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**TOWN OF SWANTON
MINUTES
SELECTBOARD MEETING
Swanton Town Office Building
1 Academy Street, Swanton, VT 05488
*Tuesday, February 5, 2013 @ 7:00 p.m.***

Present: John Lavoie, Selectboard Chair; Dan Billado, Selectboard Vice Chair; Dick Thompson, Harold Garrett, and Joel Clark, Selectmen; David Jescavage, Town Administrator; Cathy Fournier, Town Clerk; Yaasha Wheeler, secretary; Heather Buczkowski, Channel 15; Chief "Joey" Stell, Swanton Village Police Department; Nicole Westbom, Swanton Public Library; Krister Adams, Housing Foundation, Inc.

16 A. Call to Order

17 Mr. Lavoie called the hearing to order at 7:00 p.m.

19 B. Pledge of Allegiance

20 Mr. Lavoie led those present in the pledge of allegiance.

23 C. Meeting Topics:

25 1. Minutes

26 a) January 15, 2013 SLB Meeting

27 b) January 21, 2013 SLB Budget Meeting

29 Mr. Billado made a motion, seconded by Mr. Thompson, to approve the Selectboard minutes of
30 January 15, 2013. Motion carried. Mr. Clark made a motion, seconded by Mr. Billado, to
31 approve the Selectboard minutes of January 21, 2013. Motion carried.

33 At Mr. Billado's suggestion, the Selectboard proposed to hold the quarterly meeting on
34 Tuesday, March 19, 2013, at 6:30 p.m. at which time they would also review their progress in
35 the 5-year plan.

37 2. Public Comments

38 No public comment.

40 3. Old Business

41 Mr. Billado commended Mr. Garrett for the way in which the garage was being run; the crew
42 seemed very happy as well. He also noted that the bid packages for the garage had gone out.
43 Mr. Lavoie added that the walk-through would be on the 15th at 9 a.m.

46 4. Community Development (Executive Session)

47 a) Discuss Real Estate Issues with Krister Adams of Housing Foundation, Inc.

48 Mr. Thompson made a motion, seconded by Mr. Billado, to go into executive session at 7:07
49 p.m. Motion carried.

51 Mr. Billado made a motion, seconded by Mr. Clark, to exit executive session at 7:33 p.m.
52 Motion carried. No action taken.

55 Public Comment

56 Nicole Westbom of the Swanton Public Library explained that the library had a small amount
57 of budget allocated for the summer reading program, but often the funding needed to be
58 supplemented by a grant. The requested grant would be for \$683. She requested a Selectboard
59 member to sign the grant application. Mr. Garrett made a motion, seconded by Mr. Clark, to

1 authorize Mr. Jescavage to sign the grant application. Motion carried.
2
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4 5. Law Enforcement & Fire Department

5 a) Swanton Village Police Chief Report

6 Chief Stell came forward. He stated that January was a quieter month, with only 34 complaints
7 for service of a wide variety of call types. The report included a breakdown of the types of calls
8 to which the department responded, as well as a traffic report with a total fine amount for
9 tickets issued.
10

11 b) 40 mph Zone on Rt. 7 Update

12 Chief Stell stated that the SVPD was tracking the Route 7 traffic and would have further
13 communications with the Agency of Transportation about the effect of the reduction of a
14 portion of Route 7 from 50 mph to 40 mph. So far, only one traffic ticket had been issued in
15 that section, and it was not for speeding. The average speed on that section is between 40 and
16 47 mph. Commuter hours might show different results, so the SVPD would be targeting those
17 hours eventually.
18

19 c) Discuss Rt. 7 No Passing Zone

20 Mr. Jescavage stated that a Mr. Jim Cross complained that in 2006, he had petitioned a
21 portion of Route 7 to become a Do Not Pass zone, which had gone through the process but
22 never been approved by the State Traffic Committee. The state created double yellow lines and
23 added Do Not Pass signs, which were later removed. Mr. Cross wanted the signs replaced.
24 Chief Stell explained that a double yellow line indicated that motorists should not pass, but if
25 they chose to do so, they would pass at their own risk. A Do Not Pass sign meant that tickets
26 could be written for violations. The Agency of Transportation was reluctant to put up such
27 signs because the area had to fall within a narrow category and because there was the potential
28 to create difficulties. For example, cars may not pass a 15 mph tractor in the Do Not Pass zone,
29 therefore creating a traffic situation. Mr. Garrett advocated leaving the situation as it was for
30 now, with the double yellow lines but no Do Not Pass signs, and see how the new 40 mph speed
31 limit affected the area. Mr. Lavoie and Mr. Billado agreed to "let the dust settle." Mr. Jescavage
32 agreed to relay this information to Mr. Jim Cross.

