

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

**Tuesday, December 16, 2014 @ 7:00 p.m.**

*Present: Dan Billado, Selectboard Chair; Joel Clark, Selectboard Vice Chair; John Lavoie, William Thompson, and James Guilmette, Selectmen; David Jescavage, Town Administrator; Cathy Fournier, Town Clerk; Harold Garrett, Road Foreman; Yaasha Wheeler, Secretary; Heather Buczkowski, Channel 16; Derick Billado, Animal Control Officer; Scott & Janice Valley; Jay & Lorna Meunier; Linn Morten; Mark & Jennifer Bailey.*

**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. Clark added "Fire Department Budget" under "Expenditures and Budget for 2015."  
Cathy Fournier added "School Orders" under the same item.

**D. Meeting Topics**

**1. Minutes**

**a) December 2, 2014 Selectboard Regular Meeting**

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to approve the meeting minutes as printed. Motion carried.

**2. Public Comment – None.**

**3. Old Business**

**a) Cedar Ledge Estates Petition for Town to Accept Road – Selectboard to Discuss Whether to Set Public Hearing**

Mrs. Jennifer Bailey stated that most of the residents of Cedar Ledge Estates had lived there since 2006, and their children took the bus to school. Penell Road was already maintained by the Town, and Cedar Ledge Estates was only a quarter mile long off of Penell Road.

Mr. Scott Valley added that the road was built to the town's specification and, when last asked to take over the road, the Selectboard had said that it was not taking over any new roads. Mr. Billado replied that there were other roads "higher in the pecking order," which had not yet been taken over. He added that the development was not complete. Mr. Jay Meunier replied that the lots could be accessed without using the road, and that that issue could be easily accommodated. He noted that he had heard discussions that the town road crew would find it easier to go down the road than to back up into it, as they currently did. Mr. Harold Garrett, road foreman, explained that the drivers would have to drive past Cedar Ledge Estates and back up anyway, because of a dead-end house further down the road.

Mr. Thompson inquired as to the length of Glen Ridge Road (one of the roads higher in the

“pecking order”) and Mr. Garrett replied that it was three-quarters of a mile long, and needed to produce core samples prior to being considered for takeover by the Town. Mr. Thompson felt that the pecking order should not be established by the time of the petition, but by the readiness of the road and its residents.

Mr. Clark emphasized the need for clear criteria by which Town considered taking over a road. He suggested creating an inventory of private roads, and working with the Development Review Board on what should be required of developers in building a road. Mr. Jay Meunier stated that the Cedar Ledge Estates developer went by the DRB’s guidelines in the hope of having the Town one day take it over, though that had not been promised.

Mr. Clark said that he wanted a list of all the private roads and their distances by the next meeting. Mr. Billado and Mr. Thompson expressed their sympathy for the Cedar Ledge Estates residents and stated their willingness to consider the petition once there was more information. Mr. Lavoie made the petitioners aware that winter conditions might make inspection more difficult, and therefore slow the process. Mr. Clark asked to know the reason for the petition and Mr. Valley replied that the main concern was plowing.

The Selectboard assured the petitioners that, after gathering information, the Selectboard would have more discussion with the Cedar Ledge Estates residents in late January or early February.

#### **4. Animal Control Officer**

##### **a) Swanton Animal Control Officer Monthly Report**

Mr. Derick Billado stated that he had impounded 2 dogs in the last month, one which had been returned to its owner with a reminder to license and vaccinate it, which had been done; and another which he had brought to the Franklin County Humane Society. Everyone he had spoken with regarding licensing had licensed their dogs, even the man spoken of at the last meeting, who had stated he would never license his dog. Mr. Derick Billado requested a map clearly delineating the Town’s boundaries, since he had had a few cases in which out -of-town residents had called for assistance. Mr. Garrett said he would get Mr. Billado a map. The board thanked Mr. Billado for his work on behalf of the town.

