

**TOWN OF SWANTON  
MINUTES  
SELECTBOARD MEETING  
Swanton Town Office Building  
1 Academy Street, Swanton, VT 05488  
Tuesday, August 20, 2013 @7:00 p.m.**

Present: John Lavoie, Selectboard Chair; Dan Billado, Selectboard vice chair; Dick Thompson and Kathy Lavoie, Selectmen; David Jescavage, Town Administrator; Yaasha Wheeler, secretary; Heather Buczkowski, Channel 15; Shawn Dashno, Animal Control Officer; Aaron Lamplugh; Chauntelle Sharp; Warren Fournier; Wayne Elliot; Reginald Beliveau, Jr., Village Manager; Milt Robison; Peter Cross, Cross Consulting Engineers; Tim Smith, FCIDC.

A. Call to Order

Mr. Lavoie called the meeting to order at 7:00 p.m.

B. Pledge of Allegiance

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

C. Meeting Topics:

Mr. Billado made a motion, seconded by Mr. Thompson, to approve the meeting minutes of July 18, 2013. Motion carried.

Mr. Thompson made a motion, seconded by Kathy Lavoie, to approve the meeting minutes of August 6, 2013. Motion carried.

2. Public Comment

Mr. Warren Fournier stated that he was present out of concern for the proposed Route 78 project. Route 78 was part of the west and east military corridor. A blueprint he had seen in 1955 showed Route 78 (then Route 36) as including a clover leaf roundabout when connecting with the interstate, which originally was going to have 2 exits, one at the present exit and another by John's Bridge. The interstate would be military priority 1 and Route 7 would be priority 2. Route 7 is 5-rod road, but Route 78 is a 3-rod road for most of the way between Swanton and Alburgh. The state at one time had "buffaloed" the town, forcing them to consider widening the causeway. The town had hired an engineer from Maine to demonstrate that the causeway would not hold up, which was when the bridge to town was then designed and built. When the bridge was finished, the town was supposed to follow the causeway up to the railroad track, but had never surveyed how far into the village they were supposed to go.

In consideration of the current situation, Mr. Fournier received the town's registered letter that indicated to him that the state wanted to widen the road by another 16.5 feet, which he felt would ruin the tax base on 78 west by eliminating parking for businesses. Also, heavy traffic was destroying the bridge, which had taken 15 years of fighting with the state to obtain. He recommended that the Village and Selectboard have a joint meeting to discuss these needs.

Mr. Lavoie noted that the public hearing would be held on September 18, 2013, and that he had asked Mr. Fournier to voice his concerns to bring awareness to the issue now under consideration; the more involvement from the community, the better.

Mr. Thompson stated that a committee had been formed on the bridge, with numerous people at the federal, state, and local level in the year 2000. The road was supposed to be redone in 2006 with a 1200 ft. pier bridge that would take out the S curve along 78 and help prevent wildlife casualties. The price came in at \$2.5 million, and therefore a box culvert was planned for

installation instead. Mr. Fournier asked if a local committee had been formed about the current Route 78 needs and Mr. Thompson said there was no committee at this time. Mr. Fournier pointed out that Route 78 had also not been blacktopped (Mr. Beliveau explained that blacktopping was postponed to 2016) and that the community needed to work together and fight for its needs. Mr. Lavoie stated that both the village and the town would be represented at the public hearing for Route 78 and that, afterward, the Joint Legislative Body would discuss the next plans.

### 3. Old Business

#### a) Park D Discussion

Mr. Tim Smith of FCIDC and Mr. Peter Cross of Cross Consulting Engineers came forward to discuss the report of the analysis of the permits relating to Park D. Mr. Lavoie noted that the wetlands permit had expired and a few other permits were coming due. Park D would cost money to develop, but the Selectboard did not have either the time or the money to adequately develop within the time frames allowed by the permits. Mr. Cross noted that the Act 250 construction completion date could be extended, so long as the town indicated its intention to proceed with the project. He added that the wetlands were delineated every 5 years, so a new delineation might be needed before an extension could be granted. Mr. Lavoie asked if the extensions would incur a cost, and Mr. Cross replied that there might be a minor amendment fee, as well as payment for his time. If the wetlands needed redelineation, the cost would be about \$1000 to \$1500. He added that they did not know how the property would be developed, and a lot of the previous cost estimate had relied on rock removal, which might not be needed.

