

**TOWN OF SWANTON
MINUTES
SELECTBOARD MEETING
Swanton Town Office Building
1 Academy Street, Swanton, VT 05488
Tuesday, May 21, 2013 @ 7:00 p.m.**

Present: John Lavoie, Selectboard Chair; Dan Billado, Selectboard Vice Chair; Dick Thompson, Kathy Lavoie, and Joel Clark, Selectmen; Harold Garrett, Road Foreman; Yaasha Wheeler, Secretary; David Jescavage, Town Administrator; Cathy Fournier, Town Clerk; Allan Laroche, Animal Control Officer; Heather Buczkowski, Channel 15; Jack Milne, Pike Industries, Inc.; Tim Vachereau, Vermont Gas; Paula Mayo; Mary Wright; Bud Hemond.

A. Call to Order

John Lavoie called the hearing to order at 7:00 p.m.

B. Pledge of Allegiance

John Lavoie led those present in the pledge of allegiance.

C. Meeting Topics:

1. Minutes

a) May 6, 2013 Revote Informational Meeting

b) May 7, 2013 SLB Meeting

John Lavoie thanked the voters of Swanton for the great turn-out for the arena revote.

Mr. Clark made a motion, seconded by Mr. Thompson, to approve the minutes of 05/06/13. Motion carried.

Mr. Billado made a motion, seconded by Mr. Clark, to approve the minutes of 05/07/13. Discussion: Mr. Billado stated that the minutes were approved with the understanding that Miss Wheeler would add some recommended verbiage. Motion carried.

2. Public Comments – None.

3. Old Business

a) Arena Revote Follow-up

Mr. Billado made a motion to table this item for a few more meetings, since he felt that the voters had spoken and that the ball was now in Franklin and Highgate's court. Swanton had already made several suggestions and it was time to hear the thoughts from the other towns. Since there was no second to the motion, Mr. Lavoie followed up with some brief discussion on the matter.

Mr. Lavoie explained that over a thousand voters had turned out for the revote on May 14th and the voters had voted "no" to the arena article. Franklin had offered to hold a tri-town meeting to determine the next step. Mr. Clark stated that the voters had spoken 2 to 1 against the arena project as proposed and suggested that the Selectboard might hold a public meeting to gain input from the voters. He added that he felt it would be more productive to choose a representative for each Selectboard, rather than having 15 Selectmen try to discuss the issue. Mr. Thompson felt that, since the Selectmen had publicly declared that they were not against the arena and would work toward a solution, they had an obligation to continue follow-up and take a "leadership role." Personally, he was not interested in owning something located in another town and preferred simply paying an annual sum toward Swanton's usage of the facility. Kathy Lavoie felt that Highgate and Franklin should have time to develop "chapter 2" and approach Swanton. She added that it would be helpful to know exactly what the voters'

“no” meant, although a survey had limitations. Mr. Billado felt that Swanton should not take the lead in the follow-up, since this was a matter involving a facility owned by someone else. The owners should develop ideas and bring those ideas to the Selectboard, who would in turn present it to the citizens. Kathy Lavoie responded that there was a difference between being a leader and taking the lead, and the Selectboard should be prepared for when Highgate comes forward with an idea. Mr. Billado said that he felt Swanton was already prepared.

Mr. Lavoie advocated for continued discussion on the topic and suggested gathering information from the TTRC and the other two selectboards to generate conversation at the next meeting. Mr. Thompson was in favor of having a single liaison to collect the information; Mr. Clark volunteered to be that liaison. Mr. Thompson made a motion, seconded by Mr. Billado, to appoint Mr. Clark as the Swanton Selectboard contact person for the arena project. Motion carried.

Noting some members of the public who were present, Mr. Lavoie asked to return to Item #2, Public Comment.

