

**TOWN OF SWANTON
MINUTES
SELECTBOARD MEETING
Swanton Town Office Building
1 Academy Street, Swanton, VT 05488
Tuesday, August 6, 2013 @7:00 p.m.**

Present: Dan Billado, Selectboard Vice Chair; Kathy Lavoie and Dick Thompson, Selectmen; Harold Garrett, road foreman; Yaasha Wheeler, Secretary; David Jescavage, Town Administrator; Cathy Fournier; Heather Buczkowski, Channel 16; Chief Stell, Swanton Village Police Department; Allan Laroche, former Animal Control Officer; Shawn Dashno, current Animal Control Officer; Peter Cross, Cross Consulting Engineers; Ron Kilburn, Zoning Administrator; Seth Fletcher, Handy's Auto; Joshua and Danielle Ryea; Kat Salemno.

A. Call to Order

Dan Billado called the meeting to order at 7:00 p.m.

B. Pledge of Allegiance

Dan Billado led those present in the pledge of allegiance.

C. Meeting Topics:

1. Minutes

- a) July 16, 2013 SLB Regular Meeting
- b) July 18, 2013 SLB Special Garage Meeting
- c) July 22, 2013 SLB Special 5-Year Plan Meeting

Mr. Thompson made a motion to approve all of the minutes, seconded by Mrs. Lavoie. Discussion: Mrs. Lavoie requested to postpone approval of the July 18, 2013 minutes until the next meeting, scheduled for August 20, 2013. Mr. Thompson amended the motion to exclude the minutes of the 18th. Discussion concluded. Motion carried.

2. Public Comments – None.

3. Public Hearing – 7:05 p.m. Vicious Dog Hearing

The hearing was opened at 7:04 p.m. Mr. Billado stated that the Selectboard had received a complaint from Kat Salemno, who claimed that a dog had bitten her on her property on July 11th. The hearing was being held under VSA Sections 3, 4, 5, and 6, and the Town Dog Ordinance Sections 5 and 6. He called Mrs. Salemno to testify.

Mrs. Salemno was sworn in, and gave her testimony as follows: Mrs. Salemno resides at 1 Glenridge Lane and submitted the complaint about a large black dog with brown paws (she submitted a color picture). The incident took place on her property in her backyard. She had done nothing to provoke the dog; she had not moved toward it and only said "hi." The dog then attacked and bit her leg, but did not break the skin. She did not receive medical treatment for the bite, but did consult her doctor over the phone, who said that she did not need to come in, on the basis that the bite had not broken the skin. Mr. Thompson asked if the dog had been on the property before. Mrs. Salemno said that, before the incident, she had never seen the dog. In all, she had seen the dog twice. Mr. Thompson asked if she had noticed a collar or tags and Mrs. Salemno replied that she saw a collar, but could not determine if it had tags.

Mr. Allan Laroche, former Animal Control Officer who was on duty at the time of the incident, was sworn in. Mr. Laroche stated that he had gone to the site on the 29th upon return of the dog, and Mrs. Salemno had informed him that the dog was out back. He went to the backyard with a snare and when he came around the corner, the dog "came at him" while barking and showing teeth. Convinced that the dog's intention was to bite, Mr. Laroche had hit him with the snare, whereupon the dog ran around the garden into the high grass and was lost from view. Even after hours of searching, the dog could not be found. The dog's picture was posted on Facebook and an unidentified caller later left him a message, identifying the dog and its whereabouts. He and Shawn Dashno went to the residence of the dog owners and informed them to keep their dog on a leash or confined to the property. This was already 10 days after the bite. It was determined that the dog was not licensed, but its rabies vaccination status was yet unknown. Mr. Thompson asked how much time had been put into locating the dog, and Mr. Laroche detailed substantial hours and days spent in search of the dog. Mr. Thompson asked if the only time Mr. Laroche had seen the dog off the property was when it tried to bite him, and Mr. Laroche said that was

correct. Mrs. Lavoie asked if it was typical for Mr. Laroche not to take the dog at that stage, and Mr. Laroche explained that he could have taken the dog, but the owners were not home at the time that he had given the warning; he had only spoken to a 16-year-old girl who was with the young children at the residence. Mr. Billado asked if the dog was running loose when the complaint had been written, and Mr. Laroche said that the dog was in the house and that the girl had brought it out to him while holding its collar. It had then been confined again inside the house. The dog's demeanor seemed "fine."

