

Town & Village of Swanton
MINUTES
JOINT LEGISLATIVE BODY MEETING
WEDNESDAY, JANUARY 9, 2013 @ 7:00 p.m.

Town Office Building
1 Academy Street, Swanton, VT 05488

Present: Christ Leach, Adam Paxman, Eugene LaBombard, Village Trustees; Reginald Beliveau, Village Manager; Ronald Kilburn, Village President; Harold Garrett, Joel Clark, Dick Thompson, Selectmen; David Jescavage, Town Administrator; Yaasha Wheeler, secretary. Chief Joey Stell, Swanton Village Police Chief; Chief Ricky King, Swanton Village Fire Chief; Travis Greeno, Swanton Village Assistant Fire Chief; Bethany Remmers, Northwestern Regional Planning Commission.

A. Call to Order & Roll Call

Mr. Leach called the meeting to order and noted that all three village trustees, three of the Selectboard, and all of the town and village leaders were present.

B. Pledge of Allegiance

Mr. Leach led those present in the pledge of allegiance.

C. Meeting Topics:

1. Minutes

• Approve Minutes of 11/19/2012 JLB Meeting

Mr. Clark made a motion, seconded by Mr. Paxman, to approve the minutes of the November 19, 2012 Joint Legislative Body meeting. Discussion: Mr. Paxman pointed out that Mr. Beliveau could not second the motion to approve the last Joint Legislative Body minutes; Mr. Paxman stated that he believed he was the one who seconded the motion. Mr. Leach asked for an explanation of the equipment tax revenue. The section stated the following:

Mr. Pratt, Swanton lister, passed out new sheets regarding the past year's equipment tax for the town and village combined. The previous sheet, stating that the tax had brought in \$38,000 was incorrect; the new sheet clarified that \$56,204 had been taken in. He added that the way the Vermont public power authority was taxed, the number was inflated by \$4896, so the four thousand should be subtracted from the fifty-six thousand to get the actual figure.

Mr. Jescavage summed up for Mr. Leach that the actual figure would therefore be \$51,308. Mr. Leach clarified that the actual amount of the Veteran's Appreciation Monument would be \$3500, not \$8500. Mr. Thompson pointed out that the person who seconded the motion to reappoint Ronald Kilburn as Swanton Zoning Administrator had not been identified in the minutes. Mr. LaBombard said he believed he had seconded the motion. Mr. Jescavage noted a misspelling of Mr. Garrett's name in the minutes as well, and added that Mr. Kilburn's term ended on 10/31/15, not 10/21/15. Discussion concluded. Motion carried.

2. Old Business

• Discuss Tri-Town Sports Arena Project Article

Mr. Thompson stated that he had written the article and that the dollar amount was \$2,380,542, which was 55.3% of the \$4.3 million to repair the Highgate Sports arena facility with a regulation size rink (200 x 85 ft.). Mr. Clark noted that the Selectboard could enter into the interlocal contract without asking the citizens to vote on the matter. If the article passed, the contract could automatically be enacted. Mr. Leach summed up that the goal was to clarify the article to be voted on in the March election and Mr. Clark

said added that at the next Tri-Selectboard meeting on 1/16/13, he would appreciate more public input and feedback. Mr. Paxman asked if Mr. Clark felt that the article would pass and Mr. Clark replied that it was hard to say, since various members of the public were on both sides of the issue. The arena definitely needed work, but the main question was, "What should we do to get it done?"

Mr. Garrett noted that the Tri-Selectboard wanted to reduce the price for the repairs from \$5.19 million to \$4.3 million, so if the bids came in over budget, certain planned upgrades might be cut from the project. Mr. Clark stated that there was no completed design, only a feasibility study, so the price involved a plus or minus of 20% or more; Mr. Garrett clarified that there was no actual design that reflected \$4.3 million. Mr. Thompson pointed out that the only specifications for the facility mentioned in the warning was the 200 x 85 foot ice rink, so any other specifications for the facility could be changed to fit it into the \$4.3 million budget and still be legal. Mr. Garrett was concerned that if voters were looking at what had been presented publicly, they might be confused if some upgrades were later chopped out of the final project in order to stay within the dollar limit.