2. Public Comment

Ms. Paula Mayo from Bachand Road brought forth her complaint about the tandem truck traffic going up and down Bachand Road to Bud Hemond’s property. The trucks were overweight (the road was weighed for 24,000 lbs, but these trucks were much heavier) and they were damaging the road, including a culvert which was cracking. She was concerned about the safety of pedestrians and children in the area, as well as the harming of public roads. The process had been going on for 3 weeks. Mary Wright, another Bachand Road resident, added that the traffic had two other routes available to it. Mr. Garrett responded that he was aware of the traffic, that the highway crew had swept the road last week, and that the culvert in question belonged to the state. In his opinion, the road was holding up well.

Mr. Jescavage stated that S.D. Ireland had obtained a permit to have overweight trucks on that road. Ms. Mayo questioned the fact that she had no received prior notification of the project.

Mr. Hemond stated that the project involved a quarry area, with a 5-acre piece that had never been reclaimed. He had contracted with SD Ireland (who was doing the construction for Walmart) and they had received permission with both the state and with Mr. Garrett to do this job. He had found out only the night before that the neighbors had concerns and complaints, and he hoped to speak with SD Ireland to consider possible resolutions.

The Selectboard noted that SD Ireland did, indeed, have a permit with Swanton from 03/31/13 to 03/31/14. There was discussion about diverting the traffic to other roads, such as Gauthier Drive and Sugar Maple Drive. Mr. Garrett was in favor of having the trucks drive up Bachand Road when fully loaded, and descend by the other roads, but was very concerned that fully-loaded trucks should not attempt to go up the other roads.

Ms. Mayo added that the traffic was exceeding the speed limit, especially when going down hill, and Mr. Hemond replied that he intended to address that issue as well.

Mr. Lavoie stated that all the proper permits were in place. Mr. Billado mentioned that if the road was being torn up, the ones doing the damage should fix it. Mr. Lavoie said that the road concerns would be reviewed, and recommended that the neighbors and Mr. Hemond work together to reach an agreeable solution. He asked Mr. Hemond to make SD Ireland aware of the traffic and speed issues, and to consider alternate routes. Mr. Hemond reiterated that he wished to satisfy the neighbors as he reclaimed the parcel.

The Selectboard moved to Item #5, Animal Control.

5. Animal Control

a) ACO Monthly Report

Mr. Laroche said that they were ahead of the dog licensing from last year, at about 600 dogs. Over 100 warnings had been sent out regarding dog licenses. There had been another dog bite, and the dog was coming out of quarantine tomorrow. The young man who had been bitten had been started on shots. Mr. Billado added that he had received a call from Mr. Thompson that the Franklin County Humane Society had instructed Swanton to put down the dog and send it for rabies testing. Mr. Laroche, Mr. Billado, and Mr. Thompson had disagreed with that course

of action. Mr. Billado reminded Mr. Laroche that he should receive direction only from the Selectboard.

Mr. Laroche added that, even though cats were not something he dealt with, he had helped a kitten with a broken leg and taken care of a cat that had been hit. Mr. Billado said that he had done the right thing in making exceptions for those cases. Mr. Laroche added that he had had 21 dog calls in as many days. The Selectboard thanked Mr. Laroche for his work on behalf of the town.

b) Dog Warrant & Documents

Mr. Jescavage stated that he had updated documents for the board to sign, and one to be notarized. The other document is a return of service for Mr. Laroche, to be used as needed.

Mr. Billado noted that there had been a confirmed case of rabies (raccoon) in the town of Swanton at 39 Country Club Estates. Mr. Jescavage stated that he would send a letter to all the people in the development, as well as to the fire department, the police department, and the rescue squad. The Selectboard stressed the importance of vaccinating all pets.

6. Health Insurance

Mr. Jescavage stated that he and Mrs. Fournier had attended a health insurance meeting and more information would be forthcoming.

7. Highway Department

a) Open Paving Bids

Mr. Clark opened the bids, which were as follows:

Frank W. Whitcomb Construction Corporation:

Estimated tonnage: 5924

Unit price per ton: \$64.94

Total estimated price: \$384,704.56

Included: Traffic control, signs, and flaggers; sweep road prior to paving; RS-1 or RS-1H emulsion applied prior to paving; pave and compact hotmix on the roads specified; butt joints using a trimmer if needed.