Mr. Billado asked if Mr. Dashno had anything to add, and Mr. Dashno replied that Mr. Laroche had summed it all up adequately.

Joshua and Danielle Ryea were sworn in and gave their testimony as follows: They lived at 2025 Highgate Road, which was just a few houses away from Glenridge Lane. They had lived there for a little over a year. They owned a short-haired black Rottweiler-Labrador mix with brown markings, a male named Buddy. He was not licensed at the time of the incident, but would be licensed the day following the hearing. He was vaccinated, but proof was not available for immediate review. Danielle Ryea explained that she believed that she had gotten the 3-year vaccination last year, but had only gotten the 1-year vaccination, so although he had been vaccinated faithfully the last few years, he would be vaccinated as soon as possible for 2013. She added that the dog had gotten loose on Saturday, the 27th, during a party, and was gone for about a half hour total. She was aware of only three times total when he had gotten out since they moved into the area. He would get loose because the young children would mistakenly leave the gate open or open the house door.

It was determined that the attack was mistakenly identified as the 29th, when in actuality it was the 27th, and the warning had been given on the 29th. Daniell Ryea explained that there has never been a problem with the dog's temperament, even around young children. He might show his teeth, but still wag his tail. He had been aggressive toward the neighbor's ducks and other dogs, but never toward people. They tried to make sure that he was always chained up. They had owned him for 7 years and had lived in St. Albans prior to moving to Swanton; there had never been any complaints. He was usually kept on a 30 foot leash that screwed into the ground, and was brought indoors at night. Since October 2012, he had only escaped 3 times.

Mr. Billado asked if the Ryeas would comply with any order that the Selectboard rendered as a result of the hearing; they agreed that they would. Mr. Ryea got the dog from his car and brought it into the room. Mrs. Salemno declared that the Ryeas' dog was not the same dog that had bitten her; the attacking dog had been taller and thinner, with a different tail. She was 100% confident that this was not the dog. Mr. Laroche said that there was a slight difference from the picture in that there was a spot on the dog's chest.

Mr. Garrett stated that he had never seen their dog, and he lived across from the Ryeas. Mr. Billado and Mr. Thompson reminded the Ryeas to license and vaccinate their dog, and to ensure the dog's confinement to their property. Mr. Laroche asked the public to call him if the attacking dog was seen again. Mr. Billado declared the hearing closed, with no action taken, other than instructions to the Ryeas concerning the care of their dog.

4. Old Business

a) Discuss New Garage 4th Requisition with Cross Engineering.

Mr. Cross stated that, at the last meeting, the requisition had been believed to have a mistake in it. Since then, it had been checked thoroughly and he was now confident that it was correct. The requisition was for 90% completion, for \$155,958.57, for which he recommended approval. Mr. Thompson made a motion, seconded by Kathy Lavoie, to approve the requisition. Motion carried.

Mr. Cross presented copies of the change order. He explained that Mr. Clark had raised questions about the ventilation system in the ceiling, whether or not the system included backdraft dampers. He had two types of systems, an exhaust for the trucks and a recovery unit, but the round fan did not have a damper on it. After looking at the specs and speaking with the mechanical engineer, it was determined that the original specs bid include a wall-mounted fan on the north wall, with a damper, and louver on the opposite side of the building. Millbrook, feeling that this was not adequate, designed the big round fan which was not in the original specs but did not have a backdraft damper, creating a more robust and expensive system for no additional cost. When told that there should be a backdraft damper, he created a proposal that involved deleting the modine heater in the mezzanine for a credit of \$1050, and adding a backdraft damper for a cost of \$1470, resulting in a \$495 net change. Mr. Cross felt that the proposal was fair and a great benefit to the town; he recommended approving the change order. Mr. Billado asked if the modine heater was needed, and Mr. Garrett explained that there were two modine heaters and the one that would be removed served no necessary function. Mr. Thompson made a motion, seconded by Kathy Lavoie, to approve the change order for \$495. Motion carried.

