

**MINUTES OF FRANKLIN SELECTBOARD  
MONDAY, MAY 12, 2008 AT 7:00 P.M.  
FRANKLIN CENTRAL SCHOOL**

**PRESENT:** Peter Kittell, Jamie Boudreau, Harvey Bushey, Scott Choiniere and Lisa Larivee, Town Clerk/Treasurer.

Peter called the meeting to order at 7:04 p.m.

**ZONING ADMINISTRATOR:**

Bob Irish addressed the board. He stated he had several matters that he wished to discuss with them.

**Year-to-Date Report:** Bob provided each board member with a report on all activities since the first of the year. He advised that his office has been seeing a lot of activity. He further informed the Board that the last permit on the list involves a permit application that needs to be redone to bring it into compliance with the 25 feet from the lake.

Bob advised that the listers have been very busy and there are now ten to fifteen buildings without permits. He advised there are two people who are going to be asked to take structures down because they are falling down. He pointed out this is covered under our zoning regulations. He pointed out there is a person on the lake who has lost the right to rebuild in the same footprint because it is over a year and they have not built. He further noted that four permits will be cancelled as they have not built within two years. They will have to apply for a new permit and will now fall under the new zoning bylaws.

**Written Complaint:** Bob stated that he has received a written complaint about four wheelers on the Towle Neighborhood Road. Kids have been riding four wheelers on a track that is up there and a resident has filed a noise complaint. Bob informed that he spoke with the complainant and with other neighbors and the only one who seems to mind is the complainant. The others neighbors stated that it is simply kids having fun and they should have the right to use their own property. It was noted that this track has been there for several years. Harvey asked about a tree line to buffer some of the noise and Bob responded that there are trees, but they are on the property, not at the fence line. Bob stated there has been a similar problem over on the Barnum Road area. He noted that under the zoning ordinance, a noise complaint can be filed, but the question to be determined is whether or not these rise to that level. It was noted that there are several tracks in the area and we have no regulations governing them. Bob noted that these four wheelers have also been out on the road "tearing it up" and the road commissioner might want to address that matter. It was suggested that they could also be asked to "tone it down" some.

**Letters of Violation:** Bob provided the Board with proposed letters of violation which he would like their authorization to send. One case is a camp that was approved to be built 25 feet from the lake shore. Bob stated that he measured at three points and it does not seem to meet that requirement. He feels, however, that he can work with the property owner as the lake is high right now. He stated there is an old retaining wall and he spoke with the state agency governing them and the problem might be rectified by the building of a new retaining wall. It was noted that the property is for sale and if it is sold, the problem will still exist. A letter of violation with a copy to the property records would ensure that potential buyers would be aware of the violation. Board members agreed that Bob should send out the violation letter.

Bob stated the second letter of violation arose after a complaint was received that someone had put up a fence blocking a right-of-way. Bob informed the complainant that the town does not get involved in right-of-way disputes and it is a civil matter that must be handled between the involved parties. He did check into the situation and learned that there is a deeded right-of-way. Bob did find, however, that one of the parties built a deck. They applied for a permit and it was denied. They appealed to the ZBA and were also denied, but apparently went right ahead and built the deck. Bob stated he has looked over the situation and the only way to rectify it is to remove the deck since they cannot meet the 25 foot setback requirement. Bob stated there is supporting documentation that there was no existing deck, that the permits had been denied both by the ZA and ZBA and it is a clear case where the property owners went ahead and built the deck anyway after being denied a permit. The Board authorized Bob to send violation letter and make it part of the property records.

Bob thanked the board for their time and the Board thanked Bob and he exited the meeting.

#### **BILLS AND ORDERS:**

Reviewed and signed. Updated budget/spending information provided to each member.

#### **TOWN CLERK'S CONCERNS:**

**Dog Census:** Lisa questioned whether or not the Board would like to conduct a dog census. It was noted that one has not been done in a long time, probably close to ten years. Lisa pointed out that letters were sent to people who failed to register dogs and they were given to June 1st to comply with the registration law. Discussion was held on the fact that a census at this time would be both time consuming and expensive. Lisa will check to see if we are required by statute to conduct such a census.

