

**TOWN OF SWANTON**  
**MINUTES**  
**SELECTBOARD MEETING**  
**Swanton Town Office Building**  
**1 Academy Street, Swanton, VT 05488**  
**Tuesday, April 16, 2013 @ 7:00 p.m.**

Present: John Laovie, Selectboard Chair; Dan Billado, Selectboard Vice Chair; Dick Thompson, Joel Clark, Kathy Lavoie (entered later), Selectmen; David Jescavage, Town Administrator; Cathy Fournier, Town Clerk; Yaasha Wheeler, secretary; Harold Garrett, Road Foreman; Alan Laroche, Animal Control Officer; Heath Buczkowski, Channel 16; Brian Monaghan, attorney; Adrian Hellman and Bernie Kennedy; Paulette Tatro and Kim Gates, TTRC; Luc Choquette; Brian Spears; Lisa Gorton; Steve L'Esperance; Paul Rocheleau; Danny L'Esperance; Betsy Fournier; Ian Zier; Laura Gilbert; Mandy Bouchard; Michele Bombardier; Tobias Maguire; Jeffrey Bean; Todd Conger.

A. Call to Order

Mr. Lavoie called the hearing to order at 7:03 p.m. Mr. Billado thanked all of those who had shown support of the Billado family; his son Dan had received a donated heart and was now recovering. Mr. Lavoie added that the Selectboard's hearts went out to those who had been affected by the Boston bombing.

B. Pledge of Allegiance

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

C. Meeting Topics:

1. Minutes

a) April 2, 2013 SLB Meeting

Mr. Thompson made a motion, seconded by Mr. Billado, to accept the 4/2/13 Selectboard minutes as printed. Motion carried.

2. Public Comments

No public comment.

3. Old Business

a) Discussion with TTRC re: Highgate Arena

Mr. Lavoie emphasized that this discussion was simply to answer some questions, but not to turn into an informational meeting. Kim Gates stated that she had taken the three-year history of the Missisquoi Amateur Hockey Association (MAHA) and used that financial information to make projections for the first year of operation after renovation. The first year included revenue from ice time (projected at \$172,000), with the hourly rate increased by \$10 an hour, and with extended morning hours for a portion of the season. They estimated \$6000 from turf time, \$26,500 from signs, donations, pro-shop rental, and the snackbar. The TTRC planned to expand recreational opportunities at the arena, including gym memberships, summer camps, new events like pickleball, and community room rentals. Expenses would total \$165,700, including expenses for utilities, insurance, repair, maintenance, wages, payroll, and other factors. This would leave a small surplus of \$6230 for the first year of production.

Mr. Clark asked for an estimation of how many people would buy memberships, and Ms. Gates estimated 50 people paying \$20 a month. Mr. Clark asked how they planned to buy gym equipment, and Ms. Gates replied that MAHA had a profit of \$40,000 that they had earmarked for capital contributions and had discussed using for that purpose. She added that the town of Highgate had a \$90,000 fund which the committee has discussed using as a fall-back for the arena, should unexpected expenses arise, or to help

build up capital campaigns.

Mr. Clark asked to know the total number of employees and Ms. Gates replied that they anticipated hiring one full-time manager at \$45,000 a year, and about four part-time workers. Mr. Thompson asked to know the age of the Zamboni, and Ms. Gates replied that it was 13 years old. It was noted that the Zamboni had another 5-10 years in it. Paulette Tatro added that corporate sponsors could help to fund a new Zamboni if it were needed in the future. Amy Bouchard, vice president of MAHA affirmed that the Zamboni was in good shape.

Mr. Clark clarified that the numbers presented now were not based on the feasibility study but, rather, on the TTRC's own estimates; Ms. Tatro agreed. Mr. Billado was concerned that \$225,000 in revenue was needed to break even, but MAHA's best year of revenue totaled \$185,000. Ms. Tatro replied that she felt that having a full-time employee would create a more profitable business than the largely volunteer work that had been relied on to date (and which was still much appreciated).

