

**TOWN OF SWANTON  
MINUTES  
SELECTBOARD MEETING  
Swanton Town Office Building  
1 Academy Street, Swanton, VT 05488  
Tuesday, September 3, 2013 @ 7:00 p.m.**

Present: John Lavoie, Selectboard Chair; Dan Billado, Selectboard vice chair; Dick Thompson, Joel Clark, and Kathy Lavoie, Selectmen; David Jescavage, Town Administrator; Yaasha Wheeler, secretary; Cathy Fournier, Swanton Town Clerk; Heather Buczkowski, Channel 15; Peter Cross, Cross Consulting Engineers; Bethany Remmers, Northwest Regional Planning Commission; Leonard Stell, Swanton Village Police Chief; Tom Maguire; Frank King, Jr.

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:

1. Minutes

a) August 20, 2013 SLB Regular Meeting

Mr. Thompson made a motion, seconded by Mr. Billado, to approve the minutes of August 20, 2013. Discussion: Mr. Clark noted that the executive session at the 08/20/13 meeting was for personnel. Discussion concluded. Motion carried.

2. Public Comments

Tom McGuire asked the Selectboard to consider painting a center line on Tabor Road; the road became “scary” when fog and other adverse conditions made visibility poor. Frank King, Jr., added that without a center line to indicate the center of the road, cars tended to travel in the center of the road during the winter, in order to remain in the most sanded area of the road. Mr. Garrett replied that Tabor Road was not in the list to stripe now, but the road was designated for repair work and a complete make-over in 2015. The Selectboard agreed to look at the striping budget, and Mr. Clark said that he would call back the concerned individuals with the Selectboard’s decision.

3. Old Business

a) Review New Garage Requisition #5 with Peter Cross

Mr. Cross stated that he had a requisition (not final), a lengthy punch list, and a draft of the certificate of substantial completion. He hoped to send the punch list to the contractor tomorrow. The gas line testing and hooking up of the boilers was scheduled for Thursday or Friday. Mr. Cross said that he had not approved the requisition, but simply submitted it, because the contractor had charged for almost 100% of the project, minus the 5% retainage, which is allowed once the project is substantially complete. However, Mr. Cross felt that because the exhaust system was not connected, the project was not substantially complete. The requisition should not be held up because of the gas, because it was not the contractor’s fault that the gas was late. He had discussed the matter with Mr. Clark, who was likewise uncomfortable with the requisition as prepared.

Mr. Clark added that he was not interested in dealing with the 5% retainage until the punch list had been reviewed. Mr. Lavoie asked Mr. Cross to have the contractor go through the punch list, present back to the board, and walk through the project together to confirm completion. After discussion, Mr. Clark made a motion, seconded by Kathy Lavoie, to retain 10% of the total contract sum and agree to pay the balance. Motion carried.

Mr. Cross noted that the proposal for Park D permits renewals had been submitted. The cost for updating all 5 permits, doing a phasing plan, and submitting an amendment to Act 250 would be \$4200. The Selectboard agreed to review the proposal and get back to Mr. Cross.

#### b) Review Garage Punch Lists

Mr. Cross presented Change Order #2, which had already been approved by the board, and which incorporated the addition of two 240-volt circuits, some flooring, and a credit for a backdraft damper and modine heater, with the net amount at \$2475.09.

Mr. Cross noted that the town had bought the stove for the garage kitchen, but had bought neither the hood nor the refrigerator.

Mr. Cross stated that Greeves Electric had billed \$875.10 for refeeding the power to the overhead door motors. The specs had called for motors on the wall with chain, but the submittals from Champlain Door had showed a ceiling mounted motor. Greeves Electric had based their work on the submittals rather than the specs, and now wanted \$875.10 for the relocation. Mr. Cross felt that the Selectboard was not obligated to pay the amount, since the specs clearly called for motors on the wall. The Selectboard agreed with Mr. Cross's judgment.

#### c) Set Date for Final Inspection & Acceptance of New Garage

It was noted that the date for inspection referred to inspection by the Selectboard, not by the state. The inspection would not be done until the punch list was complete, and a grand opening date would be set about 3 weeks in the future.

### 4. Law Enforcement

#### a) Swanton Village Police Chief Report

Chief Stell came forward. He stated that the Swanton Village Police Department had responded to 71 complaints in the month of August, and issued 12 traffic tickets with a total fine amount of \$2078. They had targeted County Road for speeding violations based on a conversation with Mr. Billado, and their unpredictable patrol times had been successful. When asked to explain the Basic Rule, he replied that basic rule emphasized the local ordinance so that part of the fine money would go back to the town. It was easier to default to basic rule, since there was less to prove and the fine was the same.