33 Mr. Garrett reminded Mr. Jescavage to let Mr. Cross know that there would be extra law
34 enforcement at that area because of the speed change. Chief Stell added that the unspoken rule
35 of law enforcement was to give drivers 3 to 4 weeks of warnings in that zone, especially people
36 who are regular commuters by that route and who no longer pay attention to the signs. After
37 those 3 or 4 years, the enforcement would become routine. He offered to speak with the
38 complainant if Mr. Cross wished to contact him.

39 Mr. Garrett stated that he had turned over to Mr. Stell a list of roads for the weight
40 ordinance. They were in the process of checking into the weights. Chief Stell informed the
41 Selectboard that he had met with the director of enforcement at the Department of Motor
42 Vehicles, who was reviewing the road weights to ensure that there were not conflicts with Title
43 23.

44 Chief Stell announced that the Citizens' Police Academy was tentatively set to begin on
45 February 21st (a Thursday) and continue for the following Thursdays. Registration was open, so
46 members of the public could show up for whatever course interested them. The Selectboard
47 complimented Chief Stell's department, noting that Swanton residents had been giving very
48 positive feedback about the department.
49
50

51 6. Highway Department

52 a) Salt & Sand Updates

53 Mr. Garrett stated that both the salt and the sand sheds were still about 50% full. None of the
54 salt in the building or outside had yet been touched.
55

56 b) Well Drilling Quotes Update

57 Mr. Jescavage informed the board that he had contacted 4 well drillers about the well for the
58 new garage. They could not factor in the storage tank or pump until they knew the yield, so all
59 bids would be done on just the well-drilling and grouting. The bid response deadline was
60 February 14th, which would allow the bids to be opened on the 19th. Mr. Thompson asked if
61 they would bid a lump sum, and Mr. Clark responded that they would likely price it by foot. Mr.

1 Garrett explained a little more about the process, adding that one of the drillers had contacted
2 him to know how far from the building the well would have to be. Mr. Billado asked if that
3 would be considered ex parte communications, but Mr. Garrett said that he knew no
4 information that would give any driller an advantage over the others and that the proposals
5 allowed them to call him. Mr. Jescavage and Mr. Garrett explained why only drilling and
6 grouting could be included, since the water pressure and other factors would influence the
7 pump and tank needs.
8

9 c) Other Updates

10 Mr. Garrett stated that the loader was 99.9% complete. Mrs. Fournier would be able to provide
11 the Selectboard with the cost of the repair, and since he had been authorized to spend up to
12 \$600, he took it upon himself to order 2 of the Swanton Highway Department decals to put on
13 the side of the loader. They were about \$100 each.

14 The yellow truck was down, because it was awaiting a fuel pump which was on order. A
15 sales rep from a new company had recommended a set of carbide blades for the snow plows, a
16 bullnose at \$56 per foot, and a top blade at \$48 per foot. At a higher price, carbide blades
17 would last 4 or 5 years, versus 1 or 2 years for the less expensive steel blades. Mr. Garrett said
18 that he would like to get a set of 2 to have on hand. The blades would have to be on special
19 order, however, since the truck had an 8-inch punch instead of the standard 12-inch punch. He
20 guessed that the cost for the blade set would be about \$1300 to \$1400, to be taken out of the
21 parts budget. He said that he would price all 3 available companies before buying. The
22 Selectboard agreed to authorize Mr. Garrett to investigate the blades for purchase.

23 Mr. Garrett stated that the new truck was still having trouble with the fluttering motor
24 and that the warrantee had less than a year on it, so an extended warrantee might be desirable.
25 He explained that the international company was in charge of all repairs, which contributed to
26 the lack of efficiency in fixing the truck. Mr. Clark was in favor of writing to the company,
27 explaining the reasons for dissatisfaction and requesting resolution. Mr. Billado asked Mr.
28 Jescavage to talk with Mr. Garrett and to invite the sales rep from the truck company to the
29 next meeting.

30 Mr. Garrett mentioned the radio grant, and Mr. Jescavage said that there were no
31 updates on that yet, as he was working on the town meeting information.

32 Mr. Garrett mentioned the chipper and asked if it should be repaired for sale or for use.
33 Mr. Thompson asked to know the repaired value of the chipper and Mr. Garrett estimated
34 about \$5000 or \$6000, with a repair cost of about \$500. Mr. Thompson asked Mr. Garrett to
35 price out the difference if the chipper was sold repaired or unrepaired.

36 Mr. Garrett said that he would like to sell the small forklift, since the loader and backhoe
37 already had forks and the forklift had not been used for years. He also wanted to sell the old air
38 compressor.

39 Mr. Garrett explained that he would like to have a complete steel cage and safety
40 harness that would lock into the forks of the backhoe, to reduce the chance of a limb hitting the
41 radiator on the backhoe if it fell. Mr. Lavoie said that he would check with his people at work to
42 make sure that such a cage would meet the safety regulations, since he felt the project would
43 most likely need to be stamped by an engineer.

