

TOWN OF SWANTON
MINUTES
SELECTBOARD MEETING
Swanton Town Office Building
1 Academy Street, Swanton, VT 05488
Tuesday, January 7, 2014 @ 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; David Jescavage, Town Administrator; Cathy Fournier, Town Clerk; Angelo Finelli, Kinney Pike Insurance; John Bessette, Swanton Public Library; Chief Leonard Stell, Swanton Village Police Department; Heather Buczkowski, Channel 15; Timothy & Leslie Nulty (executive session).

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) December 17, 2013 SLB Meeting

b) December 23, 2013 SLB Special Meeting

It was noted that the December 23, 2013 meeting minutes had not been yet documented. The meeting had been held at the Town Garage, begun at 8 a.m. and finished at 8:59 p.m., with Mr. Clark, Mr. Thompson, Mr. Garrett, and Mr. David Chevalier present. The discussion had involved the water issues at the garage, and potential fixes. Mr. Billado made a motion to approve the December 17, 2013 SLB minutes. Mr. Clark seconded. Motion carried.

2. Public Comments – None.

3. Old Business

a) Millbrook Final Requisition

Mr. Jescavage presented a requisition which Mr. Cross had sent on behalf of Millbrook, to approve the final payment of \$4873 for the construction of the new garage. This would close out the entire contract with the exception of the one-year warrantee. The Selectboard discussed the importance of resolving the problem with the overhead doors, which they felt was Mr. Pratt's job as the general contractor, as well as close out the punch list items (the pipes sticking out of the mechanical room and the missing tags on one of the new extinguishers). Kathy Lavoie felt it was an issue of principal; Mr. Pratt should finish the job satisfactorily. Mr. Billado wished to withhold all of the money until the problems were resolved. Mr. Clark made a motion to accept the final requisition minus \$1000. Mr. Thompson seconded. Mr. Lavoie, Mr. Clark, and Mr. Thompson voted aye; Mr. Billado and Kathy Lavoie voted nay. Motion carried.

The Selectboard requested Mr. Jescavage to compile a formal list of warrantee calls made, as well as any continuing issues of concern.

b) Annual Liability Insurance Review with Andy Finelli

Mr. Finelli came forward to explain the insurance proposal and annual review. The property insurance for locations other than Robin Hood Drive had a limit of \$5,932,500; the limit was

raised on an annual basis, based on the addition of locations (the new garage, for example). There was also an inflation adjustment built into the policy (2%), to keep from falling too far behind. There was also earthquake and flood coverage for \$1 million each, with a \$2500 deductible. The money and securities coverage had a limit of \$50,000, with a \$2500 deductible. Kathy Lavoie asked how the money and securities amount was determined, and Mr. Finelli stated that it was arbitrary, and somewhat based on what the insured party felt was needed.

The equipment schedule needed to be updated with the new Kubota tractor and a one-ton truck. Mr. Jescavage would send the current list.

Mr. Clark asked about “music instruments and band uniforms” and Mr. Finelli replied that that may have been put in because it was something that many municipalities had; he would look into whether it was needed for the recreation commission or if it should be removed from the policy.

Employee dishonesty coverage and forgery or alteration had a limit of \$150,000 each, set by a guesstimate based on the insured’s perception of a worst case scenario and what tools were available to mitigate losses. Alternate quotes were available. Mr. Thompson asked if professional audits changed the rates and Mr. Finelli said that having regular audits could potentially impact the pricing, coverage, and limits.

The policy for the Robin Hood location had a blanket building limit of \$1,061,600, with a deductible of \$2500 and flood and earthquake coverage of \$1 million each. The Selectboard reminded Mr. Finelli that David Fosgate would own the property after September 1, 2014. Mr. Fosgate currently paid the premium for the Robin Hood property.

