

**TOWN OF SWANTON  
MINUTES  
SELECTBOARD MEETING  
Swanton Town Office Building  
1 Academy Street, Swanton, VT 05488**

***Tuesday, June 17, 2014 @ 7:00 p.m.***

**Present:** Daniel Billado, Selectboard Chair; Joel Clark, Selectboard Vice Chair; William “Turk” Thompson, John Lavoie, and James Guilmette, Selectmen; Harold Garrett, Road Foreman; David Jescavage, Town Administrator; Yaasha Wheeler, Secretary; Ken Sturm, US Fish and Wildlife Service; Shawn Dashno, Animal Control Officer.

A. Call to Order

Mr. Billado called the meeting to order at 7 p.m.

B. Pledge of Allegiance

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

C. Agenda Review

Mr. Jescavage explained that the review of the agenda would be part of the new open meeting law requirement, effective July 1, 2014.

D. Meeting Minutes

1. Minutes

a) June3,2014SLB Regular Meeting

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to approve the regular Selectboard meeting minutes of June 3, 2014. Motion carried.

2. Public Comments – None.

3. Old Business

a) Executive Session for Real Estate (Schoolhouse Lot Quit Claim Deed)

Mr. Jescavage stated that the private parties on the other side of the river had concluded their business last year. Mr. Ken Sturm explained that the property was originally thought to have been transferred to the U.S. Fish & Wildlife Service long ago. Upon review, in 2007, the realty officer was made aware that the title might not be clear for a corner of that property. There is a question as to whether Highgate and Swanton could possibly have interest in that lot (a historic schoolhouse lot). Dick Thompson, previous Swanton Town Administrator, and Tom Gazer from the Fish & Wildlife Service entered negotiations some years ago, and the Nature Conservancy has quit-claimed their deed and Highgate has done their deed as of January 3, 2013. This area is important to the wildlife refuge because it is an area closed to public use, but the in-cut causes lots of enforcement issues, as fishers are unclear on where the boundary is and how far they can travel into the refuge. Brian Monaghan, Swanton Town attorney, has drawn up the appropriate deeds.

Mr. Jescavage added that Mr. Monaghan would be reimbursed up to \$500 by the agency, and the public notice fee would also be reimbursed. Once the Selectboard voted to hold a public meeting, Mr. Jescavage would warn it.

Mr. Thompson made a motion, seconded by Mr. Clark, to authorize Mr. Billado, as Selectboard Chair, to sign the quit claim deed and to warn the public meeting. Motion carried. Mr. Billado would sign the deed on July 24<sup>th</sup>.

b) Review & Appoint Library Trustee

Mr. Jescavage said that he had left messages for Mr. Bob Bessette to forward the associated paperwork, but there had been no response. The board decided to discuss this at another time.

4. Economic Development

Mr. Clark said that he had asked Clark's Trucking to give a price for the two trucks for trade-in: the combined number was \$25,000 for the two trucks. JB International was slightly less than Clark's, at \$700 and \$14,000. Freightliner was more money. Mr. Clark recommended going with Clark's Trucking. Freightliner had a better view, but overall, he felt that Clark's was a better buy. He recommended buying a Viking body. There is an extra cost for the stainless steel, but it seems the Selectboard is in favor of stainless steel.

Mr. Clark suggested discussing the package in detail with a representative of the chosen company prior to making a final decision. He added information about a few other features and their costs. Before trade, the Clark's truck would be \$145,000. After trade (with both vehicles traded), the number would be \$120,000. Mr. Clark suggested borrowing the money internally with a memo, then pay it back in two years from the truck money. Mr. Billado was unsure of the legality of borrowing from the general fund. The Selectboard would look into the legality; if so, the idea could save money, but if not, the Selectboard would have to take out a loan. The economic development fund money could not be used to buy the truck, but perhaps it could be borrowed.

Mr. Billado reminded the Selectboard that the money from the recent sale of Town land went into the economic development fund. At some point, the Selectboard would have to ask the taxpayers how that money could be used.

Mr. Clark stated that he would meet with a Clark's representative in the next week. The Selectboard was in favor of trading both vehicles. Mr. Garrett said that, if they were down to three trucks in the winter, the plow routes would have to be switched, but that would mean that someone would not get overtime. Mr. Garrett did not feel that the road crew would be favorable toward this plan, but Mr. Thompson strongly felt that Mr. Garrett was in command, and should have the final say. Mr. Thompson iterated that it was important for the crew to respect the chain of command.

Mr. Guilmette made a motion, seconded by Mr. Lavoie, that the Selectboard will deal with Clark's Trucking for the truck and Viking for the body, with the trade of two trucks. Mr. Clark and Mr. Garrett would work with Clark's Trucking to that effect. Motion carried.