Pike Industries, Inc.

Estimated tonnage: 4517

Unit price per ton: \$68.76

Total estimated price: \$310,588.92

Included: traffic control, sweeping roads, RS-1 applied, and butt joints

Mr. Garrett said that he had ridden the roads with both representatives and had specified that Sweet Hollow Road was to be a base, while the other roads were to be shimmed. He wanted a minimum of one inch thick in the middle. Jack Milne from Pike Industries was present to give details of the figures used in the bid; he understood that the board wanted a 22-foot road, not a 24-foot road, on Maquam Shore and Sweet Hollow. Mr. Thompson asked if the price was firm and would not be exceeded. Mr. Milne replied that it could be exceeded. Mr. Garrett noted that, in previous years, when the money ran out, the project would end.

Mr. Billado made a motion, seconded by Kathy Lavoie, to go into executive session for contracts at 7:57 p.m. Motion carried.

Mr. Thompson made a motion, seconded by Mr. Clark, to exit executive session at 8:08 p.m. Motion carried.

Mr. Billado made a motion, seconded by Mr. Clark, to approve the bid of Pike Industries, Inc., at \$68.76 per ton, with the total project cost not to exceed \$300,000. Motion carried.

Mr. Garrett asked about the timeline and the board and Mr. Milne agreed to have it all done by

the first of July. Mr. Clark listed the roads in this order of importance: Maquam Shore Road, Sweet Hollow Road, Viens Road, and Bushey Road. Mr. Clark and Mr. Garrett would continue discussion with Mr. Milne, and all details would be included in the contract.

Mr. Lavoie informed Mr. Milne that next year's bid would be more clear, with strict instructions, based only on tonnage.

b) Review New Garage Double Sink Change Order

Mr. Jescavage stated that the sink would be \$720 for materials and labor, overhead and profit would be \$108, and the bond would be \$20.70, for a total cost of \$848.70. Mr. Thompson made a motion, seconded by Kathy Lavoie, to approve the double sink purchase and installation change order. Motion carried.

c) VT Gas Request for ROW Work in Several Town Roads

Mr. Jescavage explained that Vermont Gas was requesting to do the following work:

- 170' of 6" PE gas main installation on Bushey Street.
- 10' of 6" PE installation on Beebe Road at Route 7.
- 100' of 6" PE gas installation at Woodshill Intersection of Route 7.
- Two gas service installations at 11 1/2 Bushey Road and at 137 St. Albans Road.

Tim Vachereau from Vermont Gas explained that the work was proposed for June or July 2013, and is a 13,000-ft. job, coming from the St. Albans side and heading toward Swanton. He added that some of the facilities at the bottom of Woodshill would be retired. Mr. Lavoie recommended that some time be taken for the road commissioner and road foreman to thoroughly review the plans. Mr. Clark asked for information regarding all potential 2013 projects, so that they could all be reviewed at the same time. Mr. Vachereau pointed out that some things could change; for example, citizens might request that the gas line be run further than originally intended. Kathy Lavoie noted that some of the installation would involve an entire development and Mr. Vachereau added that, while this was true, some of the roads had houses that were "a country mile" apart.

The Selectboard asked Mr. Vachereau to continue working with the Selectboard through Mr. Jescavage. Mr. Vachereau agreed to update the cover sheet. Mr. Billado thanked Vermont Gas for always being a good neighbor and for offering natural gas to the area.

d) Lakewood Drive RRX Project Update

Mr. Jescavage stated that he had spoken with Mr. Frank Frey and Mr. Adrian Hellman about the Town not wanting to be involved in any more work with this project and about the Town's request for reimbursement for the hours already put in. Mr. Hellman had responded with a letter stating that the trailer would be located on Mr. Mark Pfenning's property, where the land outside of the right-of-way was flat enough for the trailer. The letter also asked the Selectboard to state the understanding that there is no federal contract with the town. Mr. Billado felt that the people running the project should send such a letter to the town.