Mr. Thompson asked about the status of the request to lower the Route 7 speed limit near the St. Albans Town line, as passed on to Amy Gamble. Mr. Jescavage replied that the traffic committee intended to re-study the speed after Walmart had opened and traffic had normalized, pushing the study out to the winter. Mr. Thompson said that he was under the impression that the committee had wished to have the reduced speed limit in effect upon Walmart's opening. Chief Stell agreed that that was his understanding as well, but he felt that Walmart's opening would slow traffic naturally to a point where the 85<sup>th</sup> percentile would be in the 40 to 45 mph range anyway, thus confirming the need for a speed limit change.

Chief Stell added that he had investigated a speeding complaint on Route 105, but his traffic study had showed that the 85<sup>th</sup> percentile was 55 mph, so he did not see a need to reduce the speed limit. Also, out of 4000+ vehicles, only a few had violated the speeding ordinance, so he felt that speeding was not a huge issue on that route.

Mr. Clark asked for an update on the car break-ins and Chief Stell replied that his department and the Rutland Police Department had identified the thieves as two Rutland residents, with evidence to tie them to 7 or 8 car break-ins. They had returned to Rutland but had been apprehended. The incidents had been a result of opportunity, in which items were taken from unlocked vehicles. Some people either did not know that their items were missing, or failed to report the thefts to the police. The Selectboard thanked the Swanton Village Police Department for their "stellar work" in apprehending the perpetrators.

Kathy Lavoie requested an update about the follow-up to the sex offender registry non-compliance and Chief Stell replied that 2 of the noncompliant cases were errors from the Department of Corrections, which had failed to inform the police department that one of the sex offenders was still in jail. Another sex offender had failed to report his new address, but had since registered it. In general, there was 98 to 99% compliance in regard to complying with the registry, although not necessarily with other regulations.

### 5. Highway Department

#### a) Discuss Hydroseeder Grant Award

Bethany Remmers, NRPC, stated that the Regional Planning Commission had applied for and received funds from the Agency of Natural Resources to purchase a hydroseeder to be shared by participating towns in Franklin County. A hydroseeder sprays a slurry of mulch and grass seed to establish

vegetation in roadside ditches and on steep slopes, instead of doing labor-intensive manual broadcasting and mulching. At least 6 towns would share the equipment, each receiving 10 work days (not necessarily consecutive) throughout a field season to use the hydroseeder. The grant would pay up to \$30,000 for the equipment and program, including materials for the first field season, plus NRPC's time in doing the research, getting of bids, purchasing the hydroseeder, organizing the towns, etc. Each town would contribute \$500 in the first year, with \$50 every following year for maintenance, insurance, registration of the unit, and similar costs. Crew members of participating towns would attend a half-day of training in the use of the equipment. A memo of understanding would be developed over the fall, the purchase would occur in the winter, the training would be held in April, and the hydroseeder would be read to go by the spring. The equipment would be owned by NRPC, and hosted in a centrally-located garage, which could do the annual maintenance and bill the program for the work. The schedule for use could be done through the NRPC as well, with an open calendar to be viewed by all participating towns. Four towns were on board: St. Albans, Swanton, Highgate, and Montgomery. Enosburg and Franklin were currently "on the fence." If more towns decided to join, the \$500 for the first year had the potential to lower, since the cost would now be shared by more towns; this was dependent on the choice of the participating towns, since that money paid for the \$3000 match and any extra would go toward maintenance.

Mr. Billado made a motion, seconded by Kathy Lavoie, to buy into the program for the purchase and use of the hydroseeder. Discussion: Mr. Clark asked for a clarification in the agreement regarding the process a town would have to go through if, at any time, the town decided to terminate its participation in the program. Mrs. Remmers agreed that that item would be noted in the memo of understanding, and stated that the \$500 would be non-refundable, but the annual \$50 would not be required in the case of such termination. Discussion concluded. Motion carried.

#### b) Update Woods Hill Road Project

Mr. Jescavage stated that he was ready to submit a request for reimbursement from the Woods Hill grant. He added that guardrails would be needed, since the road had been built up substantially. Currently, reflective delineators were planned until the guardrails could be installed next year. Mr. Garrett said that the stretch of road for which guardrails were needed was about 150 feet, and he was going to be removing about 250 feet of guardrail along the Rail Trail. Once the banks had settled, the removed guardrail could be relocated to Woods Hill Road. The blacktop would go on the road by late September or early October. "Caution Slow" signs were posted along the road, but washboarding still occurred and Mr. Garrett's crew would grade as needed until the blacktop was added. The state would stripe the road after the paving was complete.