Mr. Jescavage stated that he had an anonymous inquiry about Park D. He had informed the interested person that Park D was currently in the process of being sold, but Park C was available. Another buyer was also interested in Park D.

Mr. Thompson asked about the Fourth Street garage demolition. Mr. Thompson asked about the July 1<sup>st</sup> deadline, because of the change of the law. Mr. Jescavage explained that, after July 1<sup>st</sup>, any debris would have to be recycled. Mr. Thompson asked to know whether the contractor would recycle or not. He asked Mr. Clark and Mr. Garrett to look into the matter.

Mr. Jescavage stated that a company from Maine was interested in relocating to the old Foundry building. He gave Mr. Kilburn their number to work with them about the zoning procedure. Fosgate would own the land.

Mr. Jescavage said that he had sent a copy of the Southern Growth district ordinance to someone who was interested in a large project in that area, possibly a box store.

5. Animal Control Officer

a) SW ACO Monthly Report

b) Kennel Cage Update

Shawn Dashno came forward. He stated that he had had 3 at-large dogs, only one of which he caught and returned to his owner. The only at-large that was a recurring issue was one living on Brett Drive, which he picked up on Frontage Road. When he returned the dog, he had to write a written warning because of repeat issues. Apparently, the previous ACO had dealt with the same dog. It is licensed and up-to-date, but a fine will probably be required at the next offense.

Mr. Dashno reported numerous barking complaints, but has not been able to confirm the complaints. He said that most people whose dogs he returned did not repeat the offense.

Mr. Thompson stated that years ago, when he was a Selectboard member, the Selectboard decided to put a little more bite in the dog ordinance. Over the years, the ordinances tightened up and helped a lot. He recommended addressing cats similarly, adding that many nuisance cats are domestic and were destroying gardens. He recommended finding some way to control the animals.

Mr. Dashno affirmed that he received numerous calls about cats. Mr. Thompson added that the town of Shelburne had decided to register their cats. Mr. Billado asked Mr. Thompson to put together a presentation about Shelburne's model, with additional information from Mr. Dashno about where he was getting the calls. At a future Selectboard meeting, this presentation would be used to generate a discussion about how to begin addressing the issue. Mr. Billado asked Mr. Thompson, Mr. Dashno, and Mr. Guilmette to work together on the issue. Mr. Thompson asked Mr. Dashno to e-mail him when he got a call about a cat.

Mr. Thompson suggested that Mr. Dashno get the secure cage he needs from Tractor Supply.

6. Expenditures

a) General Orders (5/21/14 - 6/17/14)

Mr. Thompson noted that he had spoken with Mrs. Cathy Fournier about how some of the items were entered; she had clarified for him. Mr. Thompson made a motion, seconded by Mr. Lavoie, to approve the general orders. Motion carried.

b) Highway Orders (5/21/14 - 6/17/14)

Mr. Thompson made a motion, seconded by Mr. Clark, to approve the Highway orders. Motion carried. Mr. Lavoie asked if he had received all the ordered signs, and Mr. Garrett said that he had.

c) Payroll (5/21/14 - 6/21/14)

Mr. Clark made a motion, seconded by Mr. Lavoie, to accept the payroll. Motion carried.

7. Highway Department

a) Review Proposed Amendment for Bridge & Road Standards

Mr. Jescavage stated that the requested changes had been made, and he pointed out an additional change regarding the underground utility crossing. He had added the word "bored" to clarify the alternatives from underground crossing, in the phrase "in place of a bored underground utility crossing."

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to accept the bridge and road standards as printed. Motion carried.

b) Discuss Metal Debris & Cut Wood (Executive Session-if needed)

Mr. Clark stated that the matter was brought to his attention by Jeff Day, who wanted to know where the money for the scrap metal would go. He stated that Kevin LaPan from the road crew had delivered 6 loads of wood to his house, although it was not delivered in one of the town vehicles. He was concerned about personal gain and wished for clarification.

Mr. Clark's understanding of the metal recycling from items picked up along the highways and from the Fourth Street garage were turned in at the appropriate place, with the money being used for

kitchen appliances and consumables for the Town garage. Overall, Mr. Clark did not feel there was any personal gain for any individual Town employee, so he did not feel it was an issue. As far as the wood issue, there had been no calls about anyone who wanted the wood that were being cleaned up from the side of the road. The employees were not selling it, but bringing it home for personal use.

