

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

Tuesday, July 1, 2014 @ 7:00 p.m.

Present: Daniel Billado, Selectboard Chair; Joel Clark, Selectboard Vice Chair; John Lavoie, William "Turk" Thompson, James Guilemette, Selectmen; David Jescavage, Town Administrator; Cathy Fournier, Town Clerk; Yaasha Wheeler, Secretary; Harold Garrett, Road Foreman; Robert Bessette, Swanton Public Library trustee; Robert Mulkeen; Chief Leonard Stell, Swanton Village Police Department; John Leddy, Northwest Solid Waste District; Heather Buczkowski, Channel 15.

A. Call to Order

Mr. Billado called the meeting to order at 7 p.m. He state that the new Open Meeting laws take effect today (July 1, 2014).

B. Pledge of Allegiance

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

C. Agenda Review

Mr. Clark had two items to add: the truck purchase (under Highway) and a site visit to Mountain View Drive to look at a drainage situation (also under Highway). Mr. Billado planned to discuss borrowing money from the Economic Development fund (for executive session) and comp time for Mr. Garrett. Mr. Garrett added grass cutting along Maquam Shore Road, Bushey Road and Campbell Bay Road ditching, culvert on Lakewood Drive, hotbox information, paving money, stone on Comstock Road, Woods Hill Road pavement damage, and rules for paying out comp time. Mrs. Fournier added street lights. Chief Stell added emergency management. Mr. Bessette added appointee for library trustee.

Under the new Open Meeting law, the minutes must be made available on the town's website within 5 days of a meeting. Since the minutes were not approved by the Selectboard until the next meeting (about 2 weeks), the minutes would be made available in draft form marked "draft" or "subject to approval."

D. Meeting Topics

1. Minutes

a) June 17, 2014 SLB Regular Meeting

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to approve the June 17, 2014 meeting minutes as written. Motion carried.

2. Public Comments – No public comment.

3. Appoint Library Trustee

Robert Bessette from the Swanton Public Library introduced Robert Mulkeen, who had been approved by the library trustees. A copy of his resume was provided to the Selectboard. The

Selectboard would appoint him tonight, and Mr. Mulkeen would run again in the spring to replace AJ MacDonald's position. Mr. Mulkeen said that he was a retired navy chief; Mr. Clark thanked him for her service. Mr. Clark made a motion, seconded by Mr. Guilmette, to appoint Mr. Mulkeen to the library position.

4. Law Enforcement

a) SW Village Police Chief Report

Chief Stell reported that there were 53 incidents, with 26 traffic tickets issued for a total of \$5107 in fines. He stated that, in June, after speaking with Mr. Billado and Mr. Garrett, the police had monitored a construction zone in which motorists were speeding and endangering the work crew. The department would bill the Town for the time, since it was not covered by grant; the bill would be under \$300.

Chief Stell reported that a number of individuals wished for the West Swanton 50 mph zone to be reduced for 40 mph. An invisible counter showed 7000 cars with an average speed of 50 mph, only 174 were in excess of 60 mph. In the opposite direction, 2031 cars were clocked at 51 mph average, with 103 speeding cars. The Agency of Transportation would not lower the speed limit because the 85th percentile was comfortably in the 50s, and that was the rate upon which the speed limit was based.

Chief Stell stated that they were getting ready to begin more truck enforcement. Mr. Billado asked Chief Stell to come up with a proposal for how that would work for the town, as far as time available and cost to the Town. Chief Stell agreed to do that.

Chief Stell discussed Emergency Management. The Town must have an EOP in conjunction with the village. The EOP material was recertified while it was being updated for the annual submission. Chief Stell said that the plan itself was not to be made public (since it was one of the exceptions to the open meeting law) and needed to be signed. Record of the Town's adoption of the NIMS system appeared to be missing, so he asked the board to adopt it. This system plan basically showed that the Town would follow standard emergency procedures and therefore be eligible for federal funds. In the case of an emergency, the Selectboard had some commanding control, as well as the local and state police.

Mr. Clark made a motion, seconded by Mr. Lavoie, to adopt and abide by the NIMS system for emergency management. Motion carried.

Chief Stell asked for a formal adoption of the emergency standards; any signers had to have ICS 100 or equivalent. Chief Stell explained that the plan identified specific locations and people/agencies involved, and that the document was a "working document," so it could be changed if necessary. Mr. Billado recommended that each Selectboard read the plan. Mr. Clark made a motion, seconded by Mr. Guilmette, that the Selectboard approve the local emergency operation plan, as presented by Chief Stell. Mr. Billado signed.

