

**MINUTES OF THE FRANKLIN SELECTBOARD  
MONDAY, SEPTEMBER 13, 2010  
FRANKLIN ELEMENTARY SCHOOL**

**Members Present:** Peter Kittell, Peter Magnant, Scott Choiniere, Harvey Bushey, Lisa Larivee (Town Clerk/Treasurer)

**Guests:** Heidi Britch-Valenta, Peter Benevento, David Breed, Larry Myott, Ruth Ann Krayesky, Scott Korhonen, Marshall Ploof, Dick & Cheryl Benton, Ray & Hilda Hendrickson, Helen Dever, Robert Baran, Susan E Clark, Carolyn Rhodes, Linda Barnum Hartman, Jay & Martha Shepard, Jason McConnell, Wayne A Laroche, Mike Wichrowski, Tim Magnant, Tim Sargeant, Burt McGowan, Ted & Peggy Meunier, Robert Irish, Guy Breault, Corinna Stanley, Denis Demar, Polly Gadbois, Hugh Gates, Diane Gates, Norman Kern

Scott called the meeting to order at 6:35 p.m. The Pledge of Allegiance was said

**Public Beach-north end gift:**

Peter Benevento, LCCA member, gave a brief review of where they were with the offer of the gift of the north end beach by Ted & Peggy Meunier to the town. LCCA and Watershed groups have been cleaning up the area in the spring for several years. The Town would own and have a joint agreement with LCCA and Watershed for maintenance and improvements. Heidi presented pics on history of and clean-up efforts from this year. Reviewed benefits that the town has insurance coverage already for municipal property, and are able to apply for grants for improvements.

VT Fish & Wildlife Dept is willing to lease back the boat launch area. Wayne Laroche advised the state currently has 176 access areas around the state. They would be in charge of all maintenance on a long term lease. The F&W rules there is "no swimming allowed in boat launch area" so they would only want to lease the direct area of the launch so the remaining area could be used for swimming and such. Mr. Laroche had hand-out information regarding land owner liability for public areas that have no charge for access. The land owner is not liable for injury or damages as long as there are not evident dangers, under this statute. A lease could be drawn up with quick turn around.

Town Clerk reviewed the information from VLCT on liability and risk management. They feel with proper signage; swim at own risk, no life guard on duty, hours; and daily inspection of the area for safety checks and upkeep there would be no liability risk. The town currently has premise insurance coverage; insurance costs are priced based on the town budget for the property. Land is estimated to be less than ¼ acre so the tax loss from the Meunier's property would be \$3 to \$4. Lisa also spoke with 5 surrounding towns that have town owned beaches and they have had no liability issues and maintenance cost is very little if any.

**Public input:**

- Suggest creating a work group to gather info, write ordinances, review lease. Details need to be worked out before hand.
- With a 25' ROW from center of road on the state highway, the beach area is quite small. Property would be from Patton Shore Rd to Bryant Reynolds property on east side.
- The area from Patton Shore to the boat launch is state preserved area.
- Permits needed to do work in the lake beyond the water line.
- This issue went to town meeting before, 15-20 years ago and was voted down. Why was it voted down? The board recalled there being a liability concern and advice by the town attorney to use caution. What about another town meeting vote? The board received a

petition to wait until town meeting for another vote. Scott suggested voting in November with the General Election-to be discussed further.

- What is the board's vision of the beach? Peter Kittell would like to enlarge the beach area as they did with the work on Dewing Shore Rd.
- Concerns about safety with proximity of road and any liability that creates.
- The board feels the boat access would be bettered for lake access by F&W; also would be economic benefits for the community.
- Has there been a formal letter received from Mr. & Mrs. Meunier? Yes, the board has received a letter of intent from the Meuniers. They advise there are no strings attached to the gift. Has the lease been reviewed with the state? The F&W dept has a basic template for access leases that would be used and could forward that to the town. Has a survey of the property been done to determine the exact boundaries and size? No, that has not been done.
- What future use is proposed? A plan of action will need to be developed for the future of the area.
- Pete Magnant recommended that a committee be put together to review before a decision is made.
- Heidi notes the current use of the beach area that is already there. May be better used with signage and state may consider slowing traffic in the area as well. Suggests speaking with Army Corp of Engineer as to what can be done into the lake.
- Mr. Meunier has owned the property since 1986. He has never had any troubles with liability.
- Why has the November election been considered rather than town meeting? Town meeting would allow for community questions to be asked.
- F&G are willing to do a lease with Mr. & Mrs. Meunier now to have this on record. This will allow the state to allocate funds now for the boat launch upgrades.
- Inquiry about organizing a committee to review all the details to be presented to the voters for a vote. Scott advised the board will discuss this further.
- Community member commented on the land committee not coming up with a plan for Westcott land as promised. Do not want the same track record.