Ms. Bouchard asked if the public meeting on May 6<sup>th</sup> would include the Selectboard's alternative plan for arena project and Mr. Clark said that the Selectboard had not committed to any one plan, but was open to alternatives, such as the corporate sponsorship and other options. Mr. Lavoie added that the public meeting would be held at the Town Municipal Complex on May 6<sup>th</sup> and would include information and answers to citizen questions. He stated that the Selectboard had avoided taking a position before the vote because they did not want to influence the voters. Ms. Tatro responded that the Selectboards of Highgate and Franklin were clear in their support of the project prior to the vote, and that she believed the absence of favorable comments from the Swanton Selectboard sent a message of opposition to the project.

Mr. Lavoie reminded Swanton voters to come to the informational meeting on May 6<sup>th</sup>, at the Swanton Municipal Complex at 7 p.m.

4. Expenditures – This item was tabled until later in the agenda.
  - a) General Orders
  - b) Highway Orders
  - c) Payroll

5. Animal Control Officer
  - a) ACO Monthly Report

Attorney Brian Monaghan and Animal Control Officer Allan Laroche came forward. Mr. Laroche informed the board of a “dog pack” situation with two labs and three German Shepherds owned by two neighbors. The dogs were becoming a nuisance and safety hazard to the neighborhood residents, even nipping one woman. Mr. Thompson made a motion to authorize Mr. Jescavage to write a letter to the dog owners and to order them to keep the dogs on their property. If the Selectboard received a written complaint about the dogs, the animal control officer would impound the dogs and fine the owners. Mr. Clark seconded. Motion carried.

- b) Discuss Dog At Large Issue

Mr. Monaghan stated that the information he had to share was exempted from the public record statute and could therefore be discussed in executive session. Mr. Thompson made a motion, seconded by Mr. Billado, to go into executive session at 8:00 p.m. Motion carried.

Mr. Clark made a motion, seconded by Mr. Billado, to come out of deliberative session by 8:27 p.m. Motion carried.

Mr. Thompson made a motion, seconded by Mr. Clark, to direct the animal control officer (Mr. Laroche) to follow up the Zorn dog issue with an affidavit with color pictures, and impound the Zorn German Shepherd based on the documented evidence, with a \$150 fine, based on a second offense. Motion carried.

## 6. Community Development

### a) Discuss Lakewood Drive FRA RRX Project w/Adrian Hellman

Adrian Hellman and Bernie Kennedy came forward. Mr. Hellman explained that they planned to replace the railroad crossing signs already in existence with similar signs with flashing LED lights around the border. They would be battery and solar powered, and the FRA planned to collect information about whether people were braking sooner when they saw the new signs. Information would be recorded by a trailer device with a camera. He had contacted H.D. Campbell about the possibility of setting up the trailer on a portion of Mr. Campbell's land, but felt that Mr. Campbell was hesitant about the idea, since Mr. Campbell did not return his calls. The alternatives were not ideal, since the sides of Lakewood Drive dropped off steeply in some areas and since the trailer had to be within 300 feet of the crossing to record driver responses. He had also considered placing the trailer on Mark Pfenning's land, if agreeable to the owner. Mr. Billado felt that Mr. Campbell would be reasonable and suggested that the Selectboard discuss the matter further with Mr. Campbell.

### b) Discuss Aerial Photogrammetry Offer for Growth Center w/Jeff

Bean

Mr. Bean came forward and explained that he did low-level aerial photography. If Swanton wanted to be incorporated into the same flight as a Highgate developer, both parties could get lower rates (from \$3750 to \$3500). He explained that, although the Selectboard's current needs were being met by the Regional Planning Commission and by Vermont State orthophotography for the basis of the GIS, there were accuracy issues, which higher precision low-level aerial photography could mitigate. St. Albans was using data from past flights to go after grants and consider aspects of zoning. Mr. Lavoie said that nothing was in the budget for this item, but the idea could be considered in the fall. Mr. Bean said that he understood and was most interested in establishing a relationship with the town.

