

**MINUTES
SELECTBOARD MEETING
TOWN OF SWANTON
SWANTON TOWN OFFICE BUILDING
1 ACADEMY STREET, SWANTON, VT 05488**

TUESDAY, FEBRUARY 18, 2014, 7:00 P.M

Purpose: Regular-scheduled meeting of the Swanton Selectboard for the month of February 2014.

Present: John Lavoie, Chairman; Dan Billado, Vice Chairman; Kathy Lavoie, Dick Thompson, and Joel Clark, Selectmen; Cathy Fournier, Town Clerk (“TC”); David Jescavage, Town Administrator (“TA”); Harold Garrett, Road Foreman (“RF”); Leigh Smith, Recording Secretary; Heather Buczkowski, Channel 16; Shawn Dashno, Swanton Animal Control Officer (“ACO”); and Roberta Garey – Sunset Terrace, Swanton resident.

- A. Call to Order. Chairman J. Lavoie called the meeting to order at 7:00 p.m.
- B. Pledge of Allegiance. Chairman Lavoie led the attendees in the Pledge of Allegiance.
- C. Meeting Topics:

1. Minutes – 2/14/14 Regular Swanton Selectboard Meeting; and 2/17/14 Special Meeting of the Swanton & Sheldon Selectboards.

Mr. Thompson moved that the selectboard approve the above-cited meeting minutes as recorded. Mr. Billado seconded the motion, which was carried unanimously.

2. Public Comments.

Sunset Terrace Mobile Home (“MH”) Park resident Roberta Garey was present to register a complaint against her recent dealings with the Town’s Health Officer, Dan Billado, regarding her attempts to “declutter” her mobile home property on the premises, as well as to respond to what she perceived as a mishandling of hazardous waste at the site. She introduced herself as an “environmentalist,” and cited and showed a copy of an alleged State bill, Act 148 from February 2012, banning the disposal of hazardous waste at public landfills. Ms. Garey said that the State has failed to pay for enforcement of the bill, so she had taken it upon herself to “monitor” activity at her MH park site. She showed pictures that she described as evidencing the unlawful dumping of tires, vegetable oil, TV sets, a fire extinguisher, and other hazardous waste in the park’s area. She said there was a sign on her MH site’s dumpster regarding non-allowed items, but that people were “lazy” and disregard the notice. She recounted an effort wherein she had “pushed a car” of hazardous waste to the Town garage [during the last Household Hazardous Waste Day]. She said she had personally disposed of tires at [ferrying them away from] the site. The site’s maintenance personnel had allegedly told her the tires should be “thrown in the garbage” [at the site]. She claimed that because she was caring for these hazardous waste concerns, her own residence had suffered as a result. Before June 5, 2013, she had no car. She read remarks about her attempt to get a car and about her difficulties in “decluttering” her MH without a vehicle. She said she finally got a car in June 2013. She claimed she saw tires brought to the site and dumped illegally. She said she brought these into the Town on the last Household Hazardous Waste Day.

Ms. Carey said that her MH porch allegedly passed inspection [recently for clutter removal; she did not cite by whom]. However, the Town Health Officer, Dan Billado, “had a problem,” noting his allegation to her that her home remains cluttered.

Mr. Lavoie asked Ms. Carey if the MH park’s owners had been contacted regarding installing appropriate waste containers and up-to-date disposal information. Ms. Carey replied that she had been told by the park’s “maintenance man” to “throw

them [tires] in the dumpster.” She said that she contests this direction, allegedly speaking as a former employee of Casella Waste.

Mr. Billado directed fellow selectboard members to a written complaint of Ms. Carey [no date noted].

Mr. Billado moved that the selectboard table their regular selectboard meeting and enter Executive Session to deliberate as the Swanton Health Board for the purpose of discussing personnel. This motion was seconded by Mr. Thompson and carried unanimously.

The selectboard tabled their regular meeting to convene as the Swanton Health Board for the above-cited purpose at 7:11 p.m.

