

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

Tuesday, January 20, 2015 @ 7:00 p.m.

Present: Dan Billado, Chair; Joel Clark, Vice Chair; James Guilmette and John Lavoie, Selectmen; David Jescavage, Town Administrator; Cathy Fournier, Town Clerk; Yaasha Wheeler, Secretary; Harold Garrett, Road Foreman; Derick Billado, Animal Control Officer; Peter Cross, Cross Consulting Engineers; Elizabeth Harlow, Kinney Pike Insurance; Channel 15.

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. Guilmette added "90-Day Action Plan" to the Animal Control Officer item. Mr. Billado added "ACO ordinance" and "Personnel Policies" under Old Business, and "Letter from Rutland Chairman" under Other Necessary Business. Mr. Clark removed "Truck Update" from Highway, but added "Request for Proposal for Design of Town Office Renovations" under Economic Development. Cathy Fournier added "Sign Budget Warrant" under 2015 Budget.

D. Meeting Topics

1. Minutes

a) January 6, 2015 Regular Selectboard Minutes

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) Annual Insurance Review by Kinney Pike

Elizabeth Harlow came forward to discuss the Town insurance for 2015 with the Selectboard. She stated that the property blanket insurance represented at 2 percent increase, with the annual premium at \$9793. The Selectboard agreed to remove "fine arts" with the exception of coverage for antique items. Mr. Garrett pointed out that the equipment listed as "utility tractor" was actually a mower, and that the chipper was worth more, about \$7500. Ms. Harlow informed the board that general liability had a \$3 million aggregate limit, with an annual premium of \$4280, while public officials liability, employment practices, and commercial auto each had a \$1 million aggregate. The vehicle schedule included deductions of \$250 for comprehensive and \$1000 for collision. It was noted that the 2002 International truck would be removed from the schedule in about a month, since it would be traded in for the new truck that would arrive in February. Mr. Garrett recommended adding the generator to the equipment schedule. Ms. Harlow

explained that there was coverage for drivers not listed on the drivers' schedule, and explained worker's comp, which was an audited policy. The umbrella coverage offered an additional limit of liability for a \$2 million annual aggregate. In summary, the expiring premium was \$37,333, with the renewal premium at \$37,318.

Ms. Harlow discussed cyber liability coverage, which was not currently included, and presented scenarios in which it would be useful. Mr. Clark asked for a quote on the cyber liability coverage. Mr. Jescavage asked about coverage for equipment borrowed from other towns and then damaged, and Ms. Harlow said that damages were usually paid by the lending party's insurance, unless a contract between the borrower and lender stated otherwise, in which case the borrower's "rented and borrowed" policy.

b) Review of South River Street Study with Peter Cross

Mr. Cross came forward and presented slides that highlighted his study. He stated that he had reviewed the results of borings at stations along South River Street. Some had been done through the pavement, and others had been done off the road. He also noted several culverts that were in need of replacement or repair, and that the road had no subbase whatsoever. He went over the details of each boring. He summarized his conclusion that the lowest strata (at or below the river level) was slowly compressing and "oozing" into the river. He did not foresee immediate catastrophic failure of the bank.

Mr. Cross spoke with the Selectboard about the possibility of moving the road away from the riverbank (which was difficult because of the nearness of the railroad), of using sheet piling to stabilize the bank (John Lavoie's suggestion), or taking other actions. Mr. Clark saw the lack of guardrails as the most immediate safety concern.