Mr. Paxman asked if the tri-town committee had a backup in case one of the towns backed out of the project and Mr. Garrett replied that if either Highgate or Swanton backed out, the remaining towns would be unable to continue with the project. Mr. Garrett asked if they had gotten information on the current use part of the tax, and Mr. Clark said that he had seen nothing about it yet. Mr. Garrett presented a hypothetical scenario in which a farm property was evaluated at a value of \$2 million, but actually brought in \$200,000 per year, and wanted to know if the tax should be paid on the \$2 million or the \$200,000, noting that the state would probably note pick up the difference.

3. Common Interest

- Discuss 250th Anniversary Celebration Budget

Mr. Jescavage stated that, at the last Selectboard meeting, \$2500 had been put into the budget to cover expenses for Swanton's 250th anniversary celebration (August 14), with the anticipation that the village would match the amount in its budget, for a total of \$5000. Mr. Leach agreed to have that put on the village budget agenda. Mr. Jescavage presented ideas that had been used at the Guilford, Vermont, anniversary celebration, which included various souvenir items and informational pamphlets.

Mr. Leach asked if a committee had been formed and Mr. Kilburn informed the Joint Legislative Body that the committee included seven people currently, as follows: Ronald Kilburn, historian and Village president; Dr. Fred Wiseman, historian, professor, and Abenaki scholar; Jason Barney, history teacher at MVU; Joe Bertrand, Abenaki representative and leader; David Jescavage, Town Administrator; Reginald Beliveau, Village Manager; Rebecca Rupp, SHS Trustee, author, experienced with kids' crafts and similar activities; and Jack Paige, from the Swanton Chamber of Commerce.

Mr. Leach asked if \$5000 was enough start with, and Mr. Kilburn said he did not know, but it was \$5000 more than he expected. Mr. Leach asked what more was needed at this point, and Mr. Kilburn asked whether the seven-member committee needed to be appointed or whether they should proceed as a volunteer. Mr. Thompson was in favor of the committee continuing on a volunteer basis. Mr. Leach stated that the important thing was to ensure that the committee members received the proper recognition for their efforts on behalf of the Town, and agreed that the Village would try to match the Town's \$2500. Mr. Beliveau asked if the item was separate, and Mr. Garrett answered that it was built right into the budget. Mr. Kilburn asked whether the \$5000 was for celebration-related expenses only, or whether they included funds to repair monuments. Mr. Leach said that he felt it should be for celebration-related expenses only.

- Public Meeting to Discuss Proposed Transportation Alternative Grant (TAG) for Feasibility Study to Improve Pedestrian Access to Village Center – NRPC, Bethany Remmers

Bethany Remmers of the Northwestern Regional Planning Commission came forward. She stated that the enhancement program had been replaced by another program, which included a pot of money for bike and pedestrian paths, historic preservation, and other such efforts. She had been in contact with David Jescavage and Reginald Beliveau about

how best to connect MVU High School to the village, an issue with which Swanton had been dealing many years. Mrs. Remmers stated that a good first step would be to get money for a feasibility study, which would range from \$18,000 to \$30,000 and would set the Town up to go after the “real dollars” for design and construction, or lay enough groundwork to construct the pedestrian access themselves.

Mr. Beliveau asked if some preliminary work had been done, and Mrs. Remmers replied that the Regional Planning Commission had already funded a pedestrian review prior to the traffic committee’s approval of a decrease in speed on Route 78 near MVU. However, the study never got the Town to the point of approving an option for a sidewalk, and would not be helpful in gaining design and construction funds, but it would help in laying the groundwork for consultants.

Mr. Garrett noted that the state study had misrepresented some things, and Mrs. Remmers agreed that the traffic engineering study that VTrans had done was not as accurate concerning the shoulders as the study done by the Regional Planning Commission, which recorded shoulders as narrow as 6 to 8 inches. Mr. Garrett noted that Route 78 was in the state right-of-way and asked how Swanton would go about working within it. Mrs. Remmers replied that the Town would have to maintain that portion of the road and that the state would not have ownership of the sidewalk. If Swanton was interested in moving forward, the feasibility study application was due on 1/18/13, and would be framed that the Village had need for accommodations for important destinations. The study would include information on environmental issues, right-of-way issues, maintenance, and long-term costs. The application would need a 20% match, half of which had to be cash, and she estimated that Swanton would need to apply for about \$28,000, which would include \$22,000 in federal funds and \$5600 for a local match. The project manager could be the Town Administrator or Village Manager, whose time would be reimbursed and built into the budget.

