

**MINUTES OF THE FRANKLIN SELECTBOARD
TUESDAY, MAY 8, 2012
TOWN CLERK'S OFFICE**

Members Present: Peter Magnant, Yvon Dandurand, Kyle Lothian, Mike Lawyer, Wayne Laroche, Lisa Larivee (Town Clerk/Treasurer)

Guests: Jim Carroll, Attorney; Joe McLean, Attorney; Timothy Magnant, Peter Garceau, Cross Consulting, Lucille Rainville.

Peter Magnant called the meeting to order at 7:00 p.m. The Pledge of Allegiance was said.

No public comments:

Minutes:

Minutes of April 10, regular meeting; April 17, interviews for weed harvester; April 20, dog complaint and interview; April 21, interviews; April 24, public hearing on Town Plan; April 26, dog complaint hearing. Yvon/Wayne made the motion to approve all of the listed minutes as written and read. No comments. All members voted in favor 5-0, motion passed.

Bills/Financial statement:

Bills were reviewed and signed. Financial report distributed and reviewed.

Prayer lawsuit/Executive session:

Jim Carroll, Joe McLean and Timothy Magnant were welcomed to the meeting. Peter/Mike made a motion to enter into executive session at 7:15 pm and invite Mr. Carroll, Mr. McLean and Mr. Magnant as well as the town clerk to be present to discuss the pending litigation of the prayer lawsuit. All members voted in favor 5-0, motion passed. Entered executive session.

Peter/Yvon made a motion to exit executive session at 8:00 pm. All members voted in favor 5-0, motion passed. Exited executive session.

Dog hearing:

Peter/Wayne made a motion to enter into deliberative session to continue the discussion of the dog hearing of April 26 regarding the complaint of Donna Sartwell with Attorney Joe McLean. Peter/Yvon made a motion to exit deliberative session. All members voted in favor 5-0, motion passed. Joe McLean was thanked for attending the meeting and exited.

Highway lot engineering:

Peter Garceau from Cross Consulting entered the meeting and was welcomed. Board discussed the planning of the highway lot for a sand shed building and the best options for water runoff from the property. Cross Consulting has done sand sheds in Alburgh, Swanton, Montgomery and Bristol. Mr. Garceau advised a structural design of a sand shed building could cost between 6K-10K depending on the size; Highgate has a comparable size to our needs. A price proposal was given of \$3900 to engineer a site plan and storm water system. Mr. Garceau was given the acceptance of the bid to do the work as proposed. He was thanked by the board and exited the meeting.

Town Clerk's Concerns:

- An "Outside consumption permit" from Department of Liquor Control for Due North Vineyard dba Marn LLC has been submitted for approval by the town clerk. Lisa wanted to get approval of the board as well. All members in favor.
- The Municipal Planning Grant (MPG) must have the Authorizing official updated with the new chairman, Peter Magnant. Wayne/Kyle made the motion to authorize Peter to be the authorizing official. All members voted in favor 5-0, motion passed. Lisa will update the on-line system.
- The Listers have requested an extension with the State PVR to September 4 from the deadline of June 4 for the reappraisal. This must be approved by the board. Discussed the progress of the reappraisal at this time. Kyle/Mike made the motion to approve the extension to September 4, 5-0 all members voted in favor, motion passed.
- Tax anticipation note needs discussed with the board. The rates and banking changes discussed for the future.

- School Tractor agreement reviewed for the terms and conditions. All members ok with the agreement as written, no changes made.
- The Homeland Security Radio grant was approved for funding of \$1574 for the highway department radio equipment to be updated. The grant pays 100% for new radios to be installed in the equipment. Lisa will sign and execute the grant; project must be completed by June 30, 2012.

Old Business:

- **Town Plan:** discussed and reviewed the changes and comments made of the community input from the public hearing. Mike/Yvon made a motion to adopt the town plan as written as of April 24, 2012. All members voted in favor 5-0, motion passed Town Plan adopted.
- **Fuel Bids:** Yvon has spoken with Pyrofax, S.B.Collins, H.G. Berger and Blouin Bros for fuel oil pricing structures for the upcoming season. Peter/Mike made a motion to purchase from H.G. Berger on an as delivered basis. All members voted in favor 5-0, motion passed. Lisa will do a letter to Blouin Bros, current supplier. Also invite the School board to the June meeting to discuss the fuel prices.
- **Dewing Shore stabilization:** work will be done in August after the busy summer season. Mike will contact Jim Dewing, Scott Goodhue, and Roger Wright to discuss the project and get bids.
- **Beach Ordinance:** tabled until later date. Fish & Game needs to be contacted about the dock installation. They will install signs in their area to be enforced by the game wardens. Lisa will order signs for the public beach listing: No glass; No alcoholic beverages; Dogs under the control of owner; No littering; No overnight camping or tenting; No fires. Need three signs and two arrows for each end to distinguish beach boundaries
- **ATV Ordinance:** The ATV ordinance has some concerns that will be addressed at a later date.
- **ZBA member appointment:** The Select board needs to appoint another member to the zoning board of adjustment. Kyle/Peter nominate Lucille Rainville to the board. All members in favor. Lisa will forward information for the May 14 meeting to Ms. Rainville.
- **Summer paving projects:** Mike is authorized to get the lowest bid for the dig out prep work in front of the fire department. The pavement needs will be about 108 tons at 3 ½ inches in front of the fire station. Hanna Rd area to be repaired will need 298 tons. Morses Line for the one mile to be repaired will need approx. 684 tons. There is ditching and culvert work that needs to be done on Morses Line before paving. The rest of Morses Line will hold off for another shim until next year in hopes of getting state grant funds.