Chief Stell said that the Regional Planning, the Town office, and the first responders would each have a copy of the plan, along with state forms and attachments. He added that there had been a TableTop testing of the 2013 plan, so he had "a huge list of action items" for improvement. Most of those improvements involved the need for more training.

Chief Stell noted that the highway safety grant had begun today (July 1st), so the police would be doing more enforcement around the town.

5. Old Business

a) Discuss Household Hazardous Waste Day with John Leddy/NWSWD

Mr. Billado recalled that it took two years for the NWSWD to convince the town to join the district, and many of the things the town was promised were not being fulfilled. Mr. Thompson remembered

that the Town withdrew from the district because of unfulfilled promises in the 1990s. He had supported the move to rejoin the NWSWD, but was disappointed that the old problems seemed to be returning.

Mr. Leddy stated his appreciation of the board's interest in the topic, adding that the NWSWD had been through a number of transitions recently. The district had been working to make the services more consistent, and was hoping to make the district as a whole less reliant on one-day collection events, and to establish more permanent drop-off sites. At the same time, the goal was to save the town's money by making sure that those operations are efficient. The district was also trying to meet state mandates, and by 2017 the state wanted every household to have access to a permanent household hazardous waste facility. Mr. Leddy was open to any suggestions for improvement.

Mr. Thompson said that he wanted all agreements in writing; no more verbal agreements. Mr. Billado added that more than just the hazardous waste day had been originally discussed, such as education in the schools, none of which had yet happened. He said that the hazardous waste days had diminished over the years, and that the elderly could not be expected to travel to get rid of their household waste. Although he understood that Mr. Leddy was relatively new to the process, the five Selectmen represented over 6400 people whose needs must be met.

Mr. Lavoie asked if written contracts were normal, and Mr. Leddy explained that each member town had a say in the board of supervisors; written contracts were not usually part of the process. However, he would discuss this with the board of supervisors. Mr. Lavoie said that to take away a hazardous waste day from a community would only increase roadside litter, and he felt it would be beneficial to all communities to have such a day. Mr. Leddy explained that the Household Hazardous Waste Days were expensive operations, since 4 to 5 staff had to travel to the site, collect the waste, and transport it off-site. In 2012, 39 households participated in Swanton; in 2013, there were 42. So far, in 2014 at the Georgia facility, only 25 Swanton households had participated. To extend the collection days to all 18 communities would be expensive.

Mr. Thompson believed that each event increased the district's revenue, and Mr. Leddy explained the actual expenses, noting that state funds did not fully cover the associated costs. He noted that some costs to the residents had decreased (paint cans, for example, were now accepted for free).

Mr. Clark said he was in favor of a written understanding, and felt there was a benefit to a more permanent drop-off point. Mr. Leddy said that the NWSWD was considering collection times to ensure the most convenience, as well as ensuring that the Georgia facility was open as often as possible. Mr. Leddy said that Swanton was not the only community that had wanted more hazardous waste days, although, overall, the district received fewer complaints than in the past. Mr. Thompson said that better communication would help; if Swanton knew to expect fewer collection days, then the townspeople could be educated ahead of time on alternatives. Mr. Leddy agreed that the district was trying to better communicate with the communities, and he welcomed information that would help in that effort.

Mr. Thompson asked Mr. Leddy to communicate Swanton's needs to the board of supervisors. Mr. Billado and Mrs. Fournier both reported that townspeople were asking about the next collection day. The Selectboard thanked Mr. Leddy for his composure and willingness to help and communicate. Mr. Leddy said that both he and Mr. Jescavage both served on the Brownfields Committee, so he would make use of that face-to-face time.