Kathy Lavoie asked whether the road could be phased and Mr. Cross said that it could. Mr. Billado mentioned that some potential buyers were very interested in the land, which led the Selectboard to wonder if they could phase the construction and work with the buyer. Mr. Cross said the permits could be amended for phased construction. The first phase, for functioning water and sewer, would be most expensive, also the stormwater system, but the rest of the phases would be less expensive. Mr. Billado asked if village water and sewer was feasible and Mr. Cross said that, although it was always possible, he felt it was unlikely due to rock or a high water table. Mr. Lavoie pointed out that a potential buyer might not need water and sewer, which would influence the cost.

Mr. Lavoie asked Mr. Cross to give a cost breakdown for his services and to come up with a phasing plan. Mr. Billado added that he would like to see costs for various options, such as with or without water and sewer.

Mr. Smith said that he and Enosburg had had an almost identical situation. The FCIDC had declined to take the land on which the permits were expiring, but had helped the town to generate funds toward some of their projects and had helped to plant trees required by Act 250. He noted that, with a mitigation fee approaching, he suggested that the town should make contact and make the amount payable upon the construction of the first lot. Kathy Lavoie asked whether an extension would incur more of a fee, and Mr. Smith replied that the fee may have decreased a little, but he suggested negotiating payment upon breaking of the ground of the first lot, then payment later, to try to eliminate the deadline on the mitigation fee.

Mr. Thompson asked what should be put up as far as signs to advertise the sale of the property and Mr. Smith recommended a large real estate sign, which would show the FCIDC as a contact but require no permitting. Mr. Billado mentioned the Selectboard's desire to keep the road cut off of Waugh Farm Road from expiring and Mr. Cross said that he would make sure to extend the deadline.

#### b) Southern Growth Center Discussion

Kathy Lavoie made a motion, seconded by Mr. Thompson, to enter executive session at 7:47 p.m. for the purpose of discussing water and sewer. Motion carried.

Mr. Billado made a motion, seconded by Mr. Thompson, to exit executive session at 8:01 p.m. Motion carried. Action taken: none.

#### 4. Animal Control Officer

Shawn Dashno, Animal Control Officer, came forward. He stated that he quarantined a dog due to a dog bite. It was up to date on rabies but was not licensed. After the 10 day quarantine period, the owner did license the animal. The bite did not break the skin so no one went to the hospital. Mr. Billado informed him, for future reference, that quarantine was not necessary if the bite did not break the skin and that owners also have the option to confine the dog themselves.

Mr. Dashno stated that he had a lot of at-large calls for dogs, but did not usually see any of the dogs. He had an ongoing at-large complaint on Spring Street, with numerous complaints. The owner said that the dog was vaccinated and licensed and claimed that the dog had only gotten out twice, but after further investigation, Mr. Dashno concluded that that was not true. He contacted the landowner regarding potential liability and, upon learning that that tenant had 4 animals and not just one, the landowner agreed to speak with the pet owner. Mr. Dashno had issued a verbal warning.

He asked how often he was expected to patrol. After discussion, the Selectboard concluded that once a month was sufficient unless more was needed; so far Mr. Laroche had kept things well under control and a weekly patrol was unnecessary.

The Selectboard discussed with Mr. Dashno that once a formal complaint has been made, the names of the people involved was now public information. Mr. Dashno said his current project was following up on unlicensed animals. Mr. Jescavage asked if Mr. Dashno had received any more complaints about a mean dog on Glenridge Lane and Mr. Dashno said he had not. It was noted that Mr. Dashno's number had been assigned and that his badge was still coming. His pickup truck would be available by next month.