At 7:45 p.m., Mr. Billado moved that the Swanton Health Board adjourn. Mr. Clark seconded the motion, which was carried unanimously.

RESULT: Mr. Lavoie advised that the Swanton Health Board had received a complaint from Roberta Garvey of Sunset Terrace, a MH park off Rte. 7, and that the matter brought before them had been resolved.

Mr. Clark moved that the selectboard reconvene its regularly-scheduled meeting. Mrs. Lavoie seconded the motion, which was carried unanimously. The selectboard reconvened at 7:46 p.m.

3. Old Business. There was nothing noted.

4. Economic Development.

a. Fourth Street Garage Discussion.

Selectboard members reviewed a flyer from Myers Recycling Center of Colchester regarding their potential for work in removing the Fourth Street Garage from its current site, including toxic materials such as asbestos sheeting. A contractor from Myers is due to meet with the TA on Thursday, February 20, 2014, to discuss options. The selectboard directed Mr. Jescavage to secure two quotes from the company, (1) to tear down the current building (a/k/a “demo” completion); and (2) to provide dumpsters appropriate for debris from the site if the Town engages in the structure’s demolition.

Mr. Clark asked if any further interest had been expressed concerning the Town’s potential sale of the property. Mr. Lavoie said he had contacted a previous inquirer, as well as another potential contact. Mr. Lavoie is due to follow up with his contacts and report on any progress to the selectboard “in the next week or two.”

b. VCGI Tax Parcel Mapping Grant.

Selectboard members discussed a proposal from the Vermont Center for Geographic Information (“VCGI”) for updating the Town’s parcel maps under a 50-50 matching grant, whose proposals are due by 2/24/14. The benefits of Swanton’s updating currently film-based, potentially distorted map images to modern digital photos were discussed. VCGI offers to update the Town for \$17,000. Despite the 50% match draw for the Town, it was noted that the grant was publicized after the Town’s budget was set. TA Jescavage said the grant is just for this year. He said in discussing the matter with a Franklin official, the possibility was raised of Swanton’s contribution of, say, \$3,000 for \$6,000 worth of work; in this event, the map updates could be started with further costs pursued in future years under a capital plan.

Mrs. Lavoie asked if the grant is funded through money from the State of Vermont. Selectboard members queried how the Northwest Regional Planning Commission (NRPC) could be reputedly referenced in the grant information, when it appears that municipalities, in general, had no knowledge of it before now.

Mr. Clark asked about an impact to the Town if the matter is not pursued, e.g., is there a deadline by which the Town must have its parcel maps updated? Mr. Jescavage said the impact is simply that the Town would lose the 50% match currently offered. It was noted that the map-updates are simply an enhancement and not a requirement under current regulations. Mr. Thompson offered that other towns must certainly be in Swanton’s “same situation” [learning the grant information after their budgets had been set]. Mrs. Lavoie suggested that Mr. Jescavage call Catherine Dimitruk, Executive Director at the NRPC to get more information. The selectboard agreed that the pursuit should be properly budgeted if required in the future. Mr. Jescavage will pursue the selectboard’s inquiry about what, exactly, “it gets the Town to enhance” their current parcel mapping, if they do so now.

5. Recreation.

a. Appoint 3 Members to Swanton Recreation Board of Directors.

Per the undated request of the Swanton Recreation Board Chairman, Betsy Fournier, Mr. Thompson moved to appoint Sara McQuire, Alisha Bourdeau, and Marka Cheney to the former's Board of Directors. Mrs. Lavoie seconded the motion, which was carried unanimously. Mr. Jescavage will follow up with B. Fournier with the result.

b. Recreation Road Closure Request.