Mr. Thompson asked if this grant was essentially the same as the former enhancement grant, with the same rules, and Mrs. Remmers replied that the rules were essentially the same, although a few categories were no longer eligible. The most significant change involved construction, because everything had to be treated like a federal aid route. Swanton was at least two years out for construction.

Mr. Garrett asked if the reimbursement to the town official could be part of the 10% cash contribution, wanting to know what else besides time could be included in the 20 percent. Mrs. Remmers said that nothing could be done in kind.

Mr. Garrett asked whether the interstate changed any rules, because it is a federal highway, and Mrs. Remmers agreed that the interstate made that stretch more challenging, but did not change anything else. Mr. Kilburn asked to know the “point people” for the project, and Mrs. Remmers replied that Patty Coburn was administering the program, Chris Cole was the head of the whole program, and Sue Scribner was in between them.

Mrs. Remmers directed the Joint Legislative Body’s attention to the summary sheet, which included examples of the types of questions asked on the application. Mr. Leach asked for a definition of feasibility, as it was used in the question, “What is the feasibility of this project?” Mrs. Remmers explained that the question was aimed at determining whether the project was likely to be continued to completion. Mr. Beliveau asked if there were other grants outside of the study, and Mrs. Remmers replied that VTrans had restarted its bike and pedestrian program and that other grant funds would likely be available for different phases of the project. She added that one option for the project might be to put in very wide road shoulders if sidewalks were not feasible.

Mr. Paxman asked if the grant money was affected at all by the fact that the project was out 2 years or so. Mrs. Remmers answered that, if Swanton was successful in getting the grant, it would be far enough within the feasibility study to apply for the next round of funding. The purpose of the study would be to outline options and see what would make the most sense for the Swanton community.

Mr. Leach asked what Mrs. Remmers would need from Swanton to get the go-ahead and Mrs. Remmers answered that she envisioned a joint effort between the Town and the Village, whom she would help in writing the application, and that either Mr. Jescavage or Mr. Beliveau would sign and submit the application on behalf of all concerned. If Swanton was selected, VTrans would negotiate the grant with Swanton, which would commit to the match, and move forward. Mr. Garrett asked how much money was available and Mrs. Remmers replied that \$2 million in federal funds was available, which made the application process very competitive. All of the Joint

Legislative Body members expressed support for the project. Mr. Thompson made a motion, seconded by Mr. LaBombard, to authorize Mr. Jescavage and Mr. Beliveau to work with Mrs. Remmers to move forward with the Transportation Alternative Grant application. Motion carried. Mrs. Remmers noted that a public meeting was necessary prior to submission of the grant application, in order to give opportunity for public comment, so the item would be on the town agenda for the meeting of the following week as a formality.

- Discuss 2013 Fire Dept. Budget

Mr. King and Mr. Greeno came forward to discuss the Fire Department budget. Mr. Thompson asked the reason for the budget increase, which was originally estimated at \$5000 but later determined to be \$20,000. Mr. King explained that the increase was because of the payment on the new truck, since they were trying to keep the same 5-year payment schedule, so that once the truck was paid off, more money could be put into the capital replacement fund. Mr. Clark asked about the equipment replacement fund, and Mr. King explained that \$250,000 was still in the budget, but the capital replacement had not been paid yet, and a few invoices were still outstanding, so the department was basically at \$0 for 2012. The department usually waited until the end of the year to purchase new tools or equipment, but could not do that this year because it was over on maintenance. Hopefully, in 2013, the maintenance would be lower with the new truck, and new equipment could be purchased next year.

Mr. Clark noted that, between the administrative and general expenses, it looked like a \$12,000 budget increase, with the truck accounting for about \$10,000, and the overall line items adding up almost as much as the truck did. Mr. King stated that they were \$7000 “in the hole” this year on variance, so he had raised it up. Mr. Clark noted that the to-date budget was actually 93% of what was actually there. Mr. King noted that one of the newer trucks had cost the department a lot of money in gas and repairs in 2012. Mr. Clark asked if Mr. King felt that number would decrease, and Mr. King stated that he hoped the new truck would help to do so.