The general liability protects the municipality if someone’s property was damaged and the town was determined to have some responsibility. The general aggregate limit was \$3 million. Personal injury coverage includes \$1 million per occurrence, with \$3 million of aggregate per 12-month policy year. Employee benefits liability coverage had a limit of \$1 million, with a \$1000 deductible.

Commercial or business auto policy included \$1 million for bodily injury and property damage, with both comprehensive and collision. Public officials liability, which is the professional liability, has a \$1 million limit, which triggered for coverage when a claim was made, not when loss occurred on the policy.

The employment practice liability policy had a \$1 million limit, on a claim-made form, which protected the municipality if a claim was brought against the municipality/employer by an employee alleging things like discrimination, harassment, wrongful determination, etc.

The workers compensation policy involved on-the-job related health insurance required by statute, and provided coverage for employees who incurred on-the-job related injury or illness. The benefits were determined by state, with the premium determined by occupational class, and with payrolls assigned to classes. The payrolls were audited at the end of the year, and the difference made up for any overpayment or underpayment.

The public official bond policy covered several positions (clerk, assistant clerk, treasurer, assistant treasurer, tax collector, etc.), totaling up to \$292,000 in protection. The limits were assigned to a name schedule, rather than a position schedule, so applications would have to be submitted at regular intervals.

Premium comparisons of last year and the coming year showed a nominal increase in rates, which Mr. Finelli felt was not significant (under \$4000). It broke down as follows: \$1487 (new town garage), \$302 (new vehicle), \$39 (new tractor), \$1420 (workers comp with an adjustment). An increase in property values account for another \$200. The rate increase difference was \$647, of which \$573 was for the Robin Hood location. Kathy Lavoie and Joel Clark agreed that they should look at the base values to see if there was any place to trim, or whether it was best to stick with the recommended coverage.

Mr. Finelli pointed out that there had been a substantial increase in building values, especially with the addition of a new town garage, and that payrolls were also up by \$17,000 from the previous year. He added that looking at higher deductibles could lower some insurance costs. He also recommended looking at increasing the excess liability policy of \$2 million, which gave coverage if certain limits were exceeded. The coverage was for total costs, not for each item.

The Selectboard asked Mr. Finelli to look into some variations and get back to them. They thanked him for his time and presentation.

c) Discuss Library Ice Damage

Bob Bessette came forward and explained that the build-up along the library roof had caused the gutters to sag, pulling some of the soffit and fascia material down as well. The attic was now open to the elements. The state historic board could be approached to obtain a grant to cover part of the work. Mr. Billado felt that the work would probably not exceed the \$2500 deductible. There was discussion that the town could clean up the front of the library with the bucket loader. Mr. Lavoie mentioned that the library is the town's building; however, the library should also have a maintenance budget for this sort of thing. He explained that typically, gutters were set low enough so that ice would slide over them, but that these gutters were probably set high enough to catch ice as it came off the roof. Mr. Bessette said he imagined the cost fell on the library, although the last bill had been paid upfront by the library and repaid to the library later by the town.

The Selectboard discussed temporarily in-filling the area to protect the interior, and to wait for spring to do the full repair work. Mr. Jescavage was asked to contact Mr. Neal Spear to get a price for repair, both temporary repair for the present and permanent repair for the spring, unless they could both fall under one scope. It was also noted that the gutters would probably have to be replaced. The Selectboard also asked Mr. Bessette to look into whether the fan system in the attic was being used, which could prevent further ice build-up.

4. Economic Development

This item was postponed until executive session.

5. Law Enforcement

a) SW Village Police Chief Report

Mr. Stell came forward. He stated that there had been a total of 29 complaints for the month of December, with 4 traffic tickets issued for a total of \$954. Mr. Billado said he was interested in seeing the 2013 ticket total for outstanding fines. Mr. Clark asked about the burglaries and Mr. Stell said that there had been a rash of daytime burglaries in the village, all but one of which had been traced to a couple from Chittenden County, who had been arrested and charged with burglary.

