

**MINUTES OF FRANKLIN SELECTBOARD
MONDAY, SEPTEMBER 8, 2008, AT 7:00 P. M.
FRANKLIN CENTRAL SCHOOL**

PRESENT: Peter Kittell, Jamie Boudreau, Harvey Bushey, Lynn Paradis and Lisa Larivee,
Franklin Town Clerk/Treasurer

MEMBERS OF THE PUBLIC: Fr. Bechard, St. Mary's Catholic Church, Franklin
Hugh Gates, Franklin
Andre Maggio, Franklin

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

TOWN CLERK'S CONCERNS:

Painting of Town Clock: Lisa advised that bids have been received and they are in the Selectboard folder. They are quoting a price of \$4,700 to paint the clock and \$5,700 for the steeple.

Unlicensed Dogs: Lisa informed the Board that the dog census is about half to two-thirds complete. She provided a list to the Board of unregistered dogs whose owners have still not come in to register their animals. She advised that she spoke with everyone on the original list and several came in and registered their dogs. This list is those people who were contacted, with the exception of one party for whom she has no phone number, and who have still not come in. She stated they were all told that the list would be presented to the SB tonight. She explained there were some instances when the original list showed no dog, but they knew for certain there were dogs and calls were made to those people who admitted to having dog(s). The board asked Lisa if the dog census would continue and she advised that it was agreed that it would be done for a set price and he will continue until it is complete. She further informed the Board that he has not been paid and did not want to be paid until the job was complete. Lisa also advised the Board that she composed a letter which is being handed out as the census is being done.

Book: Lisa informed the Board that she wrote to the gentleman from Canada who is writing the book and wanted to use the pictures. She noted that she told him it would be nice if he provided us with a free copy for the library.

Uniform Contracts: Lisa advised that our contract with Unifirst expires in October and we need to make a decision on this vendor. She informed that they charge us \$35 a month, but "nickle and dime" us with uniform repairs. Foley has given a bid of \$20 per month and it would provide us with both uniforms and coveralls, and they do repairs at no charge to us. She pointed out that if the Board decides to go with Foley they will need a two to three week period to order uniforms. The Board noted they looked into finding a new vendor a year or so ago, but could not

terminate the Unifirst contract without paying a penalty. Motion by Jamie/Harvey to go with Foley for the new uniform contract. All members in favor/motion passed.

Vacuum: Lisa informed the Board that their vacuum has broken and since it is old, they would like to purchase a new one. She feels they can get one for between \$120 and \$140. She stated they will shop around for the best buy. Board approved the expenditure.

Attic: Jamie looked at the attic and his recommendation is that we leave the vent open. He explained to the Board why he feels it would be difficult to insulate and put up sheet rock in that area and do a good job. He also feels that it would help to seal the door. Discussion was held on the fact that it is simply an interior door and it was felt that installation of an exterior door might solve some of the problem. It was felt an exterior door could be purchased for about \$100. Peter noted that we put some money aside for this and Jamie will take another look at it to see about replacing the door.

Painting of Doors Town Offices/Library: Lisa stated she spoke with Wanda Gates about the scouts painting. She stated there is some concern about them being able to paint the overhang upstairs at the library. Gerald came over to look at it and will see if Burt will let them use the lift truck.

Sidewalk Grant: Lisa advised there is a letter from Stantec in the SB folder. She stated we need to get a letter out to them approving the three rod ROW and decide whether to move the sidewalk from the north to the south side of Square Road.

IRS Penalty: Lisa informed the Board that because of the change over in the Town Clerk's office, they overlooked sending out the federal tax. Because of that, they have received a letter assessing a \$424 penalty. She stated she has been advised that as long as the tax was paid within the quarter, they usually will waive the penalty. She has written advising the it was unintentional and paid within the quarter so hopefully they will waive the penalty. She will keep the Board informed on this matter.

SIDEWALK:

Fr. Bechard of St. Mary's Catholic Church addressed the Board. He stated he would like to address the topic of the sidewalk on Square Road. He stated he understood that a letter had been sent to the residents of the road and he should have been included. He does not understand how he was overlooked. He feels they should have been part of the original mailing. He stated they have looked over the plan and have some misgivings about it. It was pointed out to him that Cecil was given the original information as he was part of the church board and it was felt that he would pass it on to appropriate persons. Fr. Bechard stated the charter of St. Mary's is in the Town Clerk's files and the notice to the church should have been sent to Fr. Bechard. Fr. Bechard further advised that he has forwarded copies of the information to Burlington and the matter is "still up in the air". He asked that he be informed of any further developments. Peter

advised that we do not have the final drawings yet and for now we are just “guessing”. He further advised that once the final plans are drawn up, there will be a public hearing and Fr. Bechard will be invited. Fr. Bechard expressed concern for safety issues stating that any crosswalk behind the church would present a safety issue because of the blind corner by the church.

