

**MINUTES OF THE FRANKLIN SELECTBOARD
WEDNESDAY, MAY 20, 2015 @ 6:00 P.M.
TOWN CLERK'S OFFICE/HASTON LIBRARY**

DOG HEARING:

Members Present: Peter Magnant, Yvon Dandurand, Ed Rainville, Brooks Sturtevant, and Lisa Larivee, Town Clerk (entered at 6:15).

Guests: Dennis Demar, Animal Control; Lorraine Mercy, Penny Howes (via phone).

Peter Magnant called the meeting to order at 6:05 p.m. The pledge of allegiance was said.

Peter called Penny into the meeting. He reviewed the rules of the dog hearing; both parties will have a turn giving them information and ask questions. The board will let both parties go and will deliberate their decision.

Penny and Marion Howes submitted a written complaint regarding a dog bite incident at the property of Richard and Lorraine Mercy at 297 Dewing Rd on May 9th. When walking by with their three leashed dogs, two large dogs, looking to be Mastiffs, came from the property and crossed the road aggressively toward their lab and bit at its neck removing patches of fur, the skin was not punctured. The dogs began to pull the lab over the bank; Penny released the leash so her dog could jump into the water to get away. The dog owners had no verbal control over their dogs. Ms. Howes wants to be sure this does not happen again and for the safety of children in the area.

Peter asked Ms. Howes if she has anything to add. Ms. Howes asked whose dogs these really are and if they have been vaccinated. She is led to believe that they are not the Mercy's dogs, but of other family members. The dogs belong to Tamara Palmer, who lives in Georgia. Peter advised that proof of vaccinations needs to be given to the town. Ms. Howes states that she felt she needed to report this incident due to the fact that other neighbors have also voiced concerns with these dogs and being aggressive and very large. She requests that the dogs be kept on a leash or in a kennel at all times.

Peter asks Mrs. Mercy about the dogs; she states one is a Mastiff and the other another breed, but only a puppy, 1 ½ yrs. old and very large. This is a new dog for them. She has an underground fence but the collars had been taken off the dogs and they were let out. She did not see it happen, when she heard the commotion she went out and called to the dogs to come and put them on the porch. Do see that they must be on a leash. The fence does not allow for the dogs to reach the road, have two fence lines, the collars are sized for large dogs. She was not aware that her dogs had bitten Ms. Howes' dog. Ed states that not all dogs respond to collars for containment. Dennis states that there is always room for failure.

Ms. Howes states she is not comfortable with the collar system and has concerns with these dogs being kept in control. She does not want anyone else to have this misfortune and be injured by their aggressive behavior. Her dog was not injured and did not require medical attention. Mrs. Mercy states they are current with rabies vaccinations. Ms. Howes does not want the dogs taken away, just keep them contained.

The board will make their decision based on the dog ordinance. Both parties were thanked and exited the meeting at 6:32 pm.

The board will do a letter to Mr. and Mrs. Mercy for their first offence written warning with the following requirements: dogs must be penned, leashed or on a run at all times, must not leave the property, copy of shots on file with the Town Clerk.

Brooks Sturtevant/Ed Rainville made a motion to adjourn the hearing at 6:44 pm. All in favor.

REGULAR BOARD MEETING:

Members Present: Peter Magnant, Yvon Dandurand, Ed Rainville, Brooks Sturtevant, Andy Godin, Lisa Larivee, Town Clerk.

Guests: Howard Vansette and Jeremy Barnum, Highway crew; Gilbert Dewing, Jim Cota, Ian Shaw and Mario Dupigny-Giroux, VTrans; Peter Benevento, LCCA.

Agenda amendments: add to Town Clerk concerns: library pillars, Abbey Restaurant liquor/event permit. All members approve of change.