#### 5. Highway Department

##### a) VTrans Rte 78 Public Hearing Notice

Mr. Lavoie read the following notice:

##### *Public 502 Hearing*

*Swanton*

*Project No. NH 036-1(9)*

*Transportation safety enhancement, including realignment of existing roadway, rehabilitation, and widening of existing roadway, installation of new box culvert, and retaining structures on Vermont Route 78 in Swanton.*

*Date: Wednesday, September 18, 2013*

*Open Forum 6:00 p.m.*

*Formal public 502 hearing 6:30 p.m.*

*Location: Swanton Village Municipal Complex*

*120 1<sup>st</sup> Street*

*Swanton Village, VT*

##### b) Stantec/AOT ROW Application for Signs on Sholan Road

Mr. Jescavage explained that Stantec had paid the fee and requested permission to put signs in the town right-of-way along Sholan Road to indicate the crossing of the Missisquoi Valley Recreational Trail. After discussion, it was determined that the Development Review Board Chairman, Joel Clark, and the road foreman, Harold Garrett, would need to sign the application, as well as the Selectboard. Mr. Garrett pointed out that the diagram showed signs on both private land and the town right-of-way; Mr. Jescavage said that that was for informational purposes only. Mr. Jescavage agreed to take the application to Mr. Clark, who was not present, and have him sign it.

##### c) US DOT ROW Application for Signs of Lakewood Drive

Aaron Lamplugh came forward regarding the replacement of advanced warning sign posts on Lakewood Drive. Dig Safe had given the okay and they would basically be excavating a little over a cubic yard of dirt, putting down sonotube, then filling it back in, filling the tube with cement, and putting new slit-base signs. They will be retrofitting the current signs to fit new posts, and in the spring will replace the new signs with LED advance warning signs. If approved, they would like to commence work this week. The Selectboard asked Mr. Jescavage to bring this also to the DRB Chairman, and to have the application also signed by Mr. Garrett and the Selectboard.

d) Presentation on Swanton Village Water System Plans

Mr. Reginald Beliveau and Mr. Wayne Elliot came forward. Mr. Beliveau explained that, last year, the voters of Swanton Village had approved a bond for the transmission and distribution upgrade for the water system, which would be done in 2 parts. This fall, the village would start in Fourth Street, Second Street, and possibly Canada Street for upgrades. Next year, they would add a different river crossing, installing a 16-inch main coming out of the reservoir on Donaldson Road, then coming up Waugh Farm Road. He explained that the line breaks in the old 12-inch line were getting costly. The Village was now in the process of working with Highgate and the Town of Swanton to gain easements and rights of way. Mr. Elliot added that the main concern was that, if the old pipe went out of service, they could not pull water for the reservoir for fire flow. The new route would include going through Donaldson Road, north from there into the Town of Highgate for a short stretch, then require a directional bore under the Missisquoi River, run up to Waugh Farm Road and along the rail trail, and finally under the interstate and up to Robin Hood Drive. Mr. Lavoie asked if the old line would be abandoned and Mr. Beliveau explained that they would use both lines until the old line had a significant break. They would also do upgrades within the village.

Mr. Elliot explained that no field surveys or permitting had been done, since they wanted to speak with Highgate and Swanton Town first as a courtesy. They had started discussions with VTrans about the rail trail. Beliveau added that a valve could be added near Park D. The Selectboard agreed that it was an enhancement for the Town and the Village.

Kathy Lavoie made a motion, seconded by Mr. Thompson, to conceptually approve the presentation and the granting of the easements for the new future 16-inch water line. Motion carried.

e) Discuss 1-Ton Truck Low Bid

Mr. Jescavage stated that the quote from Handy, with all requested specification, was \$45,849, including the box and crew cab. Mr. Garrett did not see a crew cab as a necessity, but Mr. Billado and Mr. Lavoie were strongly in favor of it. Mr. Billado made a motion, seconded by Kathy Lavoie, to purchase the one-ton truck from Handy for \$45,849, quote number 387857. Motion carried. Mr. Jescavage would make up the purchase order.

