

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

***Tuesday, October 21, 2014 @ 7:00 p.m.***

Present: Daniel Billado, Selectboard Chair; John Lavoie, James Guilmette, and William Thompson, Selectmen; Cathy Fournier, Town Clerk; David Jescavage, Town Administrator; Yaasha Wheeler, Secretary; Tim & Leslie Nulty, Energtek; Harold Garrett, Road Foreman; Allan Laroche, Animal Control Officer; Derrick Billado, Animal Control Officer applicant; Bob Bessette, Swanton Public Library; Adam Paxman, Village Trustee; Chris Dalle; Sheryl Underwood; Ruth Laroche; Amie Hakey; Andre Gagne; Cathy Montagne; Tim Girard, Swanton Village Fire Department Chief; Jason Cross, SVFD Deputy Chief.

**A. Call to Order**

Mr. Billado called the meeting to order at 7:00 p.m.

**B. Pledge of Allegiance**

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

**C. Agenda Review**

Mr. Jescavage stated that he had added the Northwest Riders permit renewal, and Energtek to extend their closing/sale date. Mr. Bob Bessette of the Swanton Public Library trustees asked to be added to the agenda for a revised budget review.

Mr. Billado asked the Selectboard to move the next meeting from November 4<sup>th</sup> (election date) to November 5<sup>th</sup>.

**D. Meeting Topics**

**1. Minutes**

**a) September 16, 2014 SLB Regular Meeting**

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to approve the minutes as printed. Motion carried. Mr. Billado abstained, because he left the meeting early, although he did read the minutes.

**2. Public Comments**

Adam Paxman (Village Trustee) stated that where the Town and Village line met at his property, he noticed some erosion along the road (98 Spring Street). He wished for the Road Commissioner to review the situation.

**3. Old Business**

**a) Discuss Cat Provisions Enforcement**

Mr. Jescavage said that he had advertised the public discussion. Mr. Billado read the following notice:

*Notice is hereby given that the Town of Swanton Selectboard will conduct a public discussion of the enforcement of the provisions in the Swanton animal ordinance that pertain to cats including the*

*provisions that prohibit cats from running at large and creating a nuisance on the property of others. The discussion will take place at the Selectboard's Tuesday, October 21, 2014 meeting at 7:15 p.m. in the Town Office Meeting Room at 1 Academy Street in Swanton, Vermont. The Board is seeking public input on this topic from cat owners and property owners. Members of the public are also welcome to attend the public discussion and offer input. Please call 868-7418 for more information.*

Mr. Jescavage said that a woman who wished to remain anonymous agreed that there was a cat problem, since there were neighborhood cats who defecated on her lawn and attacked her cat. He drew the board's attention to the ordinance, in which cats were identified as "domestic pet" and were subject to the same type of enforcement as dogs are.

Mr. Thompson did not feel that the cat issue would given similar rigorous enforcement as the dog issue, but he did feel that it was long overdue that cats should be under more control. The Town had brought the dog issue under control through much effort, and felt that if this issue was not addressed now, there would be conflict between neighbors. Mr. Billado said that he had received a note from Joel Clark, Selectboard Vice Chair, with the following input.

*I am disappointed we never had the public hearing that I requested. We did vote to enforce the current ordinance, in effect 1 November. I stand by my vote. We need to have all the details worked out (additional time compensation for the ACO and where to house the cats and where to take them).*

Mr. Thompson said that the data would be gathered over a few months to decide on fair compensation to the Animal Control Office. Mr. Jescavage said that the Humane Society website noted that there were no vacancies for cats. Mr. Billado suggested instituting a pilot program for 90 days to work out the details. Mr. Lavoie said that 80% of people who had cats or dogs were responsible, but there were those animals that got loose, and the owners need to take responsible. The last thing the Town wanted to do was to become "a shelter of our own." He invited input from the public.

Mr. Guilmette echoed Mr. Lavoie, and agreed that it was important to work out the details.