The selectboard reviewed Swanton Recreation Board Chairman Betsy Fournier's 2/18/14 e-mail request to TA David Jescavage for permission to block a portion of Robin Hood Drive for the Swanton Color Splash Run on 5/10/14 [no times designated]. The selectboard noted that Mrs. Fournier has allegedly assured that there would be emergency routes around either end of the designated portion of the run. Road Foreman Harold Garrett urged the Town to ensure coordination with Robin Hood complex owner David Fosgate for the time as necessary. In addition, Chairman Lavoie urged that TA Jescavage ensure Mrs. Fournier of all the Recreation Department's obligations regarding notification of emergency dispatch, signage, etc. before the event. Mr. Billado said that typically Missisquoi Rescue and the Swanton Police Department escort activities of this sort, thus obverting a road block. In further discussion, the selectboard tabled a decision until the anticipated presence of Mrs. Fournier at their next regular selectboard meeting.

6. Animal Control Officer ("ACO") – Monthly Report.

Selectboard members reviewed Swanton ACO Shawn Dashno's January 2014 activity report. Mr. Dashno reported that there had been no further incident following a bite report on 1/5/14. He said there was an at-large dog complaint at the Babcock School (1/23/14) and one barking complaint. Mr. Dashno said he responded to a complaint about possibly abandoned animals at "9 1/2 Grand Avenue" on 1/24/14. Rusty Posner of Franklin County Humane Society ("FCHS") had talked with the alleged complainants, but everything was fine when Mr. Dashno investigated, he said. The call to FCHS had been anonymous, and there was no valid physical address of "9 1/2 Grand Avenue" when he responded.

The ACO responded on 1/29/14 to an allegation of emaciated horses at 2067 [sic; "2061" in report] Highgate Road, allegedly the property of Roland Webb. Mr. Dashno said he had received the complaint from the Franklin County Sheriff's Office ("FCSO"). He had followed up with Diane Crane of Chester's Promise/Equine Assistance regarding the charge of neglect and lack of shelter for the horses.

Mr. Dashno said he couldn't do much about the horses when there is no ordinance for him to act; also, despite his observations attempting to confirm, he could not determine neglect of the animals.

Mr. Thompson urged that a FCSO deputy accompany Mr. Dashno and Ms. Crane as they follow up with the complaint, as the FCSO was allegedly assuming police coverage of all Animal Control-related complaints.

Mrs. Lavoie said that greater publicity from Ms. Crane and/or the FCSO might stem the calls unnecessarily drawing in town ACOs, who are restricted in their responsibilities.

The selectboard unanimously expressed concern about how involved Mr. Dashno might become in such proceedings. The latter noted his willingness to help, but the selectboard said that the FCSO or the FCHS should go in such instances. Nevertheless, Mr. Dashno insisted that he is willing to help Ms. Crane in following up with the above-cited complaint.

TA Mr. Jescavage advised that the Vermont Animal Control Association was sponsoring a seminar day for local ACOs on Sunday, 4/6/14, at the V.A. Hospital in White River Junction, VT. He summarized details from a promotional brochure on the event, which is free. Mr. Dashno was encouraged to attend, although also encouraged to investigate if the same or similar events would not be held closer to Swanton beforehand.

7. Expenditures.

a. General Orders – 2/6/14 to 2/19/14.

Mr. Billado moved that the selectboard approve the General Orders for the above-cited period, as recorded. Mrs. Lavoie seconded the motion, which was carried unanimously.

b. Highway Orders – 2/6/14 to 2/19/14.

Mr. Thompson moved that the selectboard approve the Highway Orders for the above-cited period, as recorded. Mr. Clark seconded the motion. Discussion: There were various queries for clarification. Road Commissioner Clark asked if the Fourth Street former garage site needed to be heated anymore. Mr. Garrett acknowledged it would be reasonable to cut off heat given appropriate measures to ensure protection of the property. Mr. Clark acknowledged that the heat could be turned back on at Mr. Garrett's discretion for repairs to vehicles, etc. The selectboard acknowledged that the Village will still charge the Town for water and power "to the curb-stop" regardless of what measures the Town takes to cut utilities to the building now. Mr. Garrett will investigate the approved measures to stop the water to the site.