Mr. Garrett noted that he had been told by dealers that the town could receive \$15,000 toward a trade for the old one-ton truck. He recommended putting the truck out to bid, then, if the results were not as expected, to trade the truck. Mr. Garrett said he would check the Kelly Blue Book price and then Mr. Jescavage should also ask Handy if they were interested in a trade.

f) Open Fencing Bids

The Selectboard were unsure of whether the Development Review Board had required a time limit on the fencing installation. Kathy Lavoie asked Mr. Jescavage to check on the DRB decision for details. Mr. Lavoie read the bids, which provide 800 feet of 6-foot high galvanized chain-link fencing with 20-foot double swing gate entries. Mr. Thompson recalled that fencing was not needed along the front, only on the back and sides, but other Selectboard members recalled differently; the decision would be checked. The quotes were as follows:

Roundhill Fence and Security  
Materials: \$5800  
Labor to install: \$5400  
Total: \$11,200

Middlebury Fence  
Materials: \$6182.04  
Labor: \$4000  
Total: \$10,182

Mr. Lavoie noted that Middlebury Fence had included tax, but the municipality was tax-free, so the number would lower. Mr. Lavoie suggested reviewing the DRB decision, looking at the budget, and then making a decision.

g) Review Change Order Proposals

Mr. Garrett explained that the 220 outlet was in the washbay, instead of in a more accessible place. Hiring an outsider to fix the problem would be cheaper, but the electrician (Greeves) would not include a year-long warrantee if another party touched his electrical box. Mr. Billado felt that \$1296 was way too much to pay for the installation of the two 220-volt lines and outlets. Mr. Lavoie was in favor of sticking with the same electrician, for the sake continuity and because, in general, he had done a good job. Kathy Lavoie made a motion, seconded by Mr. Thompson, to approve the change order for \$1296 to install the two 220 outlets. Motion carried, with one nay from Mr. Billado.

Mr. Jescavage told Mr. Garrett that Chevalier Well and Drilling needed the hose run for an hour or two to clear out the well prior to another test. Mr. Garrett mentioned that a leak on the pavement had caused a large puddle to form from water running against the building. The Selectboard asked Mr. Jescavage to add that to his punch list.

Mr. Jescavage presented another change order for tile in the garage hallway, at a cost of \$683.38. Mr. Thompson made a motion, seconded by Mr. Billado, to approve the change order. Mr. Garrett asked Kathy Lavoie and Mr. Thompson to choose the color. Motion carried.

7. Public Comment (reprise)

Milt "Doc" Robison came forward to present his request to receive old culverts that had been replaced on Woods Hill Road; he would use them to provide better access to his fields that run parallel to Route 7. Mr. Billado asked to know the culvert worth and Mr. Garrett replied that he had never scrapped a 6-foot culvert before. He added that the culvert would be fine for Mr. Robison's purposes, so long as there was at least 18 inches of fill on top of it. Mr. Thompson noted that Mr. Robison had given the town a construction maintenance easement and "come to the Town's rescue" several times. He made a motion, seconded by Mr. Billado, to give the culverts to Mr. Robison. Motion carried.

6. Expenditures

a) General Orders (07/17/13 – 08/20/13)

Mr. Thompson made a motion, seconded by Kathy Lavoie to approve the orders as printed. Discussion: Mr. Lavoie noted that the description for Blue Tarp (\$5292) was also used in the Highway Orders. Mrs. Fournier explained that when she put the money into the accounts payable, she could choose the description but then expense to whatever the general or the highway is liable for, but it all came from one invoice. Discussion concluded. Motion carried.

b) Highway Orders (07/17/13 – 08/20/13)

Mr. Lavoie asked about the sawed lumber and Mr. Garrett explained that Mr. Benjamin in Highgate sawn up some felled oak trees, which the town highway crew used for the bed of their trailer. The item for North Country Bait and Tackle was for non-ethanol gas for the small engines, which prevented the destruction of carburetors due to ethanol. Mrs. Fournier explained that the poster, poster frame, and hydraulic pump was labeled under "Business Card Service" because those items were charge to a credit card.

Mr. Billado made a motion, seconded by Mr. Thompson, to accept the highway as printed. Motion carried.

c) Payroll (07/17/13 – 08/16/13)

Mr. Billado made a motion, seconded by Mr. Thompson, to accept payroll as printed. Motion carried.