All community members thanked for their input and exited at 7:17.

Jay Shepard discussed concerns with the Selectboard of the lake level and erosion. The lake level does not get dropped as it did years ago.

### **Energy report:**

Diane Gates has been attending the energy advisory committee meetings and would like to report to the selectboard. Regional planning energy committee is working on an 8-year energy plan based on demographics and energy components. Ms. Perry has proposed an electronic-interactive plan. The program has stimulus funds for energy audits of municipal buildings at no cost to the towns; Mrs. Gates has forwarded the application to the town. The board discussed what buildings they would like to see an energy audit on. Recommend Lisa to apply for the Town Hall and Town Office. Mrs. Gates suggests creating an energy committee in town; spoke of information available for grants and energy needs. Diane thanked and exited the meeting.

### **Junk ordinance:**

- Norm Kern entered the meeting. Mr. Kern gave the board an update of his progress on clean up of his property. The trailer has been cleaned up and items are getting ready to be burned with the aid of the fire dept. He has lumber to build a fence to block the view of other items.

Antique cars are being registered. The state agency has been a great help. Mr. Kern thanked for his continued effort and exited. Scott has been keeping in touch with Mr. Kern

- Raymond Jette submitted a letter with plan of action to the selectboard. He plans to build a barn in the back of his property for the animals and will continue to clear the unwanted steel from the property. Plans to erect a barrier to block view of remaining items. All members encouraged with efforts to date. LCCA submitted a complaint to the Zoning Administrator regarding the property.
- Carl Vieta continues to made small progress, Scott will be in touch with his as well.
- Cecile Russin has moved all the old non-registered cars from around her house per Harvey.

### **Town Clerk's Concerns:**

- Sidewalk update: Awaiting completion of the warning plate installation on the corner of Hanna Rd and Square Rd. Lisa has received an invoice from Hoyle Tanner & Assoc for the on-site engineer work. They have exceeded the contract amount as bid due to the work duration being longer then projected/designed. After discussion with the board regarding the contract; Pete Magnant/Harvey made the motion to pay the contract as bid at \$20,300, 4 ayes, 1 abstain. Motion passed. Project manager to pay the \$20,300 contract for the entire project as bid.
- 911 Number – Hanna Rd: The 911 coordinator has requested Shady Maple Lane for the new road name off of Hanna Rd. Peter Kittell/Harvey made the motion to approve road name. 4 ayes and 1 no. Motion passed.
- Restoration Funds: The town clerk has requested approval to spend \$700 from the restoration/reserve fund to restore a birth/death record book from the 1800's. Peter Kittell/Peter Magnant made a motion to approve this expense. All in favor, motion passed.
- Town Clock: Lisa working on getting quotes for the work that needs to be done. Much of the cleaning and refurbishing work can be done by community volunteers. There is a 50/50 grant available for historic preservation if the cost warrants such. The Historical Society has offered assistance with fund raising if necessary.
- Swamp & Stanley Roads: With the state grant for the paving project that has been completed is the Federal requirement for approved MUTCD signs. A map with sign requirements needs to be submitted to the State transportation safety committee for replacement to meet regulations. The state has funding to reimburse the town the entire cost of the signs and labor to install. Board approved the Town clerk to submit a map to the state for approval.
- Town office rodents: The town clerk has found 3 snakes in the office recently. There is a concern of an infestation. Pete Magnant will speak with an exterminator about the issue.
- Bills: Board members reviewed and signed bills
- Minutes: Pete Magnant/Peter Kittell made the motion to accept minutes of August 9 with changes as discussed. No other discussion. All members in favor, approved.

### **Old Business:**

- Class 4 Road policy: The board reviewed and made some amendments. Lisa will update for final review at Octobers meeting.
- Fire Alarm: Lisa got quotes from 2 companies for monitoring service. Life Safety Systems had the best price. The expense will be put into the budget for 2011.
- Tri-town recreation committee member gave an update. They are waiting for Highgate to decide what they wish to do. MAHA is taking over the operation of the rink. A plan needs to be drawn to create a self-supporting facility.

### **New Business:**

- Dog issues arose last week that needed to be dealt with. Discussion on the procedures; Scott made the motion to raise the Animal Control officer rate to \$25 per hour with a two hour

minimum and \$.40 per mile. The dog owner is responsible to pay the assessed fine to redeem their dog. Lynn/Harvey made to motion to raise the fees for the Animal Control officer as stated. All members voted in favor, motion passed. Denis Demar, Animal Control officer has a large kennel that needs a little repair costing about \$25.00; the board approved his fixing it for the town use and will reimburse the cost to do so.