44 Mr. Garrett stated that he still had about 20 cords of wood in the woodpile. The
45 Selectboard reminded the public that the wood was available to the public, at one cord per year
46 per household. All requests should be directed to Mr. Jescavage.

47 Mr. Garrett stated that the federal fuel tax was still being charged, even though the town
48 was tax exempt. Following the town of Franklin's example, Mr. Garrett and Mrs. Fournier were
49 working to fill out the appropriate forms to receive a tax refund from the last 3 years (the
50 maximum amount of time to reach back for a refund). They estimated a refund of about \$8000
51 to \$12,000. The tax would still be charged on any future fuel purchases, so the Town would
52 have to apply for the refund every year.
53
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55 7. Franklin County Humane Society

56 a) Discuss 2013 Contract (Executive Session)

57 Mr. Billado asked to combine this with the later executive session for personnel. The
58 Selectboard agreed.
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61 8. Review Informational Meeting Slide Show

1 The Selectboard signed tobacco and liquor licenses for the following:

- 2 Swanton Beverage – John Flood
- 3 Champlain Farms – 2 Canada Street
- 4 Champlain Farms – 188 First Street

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7 9. Discuss Open Meetings Info

8 Mr. Lavoie read the following information from the 2006 Pocket Guide to Open Meetings:

9 *Every public meeting must make time for the board to take public comment. 1 V.S.A. §*
10 *312(h). The subjects may be related to the agenda or not. Many boards allow public comment*
11 *at the start of the meeting. Others place it as the final agenda item. Some boards allow public*
12 *comment whenever anyone present has something to add to the discussion. Whenever it*
13 *occurs, public comment is an important time in the life of a board. It is the one opportunity*
14 *that members of the public have to speak openly about their concerns. Public comment period*
15 *is not a free-for-all. The chair of the board is allowed by law to establish reasonable rules to*
16 *ensure civility and avoid delay, and reasonable limitations on the amount of time for each*
17 *speaker are not unusual or improper. The law of school boards takes public comment on step*
18 *further than for other boards. 16 V.S.A. § 554. Whenever a member of the public requests a*
19 *written response to its public comments, the board is required by law to provide a written*
20 *response.*

21 The Selectboard agreed to allow public comment at the beginning and end of the
22 meeting, to ensure that everyone would get to speak in a timely manner.

23 Mr. Jescavage presented the draft open meeting Power Point presentation, which
24 included the following points and discussion:

- 25 - Brief overview of 2012 highlights
- 26 - Highway highlights
- 27 - Future projects for 2013, involving more than just the highway department

28 Mr. Billado suggested adding that the highway was looking into purchasing a new one-
29 ton truck.

- 30 - General Budget: If the figures were correct, this showed a decrease in the tax rate.
- 31 - Highway budget: This also showed a decrease in the tax rate.
- 32 - Budget Requests Summary: It was determined that Swanton was responsible for \$8
33 million of the MVU \$15 million budget.
- 34 - Projected 2013 taxes: Mr. Thompson said that the “best and worst case scenario”
35 rate information could be removed, since that had only applied in 2012 because the
36 tax rate range was predicted, but there were no actual numbers. The budget for 2013
37 had actual numbers, so best and worst case scenario comparison was unnecessary.
38 The Selectboard members corrected the figures, noting that there was actually a net
39 increase, not decrease, in the education tax rate. The 2012 rate was \$3056 but
40 \$3249.20 for the 2013 rate, resulting in an increase of \$192.60. Mrs. Fournier
41 pointed out that the CLA had also increased from 103 in 2012 to 109 in 2013.
- 42 - Village Projected Taxes: This included an increase of \$346.60, with the tax rate
43 increased by 3 cents.
- 44 - New Highway Garage: Mr. Clark suggested replacing the word “around” with
45 “approximately.” The Selectboard added that they planned to stick to borrowing for
46 any amount over \$800,000. Already \$600,000 had been appropriated through an
47 annual sum of \$40,000 for 15 years. Mr. Garrett suggested the language: “The Town
48 has appropriated \$40,000 yearly for 15 years, adding up to \$600,000.”

49 Mr. Thompson suggested converting the information from paragraph format to
50 bullet format. Mr. Billado pointed out that Robin Hood Drive was not Park 10. He
51 also suggested including information about the bays with this language: “The garage
52 will have 6 bays, which includes a wash bay.”

- 53 - Arena Renovation Project
54 Mr. Clark suggested having drawings of the project available.
- 55 - Candidates for Office
- 56 - New Town Website
- 57 - Thank you for coming

58 Mr. Lavoie said that he liked the background pictures which highlighted Swanton’s beauty. The
59 Selectboard asked Mr. Jescavage to e-mail them with the updated draft of the presentation.