Mr. Leddy explained Mr. Garrett's options for disposing of paint cans collected from the side of the road, and added that the district had an investigations officer to look into illegal dumping. Mr. Garrett said that the Town had spent several hundred dollars in disposing of roadside waste already. Mr. Garrett asked if collection events could be held once a month in communities closer than Georgia and Mr. Leddy explained the costs involved, and felt that it was not quite feasible at this time.

b) Discuss South River Street RFP with Peter Cross

Mr. Cross was not present. Mr. Clark asked that all the board members receive a copy of the RFP so that they could study it prior to discussing it with Mr. Cross. He was concerned about the final cost.

c) Discuss New Open Meeting Law Requirements

All of the Selectboard members reported that they had read the new changes. Mr. Thompson felt that Montpelier's changes were unnecessary, and was going to cost the town money. Mr. Billado said that he had spoken with a woman from the state, to express his frustration that the legislators in Montpelier were not asking for input from the very Selectboards that they impacted with their legislation. Mr. Clark felt that the new requirements were overly restrictive and considered them infringing upon his First Amendment rights. He added that this hampered communication; it was "shameful" that the state was doing this. Mr. Thompson added that the state legislators were not holding themselves to the same accountability. He wished that the boards around the state would challenge the new law. Mr. Clark asked if democratic caucuses warned their meetings or took minutes; since they didn't, why did the state expect so much from local boards?

The Selectboard asked to invite Brian Savage and Michelle Casejo, as well as Norm McAllister and Don Collins, to speak with the board about the new open meeting law requirements.

d) Discuss and Authorize Town Administrator to Sign A.M. Peisch Contract

Mr. Thompson made a motion, seconded by Mr. Lavoie, to authorize Mr. Jescavage to sign the A.M. Peisch contract.

e) Street Lights

Mrs. Fournier said that Brian from Efficiency Vermont had said that, because the town paid for their lights to Swanton village, the town would probably get some money for the lights, despite their depreciation. The inventory would be reviewed again and Swanton would be informed of what the Town was entitled to get for grant money.

Mr. Billado added that he had received a call from Reginald Beliveau (Village Manager) in response to an e-mail from Mr. Jescavage, asking for credit for the charges for lights that were not included on the Town inventory.

Mr. Guilmette and Mr. Thompson recalled asking for a rebate. Mr. Billado did not recall authorizing Mr. Jescavage to send the e-mail, and although the Town should not pay for lights that it did not own, he was concerned that the Town's working relationship with the Village should be considered. Mr. Thompson said that the Village should at least look into the lighting and communicate with the Town about it.

Mrs. Fournier noted that one light was a private light that had been paid for by the individual themselves, and which had mistakenly ended up in the inventory. Mr. Thompson was disappointed that the Village Manager had not spoken his concerns directly to Mr. Jescavage and instead spoke to Mr. Billado. Mr. Billado said that he felt that the e-mail was demanding and did not know it had been sent until Mr. Beliveau called him. He had then told Mr. Beliveau not to engage until the board could talk about it.

Mr. Clark said that he had expressed his hope for credit in the last meeting, adding that some of the lights appeared to have been added to the inventory recently. Mrs. Fournier explained that the Village had discussed the lighting inventory and new costs with her, and since then, more inventories of the lights had been done. Mr. Clark emphasized that the town did not want to injure its good working relationship with the Village, and he said that all the Town wanted to do was pay for the ones that it really had and discontinue the lights that were not the Town's. Mr. Lavoie said that Mr. Beliveau and Mr. Jescavage should discuss the matter between themselves; the Selectboard should not have to get involved.

Mr. Clark said that the Village needed to respond to the e-mail acknowledging the number of lights, and communicating what the Village proposed in response.

Mr. Jescavage would speak with Mr. Beliveau about the matter.

b) Discuss South River Street RFP with Peter Cross

The board reviewed the RFP and Mr. Clark said that the big issue was (a) whether the town was interested in having the feasibility study done and (b) whether the town could pay for it. Next meeting, the Selectboard members should come forward with one of two plans: (1) "I think we should pay for this and this is how," or (2) reasons why it should not be done at this time.

Mr. Jescavage asked how the sidewalk grant would be affected; he needed it to be clear that this was an entirely different project than the South River Street project. Mr. Clark confirmed that it was. The Selectboard agreed that South River Street definitely needed to be considered, since it rested on an unstable riverbank.

6. Highway Department

a) Road Paving Update

Mr. Garrett anticipated that the road crew would soon pave Comstock Road, but he doubted that the Highway budget had enough money to pave the bad section on Janes Road. He did not think he had enough money from the \$40,000 budgeted for road improvement. He explained the expenses, adding that he could potentially use the \$17,500 that was coming from the state for Janes Road. He agreed that he would do patches on Comstock Road, a new basecoat, and blacktop all the way up to the railroad tracks.

b) Discuss Concrete Culvert on Maquam Shore Road

Mr. Jescavage stated that Jim Smith was wondering when the culvert project would be started, and that the town had previously advertised for bids on it. What was the status of the project? The grant was available for 2014 and 2015. In a message to the Swanton Town Clerk from the Agency of Transportation, AOT had informed the Town of a grant monitoring visit on August 4th. At that time, the agency would want to see evidence that the town was making good use of the grants.