#### **5. Economic Development**

##### **a) Sign Municipal Planning Grant Agreement for Amending Town Plan**

Mr. Jescavage explained that the grant would help pay for the Planning Commission revision of the Town Plan, in conjunction with the Northwest Regional Planning Commission. Mr. Thompson asked Mr. Jescavage to contact Swanton’s representatives and invite them to the next Selectboard meeting to discuss Act 250’s 9(L) amendment regarding “sprawl,” and how it hindered development in Swanton’s Southern Growth District, and other districts in the area.

Mr. Guilmette made a motion, seconded by Mr. Clark, to authorize David Jescavage to contract for the Municipal Planning Grant. Motion carried.

##### **b) Discuss Possibility of MVR Contract**

Mr. Jescavage presented the Selectboard with a copy of the Highgate contract with Missisquoi Valley Rescue and suggested that the Selectboard review the language and come prepared to discuss it at the next meeting. He would then redraft an agreement with Swanton terms and have the required hearing, to which he would invite Leonard “Joey” Stell of MVR. The Selectboard agreed that it was wise to have a written contract with MVR.

#### **6. Expenditures & 2015 Budget**

##### **a) General Orders (11/19/14 – 12/16/14)**

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

**b) Highway orders (11/19/14 - 12/16/14)**

Mr. Thompson made a motion, seconded by Mr. Clark, to accept the highway orders as printed. Discussion: Mr. Garrett affirmed that he had bought a sander/spreader. Discussion concluded. Motion carried.

**c) Payroll (11/19/14 - 12/16/14)**

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

**d) School Orders (11/19/14 - 12/16/14)**

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to sign the school orders for \$4,892,229.55. Motion carried. The orders were signed.

**e) Discuss Highway Department Budget**

Mr. Clark stated that he had asked Cathy Fournier to put in a two percent increase. Some costs, such as the FICA and health insurance expenses, were out of their hands. Also, \$1000 had been added to the street lights line item; Mr. Clark anticipated the actual cost of replacement to be more than that, but he also expected a significant cost savings in electricity once the lights were installed. The stone line item had been reduced in order to increase the paving line item. Sand had also been reduced from \$13,000 to \$8000; Mr. Garrett and Mr. Clark considered it a "safe gamble." A line item for \$2500 for chloride had been added, and culverts and signs had been increased by \$500, to account for the cost of changing the signs to the new standard.

Road resurfacing would be \$315,000. Mr. Thompson asked if the recreation trail paving was included in that cost, and Mr. Clark replied that he had planned to include it as a separate line item. Mr. Thompson was concerned that a separate line item would be voted down, and that paving the trail was the only way to ensure against losing it altogether. Also, paving the trail would allow for handicapped accessibility and for more usage overall. He recommended putting the trail paving in with the paving line item. After discussion, the Selectboard felt it made the most sense to include the recreation paving in the General Fund as a line item. They hoped that the recreation department would be amicable to maintaining it for the town.

Mr. Clark mentioned that some money would be carried over to build the lean-to, and that the road improvement line item would include money for adding a concrete sidewalk and granite curbing on Bushey Street, as well as for blasting on Pond Road. A grant would hopefully offset the cost of the blasting. Mr. Garrett explained the scope and estimated cost (\$20,000) of the work that needed to be done on Pond Road. He added that a landowner along Pond Road had agreed to let the road crew go out of the Town road right-of-way in order to take down some trees in the ditch.

Mr. Clark explained that the engineering line item was meant to cover expenses for a design for Robin Hood Road to Route 7. The overall increase in the budget was 2.55 percent. The Selectboard thanked Mr. Clark and Mr. Garrett for their work in putting together the budget.

**f) Discuss General Budget**

Mrs. Fournier stated that she had raised the budget by 2 percent across the board. The listers' salaries would increase, as well as equipment repair/purchase, which would be used to cover protective sleeves for the tax maps. She lowered many of the items which had come in underbudget in 2014, and suggested raising the janitorial line item to give Tanya Dufresne her first raise in 4 years, for her work in cleaning the Town office. She had also added \$3000 for the zoning clerk for converting files from a filing system categorized by name to a filing system categorized by road.

