meetings. ❖

Town Highway Superintendent's Report

by Donald Vorrath

Even with well deserved vacation and personal time being taken by highway personnel, the following was completed since the last report of August 12, 2002:

1. Ditching and shoulders on Leo Collins and Abbot Roads were widened and sloped. Extra fill was hauled to residents who requested it. Crusher run was used to stabilize some dug areas. Intersections were addressed for snow plowing, snow storage, and visual access. Old concrete culvert tops were chipped and removed. Signs were replaced and some added.

2. Mowing is still on-going, with approximately 75% of town roads completed.

3. A large troublesome spot on the Oregon Plains Road was corrected by removing a large boulder. The hole was filled and tamped with crusher run and hot blacktop patch covered the area. We will continue hot patching on Oregon Plains Road.

4. Another large boulder was removed on Merrill Road.

5. Two driveway culverts were installed on Norman Ridge and Fletcher Farm Roads.

6. The backhoe was repaired and new rear tires installed -- a much-used and very needed piece of equipment.

7. Some old signposts were removed and some new signs installed.

8. Cold patching is continuing for the small highway holes around town.

Catch them small before they become a hazard.

9. Some major work on vehicles was done, i.e., new front springs on the '98 International, three New York State vehicle inspections, and minor maintenance (filters, oil changes, and grease).

10. Motor grader was borrowed from the St. Armand Highway Department and some parts of Sorrel Street were graded. We'll try to continue to use it when they don't need it. This is one piece of equipment that this town desperately needs, especially with the mileage of our dirt roads.

11. The Highway Department employees are going to attend a NYS DOT Truck and Bus Safety Regulations seminar on September 12, 2002, sponsored by M.A. Jerry in Plattsburgh, to be followed by a truck rodeo where various towns and counties compete against each other. Results will be reported.

12. William Donaldson was hired to replace Joey Burnah, who went to work for Hyde Fuel Company. Billy is fully licensed to drive tractor and trailer, which we need. And as an additional point of interest, our equipment trailer is now inspected and operational.

13. Your Highway Superintendent will be attending the Highway Superintendent's conference September 24 - 27, 2002, along with Don Oliver (Highway Superintendent of the Town of Brighton) at Kutchner in Monticello, N.Y. Part of continuing education!

And finally:

Mailboxes on New York State Highway Right-of-Ways

"There is no statutory or legal authority that grants a property owner or resident along a public highway any right to place a mailbox in a highway right-of-way. He may have an informal license, but this does not endow the owner of the mailbox with any legal rights in the highway when needed for highway purposes.

"The Highway Superintendent of the State has a duty to keep the highway available for the public use. Snow removal and snow storage are an incident of that use.

"When the necessity of keeping the highway open conflicts with the individual's receipt of the mail, the latter must stand aside. He might even be compelled to remove the box under Highway Law Sec. 319.

"There is no right of the individual to interfere with the speedy and efficient removal of snow by placing his mailbox in such a position as to cause this result, and no liability results on the part of the public official charged with the duty of snow removal if such box is so placed that it may be injured by proper highway maintenance."

(Informal opinion, Attorney General - 2/28/66).❖

Off Grid Residents

(Continued from page 1)

cided that while the power company would have the right to maintain the right-of-way, it does not have the right to install power. LaPier is hoping that, with Ortloff's help, the attorney general's decision could be reconsidered. Failing that, Ortloff confirmed what LaPier already knows - that running power down Goldsmith Road would then require an amendment to the New York State law.

In the Winters's case, property on one side of Paye Road is owned by the State of New York, but running electricity down the other side of the road will require getting right-of-ways from other homeowners.

The Winters also have worked for years to try to get power to their property. Working with neighbors and power company representatives, the Winters have had several possibilities and scenarios for getting power down the road fall apart. At this point, Nanette Winters reports, "Whenever you call anyone at Niagara Mohawk and say you are from Paye Road, they groan."

While they want power, some of their neighbors don't. Some object to having poles mar the beauty of the road. Others fear that availability of electricity would hasten development of the area. Others are concerned about what responsibilities they would be taking on to maintain the right-of-way if they allow power either overhead or underground through their property. Niagara Mohawk doesn't want to run underground along the road because undeveloped lots wouldn't be able to tap in. There is also a possibly of problem with a rock ledge.

The years of battling for electricity has caused a great deal of rancor among neighbors, and at this point they brought their conflicts to the town board in hopes that the board can mediate between parties to come to a resolution.

Norma Longo attended the September board meeting at which the issue came up. Her advice to anyone looking to buy property may sound simple, but it is sound: "If you want electricity, make sure to buy property where they have electricity."