Mr. Cross welcomed any members of the board to be present to meet with Jerry Marshall, the mechanical engineer, at the site tomorrow afternoon. Mr. Jescavage and Mr. Garrett agreed to go.

Mr. Cross asked the status of the water system and Mr. Jescavage replied that Chevalier had done testing and the results of the tests would be forwarded to Mr. Cross. Mr. Billado asked about the VT Gas Certificate of Compliance request to go under Route 78, and Mr. Jescavage replied that he had requested VTrans to expedite the request. Mr. Cross said that he would call Rob Hall tomorrow and likewise request it.

Mr. Cross estimated that the last requisition would come in September.

b) Discuss Chevalier Well Drilling Invoice

Mr. Billado expressed surprise that the well drilling quote did not include the tank, for which payment was now requested. Mr. Jescavage explained that the original quote included only the well drilling, because Chevalier could not determine the tank size without knowing the yield. Kathy Lavoie asked if the charge was reasonable, and Mr. Garrett said that he was surprised by the size of the tank; it seemed quite large. However, it was possible that he or Chevalier had misunderstood the needs for the system.

The total cost came to \$8383.84. Mr. Thompson made a motion, seconded by Kathy Lavoie, to approve the invoice. Discussion: Mr. Thompson said that he did not feel it was unreasonable to question the tank size, although the tank could not now be removed. Mr. Garrett thought it was possible that Chevalier thought the garage would use more water than it actually would. Possibly the tank was combined with the heating system. Kathy Lavoie stated that, given Chevalier's reputation, she felt that Chevalier would not purposely install a bigger tank than necessary. Discussion concluded. Motion carried.

Mrs. Fournier presented two more orders, outside of Mr. Cross's requisition. Kathy Lavoie made a motion, seconded by Mr. Thompson, to approve the requisition of Peoples Trust Company for \$437.77 for interest on the line of credit, and the requisition of Knight's Consulting for \$225 for the cement testing. Motion carried.

6. Law Enforcement

a) Law Enforcement Report

Mr. Stell requested to table this item so that a matter could be discussed in Executive Session.

7. Highway Department

a) Review 1-Ton Truck Bids

The Selectboard reviewed the bids, which were as follows:

Handy: Dump truck for \$45,849

Goss: 2014 Dodge for \$50,528

Champlain Chevrolet: 2014 Chevy Silverado for \$50,000.

EJ Barrett and Sons: 2014 F350 for \$30,406.

Paquin Motor: \$43,935

Burt Paquin Ford: \$35,099.

It was noted that Iriquois price for a plow was \$20,159, for all trucks. Seth Fletcher of Handy's said that the quote included everything that Mr. Jescavage had requested, plus the plow. There would be no extra charge for the maroon paint. It would take 10 to 12 weeks, all told, for the truck to be reader for town use. The total cost would be around \$46,000, including the municipal discount. The Selectboard discussed whether or not to have a crew cab or an extra cab, and Mr. Fletcher explained that there was a roughly \$1800 difference between the two.

b) Discuss Sholan Road ROW Sign Request

Mr. Jescavage stated that the Missisquoi Valley Rail Trail requested permission to install trail signage on the Rail Trail where it crossed Sholan Road. The application was on behalf of VTrans, and requested permission to put signs in the town's right-of-way. The Selectboard agreed to review this item at the next meeting.

c) Discuss Road Inventory Chart

The Selectboard reviewed the inventory chart created by Mr. Garrett and Miss Wheeler, which Kathy Lavoie had requested previously; they agreed that it was informative and helpful. There was discussion about various ways to sort the information.