Mr. Thompson requested an increase on the Memorial Day line item, stating that “if anyone deserves more money and recognition, it’s our veterans.” The Selectboard agreed to increase the line item to \$1000. Mr. Lavoie suggested raising the Vermont Green Up appropriation from \$150 to \$250, since a clean town and encouragement of Green Up volunteers was well worth the money.

The Selectboard agreed to use the economic development fund to refurbish the Town Office building, rather than starting a separate maintenance fund. Mr. Clark reminded that a design for refurbishing the office should be considered, and line items added for that purpose.

Mrs. Fournier added the expense item of \$50,000 for paving the recreation trail.

#### **g) Fire Department Budget**

Mr. Clark stated that the budget had increased significantly, by 18 percent, because the \$30,000 for equipment purchase had remained in the budget. He suggested getting a loan to phase in such large purchases. Mr. Billado said that he would speak with Mr. Reginald Beliveau, Village Manager, about the matter. The Selectboard acknowledged that perhaps this was not the final budget, and that discussion with the Village and Fire Department was needed.

### **7. Highway Department**

#### **a) South River Road Study Update**

Mr. Clark stated that he had met with Mr. Peter Cross of Cross Consulting Engineers. Mr. Cross would attend the Selectboard meeting scheduled for January 20, 2015, to present his findings on South River Road. Mr. Cross did not expect “catastrophic failure,” but acknowledged some issues with settlement.

#### **b) Discuss Proposed 2015 Paving Plan**

Mr. Clark explained the paving plan as follows:

Bushey Road: 1.8 miles  
Donaldson Road: 0.6 miles  
Sweet Hollow Road: 1.2 miles  
Robin Hood Drive: 0.4 miles (this would be all of Robin Hood Drive)  
Bushey Street: 0.2 miles  
Kellogg Road: 0.2 miles

#### **c) Discuss Addition of Outdoor Light Near Sand Shed**

Mr. Garrett said that he had received a quote for the light installation. Although Mr. Billado had requested attaching the light to the shed, it was not possible to do so because the wire would rub up against the building. Mr. Clark requested that he and Mr. Garrett handle the matter themselves. The Selectboard agreed.

#### **d) Discuss General Issues**

Mr. Clark informed the board that he had met with all five road crew employees today and had encouraged them to read the personal policy, and received suggestions from them.

#### **e) Discuss Any Equipment Issues**

Mr. Garrett had gotten the sander and it worked well so far. Mr. Lavoie and Mr. Thompson complimented the road crew on their dedication to safety and to plowing the roads well.

### **8. Personnel Issues**

#### **a) Holiday Pay for Part-Time Employees**

Mr. Clark said that he had spoken with Mr. Brian Thompson, one of the part-time

employees, about holiday pay. Mr. Clark suggested to the board that an employee could take a normal work day off, and get paid for it, as part of holiday pay, versus working and getting paid for the holiday as well. The personnel policy did not address holiday pay specifically.

Mr. Lavoie explained the way that part-time employees had been given holiday pay so far. Mr. Thompson said that part-time employees could have a cap on their hours (say, 24 hours) and, rather than having holiday pay, could get a different day off. However, current employees could be grandfathered into the current system, which paid for both a workday and a holiday. Mr. Thompson asked Miss Yaasha Wheeler, secretary, if the holiday pay, as currently presented, made the job attractive, and she admitted that it did. Mr. Thompson suggested setting up a special meeting for the Selectboard to review the issue thoroughly and to gather input from the employees, so that they could feel they had ownership of the final result.