The speed study on Route 78 would be continued when warmer weather allowed for longer battery life on the counters. Mr. Billado added that there had been complaints about speed violations in relation to one vehicle along Bachand Road.

6. Economic Development

Mr. Thompson made a motion, seconded by Kathy Lavoie, to enter executive session for real estate at 8:45 p.m. Motion carried.

Mr. Billado made a motion, seconded by Mr. Clark, to exit executive session at 9:20 p.m. The discussion had focused on potential buyers for Park D; no action taken.

7. 2014 Budget Discussion

a) General Budget

Mrs. Fournier stated that some numbers were still missing from salaries, but the general budget was accurate otherwise. Unemployment and training had increase, and the shelving in the vault had accounted for some of the expense as well (its cost could be taken from equipment repair/purchase). It was mentioned that Mr. Jescavage's laptop should be replaced as well. An increase in the animal control costs would be offset by income from licensing animals and from fines. The Franklin County tax and the solid waste had decreased. The deadline for the report was January 24th, so the salaries were needed prior to then.

The Selectboard discussed adding a stipend to Swanton's representatives on the Northwest Regional Planning Commission. It was estimated that the cost would be \$1000-\$1500 in total. Mr. Clark made a motion, seconded by Kathy Lavoie, to pay \$500 per year to each Regional Planning Commission representative to be reviewed next year both on how to pay and on what amount should be paid. Motion carried. The Selectboard agreed to split payment to two installments of \$250, every 6 months.

8. Refine Highway Budget

Mr. Clark suggested that \$9000 was a better number for natural gas than \$4000, because of the addition of the new garage. Mr. Garrett added that Bushey Street and Comstock Road had to be done; the \$40,000 road improvement money could be applied to Comstock Road. Mr. Garrett noted that using more salt was advisable, because sand was expensive and there was talk at the state level of phasing it out. Still, costs would depend on the weather. Mr. Garrett apologized for the state of the roads following the ice storm, but Mr. Clark replied that no apology was necessary, since the road crew had done all that they could; ice was simply hard to deal with. The Selectboard agreed to keep stone at \$12,000, sand at \$8000, and salt at \$20,000.

Mr. Clark recommended taking the fencing cost out of the existing garage balance and adding a line item of \$5000 for water treatment. Mr. Garrett suggested using the unspent \$3500 from the tree service money for water treatment.

Mr. Clark explained that the water issue discussed in the December 17th meeting was tested by David Chevalier at the December 23rd special meeting and determined not to be the immediate crisis first thought. The sulfur levels were borderline, so the main reason to treat it would be for smell. The hardness was also not necessarily an issue. Mr. Thompson was strongly of the opinion that the sulfur and the hardness should be dealt with satisfactorily, since those things tend to come up again in the future otherwise.

After discussing the treatment options, Kathy Lavoie made a motion, seconded by Mr. Clark, to purchase option #2 for the sulfur treatment system for \$4500 from Chevalier Well Drilling. Motion carried. The cost would be covered by \$3500 from the tree service and \$1500 from the fuel reimbursement excise tax.

b) Articles

Mr. Jescavage presented three proposed articles. The Selectboard struck the second proposal. One of the proposals dealt with whether to accept taxes postmarked with the deadline, or whether to continue accepting only taxes received on the deadline, regardless of postmark. The wording had to be evaluated to be certain of no ambiguity.

- Increase percentage of voters needed for reconsideration votes.

Mr. Thompson felt that allowing a petition for a reconsideration vote that required only 5% of voters "circumvented the democratic process." This was because most voters would turn out in March, but a reconsideration vote would be held on another day, and was more likely to be attended by a special-interest group, who would overturn the vote that had been fairly voted on by the majority of Swanton voters. Mr. Thompson made a motion, seconded by Mr. Billado, to put on the ballot an article that would increase the required percentage of voters for a reconsideration vote petition from 5% to 20%. Motion carried.