60 The Selectboard discussed the new Swanton Village website, which Mr. Beliveau had
61 suggested might serve as a website for both Town and Village. Mr. Lavoie recommended

1 having a joint website. It was noted that Mr. Jescavage had been working on a Town website
2 for about a year, and Mr. Jescavage felt that the site's ease of use was equal to that of the
3 Village site. The Selectboard asked Mr. Jescavage to speak with Mr. Beliveau about it.
4
5

6 10. Correspondence

7 Mr. Jescavage said that a man who lived on Maquam Shore Road had complained in a letter
8 because his mailbox had been knocked over. Mr. Jescavage had contacted him to explain the
9 winter policy. The Selectboard agreed that mailboxes that were put up in the town right-of-way
10 would not be replaced by the town, and should abide by certain setbacks from the road. Mr.
11 Garrett suggested changing the policy to provide better setbacks for narrow roads; rather than
12 stating that the mailboxes should be 2 feet off the road surface, the policy should request
13 mailboxes to be placed 14 feet from the road center. Mr. Garrett denied that there had been 4
14 mailboxes reported knocked down this winter; he only knew of one. He added that some
15 mailboxes were not knocked down by the wing of the plow, but by the snow coming off of the
16 wing. Mr. Thompson summed up that residents could place their mailboxes in the right-of-way
17 at their own risk and at the Selectboard's standard. Mr. Lavoie asked Mr. Jescavage to call the
18 upset citizen back and explain that the Selectboard, according to the winter policy, had no
19 obligation to replace the mailbox.

20 Mr. Jescavage presented a note of thanks from Alan Lamson for reducing the speed
21 limit on Route 7.

22 Mr. Jescavage noted that there would be a rabies and microchip clinic on March 23,
23 2013.

24 Mr. Jescavage said that he would like to attend a labor relation board training session at
25 \$25 each session. After further discussion, it was determined that the only one relevant to Mr.
26 Jescavage was on Town meeting day, which made it unwise to attend. Mr. Billado suggested
27 sending Mr. Garrett and Mrs. Fournier instead, since they were supervisors or department
28 heads.
29

30 11. Any Other Necessary Business – No other necessary business.

31 12. Public Comments (Reprise) – No public comments.

32 13. Upcoming Events

33 a) Friday, February 15, 2013: New Garage Site Walk Through for Bidders

34 Mr. Lavoie stated that he had asked Engineers Construction, Inc., to bid on the garage
35 project, since they had done good work for him in the past.
36
37

38 b) Monday, February 18, 2013: Presidents' Day Holiday – Town Offices Closed

39 c) Selectboard Meeting @ 7 p.m. on Tuesday, February 19, 2013 with Public
40 Hearing on Closure of Swan Valley Grant

41 d) Local Government Day on Wednesday, February 20, 2013
42 in Montpelier @ the State House

43 e) Joint Legislative Body Meeting @ 7 p.m. on Wednesday, February 20, 2013
44 in Village Complex

45 f) Highway Garage Bid Openings @ 2 p.m. on Friday, February 22, 2013 in
46 Selectboard Meeting Room
47

48 Mr. Lavoie and Mr. Thompson said that they would be present for the bid openings. The bids
49 would be opened publicly and read, but no decision would be made. Mr. Jescavage said that he
50 would take notes. Mr. Billado suggested going over the bids at the first meeting of March after
51 town election day. Mr. Garrett reminded that they might want to delay the awarding of the bid
52 until the second meeting in March, to give any new Selectboard member a chance to "come up
53 to speed." Mr. Lavoie requested Mr. Jescavage to get an extra set of blueprints for the new
54 Selectboard member. Mr. Clark summed up that the bids would be discussed at the first March
55 meeting, but awarded at the second.
56
57

58 g) Planning Commission Meeting @ 7 p.m. on Wednesday, February 27, 2013

59 h) DRB Meeting @ 7 p.m. on Thursday, February 28, 2013

60 Mr. Clark stated that his DRB period expired in a few months. He asked Mr. Jescavage to
61 instruct Mr. Kilburn to advertise a vacant DRB position.

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14. Executive Session

Mr. Thompson made a motion, seconded by Mr. Billado, to go into executive session for the Franklin County Humane Society contract and for personnel at 9:45 p.m. Motion carried.

Mr. Billado made a motion, seconded by Mr. Clark, to come out of executive session at 10:28 p.m. Motion carried. No action taken.

15. Adjournment

Mr. Billado made a motion, seconded by Mr. Clark, to adjourn the meeting at 10:29 p.m. Motion carried.

**Typed on February 6, 2013
Minutes by Yaasha Wheeler
Received and filed by:**

Cathy Fournier, Swanton Town Clerk

Date