Discussion was held on church parking and it was noted that during services people park on the street which creates a safety issue for people traveling the street. It was suggested that parishioners use the parking lot behind the church or even the school parking lot rather than the street. Hugh Gates stated that if you want them to use that parking lot, putting the sidewalk on that side would enhance parking there.

Mr. Gates stated that he is here to stress safety and one of the most dangerous things is people stepping out from between parked cars into the traffic. Hugh questioned if there would be granite curbs like on the Hanna Road portion of TH#3 and was told that granite curbs were planned. He stated people think of their tires with granite curbs. Mr. Gates stated he understands that moving the sidewalk to the south side is being considered and stated he is here to support moving it and he feels it would be much safer. He noted that each driveway cut makes a safety issue and on the south side there would be only two while on the north side there would be at least four and the school. Discussion was held on the width of the road, culverts, drains, and electric/telephone poles which would need to be moved. Peter noted the road is 26 feet wide now compared to most roads which are 21 feet wide. He pointed out that it was paved wider to make room for kids to walk on the side with less danger from traffic. Mr. Gates stated that he feels that the overall thing is safety. He suggested that a railing could be put on the church side to prevent people from walking on church property and he feels that the project will include improvements to the church entrance. Motion made by Lynn/Jamie that the sidewalk be moved to the south side. Peter asked for further discussion and there was none. All members voted in favor/motion passed. Lisa will write the letter.

The Board thanked Lisa, Mr. Gates and Fr. Bechard and they exited the meeting.

BOUNDARY ISSUE:

Andre Maggio appeared before the Board. He advised there has been a lot going on between Mark Racine and him over boundary issues and the town’s right-of-way. He stated a lot of stuff has gone on, but he will not get into that. Mr. Maggio stated he was forced to have a survey done and “all hell broke loose”. Mr. Maggio produced a survey map which he stated shows his house and vacant lot and a driveway/right-of-way which is not noted in any of his paperwork or deed. He stated his realtor wanted to ensure there was nothing like that and did a lot of research himself. He stated the right-of-way was first brought to his attention by the Racines and the town is saying that it owns the piece of land. He stated he really doesn’t care if he owns the piece of land or has the right-of-way to use it for his driveway. He stated that if the town owns it, then clearly state that the town owns it and that he has a right-of-way.

He stated his rights are being violated. It needs to be surveyed and marked out where it should be. If the town owns it, it is not 25 feet wide. If the town does not own it, then they should get the fence that was erected by the fire department off his property. He stated he had to take the property off the market. He stated he was approached about the property three days after he got here from California about purchasing half of the vacant lot. He stated that was not an option as it is a commercial/residential building lot. He stated he has a certificate to build on the property (from wetlands) and the survey will be finished. He stated there are all kinds of things that can be done with septic systems these days. He stated the simple thing would be for Mark to purchase the property for \$49,900, but Racine has only offer \$10,000. Mr. Maggio stated he does not understand why they have involved the fire department. He was told that the fire department is not a municipal service and the Selectboard has no authority over its members. Lynn stated that if Mr. Maggio owns the property and the town has the right-of-way, then Mr. Maggio has a responsibility to keep it clear and mowed and we have the right to use it. Peter advised that he and Lisa researched the property and found that back in 1883, the roadway was purchased by Mr. Chaplin for \$30. There has been only two owners before the town purchased the property - the Chaplins and the Westcotts. He stated the information was sent to the town's attorney who stated that the town owns it and Mr. Maggio has use as a right-of-way. Mr. Maggio stated that is not what his lawyer says. Discussion was held on the fact that Mr. Westcott used it to access his property for many years. Mr. Maggio stated there is something in one of the deeds that says he (Chaplin) only owned it until his death. Peter responded that it appears the property was transferred by quit claim deed. Mr. Maggio stated his deed shows nothing about this piece of land and members pointed out that happens from time to time. Jamie asked Mr. Maggio what he wants the Selectboard to do about it. He stated that if the town owns the piece of land, then he wants the mesh fence to come down; get the fire department to take it back down. Harvey stated we can make the fire department take it down. Lynn reminded Mr. Maggio that if the town owns the property or even if it has the right-of-way use of the property, Mr. Maggio cannot block it by parking in it. We have to be able to get access to our land and you cannot block a right-of-way. Mr. Maggio stated that it has been a driveway for over 100 years. Members agreed that Mr. Maggio has the right to use the land as a right-of-way access to his property, but cannot park in the right of way, but off to the side on his property. Mr. Maggio became upset and questioned how the board can stop him from parking his car in his driveway. He stated someone had a swing set in the right-of-way and now the Selectboard is telling him it is up to him to clear it. He stated he would be getting a lawyer. He stated a precedent has been set and will have his lawyer look into it. He also stated that not one member of the Board would be happy with what he has had to go through. Peter stated this is the first meeting the Board has held since the opinion from our lawyer was received. Mr. Maggio stated he had asked that the meeting be pushed up. He stated it is amazing that the town's deeds for the 19 and 5 acre parcels all have the verbiage, but his piece of property has nothing about any road. He was told that it depends upon the attorney doing the title search. The attorney who represented Mr. Westcott followed Vermont law. Mr. Maggio stated he has had a year of being told what he would or would not do. He stated he was warned how this would go. Peter told Mr. Maggio that he did a good job and would hear from the Board. Mr. Maggio exited the meeting.