5. Highway

h) Updates

Mr. Garrett stated that the area between Bushey Road, Cook Road, and Russell Road were closed for two weeks as the culverts were being changed. One culvert required a 17-foot deep terraced ditch and 100 feet of culvert. Mr. Lavoie said that a terraced ditch was OSHA-approved, but any ditch longer than 75 feet needed a ladder on each side of it. Mr. Garrett said he was still planning to build up the road at the Sheldon town line and needed 6.5 feet of fill for the first sag. Jim Smith also agreed that he could fill with sand instead of stone, although he would still follow the A76 standards for the top. Mr. Garrett had rented a roller from Richard Green and requested that the Selectboard allow him to rent for a week, since he believed it would be the best deal for the money. The Selectboard agreed.

Mr. Garrett asked the Selectboard if he could give a 24-inch culvert to the landowner of the land from which he took the culvert. This landowner was already letting the highway stockpile their grindings for the Woods Hill project, so he figured it was a good trade-off. The Selectboard agreed.

Mr. Garrett asked who had to take out the driveway that led to the pond near the Church of Latter Day Saints, since there was no culvert and the driveway was “messing his ditch up.” Mr. Jescavage agreed to speak with the Zoning Administrator about the matter.

Mr. Billado agreed to pursue the report of speeding on the Reservoir Road. Mrs. Fournier added that the complainant had wanted to put up a sign warning motorists of children in the area and she had told the woman that the Town will not put up such signs, but she could put a sign on her private property.

Mr. Jescavage was instructed to call Cargill regarding salt pricing. The Selectboard discussed sand, and Mr. Billado was in favor of moving the sand from the outside pile into the shed, since it was growing grass. Mr. Thompson felt that Mr. Garrett should manage the sand however he wanted. Mr. Garrett agreed that some of the sand should be put in the shed, although he wanted to keep 400 to 500 out, without encroaching on the swamp area.

Mr. Garrett thanked the Selectboard for the previous offer of the old culverts, but declined the offer.

Mr. Garrett felt that the town was in “great shape” on the grant for the Woods Hill project, adding that once the town had exceeded the grant in their match, they would get the money, even if the project was not done. Jim Smith would bring him the new state list, the information would be recorded, and he suspected that the town will exceed the match.

Mr. Lavoie asked Mr. Garrett to add more information to the vehicle inventory about the vehicles’ conditions, projected time frame for replacement, and length of time that the town has owned that equipment.

Mr. Lavoie said that the Selectboard had received a bid from Dick’s Construction for the demolition of the old town garage and the removal of concrete, which included an attached bid from Mansfield Environmental for the abatement of the project. The bid to complete the demolition and removal was \$30,000, plus the attached bid from Mansfield for \$9975, also \$2200 if any fiberglass needed to go to ACM.” Mr. Lavoie stressed that the town needed to get the property ready for a Certificate of Occupancy and to clear the building completely prior to the demolition. He asked Mr. Jescavage to create a calendar to show the projected time frame for the process of moving from the old garage to the new one.

Mr. Garrett noted that he recalled the deadline for the punch list as August 29<sup>th</sup>. The fire marshal had already inspected the new town garage and required some changes to the mechanical room. Mr. Lavoie asked the Selectboard members and Mr. Jescavage to walk through the new building and write down any deviations or concerns. Mr. Jescavage would create a punch list, as well as a list of all items to be completed before the Conditional of Occupancy could be issued.

The Selectboard discussed having an open house and barbecue once the new town garage was ready.

Mr. Lavoie requested Mr. Jescavage to ask Dick's Construction if their price could hold, since the Selectboard had reviewed the bid and liked it. Mr. Garrett recommended asking for a second bid. He said that the Town should keep the high-energy lights and the modine heaters.

#### 8. Correspondence

Mr. Jescavage presented an annual fee from the state for stormwater permitting for Park D, at \$1140 a year. Although the park has no stormwater infrastructure, the fee is part of the permitting process. Mr. Jescavage stated that he had already checked into the validity of the permit and it did have to be paid. Mr. Thompson made a motion, seconded by Kathy Lavoie, to pay the permit from the economic development fund for \$1140 to the state for the stormwater permitting of Park D.

Mr. Jescavage presented a letter in which Betty Cheney recommended Vaughn Comeau, Esq., as counsel for the Swanton tax sales. Mr. Thompson made a motion, seconded by Mr. Billado, to authorize Betty Cheney to hire Mr. Comeau. Motion carried.