The Selectboard thanked Mr. Cross for his work on behalf of the Town.

c) Update on 1% Sales Tax Investigation

Mr. Jescavage stated that he had called Kerry Johnson (the St. Albans Town manager), who had told him that the state tax department had sent out the letters to each business with the 05478 zip code, informing the businesses of their need to charge the 1% tax. However, although Tractor Supply fell under the St. Albans zip code, it was technically in the town of Swanton. When Mr. Jescavage had spoken with someone from the state, that person informed him that the headquarters of Tractor Supply had been contacted and informed that the store should stop charging the 1% sales tax. She did not know what would be done with the money collected from the tax, but did say that if someone presented a receipt at Tractor Supply showing that 1%, the customer could be refunded the amount of the tax. The Selectboard instructed Mr. Jescavage to follow up to ensure that the tax was not being charged anymore.

d) Ordinance for Animal Control Officer

Mr. Jescavage said that he had looked through the ordinance and would remove the references to cats. However, the definition of "domestic pet" was from state statute, and included cats. He recommended having a legal review, to ensure that the town's removal of cats from the ordinance would not violate anything.

e) Personnel Policies

Mr. Billado and Mr. Clark recommended holding a special Selectboard meeting in February to discuss updates to the personnel policies, which Mr. Clark hoped would be in effect by April 1, 2015.

4. Animal Control Officer

a) Swanton ACO Monthly Report

Mr. Derick Billado presented his report, which included 3 bites reported to him by the Town Health Officer (Dan Billado), and for which Mr. Derick Billado had done home

confinements. The unregistered dogs were registered and vaccinated. He had involved the Swanton Police Department on a possible animal cruelty case, which was determined not to be animal cruelty. He had also issued a written warning to the owner of an impounded dog (it was at large), since the owner appeared to show no care for the animal. Mr. Dan Billado said that he had heard a lot of good comments about the new ACO.

b) 90-Day Period

Mr. Guilmette reminded the Selectboard that Mr. Derick Billado had been hired under the understanding that, after a 90-day review period, the Selectboard would evaluate him, and, if satisfied, would increase his pay. Since the Selectboard unanimously expressed satisfaction with Mr. Derick Billado as ACO, Mr. Guilmette made a motion, seconded by Mr. Lavoie, to increase the Animal Control Officer's pay from \$550 a month to \$600 a month, effective from the 90-day mark. Motion carried. Mr. Dan Billado abstained from voting.

5. Economic Development

Mr. Jescavage stated that he had spoken with Cathy Montagne and informed her of the new 9(L) portion of Act 250 in regard to "sprawl." She had been very disappointed, and he urged her to call her legislators to express her opposition to the new rule.

Mr. Billado informed the board that the Town had closed with Energtek North Country on January 9, 2015 regarding Park D. Mr. Guilmette thanked Mr. Billado for his hard work regarding the sale and the closing.

6. Expenditures & 2015 Budget

a) General Order (12/17/15 - 12/31/15)

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to approve the general orders as presented. Motion carried.

b) Highway Orders (12/17/15 - 12/31/15)

Mr. Clark made a motion, seconded by Mr. Guilmette, to approve the highway orders as presented. Motion carried.

c) Payroll (12/17/15 - 12/31/15)

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

d) Discuss Highway Department Budget

Mrs. Fournier stated that the tax rate for 2014 had been 0.2250, and for 2015 was 0.2868. The highway budget had increased by 2.72 percent. The highway budget itself was fairly level-funded, but increases in the Fire Department and Police Department budgets, which were bundled with the highway budget, caused the overall combined increase. The general budget tax rate was 0.1445 for 2014, and 0.1192 for 2015.

Mr. Clark made a motion, seconded by Mr. Lavoie, to put the general and highway budgets as presented on the ballot. Motion carried. The Selectboard reviewed and signed the warning.

7. Highway Department

a) Robin Hood Drive Update

Mr. Clark state that he wanted to put out a request for proposal for a design for the Robin Hood Drive extension to meet Route 7. They needed a layout of the intersection and the submission of permits, and could do the actual work in-house. The work had to be completed by August 17, 2017. Mr. Billado and Mr. Lavoie expressed concern that

upgrading the road would increase safety issues due to heavier traffic. They recommended having a public hearing on the matter while pursuing the proposal for design.

b) Request approval to purchase hotbox

At Mr. Clark's request, Mr. Guilmette made a motion, seconded by Mr. Lavoie, to approve Mr. Clark to spend up to \$6000 to purchase a hot box for asphalt patching. Motion carried.