9. Highway Department

a) Update on Water System/Filtration Estimate – Done.

b) Update on Truck Radio Repair

Mr. Garrett informed the board that he had replaced an antenna that was broken off his truck by overhanging trees during the ice storm.

c) Other Updates

Mr. Garrett said that two of the chainsaws were “junk” and had to be replaced. He recommended getting a 291 Farm & Ranch model at Champlain Equipment for \$439 (includes a 10% discount). The saw would come with a 1-year full warrantee, and if he bought a 6-pack of oil to mix with the gas, he would get a free second one-year warrantee. The Selectboard agreed to let him buy the saw.

Mr. Garrett informed the board that the Town of Sheldon had billed Swanton for almost \$10,000 of Sheldon’s labor for the Woods Hill project. He had understood a different arrangement, which did not involve mutual billing of labor, and expressed disappointment at the misunderstanding. Mr. Jescavage was asked to contact the Town of Sheldon to meet with the Selectboard and resolve the issue. He would also obtain a DVD of the meeting to review exactly what was agreed upon.

Mr. Clark presented the board with a possible South River Street statement of work and advised them to consider it prior to discussion at the next meeting.

10. Correspondence

Mr. Jescavage presented a letter from the Agency of Transportation which stated that the project on the intersection of South River Street and Beebe Road and County Road would be done in the spring. He also presented the certified equalized education property tax value, and asked if he should invite a representative from the Franklin County Humane Society for a discussion for 2014. The Selectboard agreed that he should invite discussion with the Humane Society. Mr. Jescavage presented a letter from the cartographic company regarding the yearly contract to update the town’s tax maps. He had recently met with a representative from the company and given him information that the town felt was missing from the maps; money for that was in the budget.

11. Any Other Necessary Business

Mr. Thompson asked Mr. Jescavage to contact Myers in Colchester to see if recycled materials from the old garage would be accepted, and how the price compared to that of the transfer station.

Mr. Jescavage said that the contractor for the asbestos removal had estimated that the current price for removal would be the same as previously quoted.

Mr. Thompson informed the board that he was going to approach the Franklin County Legislature about the overpayment on taxes, since the Town shouldn’t pay people to live in Swanton, especially with the education tax going up.

Mr. Garrett stated that he and Mrs. Fournier had been unable to take their vacation between Christmas and New Year’s Day because of the ice storm, but the employee policy stated that the time expired upon the end of the year. Mr. Billado felt that it was an emergency situation, and that they should not be penalized because they used their vacation time to serve the town during the holiday week. Mr. Clark made a motion, seconded by Mr. Billado, that, due to extenuating circumstances, Mr. Garrett and Mrs. Fournier shall be allowed to carry over their vacation time

from 2013. Amendment: Kathy Lavoie added that the same should be so for any other town employees in the same circumstances. Motion carried.

12. Public Comments (Reprise) – None.

13. Upcoming Events

- a) January 15, 2014 @ 5 p.m. Planning Commission Meeting
- b) January 20, 2014 Martin Luther King Holiday (Office Closed)
- c) January 21, 2014 @ 7 p.m. Next Selectboard Meeting
- d) January 23, 2014 @ 7 p.m. Development Review Board Meeting

14. Executive Session (Real Estate)

Mr. Clark made a motion, seconded by Kathy Lavoie, to enter executive session at 11:02 p.m. Motion carried.

Kathy Lavoie made a motion, seconded by Mr. Billado, to exit executive session at 11:11 p.m. Motion carried.

Mr. Clark made a motion, seconded by Mr. Billado, to grant all employees a 1.5% salary increase. Motion carried.

Mr. Thompson made a motion, seconded by Mr. Clark, to adjourn the meeting at 11:13 p.m. Motion carried.

Typed on January 9th and 10th, 2014

Minutes by Yaasha Wheeler

Received and filed by:

Cathy Fournier, Swanton Town Clerk

Date