

**SWANTON TOWN BOARD OF SELECTMEN
REGULAR MEETING
SWANTON TOWN CLERK'S OFFICE
1 ACADEMY STREET, SWANTON, VT 05488**

***** DRAFT MINUTES NOT YET APPROVED ***
BY THE SELECTBOARD**

**MINUTES
REGULAR TOWN SELECTBOARD MEETING
TUESDAY, JUNE 4, 2013
7:00 P.M.**

PRESENT: John Lavoie, Chairman and Selectman; Dan Billado, Selectman; Joel Clark, Selectman; Richard Thompson, Selectman; Kathy Lavoie, Selectman; David Jescavage, Town Administrator; Cathy Fournier, Town Clerk; Harold Garrett, Highway Foreman; Dianne Day, Village Clerk; Leonard Stell, Chief of Police; Andrew LaRocque, Ashley LaRocque, Peter Cross, Jeremiah Richard, Katie Richard, Roland and Carolyn Church, Lori Choiniere, Frankie Maskell and Channel 16.

Unless otherwise noted, all motions carried unanimously.

A. Call to Order & Roll Call:

John Lavoie, Chairman, welcomed all to the Regular Town Selectmen meeting and called the meeting to order at 7:00 p.m. Named all present.

B. Pledge of Allegiance

John Lavoie led those present in the Pledge of Allegiance.

C. Meeting Topics:

1. Approve Minutes of May 21, 2013 SLB Regular Meeting:

Joel Clark made the motion to accept and approve the Minutes from May 21, 2013 as presented. Dan Billado seconded. Discussion: None. Motion carried.

2. Public Comments:

None.

3. Old Business:

a) Discuss Garage 2nd Requisition with Cross Engineering

Peter Cross, Cross Consulting Engineers, was present for this request. He stated that requisition #2 is for \$236,908.62. He stated he has reviewed and approved this and stated they are at 47% completion of the project. He stated Millbrook is doing a good job, very cooperative and he is pleased with their work.

Mr. Thompson made the motion to approve Garage Requisition #2 for \$236,908.62. Mr. Clark seconded. Discussion: Mr. Clark asked if the roofing was on site, Mr. Cross stated it was and said he is happy they went with the standing seam roof. Mr. Cross stated half the roof was already on the building and said the Town was getting a good bargain. Mr. Cross showed pictures of the roof and also showed pictures of some rubber marks on the concrete flooring in the building. He said he was concerned about that and would discuss it with Millbrook. Mr. Billado mentioned a small crack in the concrete as well. They may cut it out and patch it or may epoxy it. They will keep an eye on it. Discussion took place about the electric panel and meter. It was stated that Mr. Jescavage would confirm with Swanton Village Electric where they would prefer the meter. Discussion also took place on the installation of the water line and where it would be installed. Mr. Cross stated it would be best if put in the utility room. The Board also looked at snow guards and needed to choose a color. Mr. Billado asked if they were included in this requisition, Mr. Cross stated they were. Motion carried.

b) Discuss Tri-SLB Arena Meeting:

Mr. Lavoie stated there will be a meeting held in Franklin at 7 p.m. on June 12th regarding the Arena. He stated he would like the Board to attend to continue discussions on the arena's future. He said the Swanton voters rejected it twice and he wants to go and listen and see what Highgate and Franklin want

to propose for Chapter 2. Ms. LaRocque asked what realistic alternatives were presented. Mr. Lavoie stated three alternatives were presented, two by the SLB and one by Mr. Steve Bourgeois. He said further discussion needs to take place, further thoughts and ideas and stated it would take more than one or two meetings to work out.

4. Community Development

a) Discuss Village Response to Land Offer:

Mr. Jescavage stated that he heard from Reg Beliveau and he informed him that the Public Service Board would not allow that offer. Mr. Thompson stated the email said the Board would find it “inappropriate.” Ms. Lavoie stated she feels they can still work on setting the rate. Mr. Jescavage asked if they could get a reduced rate and Mr. Beliveau stated no. Mr. Clark stated they know what they are looking at for a yearly figure, maybe they should work on that. He stated he would like to discuss it further at the next JLB meeting. Mr. Billado asked why they don’t just turn over the Town street lights to the Village. Mr. Lavoie stated to put that on the next JLB agenda and get one scheduled because time is of the essence. He said he would like to see a resolution to this. Ms. Lavoie stated the rates can be negotiated and said she would like to see the Public Service Board ruling on this issue.