Mrs. Laroche asked how the ACO would identify the owner of a cat, without a license? Mr. Thompson said that, if a cat was missing, the cat owner should call the Animal Control Officer, who would inform the owner if the animal had been impounded. Sheryl Underwood asked what happens if her cat got picked up. Mr. Billado replied that the ordinance would impose a \$75 fine plus any boarding fees. Ms. Underwood said that a recurring problem would result in fees too high for the owner to continue to pay; would the cat then be euthanized? Mr. Thompson replied that it was the same as for dogs, and Mr. Lavoie added that the pet ordinance of 2001 indicated enforcement for cats, so the board simply wanted to find a wise way to enforce its own ordinance.

Mr. Billado recalled a health call regarding a feral cat who was trying to enter the home. The woman on the site had mentioned that there were 40 to 50 feral cats in her immediate area and Mr. Billado said that the Town would not be able to take care of all those cats, so it was a matter for consideration. Mr. Laroche said that most farm cats were outdoor cats, and important for rodent control, and mentioned a few calls he had gotten about cat nuisances. He said that he anticipated a lot of calls, although he did not feel that cats were "that big an issue." There had been 3 major dog bites in the 10 weeks he had been the interim Animal Control Officer; he did not anticipate the cat issue being the same. Cats couldn't tear someone up the way a dog could. What would be done with an indoor/outdoor cat? You couldn't put them on a leash. Mr. Thompson felt that, if cats could be free, then dogs could go free.

Chris Dalle was concerned that registering cats would be too much; how could one control where a cat went? There were no pet fences for cats. Cats were non-aggressive. He felt controlling cats was ridiculous.

Mr. Bob Bessette said that he owned both dogs and cats, and he had never in his life seen a cat on a leash. If a cat did not have a tag, as a dog would, the owner would have to call the ACO, therefore

putting the onus on the cat owner. If cat owners didn't have the information to call the ACO and follow up, and the cat was euthanized, the owner would have the right to sue. He had no problem with the feral cats in his neighborhood. Dogs, on the other hand, could be aggressive. He thought the plan was "moronic."

Ms. Underwood said that one might as well chip their cats; Mr. Thompson admitted he wished to be able to do that. Mr. Billado reminded that all pets had to be vaccinated for rabies, adding that Mr. Jescavage had informed the board that it was illegal to register cats. Mr. Jescavage explained the law, and stated that there was the possibility of identifying the cat ones' self. Mr. Chris Dalle said that there was no good way to contain a cat, and what if there were "nuisance neighbors" who complained about everything?

Mr. Billado asked for a show of hands in favor of dealing with the cats. Everyone in the room who was present to discuss the cat issue raised their hand in opposition to pursuing the issue. Mr. Allan Laroche said that he felt the issue would overburden the Animal Control Officer. Mr. Thompson felt that the Selectboard needed to consider the ordinance as a whole. Mr. Dalle suggested revisiting the deadline of November 1<sup>st</sup>; the Selectboard agreed.

Mr. Lavoie thanked the public for coming out and showing interest, since it allowed the Selectboard to serve the townspeople better. He added that the ACO does a lot that others don't realize. Mr. Billado noted that any cat that bit someone and broke skin, the cat needed to be confined for 10 days. Ms. Underwood asked if this might be more of a feral cat problem, versus domestic cat problem? Mr. Billado replied that, in his experience, the scenarios involved both feral and domestic cats. Mr. Thompson affirmed that none of this was personal, and felt that it was time to address the issue because of numerous complaints from people.

Mr. Billado agreed that all comments would be taken into consideration as the Selectboard pondered its next step.

#### **b) Discuss ACO Candidate Report**

Mr. Dan Billado recused himself from any decisions made regarding the ACO applicant, since the applicant was his son, Derrick Billado. Mr. Guilmette and Mr. Thompson had interviewed the applicant. Mr. Thompson found Mr. Derrick Billado to be very impressive and recommended to the board to hire Mr. Billado, with Mr. Laroche overseeing and training him. He suggested discussing the offer more seriously in executive session. Mr. Lavoie thanked Mr. Derrick Billado for stepping forward and showing interest.