Mr. Thompson noted that town paid for 74% of the fire department’s budget, and asked if perhaps the formula should be reevaluated to include the equity collected by the department over time. Mr. Beliveau noted that some of the assets were received through donations or grants. Mr. Leach added that the costs to fight a fire in the town were greater than in the village because of various factors. Mr. Beliveau said that he believed that all residents, of either town or village, were paying 3 cents per \$100,000 of property value for fire protection. Mr. Clark agreed that his main concern was having a fair assessment for all taxpayers.

Mr. Beliveau noted that Mr. King had offered to report to the Selectboard once a month, but explained that some work circumstances made keeping that commitment very difficult at times. He wished to make the Town aware of those circumstances, while assuring them of the fire department’s commitment to the town. Mr. Clark said he felt it made sense to have Mr. King or a representative come only to Joint Legislative Body meetings, and Mr. Leach agreed, adding that if nothing of significance had happened recently, Mr. Beliveau might come on the fire department’s behalf. All members of the Joint Legislative Body agreed to request Mr. King to come only to Joint Legislative Body meetings, at which his presentation on behalf of the fire department would be a permanent agenda item.

Mr. Thompson thanked the Swanton fire department for their quality service. Mr. Beliveau noted that the fire department had a very high ISO rating. Mr. King explained that the ISO rating was 5 in the Village and 9 in the Town, which affected the homeowner’s fire insurance; a high ISO rating lowered the insurance. Mr. Beliveau added that 90% of the fire fighters were Firefighter Level 2, which also raised the ISO rating.

4. Law Enforcement

- Update on Road Weight Limit Ordinance

Chief Stell of the Swanton Village Police Department came forward. He explained that he and Mr. Garrett had not yet had enough time in their busy schedules to meet and discuss reasonable road weights for the ordinance. Mr. Beliveau asked if there were many violators and Mr. Stell replied that the log trucks and chip haulers were some of

the largest violators. Mr. Thompson asked if there would be separate ordinances for the Town and the Village, and Mr. Stell answered that they would be separate. Neither the Town nor the Village had weight ordinances, so they defaulted to the state limits. Mr. Paxman asked whether uncovered loads were included in the ordinance and Mr. Stell replied that they were not, but that there were state statutes regarding the securing of loads. If a load did not have to be covered, it had to be secured, and could not be blowing out of the truck.

Mr. Stell mentioned that the police department was doing something called the Citizen Police Academy, to begin at the end of February or the beginning of March and possibly to be held on Thursday nights. This “academy” would be open to members of the public and would include education on prescription drug abuse amongst elementary-age children, amongst other topics. At the end of the six-week course, the police department would do a barbecue with donations from Hannaford. Mr. Thompson asked how one would enroll in the course, and Mr. Stell replied that it was open enrollment and someone could just show up and participate, since it was not necessarily a “building-blocks course.”

Mr. Garrett said that he would write down his recommendations for each road in the town and would present the list to the Selectboard at the last meeting prior to submitting it to Mr. Stell. Mr. Stell added that he had to warn the ordinance and would bring forth a rough draft for editing.

5. Appointment

- Reappoint Planning Commissioner Ron Case

Mr. LaBombard made a motion, seconded by Mr. Clark, to approve the three-year reappointment of Ron Case to the Planning Commission. Discussion: Mr. Kilburn stated that he felt that Mr. Case was very dedicated. Mr. Clark noted that appointment term extended to June 2015, which was not a full three years from the date of approval and Mr. Jescavage that that was because Mr. Case’s reappointment was late. Discussion concluded. Motion carried. The Joint Legislative Body signed 4 copies of the reappointment.

6. Public Comments – None.

7. Any Other Necessary Business

- Discuss Dam Ownership

Mr. Paxman requested to discuss this in executive session under real estate.

Mr. Leach shared that the water plant project was complete and increased the capacity to have good water. It met all state expectations and was at budget for the project.