Mr. Lavoie asked Mr. Jescavage to send an e-mail stating that there was no contract, the town did not need to do anything, and therefore the town's involvement was null and void. Mr. Jescavage asked about the Town's request to grant ownership of the lighted crossbucks at the end of the experiment and the Selectboard agreed that if Mr. Hellman was willing to leave them, that would be fine. Kathy Lavoie felt that Mr. Jescavage should still put in a number regarding the reimbursement for the hours, or at least to make a reference about the amount of time and energy already spent by the town. Mr. Lavoie doubted that the town would receive any reimbursement, but felt it was worth letting the federal government know what the town had done to try to assist the project.

e) Review Janes Road Memorandum of Understanding

Mr. Jescavage explained that he had put together memoranda for the Selectboard to approve, one for the Richards and one for Terry O'Brien. The memorandum to the Richards was as follows:

The Town agrees to:

- 1. Reset the existing culvert (if in good condition) to improve the drainage of the recently maintained ditch.*
- 2. Backfill and return the driveway to original condition including replacing the asphalt.*
- 3. Schedule the work a minimum of one week in advance.*
- 4. Warranty the work for one year from date of completion.*

Owner agrees to:

- 1. Pay for a new culvert if one is needed (determination to be made by Road Foreman or Road Commissioner).*
- 2. Make the driveway available for two days – one for culvert work and one for paving.*

The memorandum to Mr. O'Brien was as follows:

The Town agrees to:

- 1. Reset the existing culvert (if in good condition) to improve the drainage of the recently maintained ditch.*
- 2. Backfill and return the driveway to original condition.*
- 3. Schedule the work a minimum of one week in advance.*
- 4. Warranty the work for one year from date of completion.*

Owner agrees to:

- 1. Pay for a new culvert if one is needed (determination to be made by Road Foreman or Road Commissioner).*
- 2. Make the driveway available for one day to allow for repairs.*

Mr. Garrett was concerned about setting the bells, since they were heavy and could break while being swung into place. He preferred to buy a culvert at \$215 to \$220. Mr. Billado did not want to set a precedent by buying someone's culvert. Kathy Lavoie asked how typical such bells were and Mr. Garrett replied that that was the only location in which he had found them. Kathy Lavoie felt that, because of the rarity of these structures, there would not be much of a precedence.

Mr. Billado asked if the ditch could be filled in and the culverts left alone, and Mr. Clark said that they had agreed to fix the problem based on digging the ditch, and culverts had also been discussed. He asked Mr. Jescavage to contact the Richards to see if they would split the cost of a culvert with the town, since he felt they would get a better deal with polyethalane and save some time. Mr. Lavoie noted that, for the future, the town should be more careful about ditch work.

f) Discuss Sholan Road Letter

Mr. Jescavage stated that he had sent letters out to the Sholan Road abutters to inform them that the road was still a public road. Mr. Thompson said that a map had not been sent out with the letter, and added that the road had been plowed and sown with corn. He recommended highlighting the state highway map and sending that to the abutters, and to inform Mr. St. Pierre more specifically. The road might also need to be resurveyed and checked for a potentially plugged culvert.

g) Updates

Mr. Garrett stated that he was still getting calls about Hog Island Road water issues. Mr. Thompson agreed that a construction maintenance easement was needed to build a swale across private land to drain the water to the lake. Mr. Garrett explained that a portion of the road had been lost due to the water issues and that he would need to dig across 2 driveways to correct the problem. The Selectboard agreed to conduct a site visit on June 4th at 6 p.m. at Hog Island Road, prior to the June 4th regular Selectboard meeting.

Mr. Garrett stated that a man had cemented steel pipes to the edge of the blacktop, within the town road right-of-way, on Upper Ferris Street. The pipes had been installed to preserve the lawn from the plow. Mr. Garrett was concerned about the safety hazard that the pipes posed to pedestrians, bicyclists, and motorists, and also noted that the man was in violation to work within the road right-of-way without a permit. Mr. Clark asked Mr. Jescavage to call the man

and tell him to remove the pipes immediately and to caution him to be aware of possible gas lines in the area.