Mr. Lavoie was in favor of rebidding the project. Mr. Garrett felt that the project could be done in-house, and the Town could just hire a concrete contractor to pour the wings, for less than \$35,000. Mr. Clark said that he and Mr. Garrett would talk some more and bring a proposal before the board.

c) Other Updates

Mr. Garrett stated that the resident at 255 Maquam Shore Road wanted the brush cut out of the swale on the side of the road so that he could see out of his driveway. Mr. Garrett noted that the road crew did not usually arm-mow until the fall. What should he do? Mr. Clark asked for the resident's contact information, so that he could address the issue.

A new house had been built on Bushey Road, and the owner wanted the town to ditch alongside the road, because he said that the water from the highway was running into his driveway. Mr. Garrett did not see a big drainage issue there. Mr. Billado clarified that the ditches were meant to maintain the town roads, not private properties.

Mr. Billado suggested that Mr. Garrett e-mail Mr. Clark with these complaints and issues from citizens, and make decisions about the issues.

Mr. Garrett presented a picture of the hotbox for the coldpatch, which he had spoken with Mr. Clark about. The hotbox was \$8000, including the side-by-side. The budget for equipment purchase had

been spent on the loader. The \$9000 from FEMA might be used toward that purchase. The hotbox includes a propane heater and holds a ton.

Mr. Garrett reported that heavy equipment had been unloaded on Woods Hill Road and had damaged the pavement. Should it be ignored like the same problem on Maquam Shore Road? Mr. Clark said that the Maquam Shore Road issue had been left alone because fixing the road would have been more problematic than leaving it alone. Mr. Clark asked if an ordinance could be created that would levy fines for damage of new pavement on a town highway.

Mr. Garrett asked whether the Selectboard should pay for his excess comp time or give him time off. Right now, he had a carryover plus three. The Selectboard asked Mr. Garrett to give Mr. Clark a proposal, to be forwarded to the board. Discussion clarified that there should never be more than 40 hours on the book; after 40 hours, time had to be taken off or overtime must be paid. Mr. Lavoie added that overtime should not be accrued over the summer.

Mr. Clark stated that he and Mr. Garrett had met with Brent from Viking, which provided the town with revised bids. The bid was about \$63,000. Clark's Trucking revised their bid to \$54,305, which brought up the total to about \$117,300. The Town's trucks for trade-in would be able to be used until they were traded. This would leave about \$64,800. Mrs. Fournier discussed payment options with the board.

7. Correspondence

Mr. Garrett said that he did not believe they would get the Pond Road grant, based on his conversation with someone from the state.

8. Any Other Necessary Business – None.

9. Public Comment – None.

10. Upcoming Events

- a) Friday, July 4, 2014 Independence Day (Town Office Closed)
- b) Tuesday, July 15, 2014 Next Selectboard Meeting @ 7 p.m.
- c) Wednesday, July 16, 2014 Planning Commission public hearing @ 7 p.m. (Zoning Bylaw Revision)
- d) Thursday, July 24, 2014 Development Review Board public hearing @ 7 p.m.

Mrs. Fournier added that the quarterly financial meeting should begin at 6:30 p.m. at the next Selectboard meeting (the 15th).

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to enter executive session at 9:02 p.m. to discuss economic development money, citing the legal reasons for doing so.

Mr. Clark made a motion, seconded by Mr. Lavoie, to exit executive session at 9:24 p.m. Action taken: none.

Mr. Clark said that the town would basically owe \$27,000 in 2015 for the truck purchase. The truck itself (not the body) cost \$54,000, of which the town had \$52,000. The Selectboard would figure out how to pay for it at the next meeting.

Mr. Lavoie added that the Fourth Street garage should be considered. Mr. Billado asked Mr. Jescavage to clarify what was included in the pricing for the work for the garage.

The Selectboard asked Mr. Jescavage to get bid prices for the Maquam Shore Road culvert.

Mr. Clark said that he would forward Mr. Garrett's decision about comp time.

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to adjourn at 9:29 p.m. Motion carried.

Typed on July 3, 2014

Minutes by Yaasha Wheeler

Received and filed by:

Cathy Fournier, Swanton Town Clerk

Date