Mr. Jescavage presented an invoice from Knight Consulting for \$497 for concrete compressive test for the garage. Mr. Billado made a motion, seconded by Mr. Thompson, to pay the bill. Motion carried.

Mr. Thompson made a motion, seconded by Mr. Billado, to pay Chevalier \$30 for the well test sample that had to be sent to the state. Motion carried.

The Selectboard chair and vice chair signed the annual contract from the auditing company used by the town clerk.

Mr. Billado invited the public to the Daniel Billado Thank You Community Barn Dance on August 24, 2013 at 4 p.m. at H.D. Campbell's barn at 24 Lakewood Drive.

Mr. Jescavage stated that Krister Adams of HFI and several other people at a meeting had expressed gratitude to the Selectboard for helping to sponsor the grant that helped HFI to buy the mobile home park.

Mr. Jescavage presented a notice of renewal from the Agency of Natural Resources for a general permit for indirect discharge of sewage.

Mr. Jescavage presented a copy of the fire safety report from the garage for the Selectboard's review.

Mr. Jescavage stated that Ronald Kilburn had reported that Pomerleau's former tenant in St. Albans was appealing the permit received from the Development Review Board for the space next to Hannaford. The case was going to the environmental court and the town was not part of it.

Mr. Jescavage asked to be the delegate for the town at the town fair in Killington on October 3<sup>rd</sup>. Mr. Lavoie signed the paperwork to give Mr. Jescavage permission to do so.

Mr. Jescavage brought to the board's attention the fact that several vehicles had deliberately driven through the blockades on Woods Hill. Mr. Garrett added that a witness had confirmed

that some motorists had thrown the barricades into the ditch. Kathy Lavoie asked if there were standards by which something was considered an official barricade and Mr. Garrett said that he did not know, but the barricades were reflective and stated "Road Closed" with detour signs. He added that he had tried to buy new signs from Project WorkSafe, but that a large order elsewhere in the country had prevented any towns in the state of Vermont from receiving their signs. The signs would be very useful, with the potential to be customized to each job, and were highly reflective vinyl.

#### 9. Any Other Necessary Business

Mr. Thompson made a motion, seconded by Mr. Billado, to ratify the town tax rate at 1.4997 for a town resident and 1.6950 for a town non-resident. Motion carried.

The Selectboard asked Mr. Jescavage to work with Mr. Garrett to appoint a safety officer for the town, which was a volunteer position and would need to be done only once a quarter.

Mr. Thompson expressed his appreciation to the 250<sup>th</sup> committee, adding that the events far exceeded his expectations and that he wished more people had taken advantage of the opportunity. The fireworks display was "second to none." Mr. Jescavage added that Mr. Kilburn deserved special commendation for his involvement in the historical aspects of the events.

Mr. Garrett informed the public that the town portion of the taxes had gone down a half a penny, but the school taxes had gone up by 15 cents, so rise in taxes was not due to the new town garage, but to the education. Mr. Billado added that the garage was not costing a penny more than it did in the last few years.

#### 10. Upcoming Events

- a) Meeting with Shaftsbury Garage Committee @ 11 AM on August 21, 2013
- b) Planning Commission @ 7 p.m. on Wednesday, August 21, 2013
- c) DRB @ 7 p.m. on Thursday, August 29, 2013
- d) Labor Day on Monday, September 2, 2013 (Town Office Closed)
- e) Next Selectboard Meeting on Tuesday, September 3, 2013 @ 7 p.m.

#### 11. Executive Session

Mr. Billado made a motion, seconded by Kathy Lavoie, to enter executive session for personnel at 10:35 p.m. Motion carried.

Mr. Thompson made a motion, seconded by Mr. Billado, to exit executive session at 10:59 p.m. Action taken: none.

#### 12. Adjournment

Kathy Lavoie made a motion, seconded by Mr. Billado, to adjourn at 11:00 p.m. Motion carried.

Typed on August 21, 2013  
Minutes by Yaasha Wheeler  
Received and filed by:

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Cathy Fournier, Swanton Town Clerk

Date