c) Private Road Discussion

Mr. Clark presented a document listing the five private roads that were closest to meeting the town requirements. The total combined length of the roads was about 1 mile. He asked Mr. Jescavage to request the Cedar Ledge Estates residents to send their information on the road samples they had taken. Mr. Garrett noted that roads were topcoated every 10 years, so the Selectboard should consider when a topcoat was next due when considering the taking over of any new roads. Mr. Garrett and Mr. Clark would visit Cedar Ledge Estates, evaluate the road, and bring a recommendation to the Selectboard, and a public hearing would be scheduled for the second meeting of February.

d) Annual Certification of Highway Mileage for Vermont Agency of Transportation

Mr. Garrett noted that portions of Missisquoi Road and Sweet Hollow Road had been upgraded from Class 3 to Class 2. Mr. Jescavage would update the certification and present it for signing at the first meeting of February.

e) Equipment Issues

Mr. Garrett stated that he had replaced the kingpins on the truck for \$700, and had also replaced the brakes. There were still issues with the garage doors (they often had to be closed manually) and a plug drain still did not work.

f) Other Updates

Mr. Jescavage said that he had checked with the insurance, and the policy for punch-in allowed for Mr. Garrett to work on town time without having to go all the way to the town garage in order to punch in. Mr. Garrett reminded the board that, according to the policy, he had to charge 3 hours if he called in the road crew anytime before 7 a.m.

8. Correspondence

a) Good Taste Event Announcement

Mr. Jescavage informed the board that the event would be held on Friday, January 23, 2015 at 4 to 6 p.m. or 6:30 to 8:30 p.m. at the City Hall in St. Albans. Tickets cost \$10 to \$15 and ID was required for any alcoholic beverages consumed. Mr. Garrett added that he had gone last year and it was a great way to sample foods from local vendors.

Mr. Clark informed the public of a Benefit Bingo for MVU Substance Free on Sunday, January 25, 2015 at 1 p.m. at St. Anne's Catholic Church.

9. Any Other Necessary Business

a) Municipal Planning Grant Update

Mr. Jescavage stated that the grant for the zoning bylaws had been closed, and the town had applied for and been granted another grant for updating the town municipal plan. The Swanton Planning Commission and the Northwest Regional Planning Commission would be working together on that project in the near future.

b) Letter from Steven Howler

Mr. Billado presented a letter from Steven Howler, Rutland Selectboard chair, asking for Vermont Selectboards to support a resolution opposing state over-regulation of “solar siting.” The Selectboard asked Mr. Jescavage to look over the resolution so that the Selectboard could sign it at the next meeting.

c) Request for proposal for Town office

Mr. Clark presented a statement of work and said that he would like to get estimates for the renovation design. The economic development money from the sale of Park D would go toward those renovations.

12. Public Comment – None.

13. Upcoming Events

- a) **January 22, 2015 Development Review Board hearing @ 7 p.m. at the Swanton Town Offices**
- b) **January 23, 2015 Good Taste Event, 4 to 6 p.m. or 6:30 to 8:30 p.m. at the City Hall of St. Albans**
- c) **January 28, 2015 Vermont Council on Rural Development Community Visit, 2:30 to 8:30 p.m. @ MVU**
- d) **February 3, 2015 Next Selectboard Meeting at 7 p.m. at the Swanton Town Offices**

E. Executive Session (Personnel and Legal)

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to go into executive session at 9:28 p.m. for personnel and legal, citing that public discussion of the matters would put people at a disadvantage. Motion carried.

Mr. Clark made a motion, seconded by Mr. Lavoie, to exit executive session at 10:15 p.m. Motion carried. No action taken.

F. Adjournment

Mr. Clark made a motion, seconded by Mr. Lavoie, to adjourn at 10:15 p.m. Motion carried.

Typed on January 21, 2015
Minutes by Yaasha Wheeler
Received and filed by:

Cathy Fournier, Swanton Town Clerk

Date