5. Law Enforcement

a) Swanton Village Police Chief Report:

Mr. Stell presented the Board with the month of May’s traffic citations totaling 13 offenses. He also provided the fine amount for those citations totaling \$2,270.00. He showed that they responded to 52 incidents in the Town in the month of May. Ms. Lavoie asked if he could sort by nature and location. Mr. Stell advised no not at this time but stated the State of Vermont is working on a new software program that should be available by July 1st. Ms. Lavoie stated that it’s critical to know where their time is spent. Mr. Stell stated they see it every day and get a feel for what’s going on and where. He said the majority of calls were family disturbances and DUI’s. Mr. Lavoie stated it looks like they were busy. Mr. Stell stated in 2012 they had 48 calls and in 2013 had 52 calls. Mr. Billado asked when the Town officer is on duty and there is a call in the Village that needs assistance would the Town officer go to help. Mr. Stell stated that would be handled just like any other call for help, if they’re available they would go and help. He said if the Town officer is tied up the Village officer would handle it. Mr. Billado stated he would like to see more coverage in the Pond Rd. area. Mr. Stell advised the Town is broke up into quadrants and each night they have enhanced coverage. He said they cover a new quadrant each night. Mr. Stell provided the data collected on the Route 7 traffic study. He stated the average speed is 44 mph.

b) Discuss Covey Drive Speeding:

Frankie Maskell and Lori Choiniere were present for this issue. Ms. Maskell stated that they are having an issue with a couple of people picking up their children and speeding through the cul de sac while her and the neighborhood children are playing near and in the road. She stated there is also a handicapped child in the area as well. Ms. Maskell presented the Board with a petition to lower the speed limit on Covey Drive. Ms. Maskell stated the police department has been called there for this disturbance. Mr. Stell stated that the posted speed limit is 30 mph on that road. He stated that under State Statute the lowest the speed limit can be set is 25 mph. Ms. Maskell asked if speed bumps could be installed. Mr. Billado stated plowing over them would be an issue. Ms. Maskell stated she would purchase removable ones. Mr. Clark stated the Board is concerned about the safety issue here. Mr. Lavoie asked if the police department could monitor the speed through Covey Drive and also just make a presence there for a while. Mr. Thompson stated to reduce the limit to 25 mph they would just need to update the Town Ordinance. Mr. Lavoie stated the Board understands the issue there and said they would have a speed survey done, have more police presence and will decide in the near future as to whether or not they will reduce the speed limit to 25 mph. Mr. Billado suggested the police sit in an unmarked car for a while. He also stated the children should not be playing in the road. Mr. Garrett stated that this cul de sac is very hard to plow. Mr. Billado also suggested to keep the handicapped child out of the road also. Ms. Maskell and Ms. Choiniere thanked the Board and exited the meeting at 8 p.m.

6. Highway Department

a) Review Jane’s Road Memorandum of Understanding:

Jeremiah Richard was present for this issue. Mr. Garrett stated he had provided the wrong information previously, and that the corrected dollar amount for the 50/50 split is \$130 each. This memorandum is to replace the existing culvert to improve the drainage of the ditch in front of Mr. Richard’s property.

Ms. Lavoie made the motion to sign the Memorandum of Agreement between the Town of Swanton and Jeremiah Richard. Mr. Clark seconded. Motion carried. Board members signed and Ms. Fournier notarized agreement.

Mr. Billado made the motion to sign the Memorandum of Agreement between the Town of Swanton and Terry O’Brien. Mr. Clark seconded. Discussion: Mr. Billado stated that Mr. O’Brien would be in this week to sign the Agreement. This memorandum pertains to the proper runoff of waters through the ditch abutting Jane’s Road at the front of the O’Brien property. Motion carried.

b) Discuss Missisquoi Street Drainage Issue:

Roland and Carolyn Church were present for this issue. Ms. Church presented the Board with photos of the rusty water that enters her basement. They are asking the Board to dig this area out again. She stated that when it was dug out 7 years ago they had no problems with water entering her basement. She said it is starting to come in again and she said they were told it couldn't be done again. Mr. Church stated they would go through one sump pump per year at his residence. Mr. Clark stated he agreed with Mr. Garrett and said their basement is below ground water and said this has been a very wet year. Mr. Garrett said he could go back in and clean ditch area but wondered where he is going to put it. Mr. Clark stated that he and Mr. Garrett would go take a look at the area and said maybe it can be cleaned out some more. He stated he would let them know. Mr. and Mrs. Church exited the meeting at 8:20 p.m.

c) Discuss Brownfield Grant:

Mr. Jescavage stated that Mr. Garrett had information for the Board regarding this issue. Mr. Garrett stated that at the last Regional Planning meeting they received an award for the Brownfield Grant which deals with asbestos removal. He said NWRP needs the specific details on garage #1 so that maybe they can receive funds to have the asbestos removed at no cost to the Town. Mr. Jescavage also stated that he heard Northwest Solid Waste District may remove the asbestos at no cost also because the Town is a member there. Mr. Thompson stated the Town should apply for the Brownfield Grant and also check with NWSWD so they can move forward on this issue. Mr. Jescavage stated he would check into both.

d) Discuss Policy for Utility Crossing Town Road:

Mr. Jescavage presented the Board a proposed amendment to the Town Road & Bridge Standards. He stated he would schedule a public hearing to adopt the amendment. He stated the amendment states that all utility crossings of a Town road right-of-way (ROW) shall be set in place by boring under the road at an appropriate depth for the particular utility, with the proper tools and equipment, in a manner that does not disturb or damage the traveled surface of the road.

e) Discuss Personnel Policy Amendments for Comp Time & Cell Phones:

Mr. Jescavage presented the Board with a proposed amendment to the personnel policies and rules regarding comp time. Mr. Garrett stated he accumulates comp time during the winter months instead of getting paid overtime for that. He stated he didn't realize the May 1st deadline and is requesting the date be changed to September 1st. Mr. Billado stated a lot of time and work was put into the handbook especially on the comp time issue. He stated he didn't want to set a precedent here. Mr. Clark stated he didn't have a problem extending it from May 1st to September 1st. Ms. Lavoie stated she wanted more clarification on why Mr. Garrett accumulated more than 40 hours of comp time when it states he shouldn't have.

Mr. Billado made the motion to leave the comp time date as May 1st instead of September 1st as proposed. He stated to pay Mr. Garrett the 85 hours accumulated now but to move forward with only 40 hours from here on. Mr. Thompson seconded. Discussion: Mr. Lavoie stated they needed to pay more attention to this in the future with Mr. Garrett's help. It was decided that Mr. Garrett would take 60 hours of comp time and the Town would pay him for 25 hours of comp time. Three yay votes, two nay votes. Motion carried.

Cell Phones: Mr. Jescavage provided the verbiage he is proposing to add to their personnel policy which states "Cellular phones may not be used for personal reasons during work hours unless the employee is taking an authorized break and not operating a motorized vehicle. If Town employees are not on an authorized break, cellular telephones may only be used for the conduct of Town business subject to the following conditions:" 1. Town employees are prohibited from using cellular telephones while operating Town of Swanton motor vehicles. Town employees shall safely bring all Town of Swanton motor vehicles to a complete stop before and while using cellular telephones. Care shall be taken to ensure that highway traffic is not being obstructed while using cellular telephones. Also Adding -- "Violation of the cellular telephone policy may subject an employee to disciplinary action."

Mr. Lavoie stated they should add "to include hands free device" and stated he thinks cell phones should be off while on the job.

Mr. Clark made the motion to approve the proposed amendment as written and to also add "cell phones shall be turned off and may not be used." Ms. Lavoie seconded. Discussion: Mr. Billado stated that after what his family went through he would not turn his phone off and doesn't feel they should either. Ms. Lavoie asked if everyone knew the safety protocol if they shut phones off. Mr. Clark stated he would retract his original motion. Mr. Clark made the motion to approve the proposed cellular telephone amendment as written. Ms. Lavoie seconded. Motion carried.

f) Discuss Sholan Road Letter:

Mr. Jescavage presented the Board with copies of the letters sent regarding the Sholan Road issue. Mr. Thompson stated that a resident approached him and said if anything was planted in the road they would chop it.

g) Discuss Status of Garage #1 Survey and Marketing:

Mr. Jescavage stated that he spoke with Dan L'Esperance and he will be getting the survey to them ASAP. He said he got a late start but will get it done. The Board discussed removing the asbestos and marketing the garage.

h) Other Updates:

Mr. Garrett stated he has finished work on Sweet Hollow Road and said they would be ready for paving, seeding and mulching on Thursday. He said they are ready to finish the culvert cut on the Bushey Road and would give Dave the time to close the road for this job. He stated they will pave cut on Janes Road, clean the ditch from Sucker Brook to John Lavoie's property. He stated he would also look at the drain issue on the property across from Lavoie's. He stated they had a break down on the mower, he is tracking that and fuel usage. He stated he is done in West Swanton and is now mowing to Route 207, that it is very dangerous. He stated that he needs to black top the culvert cut on Janes Rd./Maquam Shore Rd. and will be going to shoot grades there.

Mr. Billado made the motion to not reinstall the culvert at 460 Maquam Shore Road. Mr. Thompson seconded. Motion carried.

Mr. Garrett brought a paper from Regional Planning regarding hydro seeding. Mr. Lavoie recommended Mr. Garrett and/or Mr. Jescavage attend the meeting because Regional Planning is looking to purchase a hydro seeder.

Other Updates – Highway. Mr. Thompson stated that the Viens Road is covered with cow manure or mud and that Mr. Howrigan needs to be sent a letter or called to clean the road. Board agreed to this.

7. Correspondence

Mr. Jescavage stated that he received a call from a resident on the Pond Road stating a large branch has fallen on Fairpoint wires and they are about 3' from the ground. She stated Fairpoint won't come out and remove the branch. Mr. Garrett stated he looked into this and said it is very dangerous and that he won't allow his crew to remove the branch fearing the wire would snap and injure someone. He said Fairpoint would come out once line has broken and repair it.

8. Any Other Necessary Business

a) Discuss Town Website:

Ms. Lavoie stated she wanted to know the direction on updating the Town's website. She stated that Mr. Jescavage does this from home at times and asked if they expected him to do that. Mr. Jescavage stated more work needs to be done on the website but said a lot has been done already and said it is looking very good. Mr. Lavoie stated when Mr. Jescavage came on board he took that on and works on it when he has time. He said he is doing a good job on the website. Mr. Jescavage stated he would put a public service announcement in the paper and that will boost the website.

Any Other Business: Mr. Garrett asked when the Board would have a RFP for the new ton truck. Mr. Billado stated they would look at whole picture and have it at their next meeting. Mr. Lavoie suggested Mr. Garrett tell them what he feels he needs in a truck and they would work on it.

Any Other Business: Mr. Clark stated he was approached as DRB Chair regarding the Southern Growth District not having water and sewer there. He asked the Board if they had an issue with someone putting in a well and septic, could they come in and ask for a variance. He feels if they are willing to put that in the Town could give a waiver or variance for that. They had no concerns with onsite water and septic.

Any Other Business: Mr. Clark stated that he would like "Memorial Day Events Discussion" added to the next JLB meeting.

9. Public Comments:

None

10. Upcoming Events:

- a) 250th Committee Meeting @ 4 p.m. on Wednesday, June 5, 2013
- b) June 6, 2013 @ 8 a.m. Contractor's Meeting @ Garage Construction Site
- c) June 8, 2013 Free Fishing Day in Vermont
- d) June 12, 2013 @ 3 p.m., NRPC Brownfields Committee Meeting
- e) June 12, 2013 @ 7 p.m., Tri-SLB Meeting @ School in Franklin, VT
- f) June 13, 2013 @ 8 a.m. Contractor's Meeting @ Garage Construction Site
- g) June 13, 2013 @ 1 p.m. VCDP Committee Meeting on Roy's Housing Grant
- h) June 13, 2013 DRB Meeting at 7 p.m.
- i) June 14, 2013 – Flag Day
- j) June 16, 2013 – Father's Day

11. Executive Session (if needed):

None.

12. Adjournment:

Mr. Billado made the motion to adjourn their Regular Selectboard meeting at 10:05 p.m. Mr. Clark seconded. There being no further business at hand, Mr. Lavoie, Chairman, adjourned their meeting at 10:05 p.m.

Minutes by Dianne Day, Village Clerk

Received and filed by:

Cathy Fournier, Swanton Town Clerk

Date