Mr. Leach noted that a fifth generator had been installed at the Highgate Dam in March 2012, which was making electricity for Swanton every day. Mr. Beliveau added that the generator was running at 100% capacity.

Mr. Leach informed those present that solar aerators had been installed to cut electricity usage down at the wastewater plant. Mr. Beliveau elaborated, stating that there were five solar aerators, the first of their kind in the state, and that he felt cautiously optimistic that it would meet expectations as far as electricity savings and a better situation for the ecological system of wastewater lagoons. Efficiency Vermont helped to pay for the project. The aerators saved about \$3200 a month, but when they were not running, the Village could draw from the funds from Efficiency Vermont to pay for the difference. There was a 5-year municipal lease.

Mr. Thompson stated that the new town garage was proceeding to go to vote on town meeting day and that Mr. Peter Cross, engineer for the garage, would hopefully be giving the Selectboard a projected cost at the next meeting. The project would involve a 20-year bond. The Town already had money to put toward it. Also, \$40,000 had been appropriated last year, so the Selectboard expected no tax increase except perhaps for the bond payment. He did not know yet if the Town could make principal-only payments for the bonds. Mr. Garrett explained that the money for the project included \$40,000 from last year, \$40,000 from this year, a surplus from the highway budget, and \$150,000 from the planned future sale of Robin Hood Drive. As a result, the Town had a total of \$793,000 together, which did not include the sale of the Fourth Street

property. Mr. Thompson said that he felt that property was definitely marketable, especially for housing.

Mr. Paxman asked to know the cost of the new garage and Mr. Garrett replied that Mr. Cross estimated that it would cost about \$840,000, which the Selectboard felt was a little high, especially since the highway crew had the capability to do some of the groundwork themselves. Mr. Beliveau asked about the exhaust system for the trucks and Mr. Garrett said that the specifications did not include downspouts to go over the exhausts on the trucks, although the board agreed that it should be included. Mr. Beliveau described a system by which a carbon dioxide detector would trigger a fan to pull the carbon dioxide out of the garage, although that resulted in a loss of heat.

Mr. Garrett informed the board that this might be his last Joint Legislative Body meeting and said that it had been a pleasure working with everyone and that he would remain active in the town. Mr. Leach thanked Mr. Garrett for being such an active and knowledgeable member of the board.

- Discuss 2013 JLB Meeting Schedule

Mr. Jescavage said that Mr. Billado had requested putting this on the agenda, since Mr. Billado would prefer quarterly Joint Legislative Body meetings, rather than 10 a year. Mr. Clark stated that he preferred every other month. Mr. Kilburn reminded that they needed a meeting in February to discuss the Planning Commission's request to modify the zoning bylaws. Mr. Leach was in favor of meeting 10 times a year, because face-to-face discussion was much more efficient and spoke more of the Town and Village's cooperation than other methods of communication. Mr. Paxman agreed, and noted that perhaps they could pick 3 months out of the year not to meet. Mr. LaBombard pointed out that there would be 8 to 10 meetings anyway because of the Planning Commission hearings. Mr. Clark proposed having a meeting every other month, and then scheduling at other times on an as-needed basis. Mr. Thompson stated that it should be a regular schedule, because relying on members to request a meeting was not a consistent method. Mr. Leach suggested scheduling the next meeting at the current one.

Mr. Kilburn suggested that, at Mr. Richard Cupperthwait's request, the Joint Legislative Body should regularly discuss the merits of a merger between the Town and the Village.

The Joint Legislative Body agreed to meet on February 20, 2013 at the Swanton Village Complex.

8. Executive Session

Mr. Paxman made a motion, seconded by Mr. Garrett, to go into executive session at 8:48 p.m. to discuss real estate. Motion carried.

Mr. Clark made a motion, seconded by Mr. Paxman, to come out of executive session at 9:27 p.m. Motion carried. No action.

9. Adjournment

Mr. Paxman made a motion, seconded by Mr. Thompson, to adjourn at 9:28 p.m. Motion carried.

Typed on January 11, 2013
Minutes by Yaasha Wheeler
Received and filed by:

Cathy Fournier, Swanton Town Clerk

Date

Dianne Day, Swanton Village Clerk

Date