The Road Foreman discussed the perceived need of a Vermont Transco expense of \$400 for replacement of road signs.

The above-cited motion to approve the Highway Orders as recorded was carried unanimously.

c. Payroll Orders – 2/6/14 to 2/19/14.

Mr. Clark moved that the selectboard approve the Payroll Orders for the above-cited period as recorded. Mr. Billado seconded the motion, which was carried unanimously.

d. Economic Development Fund – 2/6/14 to 2/19/14.

Mr. Lavoie moved that the selectboard approve the Economic Development Fund report for the period cited as recorded. Mr. Thompson seconded the motion. Discussion: Mr. Jescavage has not yet discussed with engineer Peter Cross of Cross Consulting Engineers ("CCE") what the costs would be beyond this report. The selectboard examined language of CCE's most recent invoice. The selectboard expressed concern about containing costs for the Park D permitting arrangements. However, they unanimously carried the motion to approve the Economic Development Fund order for the above-cited period.

8. Liquor & Tobacco License.

While not on the original agenda, Mr. Thompson moved to approve a liquor and tobacco license for Champlain Farms, as presented by TC Cathy Fournier, for their stores at First Street and Canada Street, respectively. Mrs. Lavoie seconded the motion, which was carried unanimously.

9. Highway Department.

a. Review and Sign VTrans Certificate of Highway Mileage.

TA D. Jescavage assured that he had verified the State's description for the Town, totaling 85.463 miles. Mr. Billado moved that the selectboard sign off on this verification for the year ending 2/10/14. Mr. Clark seconded the motion. Discussion: Road Commissioner J. Clark said he would like the Road Commissioner, Mr. Garrett, to review the figures for this report, and in the future. Mr. Jescavage said that it was the same figure as last year. A map accompanies the State's notation, and verifies what the Town calculates. Mr. Thompson said the Town (in the capacity of the TA) has always checked these figures against past reports. The selectboard unanimously carried the motion to approve the current Certificate as above-cited.

b. Jim Smith – Work Proposal for Concrete Culvert – Maquam Shore Road.

The selectboard reviewed a 2/10/10 [sic] proposal from Jim Smith of Smith Technical Services of St. Albans to coordinate construction of a Maquam Shore Road Culvert approved under a VTrans Structures Grant Program. Smith's estimate is a total of 48 hours of technical consulting for 48 hours totaling \$1,440. Within the proposal, Smith would conceivably "do another sketch" for the project. Road Commissioner J. Clark said he is "OK" with the proposal and that it fits within the original grant figures. The selectboard has asked that Mr. Smith attend the earliest selectboard meeting

possible upon his write-up for those seeking bid speculations. The selectboard acknowledges the Town would have to hire someone apart from Smith to conduct concrete testing at the site.

Mr. Clark moved that the selectboard accept Mr. Smith's proposal as reviewed. Mr. Billado seconded the motion. Discussion: Mr. Garrett's approval for the services was sought and received. It is anticipated that Mr. Smith will act as technician for the work, with a bid package going out under his specifications. The motion to accept Mr. Smith's proposal was approved unanimously.

c. FEMA & ERAF Reimbursement. The selectboard discussed whether there was enough collateral damage sustained by the Town to apply for FEMA (federal) or ERAF (State) relief from the ice storm at the end of December 2013. TA Jescavage said he had sent out letters of interest on the matter. Reimbursement guidelines require a threshold of at least \$1,000 for actual work by the Town, excluding routine maintenance of roads and tree belts. Attending to broken limbs as a result of the ice storm may qualify. The period for reimbursement coverage looks from 12/20/13 to six months beyond, to include any damage from ice. Mr. Clark described how the State's route from Richford to Newport, Vermont is already challenged by clearing the immediate roadway, not its periphery. It is anticipated that the Road Foreman will take pictures on a town camera to substantiate damage to the Town and qualification for FEMA and ERAF subsidies. Mr. Garrett felt the Town would have no problem in meeting the \$1K minimum for reimbursement, considering \$75/hr for a truck, a chipper, and the costs of manual labor by Highway Department employees. The selectboard confirmed with TC Fournier that appropriate accounting for Highway employees could take place under the reimbursement guidelines.