#### **c) Renew NW Riders Town ROW Use Permit**

Mr. Andrew Gagne came forward with a landowner permission form to allow VAS to ride on property owned by the Town of Swanton, through Park D and part of Frontage Road. The form was dated October 21, 2014. Mr. Lavoie made the motion, seconded by Mr. Guilmette, to sign the agreement to allow VAS to ride over the Town's property for 2014-2015. Discussion: Mr. Billado explained that Park D, over which the trail passed, was in the process of being sold to Energtek, and informed Mr. Gagne that he would have to work with the new owners. Tim and Leslie Nulty, who were present, said that they would have to talk about the exact route, but in principle, they would do their best to accommodate VAS. Discussion concluded. Motion carried. The form was signed.

#### **d) F16C Air Base Visit Update**

Mr. Jescavage brought the board's attention to an announcement from Major Brochu, who set up a time on 2:30 p.m. on November 2, for town officials from Swanton to visit the air base and get a picture taken with the F16 that was named for Swanton. Visitors should arrive by 2 p.m. and bring a photo ID. Mr. Joel Clark, Selectboard Vice Chair, offered both orally and in writing to give a tour of the buildings afterward. Spouses were welcome, and the Village had been invited.

**e) November 1 Deadline to Enforce Cat Ordinance**

Mr. Thompson made a motion, seconded by Mr. Lavoie, to postpone the deadline of enforcement for a later date. Motion carried.

**4. Economic Development**

**a) Discuss Energtek Closing Date and Sale**

Tim and Leslie Nulty of Energtek came forward. The board reviewed the resolution, which Mr. Jescavage stated that Brian Monaghan had recommended to authorize Mr. Dan Billado to sign all appurtenant documents for the process. Mr. Jescavage added that the Nultys wished to suggest a new closing date in January 2015 because the state's processing of the permits had gone longer than anticipated.

Mr. Nulty stated that the purchase and sales agreement was contingent upon receiving all permits, and originally they expected to get them by November 1<sup>st</sup>, but so far, although the permits would be approved eventually, were not going to be approved by that deadline. He said that Peter Cross of Cross Consulting Engineers estimated that all the permits for which Energtek was responsible would be received by mid-November, and the permits from Vermont Gas would not be available by January. To show good faith, they would pay a non-refundable \$10,000 that would come off the price of the property, if the Selectboard agreed. Mr. Jescavage reported that Brian Monaghan was comfortable with the offer.

Mr. Lavoie made a motion, seconded by Mr. Thompson, to amend the purchase and sales agreement to close on January 15, 2015 with Energtek. Motion carried.

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to adopt the following resolution. Motion carried.

*Be it resolved, that the Selectboard of the Town of Swanton hereby authorizes the conveyance of 23.755 acres of Town-owned property known as Industrial Park D located at 53 Lafar Street in Swanton, Vermont, such property being more particular described as follows: Being a portion of the lands and premises conveyed to the Town of Swanton by Warranty Deed of Romeo Gagne and Agnes Gagne dated May 7, 1998 and of record at Volume 148, Pages 101-102 of the Land Records of the Town of Swanton, said portion comprising 23.755 acres of land, more or less, and being more particularly described as follows:*

*The lands and premises conveyed herein are bounded on the north by lands now or formerly owned by the Jo Ann H. Simendinger Family Trust and Walter E. Simendinger Family Trust; by lands now or formerly owned by Roland Therien; and by Vermont Route 78; on the east by the Waugh Farm Road and by lands now or formerly owned by Ariel L. Burger Revocable Trust and Harold G. Berger Revocable Trust; on the south by lands now or formerly owned by the St. Johnsbury and Lamoille County Railroad; and on the west by Interstate 89; a lot of and with access by right-of-way, which right-of-way was originally conveyed to Robert G. Cusson and Margaret Cusson, dated June 29, 1962, and is of record at Volume 74, Page 523 of the aforesaid Land Records.*

*The Selectboard hereby authorizes Daniel E. Billado, Sr. to sign any and all deeds, tax returns, and conveyancing instruments necessary to effectuate the conveyance.*

The Selectboard signed the resolution.