Public Comments: Gilbert Dewing recently had a discussion with Sheriff Norris regarding the bull pout fishermen on Dewing Rd in the evening hours. They are parking in the road, making fires, leaving trash, being destructive of adjacent camp properties; what can be done about it? Town owns the ROW. Mr. Dewing would like to have permission to legally post with Fish and Game "private property, no trespass, no parking, no fishing, no fires", the sheriff would then have backing to remove people from property. Want to protect the camp owner's property and shoreline. The board will discuss further and let Mr. Dewing know of their decision, Gilbert exited the meeting.

Minutes: Minutes of May 6; Yvon Dandurand/Ed Rainville made the motion to approve the minutes as written. All members voted in favor, motion passed.

Highway Department:

- Jeremy Barnum was welcomed to the road crew. Peter asked how things were going; Jeremy advised good, they have been grading, spreading chloride and cold patching blacktop holes.
- Mario Dupigny-Giroux, Ian Shaw and Jim Cota from VTrans entered the meeting to review the intersection at Rte. 120/Middle Rd/Morses Line Rd. Peter reviewed what has been done with adding stop signs, tried to tighten the corner with cones, but it is not the correct fix yet. Would like to see a 4-way stop. Peter has recommended to the TAC group as a project for the state. Ian reviewed the new proposed plans to make square 90 degree 4-corners with 2 stop signs from north-south. Straight route when traveling from lake west on Rte. 120 to Morses Line Rd with no stops. Ed has concerns with coming off Middle Rd as traffic from Morses Line Rd cannot be seen with the curve and hill. Jim advises to keep communicating with VTrans our safety concerns; do a letter regarding the two issues/approaches with sight distance, reduced speed limit and 4-way stop. Need to argue why the changes are necessary. Mario and Ian exited the meeting.
- Pigeon Hill Rd culvert was discussed. The three sections have separated and are caving in. The board has done a letter to VTrans requesting Emergency Funds for the replacement of this failed culvert. Howard has been monitoring it and it has gotten worse this spring. Jim states we need to define when the trouble began and when it started to fail. Jim advised may need to put a temporary bridge for daily traffic. Cost of various bridge replacements was discussed. Water edge is about 15 ft. wide-so will size to fit the needs per the hydraulic study. Will need to get an engineer to review the best option. Jim suggests a simple slab bridge or a three sided concrete bridge. A 1111 permit will be needed from ANR for a perennial stream. The town will be responsible for a 10% match for emergency funds.
- Paving projects were discussed with Jim Cota; are we eligible for State paving grant funding this year? Jim will advise.
Jim, Howard and Jeremy exited the meeting at 8:15.

LCCA: Peter Benevento entered the meeting to discuss the weed harvester and Celebrate Lake Carmi Days. Peter reviewed the scheduled events for the 4th of July week. Asked about the highway crew cleaning up the beach area before the events; they plan to do so. The LCCA had been sent a letter from the board asking if they wished to purchase the old weed harvester; Peter advised they do not and decline the offer. Happy to see the purchase of a new harvester; will the town need the funding from LCCA of the entire \$10,000. LCCA does reimburse for 10% of operational costs at the end of the season. Board reviewed the funding and advised they may not need the LCCA contribution but will advise later. Yvon advised we need to rent a tractor for the road side mowing so our tractor can be at the lake; cost would be approx. \$2,000-2,400. Have a buyer for the old harvester for \$3,000 by St. Albans Bay group. Kyle has been monitoring the weed growth and when to start harvesting. Peter B. advised there is a group of campers getting training regarding blue-green algae.

Andy Godin exited the meeting at 8:35. The board asked Peter B. about the dock LCCA may need for the July celebration; they must have insurance coverage to protect the town. Peter B advised the LCCA board have insurance now and are looking at coverage for the events.

Review and sign bills: The board reviewed and signed bills and warrants. Ed asked about the crushed ledge from Charbonneau's. The product was not good on the roads as it caused flat tires; the highway crew will be advised not to purchase it any longer.