Meanwhile, the board has promised to help the property owners in any way

Solid Waste Landfill Decisions of Concern to Board Member

by Frank Karl
Member, Solid Waste Board

The last meeting of the Solid Waste Management Authority was August 29, and two major items of public concern were on the agenda. The board received the 2001-2002 audited financial statements, which confirmed that we operated in the black for the year and made a reasonable income over and above our total expenses. The residents of Franklin County should know this good news.

We also had an Executive Session in which we received legal advice as to the present content of County of Franklin Local Law #7, relating to the Collection of and Disposal of Solid Waste in Franklin County, New York. This is in keeping with a motion passed at the July 25 meeting which resolved: The County of Franklin Solid Waste Management Authority hereby approves the necessary steps to upgrade the Local Law to make it up to date and make the necessary provisions in the law to meet requirements. Further Resolved: Brian Stewart (board Legal Counsel) and George Eades (Executive Director) will work on making changes and will consider the suggestions of Michael Cahill (Counsel, Herkimer-Oneida).

The Board then came out of Executive Session and reconvened the regular meeting. We had an open discussion on the issue of petitioning Department of Environmental Conservation to increase the allowable tonnage at the Landfill, from the current 43,500 tons per year.

Values discussed ranged from "there is no need to increase it at this time" to varying tonnages of up to 70,000 tons. A motion was made to adjourn the meeting and seconded.

At this point Board Member Ray Susice called for action on a motion to grant Executive Director Eades the right to petition DEC for increased tonnage up to 100,000 tons per year. Some of us objected and said the meeting was adjourned, as we had no further business on the agenda, but the meeting was recalled to order and a vote was taken with members Susice, Maneely, Dattola, and Travers voting YES and Smith, Harte and Karl voting NO. Thus it passed 4-3. It was an inappropriate vote and should be negated at our next meeting. How-

ever, there is nothing to keep these members from passing such a motion at a following meeting.

Concern: Is this what the people of Franklin County want?

Considering that estimates are that Franklin County generates less than 30,000 tons per year, this would mean bringing in from out of county up to 70,000 tons per year. How do the residents in the areas around the Landfill feel about the increased traffic and more garbage in the Landfill? If an increase were to be approved, that would mean the cells would fill up faster, additional cells would have to be constructed more quickly than currently planned, and we would run out of space much more quickly.

As stated in a previous column, the residents of Franklin County should let their choice be known: Do you want to continue with the current program of bringing in the necessary amount of waste to pay our expenses of operating, including our bonds, by getting as much in-county waste as possible (hopefully at some point, all of it) and enough out-of-county waste to meet our expenses and give us a suitable cushion to ensure our economic viability? Or: Do you want the Landfill to take in increased tonnage above that stated above, which means filling cells faster, which again leaves two choices: expanding the existing facilities in the future to handle the increased tonnage, or closing the Landfill sooner than anticipated.

Should the latter happen, what do the county residents do with their garbage? Go to bonding again to build another Landfill? Ship it out to where? Though these problems are a few years down the road, THE DECISIONS THAT CREATE THEM ARE BEING MADE NOW.

My personal opinion: Operate the Landfill much the way we are now, taking in all of the in-county waste we can (all, if possible), take in additional waste from out-of-county to cover our operating costs, improvements, limited expansion, bonds and a reasonable cushion to allow for unexpected variations in revenues or expenses. In addition, we must come up with a LONG-TERM MANAGEMENT PLAN and a COMPRE-

HENSIVE RECYCLING ANALYSIS, acceptable to DEC and approved by the County of Franklin Solid Waste Management Board and the County Legislature. These are required by New York State Law.

All our decisions should be made keeping the county residents informed of our pending decisions and considering their input in our decision-making process.

Our next meeting is scheduled for September 26 at 4:00 p.m. in the Legislative Chambers of the Malone Court House.

NOTE: Notify your Legislator or a Solid Waste Board Member as to your views.❖

Garbage Law Considered as Health Issue

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plastic or metal containers or other storage containers with tight-fitting lids. A plastic garbage bag would not be considered as a container, except when put out on the roadside shortly before pickup.

The law would be enforced by the town codes officer. A homeowner or tenant notified of a violation would be required to clean up the garbage or secure it in a proper garbage receptacle or compost within ten days.

The homeowner or tenant may request an informal hearing if there are other issues to consider.

If no action is taken by the homeowner or tenant, the town will be able to clean up the site and all fees and expenses would be added to the homeowner's next annual tax bill.

The process for the law to go into effect requires board approval to move on it. Next, the board is required to hold a public hearing. After the hearing, amendments can be made to the law. The law then is filed with the Department of State after another ten days, and it then takes effect.