**b) Southern Growth District Update**

Mrs. Cathy Montagne said that the interested buyers had talked to a number of potential sellers, but were concerned by the 15-year process for Walmart to get into St. Albans to build, as well as \$7 million court costs. Mrs. Montagne's reply had been "What does this have to do with us?" Mr. Billado affirmed that the Southern Growth District was "shovel-ready." Mrs. Montagne asked if the Town

was Act-250 ready, and had spoken with Sam Ruggiano, who said that, as far as Act 250 goes, that area of town had a “black eye.” Mr. Billado said that he did not know of any Town issue.

Mrs. Montagne said that the potential buyers were looking for municipal water and sewer. Mr. Billado stated that the Southern Growth District was allowed to have all on-site water and sewer, and recommended that Mrs. Montagne contact Jim Hubbard of the Planning Commission and Joel Clark of the Development Review Board to get updated information on the Southern Growth District. Mr. Billado said that he truly believed that Mrs. Montagne was being misled, and the only issue he knew of was Sholan Road’s need for updating.

Mr. Billado read Mr. Clark’s comment: *I have spoken with the state on accessing Route 207. I am preparing a letter and a drawing to move forward with the road into the property. I don’t know how long it will take to get an approval.* Mrs. Montagne was concerned about the community opposition, of the same type demonstrated over Wal-Mart’s presence, and Mr. Lavoie said stated that the Town of Swanton had conversations with the Town of St. Albans. Mr. Billado affirmed that the conversation was being pursued, and that St. Albans officials had agreed that St. Albans had the capacity to supply Swanton, if an agreement was made. Mrs. Montagne said that her engineer was talking about avoiding Act 250 by subdividing. Mr. Billado and Mr. Lavoie explained the process, but agreed that Swanton had no interest in slowing down any potential projects. Mrs. Montagne said she would need to know where the entrances from Route 207 would be; Mr. Billado said that would all depend on the project.

## **5. 2015 Budget**

### **a) Fire Department**

Chief Tim Girard came forward, along with Jason Cross, Deputy Chief. Chief Girard said that the budget could not be level-funded, and the numbers presented had not yet been reviewed by the Village Trustees. Furthermore, a lot of variables would not be known until December. Mr. Billado thanked Mr. Girard and Mr. Cross for coming forward, and appreciated the opportunity to give input. Mr. Cross reiterated that the budget was only a guess; it did not include final numbers.

Mr. Billado noted that the equipment cost asked for a 7% increase. Mr. Girard noted that the ladder truck failed its ladder test, and the resulting fix would be \$12,000. Mr. Cross added that the budget was created with the intention to “prepare for the unseen.” Mr. Thompson asked to know how many new fire fighters had come on board. Mr. Cross replied that currently there were 40 fire fighters, versus 32 last year. Mr. Girard added that there had not been a raise given in 5 years, and felt it was time to do so. Also, 2014 was above 2013’s call volume. Mr. Cross guessed that 2014 would top the previous highest number of 269 yearly calls.

Mr. Billado asked if any unused money would get rolled over; Chief Girard said that that was something he did not know the answer to yet. He noted that the number did not reflect any unforeseen expenditures resulting from the equipment inspections. Mr. Billado felt that there was “fat” in the budget, given the projections based from the rest of the year. Chief Girard felt that there would be very little “fat” once the final expenses for 2014 were evaluated. Mr. Billado estimated that the fire department was asking for a 30.4% increase in the budget; would the taxpayers accept that? Mr. Lavoie said that the budget was a good tool for the Selectboard, and noted that only 3 items were increasing. He asked about the “tools” line item, and Chief Girard replied that the line item would provide updated tools for extrication.