d. Salt/Sand Spreader Defect – Discussion. The selectboard discussed with RF Garrett the defects to the Town's current salt/sand spreader [truck number not noted]. The vendor, cited as "Lucky's Trailer Sales" in Colchester, is allegedly not following through on fixing or replacing the accessory machine, or refunding the Town for its cost, despite repeated calls to them by RF Garrett. Mr. Thompson encouraged having the Town's attorney write them a letter threatening counter-suit. Mr. Garrett described the problem as electrical in nature. Other Vermont municipalities are known to have the same unit. Apparently the vendor claims "they all do that," in response to Swanton's complaints about the defect. Mrs. Lavoie encouraged contact with the Better Business Bureau on the matter. Road Commissioner Joel Clark will contact Lucky's to seek remediation and to threaten further legal action on behalf of the Town.

e. Overhead Doors Update – New Garage, Rte. 78.

Selectboard members reviewed a handout entitled "Warranty Log for New Garage 2013-2014." It was noted that overhead doors continue to pose problems for Door #3, while Door #5 has reportedly been remedied. In examining the handout, RF Garrett cited that there were more complaints than listed. It was noted that the vendor Champlain Doors had been invited to the subject selectboard meeting, but could not attend until March 2014 at the earliest. Mr. Clark said that Peter Cross of Cross Consulting Engineering (CCE) had expressed a preference for "center-pole" construction on the doors, while the Champlain Doors manager (according a CCE e-mail) had allegedly said a side-mount manual fixture was better for the size door Swanton had chosen. Mr. Clark said he would send copies of Mr. Cross's e-mail to other members of the selectboard for their examination.

Mrs. Lavoie encouraged that the TA maintain a warranty log prioritizing by "Item" and noting every date for calls logged regarding same. Mr. Jescavage said he would make a separate sheet for each item. He will go back through his call log to update the list with Mr. Garrett's most recent complaints.

f. Paving Contract - Discussion.

The paving contract verbiage had allegedly been tabled from the selectboard's last meeting. However, the selectboard noted its desire for an "early start" in 2014, to know what roads, and what verbiage would be sent out to those seeking bids (RFPs).

The selectboard hopes for RFPs to be sent out as early as April 1, 2014, in accordance with their consultation with Mr. Garrett.

Mrs. Lavoie said that Swanton should start documenting a list of roads and when same are paved, to be kept in an ongoing manner. The selectboard

enthusiastically agreed. Such a list should notate whether roads are being “topped or finished.” Various selectboard members recounted that selectboard secretary Yaasha Wheeler had already done much of this work in cooperation with the Town RF. The paving contract discussion was tabled until the next regularly-scheduled selectboard meeting.

g. New Garage Fencing – Discussion. At the encouragement of RC Joel Clark, this matter was tabled until Executive Discussion later in the meeting.

h. Review New Garage Warranty Log. – This was performed under e., above.

i. Sheldon Meeting Recap.

The selectboard recapitulated their experience with the Sheldon Selectboard in a joint meeting on 2/17/14 at 7:30 p.m. at the Sheldon Town Office to review costs incurred by both Towns in the Woods Hill Road reconstruction project. (Separate Minutes available.) As a result of the meeting, the Town of Sheldon is anticipated to reimburse the Town of Swanton \$5,000.00 for the cost of materials expended on the Sheldon portion of Woods Hill Road incurred during the reconstruction project. It is anticipated that Swanton’s Town Clerk will send Sheldon’s uncashed check back to that town upon receipt of the \$5,000. Mrs. Lavoie cited the cordial nature of the joint boards’ meeting. Future Swanton selectboards are encouraged by this board to obtain detailed Memoranda of Agreements from adjoining towns regarding future arrangements involving the Town’s Highway Department. Mr. Garrett was emphatic that he wanted to see a contract from Sheldon for future work, and threatened to have Swanton’s involvement “stop at the [Towns’] line,” otherwise.

j. Sulfur Treatment Installation Update.