### c) Discuss Fence Request for Rec Trail

Kathy Lavoie arrived at 9:00 p.m.

Mr. Jescavage mentioned a Mr. Charlie Conti, who had complained that kids were walking across his land to and from the rail trail and wanted to know if the Town would extend the fence to discourage such activity. Mr. Lavoie asked Mr. Jescavage to meet Mr. Conti on site, to determine how many feet of fencing might be needed, how many people may be trespassing, and what evidence there was for the traffic. Mr. Thompson was of the opinion that, since the installation of the rail trail, the traffic had decreased.

### d) Stormwater Management Plan by Stone Environmental

Mr. Jescavage informed the board that the Joint Legislative Body meeting on the 22<sup>nd</sup> would include discussion on the stormwater report for the Town and Village.

## 7. Highway Department

### a) Sign Fonda Branch Lease Agreement

Tabled until later in the meeting.

### b) Discuss Transportation Alternates Grant Award

Tabled until later in the meeting.

### c) Discuss 4<sup>th</sup> Street Garage Property Deeds

Mr. L'Esperance, Steve L'Esperance, Lisa Gorton, and Paul Rocheleau were present to represent the L'Esperance parents. They explained that, although the Swanton Town Garage property on Fourth Street showed a pie-shaped lot, they and two other landowners actually owned the portions of the land from their properties to the rail trail. The Selectboard agreed that, up until now, they had no reason to doubt the deed of the property, but that the land could not be sold until the situation had been resolved and

any cloud was removed from the title. They agreed to wait until Mr. L'Esperance had responded back about the results of the survey to be done by Mr. Michael Gervais.

a) Sign Fonda Branch Lease Agreement

The agreement included \$1 yearly for the lease and a one-time cost of \$300 for document preparation. Mr. Thompson explained that this was the first formal lease, and that the rail company had agreed to lease the land on which the Town would build a road, under the condition that if the land was ever reactivated for rail use, the Town would remove the road. Mr. Jescavage explained that the lease was renewable in 5-year terms, for up to 30 years. Mr. Thompson made a motion, seconded by Mr. Billado, to accept the lease agreement. Discussion: It was noted that the lease agreement would only be terminated if the railway was reactivated, not for just any reason. All agreed that such an event was highly unlikely. Discussion concluded. Motion carried. Mr. Lavoie signed the lease agreement.

b) Discuss Transportation Alternates Grant Award

Mr. Jescavage explained that the grant involved a joint application for the Town and Village, and the state had changed the rules at the last minute, required a 50% match instead of a 10% match. This would require the Town to pay \$14,000 for the sidewalk feasibility study. This would be further discussed at the Joint Legislative Body meeting.

d) Sheldon Update

Mr. Thompson stated that he met with two of the Sheldon Selectboard members and both were agreeable to sharing the Woodshill project. Mr. Garrett explained the projected costs to Sheldon (\$6500 to \$8000 maximum) and Swanton's offer to help Sheldon change out culverts while the road was closed for work.

e) Updates

Mr. Garrett stated that he had marked 8 trees on John Lavoie's property, since they obstructed drainage and mowing along the side of the road. Mr. Garrett and Mr. Billado stressed that it was a maintenance and health issue in the Town right-of-way, not a personal favor to Mr. Lavoie. Mr. Lavoie would be notified by letter, as per the town tree-cutting policy.

Mr. Garrett mentioned that the stumps near the Janes Road had been marked for removal.