Mr. Garrett said that scrap metal generated about \$145 or so. He had personally paid over \$200 for kitchen appliances, so the money from the metal went to reimburse him. Mr. Thompson added that if any money was spent out of his pocket, the Town should reimburse him. As an employee, Mr. Garrett had certain privileges and benefits; if the wood is split up fairly, that's a benefit for working for the Town. Where Mr. Thompson worked, employees could buy siding at a discounted cost as an employee benefit. The practice was common. If Mr. Garrett needed anything for the garage, the Town should reimburse Mr. Garrett's expenses. Other organizations use windfalls for events and other miscellaneous projects as they see fit; the Town can do so as well. He asked Mr. Garrett to keep records of any extra monies and how they were spent.

Mr. Billado added that, once the landowners have been asked if they want the wood and they do not want it, then if an employee is cutting it and transporting it to take it to someone who wants it, even an employee of the Town, so be it. This was better use than having the wood handled three times to dispose of it. Mr. Clark clarified that this matter was a non-issue from his standpoint.

Mr. Lavoie added that there was probably no one who had given more to the Town than Mr. Garrett, and he did not want Mr. Garrett to keep giving and giving. He would be reimbursed by the Town. Mr. Thompson agreed that Mr. Garrett would be reimbursed.

Mr. Lavoie recalled an actual "personal gain" situation from the past, which was why the Town had a policy in place. The present incident, in his opinion, did not fall into that category. The Selectboard unanimously agreed that there were no problems to address.

Mr. Billado agreed that a ledger should be kept for the miscellaneous money.

Mr. Garrett explained that one of the loads of wood was something that would have been paid \$125/ton to dispose of, because it was full of salt. One of the employees had offered to burn it. Mr. Garrett considered this a win-win situation. The Selectboard was not concerned that an employee might occasionally use a town truck to transport a load of wood to his personal property, wood that no one else wanted.

#### c) Request for Reimbursement of Cell Phone Use by Road Foreman

Mr. Garrett stated that his cell phone was \$125 a month, because he was limited on minutes. Mr. Lavoie stated that Mr. Garrett should have a town cell phone. Mr. Thompson stated that it was common practice to receive a stipend for a personal cell phone that was used for business. The Selectboard agreed to give Mr. Garrett a stipend. Mr. Clark suggested giving Mr. Garrett the difference between his current plan (with limited minutes) and a plan with unlimited minutes.

#### d) Other Updates

Mr. Garrett reported that a resident along Maquam Shore Road stated that he had purchased 101 County Road and wanted to put a perimeter drain around his new property. He wanted Mr. Garrett to lower the ditch a foot along County Road for this purpose. Mr. Garrett had informed him that the ditch was to maintain the road, not to be for personal use. Even if the Selectboard were to agree, it would be a month before Mr. Garrett could get to it, and that time frame was not acceptable to the landowner. The Selectboard agreed that this issue was not something the Town should deal with. The ditch would not be lowered.

Mr. Garrett stated that a man would remove the trees along Comstock Road. The paving had been delayed, but hopefully would be done by the end of the month. Mr. Garrett stated that there was still a speeding problem on that road, and the Town was working with the police department to track speed along the road, especially once it was paved.

Mr. Garrett said that a man from Brooklyn Street had called him twice, and the holes along the road had been patched. The signs were still a problem, because the GPS sent the truckers down the road. Could the GPS company be contacted to prevent this situation? Mr. Jescavage suggested that the state VCIG might be giving the GPS companies the erroneous information. He would look into the matter. Mr. Garrett stated that he had ordered special bi-lingual “no trucks allowed” signs, with “truck route” arrow signs pointing down the road. He has done everything he can do. Mr. Thompson suggested that “a few tickets will help.”

The loader was fixed for almost \$900, and was working well.

Mr. Billado stated that the wind was bending some signs along Woods Hill Road. Mr. Garrett agreed, adding that vandalism of signs was still a problem.

Mr. Billado looked at Brooklyn Street and Torrie Lane in relation to the request to sweep, and felt that the dust was not sufficient to justify sweeping.

Mr. Jescavage had talked with Mr. Beliveau about the street light issue; he would call again to learn the status. Mr. Clark hoped that the Town would receive a credit for some of the lights that the Town had not asked for. Mr. Garrett added that one of the lights for which the Town was charged was not even working.

Mr. Guilmette thanked Mr. Garrett for the road crew’s efforts at brushhogging.

Mr. Lavoie suggested looking at upgrading Tabor Road. Mr. Garrett agreed that Tabor Road was planned for 2015. Mr. Garrett said that he would eliminate a lot of useless and dry culverts along the road.

Mr. Clark stated that Peter Cross was looking at South River Street and would give some type of proposal. Mr. Jescavage informed the board that the Town was applying for the sidewalk grant again (the one rejected by the board because the match was increased to 50%). If granted, the grant would apply to both Town and Village, and could be used for the benefit of MVU/McDonald’s, and along South River Street.