**Tax Maps:** Lisa questioned whether or not the Board would like Susan Boswell, the person who was hired to take over the tax mapping project, to do parcels of ten acres or less that were subdivided. The initial project did not cover parcels of ten acres or less. The Board noted that the subdivision fee now includes the cost for tax mapping and it was the consensus of the Board that we should keep track of them.

**Fuel Bids:** Lisa noted that in the past we have sent out letters in the month of May seeking bids on low sulfur diesel and heating oil. Board agreed that letters should be sent to the same vendors as in the past. Fuel consumption has remained about the same so we should use the same gallons as last year. Lisa noted that Polly had asked that Rescue be contacted before bids are requested this year as they may not want to be included. Peter noted Rescue has a maintenance contract with Ultramar. Discussion was held on fuel usage and account balances.

**Solid Waste Grant:** Lisa advised that the second \$2,000 grant has been approved and it can be used to offset the cost of joining the solid waste district if the town decides to do so. She would just need to notify the state that it is being used for that purpose and she wanted to check with the Board before using any of the funds. Discussion was held on the solid waste program and what would be involved in we administer it ourselves. The current solid waste program is good until October or November. It was suggested that perhaps the new Assistant Town Clerk, Sara Rainville, would be interested in administering the program. Lisa noted that Sara is working out well and is a “very quick learner” and Lisa will touch base with her to see if is something she would be interested in doing.

**Scott Road Turn Around:** Lisa informed the Board that Robert Fletcher from Steve Stizell’s office is the attorney who is working on this matter. He has requested to meet with the entire Board and review the matter prior to any paperwork being signed. Lisa noted that he is willing to travel here on his own time and will not bill the town for any mileage. He just wants a sit down meeting with the Board to go over this proposal. The Board will meet with Mr. Fletcher on Wednesday, May 21, 2008, at 7:00 p.m. in the Town Clerk’s Office. Lisa will notify Mr. Fletcher. Peter noted that the meeting will need to be warned.

**Computer Program:** Lisa informed the Board that she has the computer program that was discussed at the last meeting. She pointed out it is an excel, not a data, version. She noted that the garage computer is in her office and Harvey pointed out it should not go up to the garage until the program is loaded and it is ready for the guys to use. Harvey stated there is a form that was made up that will be useful and it was noted that this is a form that Kim made when she was on the Selectboard.

**Bills and Orders:** Scott questioned Lisa about two purchases. They were marked “hold” and Lisa will check into the concerns.

The board thanked Lisa and she exited the meeting.

#### **MINUTES OF APRIL MEETING:**

Motion by Jamie/Scott to approve the minutes of the April meeting. Peter asked if there was any discussion or changes and there was none. All members voted in favor/minutes approved as submitted.

## **HIGHWAY DEPARTMENT:**

**Barnum and Durkee Roads:** Scott noted there is a problem with these roads. At least four different kinds of stones have been put down and they did not come back and grade. Scott noted that driving on these roads is extremely difficult. Harvey noted that one problem is that the large stones need to be put down when the roads are still soft. He pointed out there is a very short time frame during which stones can be put down. Once the road hardens, they will not pack down. It was noted that something will have to be put down over these stones. The quality of stone being used was discussed. It was noted that the green stone used on the first part of Rice Hill has held up really well. It was noted that we spent a lot of money on the Durkee Road and Barnum Road putting down fabric and the heavy manure trucks going over it repeatedly tore it all up. It was noted that the Barnum, Durkee, Gallup, Messier and Middle Roads were some of the worst roads this spring and yet they went up and graded the Towle Neighborhood Road which was in good shape. Harvey pointed out that he had a resident come to his house and complain about the grading of that road and the resultant dust. Peter noted that for the water problem on the Durkee Road there are some tiles there which we might be able to hook into. Some of the problems could be avoided if they limited the number of trips the trucks do in a day. It is the repetition of the heavy trucks that causes the damage. Discussion was held on whether or not overweight manure trucks must obtain an overweight permit. Harvey stated he feels we need to put something in place to prevent this type of damage. Harvey pointed out that other businesses (Roger Wright, construction vehicles, cement trucks, etc) must abide by the regulations and not travel over certain roads.