d) Discuss Equipment Chart

The Selectboard requested that the small equipment be included on the chart, as well as the main

vehicles. Miss Wheeler agreed to update the chart.

e) Discuss Woods Hill Road Project

Mr. Garrett said that he was on track, but could not do any more work until the contract with Pike was signed. Mr. Lavoie had been asked to sign the contract at the last meeting, but had delayed doing so because there was discussion about where the money for the project would come from in 2014, although there was enough money allocated for the project in 2013. The Selectboard expressed concern that the project was being held up, adding that the intent of the discussion about the 2014 funds was not to delay the project. Mr. Garrett noted that the contract was only good through July 31st, because of volatile prices, so it had now expired. A new contract would need to be prepared and signed. The Selectboard instructed Mr. Jescavage to communicate with Mr. Lavoie tomorrow and to resolve the situation and get the contract signed.

f) Other Updates

Mr. Garrett said that he would replace a 6-foot culvert on Woods Hill Road, and would remove dangerous cement bollards on the bridge.

Mr. Jescavage said that he had met with Dick Hodgdon and the contractor regarding the asbestos removal at the old town garage site, and he would receive quotes this week. There was no more information from Greta Brunswick on the Brownfield study.

The contract was ready for the concrete culvert that would be replaced with the structures grant. He had signed off on what the board had already approved, and the state would be involved in the next stage, probably in environmental and historical preservation review, which would probably be done in 2014. The grant did not expire until December 2015.

Mr. Jescavage said that, although he had advertised rigorously in the local paper, no one had shown interest in buying the garage site. Kathy Lavoie and Mr. Thompson felt that, once the building was removed, the lot would look more appealing to buyers.

Mr. Jescavage asked about the status of the Lakewood Drive tree limb cutting, and Mr. Garrett replied that they had rented the lift for two days but had only used it for one day, because the wind was so bad on the one day that they had to quit early. They did manage, however, to remove the worst limbs, and to establish good public relations with the Lakewood Drive landowners. Mrs. Fournier said that the town had been charged for two days of use, so she would inform the rental company that the lift had only been used for one day. Mr. Garrett felt that the lift would not need to be rented again. He mentioned that he had removed a tree on Campbell Bay Road and needed to deal with some trees on Beebe Road that beavers were felling. Mr. Billado said that Mr. Garrett should communicate with the game warden about trapping the beavers.

8. Correspondence

Mr. Jescavage stated that Hartford Insurance had backed its official verdict that it would not pay the claim because the cost of the damage to the library was within the deductible. The insurance of the Canadian who had damaged the library would be pay for the damages, once the man recovered from back surgery.

Mr. Jescavage read into the record a letter from Krister Adams of HFI:

This letter is to inform the Town that a closing is scheduled for August 22, 2013. HFI will be required to advance its own funds to cover the \$375,000 VCDP Implementation Grant Award until the Town is in receipt of the funds. We expect this to occur around January 2014. HFI is taking a risk in doing so, but we must close this sale soon. We have been able to obtain commercial financing to replace the VHCB monies that he had hoped for, but at a fairly high interest rate. Hopefully, this park will co-op before the end of seven years when the loan interest rate is reviewed. Thank you for all of your work thus far in helping to secure Roy's well into the future. Sincerely, Richard M. Williams, Secretary/Treasurer

Mr. Jescavage summed up that HFI would be required to advance its own funds, because the state would not distributed the awarded grant money until January 2014.