The Selectboard thanked Chief Girard and Mr. Jason Cross for the preliminary budget. Mr. Adam Paxman also echoed that “this is just FYI,” and the actual percentage increase might be much lower.

Chief Girard stated that on October 1<sup>st</sup>, the fire department was involved in a water rescue regarding a man in Lake Champlain. He presented a letter from the rescued man, thanking the fire department for their efforts.

The Selectboard thanked the fire department for what they do in service to others.

## **b) Swanton Public Library**

Mr. Bob Bessette came forward, on behalf of Kathy Messier (the library's accountant), who could not be present as requested. Mrs. Fournier asked why the expenses were counted from 04/01/14 to 10/16/14; she added that the library should follow a calendar year.

Mr. Thompson stated that the board had given a directive to Mr. Besette to come before the board with a year-to-year budget, and that Ms. Kathy Messier, Mr. Bessette, Mr. Jescavage, and Mrs. Fournier were supposed to meet together. Mr. Billado stated that the library budget needed to be according to a calendar year budget, January 1 to December 31. Mr. Bessette said that, as Chairman of the Trustee Board, he felt that the board was comparing "apples and oranges." Mr. Guilmette summed up that the library was asking for \$132,749.48 for 2015. Mr. Bessette explained that the library ran for April 1<sup>st</sup> to March 31<sup>st</sup>, and the library received 4 payments from the Town. Mr. Thompson said that the Selectboard wanted the budget on a calendar year.

Mr. Lavoie believed that Mr. AJ McDonald (the previous trustee) did not present as 2015/2016, as currently presented; the budget should apply only to the upcoming year. Mr. Bessette said that it was difficult to keep a board together because of the strong regulations required. Mr. Billado said that the Selectboard was not voting on budgets for 2015 to 2016.

Mr. Thompson made a motion, seconded by Mr. Guilmette, to move onto expenditures. Motion carried. The board asked for Kathy Messier to come forward on the library budget item. Mr. Jescavage would invite Mrs. Messier to the November 5<sup>th</sup> Selectboard meeting.

## **6. Expenditures**

### **a) General Orders (09/17/14 - 10/21/14)**

Mr. Thompson made a motion, seconded by Mr. Lavoie, to accept the General Orders as printed. Motion carried.

### **b) Highway Orders (09/17/14 - 10/21/14)**

Mr. Thompson made a motion, seconded by Mr. Guilmette, to accept the Highway Orders as printed. Motion carried.

### **c) Payroll (09/17/14 - 10/21/14)**

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to accept the payroll as printed. Motion carried.

## **7. Animal Control Officer**

### **a) SW ACO Monthly Report**

Mr. Allan Laroche came forward. He stated that he had responded to a barking dog complaint on September 23<sup>rd</sup>, and saw no problem, but the complaint was given again, and he was able to speak to the dog owner. He informed the complainant that the complaint should be made in writing. He directed the board's attention to the reports of 2 dog bites. One dog was euthanized. The other involved a woman who was bitten at the vet office by a man's dog. The owners quarantined the dog themselves, since it was behaving quite viciously. Mr. Billado said that a repeat offense with the same dog would trigger a Vicious Dog Hearing. He thanked Mr. Laroche for filling in as interim Animal Control Officer.

## **8. Highway Department**

### **a) Discuss General Issues**

Mr. Billado stated that the town clerk had gotten some calls about Brian Thompson mowing lawns that do not need to be mowed. He noted that when the mowing stops, there is not a lot for Brian Thompson to do, so Mr. Joel Clark and Mr. Harold Garrett would get together to address that. Brian Thompson

#### **b) Discuss Any Equipment Issues**

Mr. Clark's written comments were as follows: *I let Harold Garrett know that he has permission to buy the salt spreader. James Guilmette had some thoughts on who to use as a vendor, and his thoughts have been given to Mr. Garrett. I want Mr. Garrett to make the decision on who to buy from, and not the Selectboard.* Mr. Garret stated that he preferred to leave the purchase to the Selectboard, since the last spreader that was bought had some issues, and he did not want to have the responsibility if the purchase didn't work out as expected. Mr. Billado asked Mr. Jescavage to send a note to Mr. Clark, asking Mr. Clark to discuss the matter with Mr. Garrett.