Town Clerk concerns:

- **Tree for 225th** town birthday-Lisa looked into the planting of. The board agreed last spring to budget funds for the 225th celebration. The Historical Society asked about planting a tree in memorial park with the remaining funds. The board will meet with the Historical Society to discuss what and where.
- **Special Event and liquor permits:** Due North Vineyard has submitted a special event permit for July 3 at the Franklin General Store and June 2 and July 7 at the Haston Library. Brooks Sturtevant/Yvon Dandurand made a motion to approve the permit for Due North Vineyard, all in favor. The Abbey Restaurant submitted a liquor/catering permit for July 4 at Jenny's Barn at 3392 No Sheldon Rd. Brooks Sturtevant/Ed Rainville made a motion to approve the liquor permit, all in favor.
- **Dog Warrant/list:** a list of unregistered dogs was given to the board with a warrant for pickup if not licensed with 10 days of notice by animal control. Peter signed the warrant.
- **People's Trust Resolution:** The board reviewed the resolution for the new account at People's Trust for the water district funds. All members signed as required.
- **Water District:** the water level of the reservoir is back at full level, the spring is still a bit low but gaining.
- **Library pillars:** Ed will look at getting this done early this summer.
- **Town Hall wiring:** Ed will look at the wiring at the town hall with an electrician to get estimate of what upgrades need to be done.
- **CAMA software:** The lists software tables need to be renewed annually with the state. The agreement is with CAMA and needs to be signed by the board. Peter signed as approved.

Old Business:

- **Emergency Operation Plan:** Mark Toof and Sara Rainville have made all the updates to the contacts and other items as needed. Yvon Dandurand/Brooks Sturtevant made a motion to approve the 2015 Town of Franklin Emergency Operations Plan as updated on May 6, 2015. All members voted in favor, motion passed, Peter signed the plan.
- **Personal Policy:** The board reviewed the personal policy and made updates as suggested by the town attorney. Also reviewed the Drug-Free workplace policy and sexual harassment policy. Peter will follow-up with the attorney with a few clarifications before final approval by board.
- **Weed harvester schedule/permit:** Brooks will meet with other operators this weekend to determine a schedule for operation of the harvester to cover the most hours possible. Town Clerk informed of the status of the Permit to Operate the harvester. Needs to be posted for 10 days for public comments and then will get final approval by the State.

New Business:

- **New Road name:** The 911 Coordinator has submitted a letter requesting approval of the road name "Pyle Farm Lane" which is an extension off of Blackwoods Rd which now has development of 3 properties on it. Brooks Sturtevant/Yvon Dandurand made a motion to approve the name of "Pyle Farm Lane". All members voted in favor, motion passed.
- **Letter of resignation for FWC:** Dan Larivee advised he is not able to represent the Planning Commission on the Franklin Watershed Committee as he is too busy. The board will speak with FWC about member needs.

Selectboard folder:

- Posting notice from State of VT on Permit to Operate for weed harvester.
- Jeremy Barnum's previous employer drug testing verification as required by law.

Member Concerns:

- Yvon discussed the need to get a spare driver on board for the highway department to get some training before the winter months if there is a need.
- Yvon-Lawn mower demos for the 18th at school were cancelled; one vendor did not get the message and showed up. A board member from the school and town will go

to the dealerships to view the equipment and bring back decisions for the entire boards.

- Yvon-Steve Cushing from St. Albans Bay group has committed to purchasing the old weed harvester without the trailer for \$3,000.
- Ed has spoken with Kim Gates Maynard regarding the property lines of the town behind the town hall. Pam Greene owns a part behind the town hall and the Gates behind the memorial park, not real sure of this line. Ed advised the church would like to cut some dead trees in the back.

Next regular meeting will be June 3 at 7:00 pm.

Brooks Sturtevant/Ed Rainville made the motion to adjourn the meeting. All members voted in favor, motion passed. Meeting adjourned at 10:30 p.m.

Respectfully Submitted,
Lisa Larivee, Town Clerk
May 22, 2015

These minutes are not official until approved at the Select board's next regular meeting.

Minutes were approved June 3, 2015.