Mr. Garrett stated that he had had numerous complaints about the water issue on Missisquoi Street, which had been an ongoing problem for 12 to 15 years. There was no place for the water to go, since it was all swamp, but residents were concerned about the discoloration of the water. Mr. Thompson added that the situation had been improved when the trees were removed. Mr. Billado explained that it would take extensive ditching and rerouting of the water to remove it, and Mr. Thompson pointed out that there was not enough of a grade to properly drain the water. Mr. Garrett added that the project would involve crossing a state right-of-way anyway. He explained that the road crew was doing everything possible to address it and to keep the grass mowed.

Mr. Garrett stated that last Wednesday, he had gone to a state show at which there were two different sign companies. He had been introduced to a sign which had a Velcro option, so that the road work warning could be changed according to the situation. He explained that the town's current signs were almost unreadable, with no reflectivity. He wanted to buy 2 of the new signs, at about \$110 per sign, and \$10 per extra word for the Velcro piece. The total upgrade would cost about \$350. It was highly recommended that, when the town was recertified for flagging, a minimum amount of money should be put into signage. Mr. Lavoie suggested also looking into Sign-O-Rama, which he had used in the past with good results. He agreed that Mr. Garrett should have the ability to buy the new signs.

Mr. Clark asked about the handicap signs on Maquam Shore Road and Mr. Garrett said that he had not yet put them up. He asked Mr. Jescavage to get him the address for the sign locations.

Mr. Billado expressed concern about the tractor being driven on the pavement, adding that he preferred the tractor to be trailered for transportation. The Selectboard discussed being able to drive the tractor across the bridge, but were concerned about the time and effort involved in moving the signs to do so.

Kathy Lavoie mentioned that some culverts were sticking up on Beebe Road and Mr. Garrett said that he would send the loader to push them down.

The Selectboard returned to Item #4, Expenditures.

4. Expenditures

a) General Orders (4/17/13 – 5/21/13)

Kathy Lavoie made a motion, seconded by Mr. Thompson, to accept the general orders as printed. Discussion: Mr. Garrett noted that the tractor was \$14,000, and Mr. Billado explained that the tractor had been budgeted at \$12,000. Mrs. Fournier stated that the extra \$2650 was coming out of the contingency fund. Discussion concluded. Motion carried.

b) Highway Orders (4/17/13 – 5/21/13)

Mr. Thompson made a motion, seconded by Kathy Lavoie, to accept the highway orders as printed. Discussion: Mrs. Fournier clarified that that the money from the sale of the auction items would go toward the purchase of a compactor. Discussion concluded. Motion carried.

c) Payroll (4/17/13 – 5/21/13)

Kathy Lavoie asked where the taxes showed up and Mrs. Fournier replied that they were in the general fund under the heading "Merchant's Bank." Mr. Billado made a motion, seconded by Mr. Clark, to accept the payroll as printed. Motion carried.

The Selectboard thanked Mrs. Fournier for creating a spreadsheet to show garage expenditures to date. The board agreed that the total costs should remain within \$800,000. Mr. Lavoie reminded of the need for all change orders, credits, and other updates to be sent to Mrs. Fournier to be tracked. Mr. Billado felt that Mr. Cross, as the overseer of the project, should keep Mrs. Fournier updated. Mr. Lavoie asked Mr. Jescavage to contact Mr. Cross and ask for all updates to be directed to Mr. Jescavage and Mrs. Fournier. Mrs. Fournier explained that, previously to establishing the line of credit for the garage construction, she had used money

from the annual appropriation account to pay for design and other costs. After discussion about which account should supply the money for garage construction, Mr. Thompson made a motion, seconded by Kathy Lavoie, to transfer the sum of \$32,718.13 from the line of credit to the annual appropriation account. Motion carried.