Mr. Garrett reported that someone had witnessed that some 4-wheelers were driving on the Rail Trail. Mr. Jescavage said that the signs had not been reinstalled, but once they were, they would be accompanied by surveillance.

Mr. Guilmette asked what a resident along the state road could do about high grass, which was resulting in poor visibility out of her driveway. The Selectboard said that, unfortunately, they could not deal with state roads.

Mr. Billado asked Mr. Jescavage to write a letter to the state about Route 207/Woods Hill intersection, about the busted pavement that created a hazardous situation.

#### 8. Correspondence

Mr. Jescavage said that the woman from VTrans, regarding the change of speed on Route 7, they would lower the speed limit to 35 mph, from the St. Albans line to just past WalMart. After that, the road would continue at 50 mph.

Mr. Billado read the following letter from the Franklin County Court Diversion: *Dear Town of Swanton Selectboard, On behalf of the Board of Directors of the Franklin Grand Isle Court Diversion program, I’d like to thank you all for your generous support of our program. Your support of our work in Franklin County is so important to our success and we are deeply appreciative to the Town of Swanton for your contribution.*

Mr. Jescavage reported that a letter from the Vermont Conservation Association had asked if the Town of Swanton was interested in joining for \$50. Mr. Billado asked Mr. Jescavage to call Mr. Dick Thompson, former town administrator, to see if the Town was already a member. If so, should the Town continue to be a member? The Selectboard showed no interest.

Owen Brady from Vermont Gas had been invited to come up on the 23<sup>rd</sup>. Mr. Brady had not yet confirmed the time. Mr. Billado noted that Vermont Gas guaranteed to restore their work within one year of installation, and noted two areas that needed repair. Vermont Gas had no responded to his request for the repairs to be completed. Mr. Clark said he would not sign another permit until the issue was taken care of.

Ms. Wheeler presented the new liquor/tobacco license for Swanton Beverage, which now had new owners. The Selectboard entered a hearing as the Liquor Control Board. Mr. Thompson made a motion, seconded by Mr. Lavoie, to sign the liquor license for Swanton Beverage. Motion carried. The Selectboard signed the license. Mr. Clark made a motion, seconded by Mr. Lavoie, to come out of the liquor control board hearing. Motion carried.

Mr. Garrett said that the hydroseeder components had to be bought before it could be fully operational.

#### 9. Any Other Necessary Business

Mr. Garrett stated that he had 113.5 hours of comp time, which he had had removed because it could not be used before May 1<sup>st</sup>, but Mr. Clark had agreed to put 40 hours back to be used by June 1<sup>st</sup>. Mr. Garrett had used most of it. Should the other 73.25 hours be thrown away? Mr. Clark suggested carrying up to 40 hours of comp time, and then the employee must take the time off. Mr. Thompson had asked Mrs. Fournier to e-mail Mr. Clark and Mr. Thompson the highway comp hours, so that Mr. Clark and Mr. Thompson could remind the road crew members when they needed to use their comp time. Mr. Thompson suggested that he, Mr. Clark, and Mr. Garrett go over the policy with the town employees.

Mr. Lavoie did not feel that Mr. Garrett should lose his remaining 73.25 hours. Mr. Clark and Mr. Thompson would talk about the matter with Mr. Garrett on Monday. Mr. Garrett explained that he did not want to take much time off because he had a number of huge projects on his plate. He had a good crew that did what he asked when he did take time off.

Mr. Jescavage asked what should be done about the trusses from the old garage. Mr. Clark said that a price had been determined (\$120 per truss) and he knew Mr. Garrett had some interest in the garage. Mr. Clark said that he and Mr. Garrett would get the Selectboard a plan for demolition.

#### a) Discuss New State Open Meeting Requirements

This would be taken home for "homework."

#### b) Set 3 Official Public Posting Sites

Mr. Clark made a motion, seconded by Mr. Lavoie, that the three public places for warning public meetings would be the town office, the village office, and the post office.

#### 10. Public Comments (reprise) – none.

#### 11. Upcoming Events

- a) June 19, 2014 @ 6:30 – 8:30 p.m. New Shoreline Regulations Discussion by NRPC in Village Complex
- b) June 21, 2014 First Day of Summer
- c) June 25, 2014 @ 7 p.m. Planning Commission
- d) June 26, 2014 @ 7 p.m. DRB
- e) July 1, 2014 next Selectboard Meeting @ 7 p.m.

12. Executive session – None needed.

13. Adjournment

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to adjourn at 8:57 p.m. Motion carried.

Typed on June 20, 2014  
Minutes by Yaasha Wheeler  
Received and filed by:

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Cathy Fournier, Swanton Town Clerk

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Date