#### **b) Vacation Time Carryover**

Mr. Clark read from the policy that “all vacation should be taken in the year earned” and that “any accrued in excess of 40 and not used by April 1 of the following year” would be lost. Given this contradiction, how should vacation time be dealt with? It was noted that Mr. Harold Garrett, Road Foreman, and Mrs. Cathy Fournier, Town Clerk, had each accrued over 120 hours of vacation time. Mr. Clark said that, at his workplace, there was a cap, and an employee stopped accruing until some of the time was used. Mr. Thompson was in favor of a policy like the one at his workplace, in which there was no carryover. He suggested grandfathering Mr. Garrett and Mrs. Fournier, to allow them to use their excess vacation time until December 31, 2015, at which time, no carryover would be allowed in the future. The Selectboard agreed.

#### **c) Part Time Highway Department Employee Status**

This item was tabled until it could be discussed in executive session.

### **9. Legal Issues**

#### **a) Zoning Issue @ 40 Maquam Shore Road**

This item was tabled until it could be discussed in executive session.

#### **b) Legal Issues Regarding Joint Legislative Body**

Mr. Clark informed the board that, upon meeting with Mr. Brian Monaghan, Town attorney, Mr. Monaghan said that he would need 4 to 6 hours (at \$600 to \$900 total) to come up with a legal opinion on the function of the Joint Legislative Body regarding certain appointments or approvals. He believed such responsibilities belonged to the Selectboard, not the Joint Legislative Body. Mr. Thompson made a motion, seconded by Mr. Clark, to get a legal opinion regarding the functions of the Joint Legislative Body and the Selectboard. Motion carried.

### **10. Correspondence**

Mr. Jescavage presented letters from various organizations regarding annual appropriations: Northwest Regional Planning Commission, Hi-Swan Senior Center, Northwest Unit for Special Investigations, Samaritan House, and the Vermont Community Development Association. Mr. Billado asked Mr. Jescavage to pass along to Reginald Beliveau, Village Manager, the information on the dry hydrant program. Mr. Jescavage informed the board of a Vermont Association of Chiefs of Police luncheon on January 13, 2015, and a Community Meeting in St. Albans on December 18, 2014. The Energtek closing date would take place in either late December or early January; a specific date would be forthcoming.

Mr. Billado reported that he and Mr. Thompson had met with Roland Flood/Therien. Mr. Peter Cross would need to meet with Mr. Flood as well, and a legal letter from Brian

Monaghan regarding Mr. Flood's driveway would need to be drafted.

### **11. Any Other Necessary Business**

Mr. Jescavage stated that Mr. Ronald Kilburn was available to the board tonight if they wished to discuss the zoning issue with him in executive session.

### **12. Public Comment (Reprise) – None.**

### **13. Upcoming Events**

- a) December 17, 2014 Recreation Community Board @ 6 p.m. @ 16 Jewett Street Office
- b) December 18, 2014 Development Review Board hearing at 7 p.m. at the Swanton Town Office
- c) December 18, 2014 Community Forum to discuss Community Development Block Grant Program at 4 to 6 p.m. in St. Albans City Council Chamber
- d) December 24, 2014 @ Noon, December 25 – 26 / Christmas Holiday / Town Office Closed
- e) January 6, 2015 next Selectboard meeting at 7 p.m. at the Swanton Town Office
- f) Wednesday, January 28, 2015 from 2:30 p.m. – 8:30 p.m., Vermont Council on Rural Development Community Visit at MVU

Mr. Clark highly encouraged public involvement at the community visit and meal. He would publish a schedule for the event soon.

### **E. Executive Session**

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to enter executive session at 9:30 p.m., for personnel and legal, citing that certain parties would be put at disadvantage if the issue were discussed in open session. Motion carried.

Mr. Clark made a motion, seconded by Mr. Thompson, to exit executive session at 9:37 p.m. Motion carried. Action taken: Mr. Clark made a motion, seconded by Mr. Guilmette, to direct the Zoning Administrator to take corrective actions with regard to the structure at 40 Maquam Shore Road. Motion carried.

Mr. Clark made a motion, seconded by Mr. Thompson, to adjourn the meeting at 10:39 p.m. Motion carried.

Typed on December 17, 2014  
Minutes by Yaasha Wheeler  
Received and filed by:

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Cathy Fournier, Swanton Town Clerk

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Date