**Chloride:** Harvey pointed out that the chloride trailer is in need of repair. He noted the springs are completely gone. He feels that one of the problems is that it is not heavy enough to carry a 1,000 gallon tank. He also questioned who authorized the chloride purchase and if they checked around for vendors and prices. Peter responded that the highway crew has always purchased it.

**Trucks:** Discussion was held on the trucks and recent repairs to them. Harvey pointed out that this is the time of year when we need the trucks and one was taken down for warranty paint work to be done. He stated he spoke with the vendor and learned that this work could have been done during the summer and, in fact, it would have been handier for the dealer to do it then. Harvey questioned who is "calling the shots here". He stated he picked up the truck and returned it to the town after the work was completed. Peter stated he stopped by the garage last Thursday and Howard had the old truck apart. Harvey stated it was not back together when he stopped by Friday night. Peter reminded Harvey to be sure that Lisa has his CDL number on file if he is going to drive our trucks. This is needed for insurance purposes.

**Grader:** It was noted that we put new tires on the grader. Harvey questioned whether or not it was wise to put smaller tires on it because they cost less. It was noted that although the crew was sent to school for grading they still are not doing it right. They should grade, wait a couple days and do it a second time.

## **RESCUE:**

On behalf of Franklin Rescue, Polly Gadbois appeared before the Selectboard. She stated she was seeking Selectboard approval for Sara Rainville to run with rescue one Monday through Friday day shift per week. She further requested that if she was called out on a call that her pay not be docked. Peter asked if Polly had talked to Lisa and she stated she had not because even though Lisa directs Sara, it is the Selectboard who approves her salary. Polly advised that because of child care concerns, Sara would like to run on Mondays. Polly provided the board with information on the number of calls last year and the number of calls so far this year. Polly noted that calls are sporadic and in fact yesterday was the first call Rescue had in 16 days. A member on schedule only once a week can go for weeks without being called out. Polly stated that Sara was a certified EMT, but her certification has lapsed. She will re-test on May 17<sup>th</sup>, however, Polly said it will probably be June before she will receive her re-certification from the state. Polly also noted that both Enosburg and Sheldon's Assistant Town Clerks do the same thing. Jamie and Scott both expressed their support. Scott noted that Rescue is trying very hard to survive. Should they fail it is going to cost us a lot more money and longer response time. Harvey questioned if we are not just prolonging the inevitable. Polly noted that we currently have ten people in the CFR class in Enosburg which should bring relief. The problem has always been day shift coverage when most people are at work. Polly noted that each shift has a crew chief and Sara would run as the second crew member as we must have two certified people on each call. Polly stated they would report back to the Selectboard on the number of calls Sara received at whatever interval the board would like. Harvey stated he feels we should do it on a trial basis to see how it works. Sara's hourly rate of pay was discussed as was the fact that the town would absorb the time she is out of the office on a call; her pay would not be docked. It was noted that calls to Northwestern take about two hours while calls to FAHC in Burlington take about three hours. Motion by Scott/Jamie that we approve Sara Rainville, Assistant Town Clerk, being on-call for the Rescue Service one day per week without any loss of pay should she be called out during her work hours. All members voted in favor/motion passes. Polly will notify the Selectboard when Sara has been re-certified.

## **OLD BUSINESS:**

**Roads:** Discussion was held on town roads. It was suggested that we take the town and divide it into a three to five year plan, hit less roads and do a better job on them. It was noted that the Barnum, Durkee, Gallup and Middle roads all need work and never got done. It was noted there are holes right now on both the Gallup and Middle Roads. Harvey stated he told them about the hole on the Middle Road. He questioned who is giving the crew their direction. Rice Hill and Dewing were done. It was noted that we have to go back over the Barnum and Durkee Roads with some fine stuff. It was suggested that the board go out together to look over the roads. After discussing road conditions and resurfacing/surfacing needs, the Selectboard decided they would each get their concerns together and after the meeting with the attorney on May 21, 2008, the board will come up with a highway/ work plan.

**Chloride Wagon:** Harvey questioned whether or not we wanted to put money back into the chloride wagon. It was noted that it was made with the axle and springs from a house trailer. When questioned, Harvey stated it can be repaired and used, but should not be loaded as heavily.