New Business:

- **Dog Ordinance:** Lisa will forward the old ordinance and the proposed updates to the board for review before the June meeting.
- **Septic Plan draft:** The board members were given the draft septic plan for review and will meet with the Septic Feasibility Committee on May 22, 2012 in the Felco room to discuss. Pete will be in touch with Amy from Stone Environmental.
- **Development Regulations:** The board all received a draft copy from the Planning Commission of the proposed development regulations. The board will review at the June meeting and hold the public hearing in July.

Deliberative session: The board entered deliberative session to further discuss the action needed regarding the Greeno dog bite issue. Deliberative session exited.

Yvon/Wayne made a motion to get the warrant needed from Superior Court for the Vermont State Police and Animal Control to impound the dog. 4-1, Mike voted no, motion passed. Peter will contact Attorney McLean with board options.

Selectboard folder:

- E-mail from Amy with Watershed Committee regarding storing product from Hammond Shore soil extraction at the town garage. Mike will talk with Amy about the details. Matter tabled until June meeting.
- Scott Choiniere has filed a complaint regarding the property on Messier Rd that appears to have been abandoned and has much garbage around and an unregistered truck parked in the town right-of-way. The town clerk will do a letter to the property owners, Orrin and Betty Domina, regarding cleaning up and moving the unregistered truck.

- Notice from the State ANR with approval of the weed harvester grant. The equipment is being serviced by the highway crew and should be ready for the water by June 1. Kyle will be available on June 2 for training. Yvon advised the trailer tires are in much need of being replaced. He has 4 good tires he is willing to donate to the town for the trailer. Board thanked Yvon.
- Village designation information has been received and will be worked on for the future.
- ZBA hearing notice for May 14
- VLCT insurance claims summary
- Weston & Sampson-engineers for dams and bridges information.
- Request for Proposal (RFP) reviewed for the Dewing Shore culverts/bridge replacement work to hire an engineer for design and planning.

Members Concerns:

- Highway summer hours discussed and how holidays are to be paid. Eight hours holiday pay/OT for hours worked over 40.
- Road side mowing discussed. Will have to be coordinated with weed harvester work for tractor use. Tree cutting at intersections also needs to be taken care of. Mike will look into use of weed killer for hard to mow areas.
- Wayne has gotten a call from Lake Champlain Basin group regarding the beaver dam at Bullis Pond. There are water chestnuts present in the pond and they do not want the dam destroyed until the chestnuts can be harvested and removed.
- Wayne Fiske has been in touch with Kyle with safety concerns on Highgate Rd. The drives from the fields are low and blind to pull out of. Would like to get filled in to raise them up. The town does not have funding in the budget to do this work. Wayne would like to town to clean up by the curb on Durkee/Highgate Rd corner. Wayne would like to install signs at 4-corners for "tractors turning" as traffic passes going up the hill and is causing a safety hazard. Wayne can get temporary signs for during work time with the tractors and remove them after.
- Member concern with residents having concerns being on agenda to have time for discussion.
- Mark Johnson has obstructed the corner on Middle Rd and Scott Rd with items.
- Peter advised the Tri-town committee held interviews for a firm to do the feasibility study; Wiemann Lemphere was chosen. A contract agreement needs to be signed by each select board. Wayne/Yvon made a motion for Peter Magnant to sign the contract on behalf of the Franklin board. All members voted in favor 5-0, motion passed.

Kyle/Yvon made a motion to adjourn the meeting. All members voted in favor 5-0, motion passed. Meeting adjourned at 11:10 p.m.

Respectfully Submitted,
Lisa Larivee, Town Clerk
May 10, 2012

These minutes are not official until approved at the Select board's next regular meeting. Minutes were approved June 12, 2012