Mr. Garrett presented pictures of the degrading culvert headwall and added that a structures grant would cover the cost of repair, if the Selectboard was willing to pay \$300 to do the grant work. Mr. Jescavage said that Mr. Jim Cota had predicted that the town would not be given a grant, because Swanton already had six times more than other towns in the area. The Selectboard said that that claim should be looked into, because they felt it was inaccurate. They agreed that applying for the grant was worthwhile, because an applicant might back out and leave the funds available for Swanton. Mr. Jescavage reminded that the town highway plan would have to be done prior to the application. Mrs. Kathy Lavoie made a motion, seconded by Mr. Thompson, for Mr. Jescavage to verify if the grant was still open and, if there was enough time, to spend the \$300 to have Mr. Tim Smith help with the application for a structure grant. Motion carried. The Selectboard agreed to take the \$300 out of the miscellaneous line item.

Mr. Garrett said that everything was ready at the garage, with stumps removed and an excavator on site.

Mr. Garrett stated that Frontage Road had been ditched and the shoulders had been cut. Park D was clean, with debris moved off site. He asked if he could purchase from the town some old, rusted metal culverts which were no longer of any use to the town, but which would suit his purposes. Mr. Clark pointed out that the town would spend more

money trying to move the culverts than they could make by selling them.. Mr. Thompson made a motion to surplus them at no cost to Mr. Garrett. Mr. Clark seconded. Motion carried.

Mr. Garrett stated that an employee was offering \$300 for the air compressor that the town planned to sell at Fournier's auction. Mr. Clark estimated that the compressor could pull in \$500. Mr. Thompson made a motion to take the air compressor to the auction with a \$500 reserve and, if it did not sell, to revisit the discussion with the employee. Mrs. Lavoie seconded. Motion carried.

Mr. Garrett noted that he was selling the forklift and two jacks at the auction. The proceeds would go into the miscellaneous fund.

Mr. Garrett stated that Mr. Kevin LaPan had spoken with a dealer who had said he would sell a compactor for \$5900 used or \$7100 brand new. The compactor would be bought with money from the gas tax return.

Mr. Billado said that the front tires on the backhoe needed to be replaced. Mr. Lavoie asked Mrs. Fournier to check the budget so that Mr. Garrett could replace those tires.

Mr. Garrett said that he needed a legal document to go onto private property to clean a ditch to allow for drainage along Hog Island Road. Mr. Thompson suggested getting a construction/maintenance easement for the project and Mr. Lavoie said he felt that they needed more information about the exact location and the nature of work.

Mr. Lavoie said that Mr. Garrett and Mr. Clark had agreed to shoot grades on Janes Road to resolve the water issue in the ditch. If they ditched east, it would involve cutting across a neighbor's land. If they went west, they would have to drop the culvert, but the water would probably pool on the other side of the road. They could also fill the ditch to the level of what was originally taken out. Mr. Clark said he did not feel that the ditch problem had created the basement issue, since the soil seemed to be heavy clay. Mr. Lavoie said that Mr. Jescavage should ask the Janes Road residents (Jeremiah and Katie Richard, also Mark LaFlam) to come to the next meeting.

#### 4. Expenditures – From earlier in the meeting.

##### a) General Orders (3/20/13 – 4/16/13)

Mr. Thompson made a motion, seconded by Mr. Clark, to accept the general orders as printed. Discussion: There was discussion about having the orders printed in advance for review before the meeting and Mrs. Fournier explained that the advanced printing might differ from the meeting printing, since bills might have arrived in the meantime. The day of the meeting was the cutoff date for bills, since that was when the Selectboard signed the orders. Discussion concluded. Motion carried.

##### b) Highway Orders (3/20/13 – 4/16/13)

Mr. Garrett mentioned specific supplies which he had been able to get more inexpensively than in the past, resulting in savings for the highway budget. He added that he had had to buy some tires and some stone for Hazard Road. He had also used \$878 to prepare Sweet Hollow Road. He had gotten a blade for the excavator and some ball joints. Mr. Clark made a motion to approve the Highway Orders as printed. Mr. Billado seconded. Motion carried.