It is anticipated that Chevalier Drilling’s David Chevalier will ultimately speak with the Town’s RF, Harold Garrett regarding sulfur treatment at the new town garage; however, there has been no conversation yet. Mr. Jescavage is anticipated to follow up with Mr. Chevalier to urge the latter’s follow-up soon with Mr. Garrett, as the Town wants the installation soon.

k. Salt & Sand Supply – Update.

The Town is adequately supplied, according to RF Garrett.

l. Updates.

i. Mr. Garrett said he needed \$375 for logo applications for Swanton equipment. The selectboard reminded him he need not petition them formally for less than \$500.

ii. Sign Replacement Costs. Mr. Garrett said he needed new road signs replaced at an estimated cost of \$1,500. The RF explained that if he used this amount under his current budget for signs and culverts, that 40% of it would disappear. He cited the Town’s need to replace 12 road signs, as well as missing Miles Per Hour (“mph”) signs [on County and Woods Hill Roads], and to replace compromised STOP sign facings. Mr. Garrett received selectboard concerns that Comstock Road allegedly has two different speed limits posted (in alternate directions), forcing drivers’ ambiguity.

Mr. Billado moved that the Town use its budget for signs as immediately recognized by Mr. Garrett. Mrs. Lavoie seconded the motion, which was carried unanimously.

Mr. Lavoie advised Mr. Garrett that a STOP sign is allegedly missing from the Maple Grove Estates advance onto Rte. 7 (St. Albans Road).

iii. Mr. Clark urged discussion soon on the purchase of a new single-axle Town truck. The Town is anticipated to start examination of specs for a brand to be used as a “standard” for the Town.

iv. Mr. Lavoie advised RF Garrett of a dangerous, approximately 10-inch dip in Janes Road at the current Albert Fresn property.

v. Mr. Billado also advised Mr. Garrett of a dip “by the gas main on Bushey Street,” which the latter acknowledged as an issue.

10. Correspondence.

a. Annual Reports. Mr. Jescavage advised that the Town reports had been distributed to area vendors as in the past.

b. Reimbursement paperwork for reconstruction on Woods has been sent to AOT District 8 and will be forwarded to the State.

11. Any Other Necessary Business. The selectboard selected Wednesday, March 5, 2014 as a reorganizational meeting, and their first “regular” meeting for the selectboard of that month. It will be warned as a special meeting.

12. Upcoming Events. The selectboard reviewed their list of upcoming events, involving 2/19, 2/20, 2/24, 2/26, 3/4, and 4/10/14, respectively, as described by the Town Administrator.

13. 2/4/14 Annual Informational Meeting. TA David Jescavage advised that a Channel 16 consultant said this would be live-streamed onto computer, but not available live on TV, due to limitation of equipment. Mr. Thompson objected to the arrangement, noting that those residents without computers, and who had previously relied on TV coverage, would lose out. Mr. Jescavage will confer with Channel 16 to see if a live broadcast cannot yet be made over TV as well.

14. Executive Session – Legal, Personnel, Real Estate. Mr. Clark moved that the selectboard move into Executive Session for the purpose of discussing legal, personnel, and real estate matters. Mr. Billado seconded the motion, which was carried unanimously. The selectboard moved into Executive Session at 9:23 p.m. Dick Thompson made a motion, seconded by Dan Billado, to exit executive session at 11:12 p.m. The motion was carried unanimously.

Results: No action of record.

15. Adjourn. Dick Thompson moved that the selectboard adjourn their meeting, seconded by Dan Billado, and carried unanimously. There being no further business at hand, Chairman Lavoie adjourned the meeting at 11:14 p.m.

Typed on February 20, 2014
Minutes by Leigh Smith
Received and filed by:

Cathy Fournier, Town Clerk

Date