The board already has approved consideration of the law, and a special meeting will be held September 18, 2002, at 6:30 p.m. at the Franklin Town Hall. Any resident who would like to read the law and have input into it is invited to attend.❖

Town Justice and the “Court Closest to the People”

*Updated from an original article
by Teresa Eshleman*

First and foremost, the office of town justice is an elected office meant to serve the needs of the people. This is a public service job and a person elected to this important position should consider it an honor.

Some history on our justice system dates back to early civilizations when society organized itself with laws, customs, and practices, and appointed certain officials to uphold these laws.

As a result of society's actions, areas were divided and organized; New York State divided into counties, counties then divided into towns, etc. The Town of Franklin was organized in 1836 and was originally part of the Town of Belmont. A town board was created and the office of “justice of the peace” (now called “town justice”) was a part of that board. Today, laws prohibit the town justice from serving on the town board.

Today's justice court is known as the “court closest to the people”. At one time, the Town of Franklin employed up to four town justices to cover the large territory, but with today's transportation, communication technology, and infrastructures, more area can be served by one person. Since 1984, our town has had only one town justice.

The town justice duties are many, the most important being to uphold justice in the community. That is to say that they should not prejudice cases or show favoritism to the defense or prosecution in a case. Justice can be defined as the rise of authority and power to uphold what is right, just, or lawful, and as the administration of law. A judge must provide a forum for a case to be heard. Defendants must be arraigned and insured that their rights under the law are understood. Additionally, law enforcement, or the prosecution, must be granted the opportunity to present a case to the court on behalf of the people.

The justice court is empowered to handle many and various matters put before it, including vehicle and traffic law, penal law, environment conservation, tax law, and many other laws too numerous to mention. Our local town justice, with the help of a court clerk,

averages about 400 cases a year. Most of these cases involve vehicle and traffic violations. Sometimes, justice court handles family offenses and in some instances has parallel jurisdiction with family court. The local court may handle landlord-tenant issues, some claims, weddings, etc.

Divisions of violations fall into specific categories and are handled according to their severity. The arresting officer charges the individual and that charge falls into a defined category. Disorderly conduct and speeding, under certain conditions, are classified as violations. Under the classification of crime comes misdemeanor and felony, the latter being the most serious. Misdemeanors fall into class A, B, C, and unclassified, with varying degrees of punishment and fines as well as possible jail terms. In the case of a felony, the individual is brought before the justice by the state police for arraignment and his rights are read to him. A felony hearing can be held to ascertain if there is enough evidence to hold the person. Once classified as a felony, the case goes to the county court for further action. Sometimes, depending on the type of crime, an attorney will plea bargain in the district attorney's office and have the felony reduced and sent back to the justice as a misde-

meanor. Plea bargaining is sometimes used to clear up the court docket. The justice then tries to provide justice for everyone concerned.

People often ask what happens to the fines collected by the court. The court is held to very strict accounting standards and the money collected is forwarded to the state comptroller. A small portion of that money is returned to the town for the service it provides to the state. The judge does not get to keep it or get a cut of it as is sometimes implied. The town court presently collects approximately \$25,000 to \$30,000 per year in fines and surcharges.

The local court system is regulated by laws, procedures, and policies set forth by New York State. Any misconduct by the court is reported to the Judicial Conduct Commission.

Persons entering our local court, for whatever reason, will be treated with courtesy and in a professional manner. Too many people are influenced by today's courtroom TV offered by Judge Judy. Cases should not be handled in that manner – ever.

The present town justice, Roger Symonds, has served in that capacity since 1988 and is a member of the Franklin County Magistrates Association and the New York State Magistrates Association. ❖

Report on Old Union Cemetery's Future

The future of the old Union Cemetery at Franklin Falls looks a bit clearer. The maps and the book that had been kept by the Union Cemetery Association have been turned over to Franklin Town Clerk Lauren LeFebvre. Meanwhile, town attorney Edward Murphy also researched laws concerning ownership of cemeteries.

Looking through the book, which is written out in old-fashioned longhand, LeFebvre learned that the association took over responsibility for the old Union Cemetery in the 1860's. The cemetery had been set up in Essex County (Town of St. Armand) but in either the 1950s or 1960s, property in the Town of Franklin was annexed to expand the cemetery. The cemetery now is known

as the Franklin Falls Cemetery.

Meanwhile, Murphy reported to the town board that there is a New York State law that states that a town becomes the owner of cemetery property that is no longer maintained by a cemetery owner, unless it is spun off to another corporation. The law spells out that the town's responsibility includes mowing grass at least three times a year and putting fencing around the cemetery.

The cemetery committee still is faced with the problem that part of the cemetery is owned by the Town of St. Armand. Now that the maps are in hand and responsibility for the property is spelled out, the committee will meet with the Town of St. Armand to come up with a long-term plan for the cemetery. ❖