##### c) Payroll (3/20/13 – 4/16/13)

Mr. Thompson made a motion, seconded by Mr. Clark, to approve the payroll as printed. Motion carried.

Mrs. Fournier asked the Selectboard to sign the notices for the dogs that had not yet been licensed.

## 8. Public Comments (reprise) – None.

## 9. Correspondence

Mr. Jescavage stated that he had received the building permit and the state electrical permit for the new garage. He had also received a packet of information from the village, which was applying for an exemption from licensing requirements for a hydro-facility on the Village dam on Route 78. The complete application was available upon request.

## 10. Any Other Necessary Business

At Mrs. Fournier's request, Mr. Thompson made a motion, seconded by Mr. Billado, to establish a line of credit for \$500,000 for operating money, in anticipation of taxes. Motion carried.

Mrs. Fournier stated that the state had lost the 2012 request for the return of excise tax, but, once all 3 years had been received, the total amount would be \$5004.90, which would be placed in the contingency fund until used to buy a new compactor.

Mr. Billado asked if there was any information about the needed impact wrench and one-ton truck. Mr. Garrett stated that he would not be able to get price information for the one-ton until the end of May, when the 2014 model would be made. He added that he was having difficulty pinning down information about cut-off saws and impact wrenches because of communication issues; Mr. Lavoie said he would look into the matter.

Mr. Garrett stated that he had received his computer and created a spreadsheet for each road, with information about hours, equipment, money, material, and all other relevant factors. Mrs. Fournier, at Mrs. Lavoie's request, said that she could have a sample of a financial document to follow the Town garage project.

Mr. Garrett said asked for an extension on the personnel policy that required him to use his comp time by May first, since he had 72 hours and had no time to use it all. Mr. Clark made a motion to extend the comp time deadline to September first. Mrs. Lavoie seconded. Discussion: Mr. Billado was not in favor of bending the rules, because of the precedence. Mr. Lavoie said that he was willing to make an exception for Mr. Garrett's first year as road foreman, but expected consistency in the future. Mr. Garrett assured the board that he would use the time in May and June, because of upcoming events. He added that he got most of his overtime from January to April, which left him only 30 days to use up that time. Mr. Thompson suggested that the personnel policy should be reviewed. Discussion concluded. Mr. Billado was opposed. Motion carried.

Mr. Jescavage stated that Mr. Peter Cross had checked with the power company, which had informed him that they had put in 3-phase power in anticipation that the town might use it someday. Mr. Lavoie added that, if the town opted out of the 3-phase power, a credit would come back to the town. Mr. Billado made a motion, seconded by Mr. Clark, not to have 3-phase power. Motion carried.

## 11. Upcoming Events

- a) Planning Commission @ 7PM on Wednesday, April 17, 2013
- b) Joint Legislative Body @ 6:30PM on Monday, April 22, 2013
- c) Swanton Village Trustees @ 7PM on Monday, April 22, 2013
- d) Earth Day on Monday, April 22, 2013
- e) 250<sup>th</sup> Committee @ 4PM on Wednesday, April 24, 2013
- f) Arbor Day on Friday, April 26, 2013
- g) 250<sup>th</sup> Anniversary Events on Sunday, April 28, 2013

Mr. Jescavage added that the 250<sup>th</sup> website would give the details of the anniversary events. Mr. Lavoie asked Mr. Jescavage to send the Selectboard the discussion agenda for the Joint Legislative Body meeting. Mr. Jescavage stated that they would vote on the bylaw amendments, as well as a few other things that had come up recently.

12. Executive Session – None.

13. Adjournment

Mr. Billado made a motion, seconded by Mr. Clark, to adjourn at 11:00 p.m.

Typed on April 17, 2013  
Minutes by Yaasha Wheeler  
Received and filed by:

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Cathy Fournier, Swanton Town Clerk

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Date