8. Community Development

a) Continue Growth Center Discussion

Kathy Lavoie explained that since her request to put this item in the agenda, the Selectboard had received a letter that clarified the situation. Mr. Billado summed up that the Selectboard had thought they were “dead in the water,” but discovered that they still had options.

b) Continue Village Dam Property Discussion

Mr. John Lavoie asked Mr. Jescavage to formally send Mr. Beliveau a letter (to be forwarded to the trustees) with the Town’s findings that they would quit deed the land to the Village, with the return that the Town would not pay for any future or existing street lights for which the Town was usually billed each month, in perpetuity.

9. Public Comments (reprise) – None.

10. Correspondence

Mr. Jescavage stated that he had contacted Amy at APT Environmental about removal of asbestos from the old garage. A representative of the company would visit the site on 5/23/13 between 10:00 a.m. and 10:30 p.m. The company had offered to either (1) train the highway crew to do it themselves or (2) give a price for removal. The crew could dispose of the blue bags themselves for an extra cost savings. The Selectboard agreed that they wanted a price on the asbestos removal.

Mr. Jescavage said that he had called Mr. Danny L’Esperance regarding the survey, and Mr. L’Esperance expected to have the work done within a week and a half.

The sign intersecting Church Road and Route 78 had been fixed.

Mr. Jescavage informed the board of a grant available for the VTrans bicycle/pedestrian program, which included improvements for lanes, shoulders, sidewalks, crossing, signals, lighting, and other things. The deadline was 7/26/13. The Selectboard was not interested

11. Any Other Necessary Business

Mr. Clark stated that Mr. Beliveau had pointed out that the Roy’s Mobile Home Park, now being purchased by Housing Foundation, Inc., was mostly in the Village. The Selectboard agreed that the Village should be apprised of the situation more thoroughly and asked Mr. Jescavage to discuss the issue with Mr. Beliveau.

Kathy Lavoie asked about the trail signs, and Mr. Garrett replied that he and his crew were still in the process of designing a vandalism-proof frame.

Kathy Lavoie asked if Mr. Jescavage was still planning to write a standard for all projects that would go across a town road. He replied that he would have it ready by the end of the month.

Mr. Thompson asked if name plates had been ordered for Kathy Lavoie and Mr. Garrett and Mr. Jescavage replied that he had done so.

Mr. Lavoie stated that he had asked Mr. Thompson to attend a 5/18/13 presentation by Brian Savage to the Town of Swanton of a concurrent house resolution HCR.122, for commemoration of Swanton’s 250th anniversary. Mr. Billado recommended framing the resolution. Mr. Lavoie thanked Mr. Thompson for attending the meeting on behalf of the Town.

12. Upcoming Events

a) Planning Commission @ 7PM on Wednesday, May 22, 2013

b) 250th Committee @ 4PM on Wednesday, May 22, 2013 –
Due to scheduling conflicts, Mr. Ron Kilburn had changed the meeting to 4 p.m. on Tuesday, May 21, 2013.

c) Contractor's Meeting @ 8AM on Thursday, May 23, 2013 @ Site
Mr. Clark asked the public to report any after-hour activities near the garage to the police.

d) Memorial Day on Monday, May 27, 2013 (Town Office Closed)

Kathy Lavoie stated that Northwest Access Television was looking for official approval to put a village camera on the intersection by the library. After discussion about whether the project was best handled by the Village or the Town (depending on where the camera would be set up), Kathy Lavoie agreed to contact Reginald Beliveau, Village Manager.

13. Executive Session (if needed)

Mr. Clark made a motion, seconded by Mr. Thompson, to go into executive session for personnel and legal at 9:47 p.m. Motion carried.

Mr. Billado made a motion, seconded by Mr. Thompson, to exit executive session at 10:51 p.m. Motion carried. No action taken.

14. Adjournment

Mr. Clark made a motion, seconded by Mr. Thompson, to adjourn at 10:52 p.m. Motion carried.

Typed on May 22, 2013
Minutes by Yaasha Wheeler
Received and filed by:

Cathy Fournier, Swanton Town Clerk

Date