Mr. Clark's notes added that all 2014 salt money had been spent: *We have all seen the news and the increased cost, and this may temper our transition from sand to salt.*

#### **c) Discuss Various Road Issues**

Mr. Clark had ridden the roads with Mr. Garrett and both were planning the 2015 paving. A team was boring South River Street as part of the sidewalk study. Mr. Clark said "great job on the Maquam Shore Road box culvert," and the job was complete other than the paperwork for the state; Mr. Jescavage said that he needed the itemized invoices from Mrs. Fournier.

#### **f) Other Updates**

The lean-to project had not moved forward; it could be done before winter if the highway crew had time.

Mr. Jescavage reported an anonymous phone message requesting a 2-way stop sign on Short Street. Mr. Lavoie suggested that Mr. Clark should look into the matter.

### **9. Correspondence**

Mr. Jescavage presented a letter from Cross Consulting Engineers, regarding Park D permitting; a letter from the Vermont Agency of Natural Resources advertising Municipal Day in Montpelier on November 13<sup>th</sup> (\$30 registration fee); Blue Cross Blue Shield sent out a notice that the plan would be the same in 2015 as 2014, unless employees requested changes. Also a 14-year-old boy in Siberia requesting a token for a museum he was creating for democracy; the Selectboard suggested sending a decal of the Town seal. Mr. Jescavage presented an e-mail that informed the town that first responders were screening for ebola now. Mr. Billado reported that the Missisquoi Valley Rescue was asked to respond to ebola cases coming over the border, but they were not trained in it, and should not have to respond on it. The Swanton Enhancement Committee was meeting on October 23<sup>rd</sup> at 7 p.m. at the Holy Trinity Episcopal Parish Hall on Grand Avenue, as part of the planning for the upcoming Community Visit. Mr. Jescavage presented an invoice from CAI Technologies for the annual fee of \$1800 (no change from last year) to maintain the community's maps. Mr. Lavoie made a motion, seconded by Mr. Guilmette, to continue with the mapping of the tax parcels, as done by CAI Technologies. Motion carried. The Selectboard signed.

Mr. Jescavage presented the annual request for \$2000 from the Friends of Northern Lake Champlain; the updated official highway road maps from the state, showing all the town mileage. Mr. Billado reminded the community of the Swanton Enhancement Project and the voting date (November 4<sup>th</sup>).

### **10. Any Other Necessary Business**

None.

**11. Public Comments (Reprise) – None.**

**12. Upcoming Events**

- a) October 22, 2014 @ 7 p.m. PC – Cancelled.
- b) October 25, 2014 Swanton Rec, Halloween Festivities
- c) October 30, 2014 @ 7 p.m. DRB @ Town Office
- d) November 5, 2014 Next Selectboard Meeting @ 7 p.m. @ Town Office
- e) November 10, 2014/ Veteran’s Day/Town Office Closed
- f) November 15, 2014 Swanton Enhancement Project meeting @ Town Office

**E. Executive Session**

Mr. Guilmette made a motion, seconded by Mr. Thompson, to go into executive session at 9:19 p.m., to discuss Animal Control Officer applicant, because it would put the privacy of the applicant at risk. Motion carried.

Mr. Thompson made a motion, seconded by Mr. Guilmette, to exit executive session at 9:35 p.m. Motion carried.

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to hire Derrick Billado as Animal Control Officer for the Town of Swanton, to be trained by Allan Laroche (former and interim ACO). Motion carried, with Mr. Daniel Billado abstaining.

Mr. Thompson made a motion, seconded by Mr. Guilmette, to adjourn at 9:36 p.m. Motion carried.

Typed on October 25, 2014  
Minutes by Yaasha Wheeler  
Received and filed by:

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Cathy Fournier, Swanton Town Clerk

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Date