The Selectboard reviewed the hours of labor and equipment use for the Woods Hill grant reimbursement. The Selectboard reviewed the document, pointed out some inconsistencies or potential errors in the information, and requested an updated document for the next meeting. Mr. Garrett would work with Miss Wheeler on that item.

#### c) Set New Garage Open House Date

The Selectboard set October 19, 2013 as the tentative date for the new garage open house.

#### d) Discuss Highway Radios

Mr. Jescavage stated that the portable radios, upon being tested, only worked within a 1.5 mile range and were essentially useless for the intended purpose because they had no repeater. The Selectboard still felt that at least 2 handheld radios, plus 4 truck radios, would be useful for the road crew. Mr. Billado noted that the radios would not be able to communicate with police, fire, or rescue on the band available to them; they would have to look into programming the radios to pick up police, fire, and rescue. Mr. Thompson made a motion, seconded by Kathy Lavoie, to retain two handheld radios and purchase a base station for the Town Clerk's Office. Discussion: Mr. Billado was in favor of getting a base station for the town garage as well and having a license separate from the Village's. Mr. Clark asked Mr. Jescavage to look into getting a license for the town and Mr. Lavoie added that they should evaluate the need for a base at the garage at a later date. Discussion concluded. Motion carried.

#### e) Other Updates

Mr. Garrett requested permission to attend the October 3<sup>rd</sup> Town Fair and the workshop in St. Albans town for winter maintenance (on the 16<sup>th</sup> or 17<sup>th</sup> of September). The fee would be \$15 to \$20. He added that he would use the sand that was outside. He and Mr. Jescavage were in the process of getting salt, of which they needed roughly 250 tons to fill the shed, which already had about 60 tons.

Mr. Garrett stated that the rocking of the dump truck had cracked the ear of the lift cylinder and was

getting quotes for replacing the cylinder.

Mr. Clark stated that the Development Review Board condition on the town garage approval was to fence along the back and sides of the garage property, to discourage foot traffic. Kathy Lavoie noted that much of the conversation had focused on the front and sides, since there had been a communication about whether an electrical hook-up was best put on the pole or on the building. Mr. Lavoie said that he felt that the fence was to help protect materials. It was noted that no deadline for completion had been required. Mr. Garrett pointed out that having gates in the front would require enough space to put the fence outside of the state right-of-way, and for his truck to pull off the road so that he could open the gate. He added that he was using some land from the neighboring property (with the landowner's permission) and a fence would make that land unusable to him. The Selectboard discussed taking the matter back to the Development Review Board for some adjustment once the town had measured where they wished the fence to be installed.

The Selectboard agreed that the Hog Island water problem should be addressed by ditching to the culvert. The Brown Avenue water issues would be added to the 5-year plan for the fall.

It was noted that the Richards' driveway on Janes Road would be blacktopped and that Mr. Richards had signed a document guaranteeing the driveway for only one year.

Miss Wheeler was asked to consider accepting a position as the safety officer for the town; she would give an answer at the next meeting.

## 6. Correspondence

### a) Swanton Survey Request From Sandy Kilburn

Sandy Kilburn had requested the Swanton Selectboard and Swanton residents to participate in her survey about the Swanton community. Kathy Lavoie recommended linking to the survey on the Swanton Town website.

Mr. Jescavage stated that he had received an e-mail from the state regarding changes to health insurance. A special Joint Legislative Body meeting would be needed to review the upcoming changes with Blue Cross Blue Shield prior to presenting those changes to the town and village employees. Mrs. Fournier explained that, for the month of October, BCBS was dealing with just the employers. In November, the enrollment of individual employees would begin. Both she and Mr. Jescavage explained that the system was undergoing considerable change and even the navigators were not yet trained.

Mr. Jescavage noted that the town could only receive health care from MVP or BCBS; the Selectboard would decide which one to make available to the employees, who would have at least 7 plans to choose from. The employer had to provide insurance for any employee who worked 30 hours or more. Employees could opt out and pick up health insurance as an individual. Mrs. Fournier added that the employers should be working with the program in October, so that the employees would begin enrolling by November 1<sup>st</sup>. Everyone should be enrolled by December 1<sup>st</sup>, because the first premium had to be paid by December 15<sup>th</sup>. Mr. Jescavage was asked to arrange a Joint Legislative Body meeting on October 1<sup>st</sup> (the first Tuesday in October) at 6 p.m.

### b) Historic Maps Request From Ron Kilburn/SHS

Mr. Jescavage presented a written request from Ronald Kilburn from the Swanton Historical Society for the Town of Swanton to donate 2 historic maps, previously in storage in the floor above the town clerk's officer, for use in the Swanton historical museum. After viewing the maps, Mr. Clark made a motion, seconded by Mr. Thompson, to donate the two maps indicated in Mr. Kilburn's e-mail of September 3, 2013, to the Swanton Historical Society, with a written and signed agreement that, should the society cease to use the maps, they would be returned to the town. Motion carried.