The Board discussed the matter and will take no action at this time.

BILLS AND ORDERS:

Reviewed and signed.

MINUTES OF AUGUST MEETING:

Peter asked if all members had reviewed the minutes. Motion by Jamie/Harvey to approve. Peter asked if there was any discussion or changes and there were none. All members voted in favor/minutes approved as submitted.

NEW BUSINESS:

Unlicensed Dogs: Discussion held on the way to handle those people who still have not licensed their dogs. Mention was made that there is one person on the list who has stated outright that they have never licensed their dog and will not do so now. Jamie suggested that a second letter be written advising that if the dogs are still unlicensed by a set date, then the warrant will be issued and the dogs picked up. All members in favor of this suggestion.

SELECTBOARD FOLDER:

Correspondence: From Stantec regarding sidewalk. As previously discussed in meeting, letter will be written.

Correspondence: Permit for stone wall to replace concrete wall at the lake.

Correspondence: From Vermont Department of Health regarding local substance abuse project group.

Correspondence: From town attorney regarding the Maggio right-of-way issue.

Correspondence: Class action lawsuit with regard to the Norton Firewall.

Correspondence: From Vermont League of Cities and Towns regarding transportation policy.

Correspondence: Copy of correspondence to the Planning Commission regarding grant applications for community planning and revitalization.

Correspondence: Martin's have filed the mylar on the Scott Road turnaround. Discussion was held on the work that should be done in the near future. Harvey stated he would like to go up there and take a look at it. It was noted that the pins should still be there and the Board should go up soon.

Correspondence: Better Backroads Grants. Peter stated they are sending these out in the fall so they can be awarded and work done in the spring. He noted the deadline for the grant application is September 24, 2008 which doesn't give us much time. Peter noted that we applied for the Swamp Road and were turned down. It was noted that there are still problems on the Swamp Road and we should do something before spring. After discussion, it was decided that we would put in more rock, a load of two inch stone and a load of five inch stone. It was noted

we do not have funds for an excavator, but it was felt our guys can do the work with the loader. Peter also pointed out that we applied for the Dewing Road and were turned down which was a disappointment as we received one grant and everyone was pleased with the work done. Peter will give the paperwork to Chris O'Shea and we will again apply for a grant to complete the work started on Dewing Shore.

Correspondence: From ZBA regarding recent decisions.

Correspondence: Regarding elections.

Correspondence: Regarding on-line municipal planning grants.

Correspondence: Lake Champlain Basin grants.

Bids: For winter sand. It was noted that both bids were the same.

Complaint: Regarding holes between the rocks. Peter will take some rock down there and fill in.

Correspondence: From MAC truck.

Painting Quotes: For painting of town clock and church steeple. It was noted that we do not have enough money set aside to do it this year and will look at it again next year.

MEMBER CONCERNS:

Weed Harvester: Project coming along good. Discussion was held on the tractor and the fact that we have it for 25 hours after which we will be charged \$35 per hour.

Dogs Running Wild and Chasing Deer: Jamie stated he had call Fish and Game and they did not get back to him. He stated he spoke with Wayne Laroche who told Jamie if he was unable to make contact and settle the matter to call him and he would send someone to look into the matter. Jamie plans to call Waterbury tomorrow.

Scott Road: After discussion, Board members decided to meet on Saturday at 10:00 a.m. to look the area over and decide what needs to be done. Peter will see that it is warned.

Chloride Applications: Harvey provided information on the proper application procedures.

Tractor: Members noted that there is an upcoming auction where several tractors from a dealership will be sold. Peter is planning to attend.

Budget Update: Peter questioned whether Lynn had time to prepare update budget information. He stated there are areas he would like to review. Lynn stated she had not yet had time, but would get it done.

Motion by Jamie/Lynn to adjourn. All members voted in favor. Meeting adjourned at 9:15 p.m.

September 9, 2008

Respectfully submitted,
Barbara M. Varin

NOTE: These minutes are not official until approved by the Selectboard at their next meeting which is presently scheduled for October 13, 2008 . Note: These minutes were approved by the Selectboard at their October 13, 2008 meeting.