- Tax Sale Attorney: The selectboard must approve of the delinquent tax collector using an attorney to conduct tax sales. After discussion Peter Kittell/Harvey made the motion to allow Johanna Godin, delinquent tax collector, to use an attorney for tax sales. All members voted in favor, motion passed.

#### **Selectboard Folder:**

- Driveway permits: Keith Trombley on Messier Rd, class 4 portion. Approved by Howard, road foreman. Peter Kittell/Harvey made the motion to approve, all members in favor. Harvey and Peter Kittell will look into the state regulations for new driveways. John Labrie on Hanna Rd. Approved by Howard, road foremen with 24" culvert, 30 ft long and must cut brush for view. Peter Kittell/Harvey made the motion to approve, all members in.
- Cargill: contract for winter salt at \$62.45/ton. Requesting for board approval and signature. Scott and Harvey inquired about other vendors. Board agreed for Scott to sign Cargill contract as there are not other suppliers in the area. State is using brine mixtures, suggestion to look into.
- Church youth group is looking for community service. Inquired about painting the tables in Memorial park and town hall doors. Board approved and highway dept will get the paint.
- Joyce Hakey at school inquired about a submission of the Morses Line assembly notice in the school newsletter. Board approved.
- Tri-town agreement options reviewed and tabled until further direction on future of facility.
- NWRP commission board report; Scott would like to appoint two new member to this board that will have active roles for the community good.

#### **Park & Ride/Homestead Drive:**

The board welcomed Hugh Gates and Denis Demar to the meeting. Mr. Gates noted the letter from Franklin Tele to the selectboard regarding the counter proposal which the town made. The selectboard did not address the "private driveway". Mr. Gates advised the permits for the salt shed was invalid listing Homestead drive as a public road. He notes that Franklin Tele's share of Homestead drive is to be used for town shop business only. Hugh urges the board to negotiate a new driveway agreement with all parties of Homestead drive. Permits are needed before work is done, did not go through the permit process for a change of use on the Westcott land (sand pile) or the park & ride. Denis inquired about where the agreement got to where it is today from when signed in 1991 and 1998. Mr. Gates states when Westcott land was purchased/gifted the current ROW could not be used for additional land purchased without a new agreement. Discussion of proposals given by both parties. All four parties need to agree to proposed changes. Town attorney advised not to accept amendments/proposals with two parties only. Board thanked Mr. Gates and Mr. Demar.

Polly entered the meeting, she submitted minutes from the Land committee meeting which have been had to date since 2007. She was the recording secretary until the May 2009 meeting, subsequent meetings were recorded by Barb Varin as acting secretary. On July 8, 2009 Polly spoke with Catherine Dimitruk from NWRP about possible uses of the town Westcott land. Ms. Dimitruk was present at the July 27, 2009 meeting. Polly wanted to go on record stating, per Barb Varin's minutes on June 29, 2009, "there is a right-of-way to the property up at the town garage." Polly also submitted a copy of the activity/meeting time line after the town garage fire. Polly was thanked and exited the meeting.

**Member Concerns:**

- Flags at Memorial Park need to be assessed and changed if necessary before the memorial day activities each year.
- Harvey stated when the town paves roads they need to stay outside of State ROW on state rds.
- Discussion of forming a Beach committee. Lynn Paradis will be the contact/chairperson. Lisa will post a notice on the website and in town asking for community members that want to be on the committee to contact the chairperson. The board would like to see a lease executed with the Meuniers now. Discussion of getting a survey done to determine the exact size and location of the property. Lisa will work on putting a survey/questionnaire together for public input to have available at the November primary election for hand out. The Board will discuss an Australian paper ballot for the March Town meeting election; this would allow more voters to participate if they can not be at town meeting.

**Executive Session:**

Lynn/Scott made the motion to enter into executive session at 10:18. All members voted in favor. Motion made by Scott/Harvey to exit executive session at 10:30. All members voted in favor. Discussion on legal issues regarding the Park & Ride and Homestead Drive. No decisions made.

The next regular Selectboard meeting is October 11, 2010.

Motion to adjourn the meeting made by Scott/Harvey. All in favor, motion passed.

Meeting adjourned at 10:38 p.m.

Respectfully Submitted,  
Lisa Larivee, Town Clerk  
September 16, 2010

***These minutes are not official until approved at the Selectboard's next regular meeting on October 11, 2010.***