Mr. Kilburn stated that the budget to fix the library steps had been approved for \$30,000 at the annual meeting. He had hired Tom Keef of Keef & Westnor Architects to prepare the specifications. Mr. Keef, himself, and three bidders were invited to a meeting to discuss the work. Based on the discussion, Mr. Keef had prepared an addendum with a schedule. Two had responded within the specified time frame, and both of the bids had come in well below the budget, around \$10,000. He informed the Selectboard as a courtesy, since there seemed to be a lack of interest in the process from other entities; someone needed to be designated to negotiate. Mr. Kilburn had already spoken with Mr. Lavoie, who had agreed

to be the go-between for the work, since he was experienced in construction. Mr. Kilburn asked Mr. Garrett to lend Brian Thompson to trim the shrubs along the cheek walls of the rises to the library. Work was ready for start-up on October 1st, and could be done in three weeks. Mr. Kilburn added that the Selectboard might consider using the same contractor to repair the rear of the building that had been damaged by the automobile accident.

Mr. Jescavage asked Mr. Kilburn to give an update on the events surrounding the Swanton's 250th anniversary celebration. Mr. Kilburn replied that he and the committee were meeting the following day to solidify the final calendar. This Sunday, the public was invited to the archaeological dig on Route 78, followed by a program at the refuge at 6:30 p.m. to display and discuss some of the artifacts found at the dig, and their importance to Swanton's history. Next week, there would be a 5-day kids history camp at the Central School. On Saturday the 17th, the program would begin at noon, and would hopefully involve a salsa band from Burlington, a historic walking tour of Swanton, a community photograph, and performances by local bands. The event would end with a fireworks show at 9 p.m., to be viewed from the Swanton park or Marble Mill park.

Mrs. Fournier stated that a site on Pond Road was going to be used to grind and recycle the material from the Owl's Club in St. Albans, which was being demolished. Mr. Billado signed the notice of application, as acting chair. Mr. Thompson made the motion to approve the application, seconded by Kathy Lavoie. Motion carried.

Mrs. Fournier stated that Joel Clark had already signed two permits for work to be done underneath two roads; the board had agreed earlier that they needed to approve any work to be done under the town right-of-way.

Mr. Billado stated that, in response to a complaint on Thursday and a consequent inspection by the state on Friday, he, as health officer for the Town of Swanton, had closed down Big Wok in Swanton until further notice.

10. Public Comments – None.

11. Upcoming Events

a) August 8, 2013 @ 8 a.m. Contractor's Meeting @ Site

Mr. Jescavage and Mr. Garrett agreed to be present at the meeting.

Law Enforcement

Mr. Garrett said that Shawn Dashno, the new Animal Control Officer, had requested to use a town truck for some of his work; Mr. Garrett had felt uncomfortable with agreeing to the request. The Selectboard agreed that they were likewise uncomfortable. Mr. Jescavage noted that, during the interview process, someone had mentioned the possibility of a town truck being available to Mr. Dashno until he could obtain his own truck. Mr. Billado said that, at this point, it would not work, and Mr. Jescavage agreed to respond to him.

Chief Stell stated that the month of July had seen 76 responses of a wide variety, with 18 traffic tickets totaling \$14,000, some of which had been written under the municipality but some which had to be written under the state. Mr. Billado asked Mrs. Fournier to determine how much revenue from tickets had been generated for 2013.

Chief Stell stated that the Red Cross, in response to large emergency events like Hurricane Irene, had created the Red Cross Initiative for Sheltering, of which the first class would be tomorrow, August 7th, from 6 p.m. to 8 p.m. at the Village Complex. The initiative would give the ability to the town to open a Red Cross-sponsored shelter until the Red Cross could actually man it, perhaps as much as 2 to 3 days later. Volunteers would be trained and materials would be provided at no cost or liability to the town. There would be several upcoming training sessions.

12. Executive Session

Kathy Lavoie made a motion, seconded by Mr. Thompson, to enter executive session for personnel at 9:10 p.m. Motion carried.

Kathy Lavoie made a motion, seconded by Mr. Thompson, to exit executive session at 9:38 p.m. Motion carried. No action taken.

Mr. Thompson, seconded by Kathy Lavoie, made a motion to adjourn at 9:39 p.m. Motion carried.

Typed on August 7, 2013

Minutes by Yaasha Wheeler
Received and filed by:

Cathy Fournier, Swanton Town Clerk

Date