**Tractor:** Has gone for repair. Harvey stated the roll cage was taken off by our men so that it would be ready for them to work on. He stated he called the next day and the tractor was already apart.

**Speed Limits: TH#3 (Brown's Corner Road):** Discussion held on the appropriate speed for this road. Motion by Scott/Jamie to post this as a 45 mph road. All members voted in favor/motion passed.

**Dewing Road (Route 236 to Berkshire Town Line):** Complaints have been received regarding this road and the fact that people are speeding over it. It presently is a 50 mph road and members agreed this presents some concerns. Motion by Jamie/Scott to lower the speed limit on this road to 35mph. All members voted in favor/motion passed.

**Route 120 (Lake Road near Vic's Crossing):** Request has been received in the past to lower the speed limit through this stretch of the road. Motion by Jamie/Scott to leave the speed limit as currently posted. All members voted in favor/motion passed.

#### **NEW BUSINESS:**

**Salt Shed:** Discussion held on damage done to the salt shed siding when it was struck by the loader. Replacement siding has been ordered.

**Overweight Violation:** Peter advised that he received a visit from Pete McDermott. One of their trucks was stopped on the Stanley Road and cited for being overweight. Peter showed members a copy of the violation issued to the company. The fine is \$6,956. Some area farmers have expressed concern over this because this company picks up their milk and there is concern that they will stop doing so if they are going to be subjected to these fines. McDermott's stated this has never happened to them in any other town. Harvey stated it was his understanding they were just issued a warning. Members looked at the notice and it appears to be a ticket for which they will be fined. Harvey provided Peter with the number of the person to call to check into the matter.

**Sidewalk Grant:** Peter met with the engineer who is going to design the sidewalk. He noted that we may have to put in drains all the way down. They will survey it and come up with some ideas. Peter said he spoke with them about whether their company would be interested in doing the administrative part and they stated they would be, but were not sure if the State would approve them to do so. Peter stated they are familiar with the federal paperwork. The sidewalks will not be done this year. They will survey and do their proposal which will be submitted to the state. Then we will need to hold a couple of public meetings. Tonight we have the contract

which needs to be signed. All members agreed to the signing of the contract.

**SELECTBOARD FOLDER:**

**Vacation Request:** Submitted by Howard for time off in November. Form given to Harvey for signature. It was noted that Howard always comes in should there be a significant snow fall.

**Correspondence:** From State of Vermont regarding enhancement project grants.

**Scott Road Turn Around:** Information in folder, however, it was tabled until the May 21, 2008 meeting with town attorney.

**Correspondence:** From ZBA regarding upcoming hearings.

**Meeting:** On June 21st at the Vermont Technical College regarding how they rate towns for insurance purposes. There are certain criteria which they use and it will be discussed at this meeting.

**Correspondence:** From culvert rehabilitation contractor.

**Meeting:** May 21<sup>st</sup> for Planning and ZBA training.

**Weed Harvester:** Another application received. Decision will be made next meeting.

**Dog Complaint:** Received regarding barking dog in town coming out onto the sidewalk. Jamie stated this is the first he has heard of this complaint. He will check into it.

**Chicken Complaint:** Complaint received regarding neighbors chickens digging in garden. It was noted this is something that will need to be handled between the two parties as Franklin has no fowl ordinance.

**Quotes:** Howard obtained quotes on the purchase of two trucks - Mac and International. The Board quickly compared the figures and found a difference of about \$20,000 between the two quotes. The specifics of the two quotes will have to be reviewed before any further decision is made. It was noted also, that the old truck will need about \$6,000 worth of work done in the near future (\$3,000 tires and \$3,000 box).

**Personnel Matters:** Discussion was held on some personnel matters including organization and supervision.

Motion by Scott/Jamie to adjourn. All members in favor/meeting adjourned at 10:10 p.m.

Respectfully submitted,

May 13, 2008

Barbara M. Varin

**NOTE:** These minutes are not final until approved by the Selectboard at their next regular meeting. Note: These minutes were approved by the Selectboard at their June 9, 2008 meeting.