## 7. Any Other Necessary Business

Mr. Billado stated that the Department of Health had confirmed "triple E" in a Highgate horse, putting Swanton at "high risk." A press release was being prepared and schools were being contacted with the recommendation to cancel or delay evening events to avoid the mosquitoes that could potentially carry the virus. He asked Mr. Jescavage to include a warning on the Swanton town website.

Mr. Billado asked Mr. Jescavage to contact the Vermont State Police and inform them that Joel Clark was the new road commissioner.

Mr. Billado stated that, at a meeting with lister Jim Pratt, he had been informed that the 911 maps were not updated. Mr. Jescavage noted that some roads had been missing for years and that the 911 changes

from the past year (2012 to the present) had not been updated by the state as they should have been. He added that, despite a citizen's dispute to the contrary, the Maquam Shore Road addresses were now correct.

Mr. Billado reminded Mrs. Fournier to request Tanya Remillard to substitute for Mrs. Fournier at the Selectboard meetings that Mrs. Fournier could not attend.

Kathy Lavoie informed the board that the FCIDC board approved Executive Director Tim Smith to work with the Swanton Selectboard on the industrial park on the same type of level that he has worked with other towns. Mr. Smith would get a sign to post by the park, as discussed with the Selectboard at the last meeting. She added that Dianne Bothfeld had been contacted through Mr. Smith's office regarding the agricultural mitigation. The Northwest Regional Planning Commission had received the HUD grant for sustainable communities. Mr. Thompson had been involved with a broadbase group of stakeholders that had been part of the creation of the Economic Strategy for Franklin and Grande Isle Counties. She was hired to be the facilitator and technical writer of the Economic Development Plan and had to present to 10+ organizations in the community. Therefore, she requested to present (about 20 minutes) at the next Selectboard meeting.

#### 8. Public Comments (Reprise) – No public comment.

#### 9. Upcoming Events

a) September 11, 2013 next PC meeting @ 7 p.m.

b) September 17, 2013 next SLB meeting @ 7 p.m.

Mrs. Fournier reminded that the September 17, 2013 Selectboard meeting was a finance meeting. The Selectboard agreed to discuss the Woods Hill budget and the Town garage budget after the finance meeting, perhaps under Old Business in the regular meeting. The meeting time was moved back from 7 p.m. to 6:30 p.m.

c) September 18, 2013 Vtrans Rt. 78 Public Hearing @ Village Complex @ 6:00 p.m. (open forum) and 6:30 p.m. (public hearing)

The Selectboard reviewed the information regarding the Park D permits and renewals, which included extending permits with approaching deadlines, developing a phasing plan for Act 250 and submitting an amendment, extending the VTrans curb cut and sewer line, completing a reinstatement of compliance for the stormwater permit, getting a permit extension for the public water and for the Corps of Engineers wetland permit, at an estimated cost of \$4200. This would include 2 meetings with the Selectboard, but would not include any permit amendment fees due to the state of Vermont or the Corps of Engineers. A wetlands delineation was not required at the time, and Cross Consulting Engineers would verify the amount of filling done to date and submit an extension request.

Mr. Thompson made a motion, seconded by Kathy Lavoie, to authorize Cross Consulting Engineers to do the work as described in Mr. Peter Cross's letter of September 3, 2013 for a cost of \$4200, to come out of the economic development fund. Discussion: Mr. Clark and Mr. Billado were more comfortable with the wording "not to exceed \$4200 without written permission from the Swanton Selectboard." Mr. Thompson made the amendment, seconded by Kathy Lavoie. Discussion concluded. Motion carried. Mr. Jescavage was asked to contact Mr. Cross with the Selectboard's decision.

#### 10. Executive Session

Mr. Thompson made a motion, seconded by Kathy Lavoie, to enter executive session for personnel at 9:45 p.m. Motion carried.

Mr. Clark made a motion, seconded by Mr. Thompson, to exit executive session at 10:40 p.m. Motion carried. Results of executive session: The Selectboard presented an employee evaluation and discussed cell phone usage relative to Personnel Policies and Rules of Employment.

#### 11. Adjournment

Kathy Lavoie made a motion, seconded by Mr. Billado, to adjourn at 10:42 p.m. Motion carried.

Typed on September 6, 2013  
Minutes by Yaasha Wheeler  
Received and filed by:

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Cathy Fournier, Swanton Town Clerk

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Date