

**TOWN OF SWANTON
MINUTES
SELECTBOARD MEETING
Swanton Town Office Building
1 Academy Street, Swanton, VT 05488
Tuesday, March 19, 2013 @ 7:00 P.M.**

Present: John Lavoie, Selectboard Chair; Daniel Billado, Selectboard Vice Chair; Joel Clark, Dick Thompson, And Kathy Lavoie, Selectmen; David Jescavage, Town Administrator; Cathy Fournier, Town Clerk; Yaasha Wheeler, Secretary; Allan Laroche, Animal Control Officer; Chief Leonard “Joey” Stell, Swanton Village Police Department; Betsy Fournier, Swanton Recreation Department; Kim Gates, Tri-Town Recreation Committee; Jeremy Letourneau; Amanda Bouchard; Kenny Madsen.

A. Call to order

Mr. Lavoie called the hearing to order at 7:02 p.m.

B. Pledge of allegiance

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

c. Meeting topics:

1. Minutes

a) March 6, 2013 SLB meeting

Mr. Thompson made a motion, seconded by Mr. Clark, to accept the minutes as printed. Motion carried. Mr. Billado abstained, because he was not present at the March 6, 2013 meeting.

2. Public comments

Mr. Lavoie offered Ms. Gates 10 minutes to state her case. Ms. Gates explained that the TTRC and Tri-Town Selectboard had been working on the Highgate arena project for 3 years and had gathered a lot of information regarding the options, which included \$2.5 million to renovate the building, \$7 million to rebuild the building, or \$4.5 million to renovate and add to the existing building. The third option had been approved in Highgate and Franklin but had failed in Swanton after a close race. Ms. Gates felt that not all of the information had gotten out to the taxpayers, so the TTRC had petitioned for a revote. The facility was important to the community, but badly needed an upgrade. One of Swanton’s concerns had always been in regard to the financial plans, and the third MAHA fiscal year was almost over and was showing a net income. Ms. Gates reminded that grant money was available only for the next two years and would expire if not used. She closed with a question: “If people don’t support this project, what are their plans if this facility closes?”

Betsy Fournier added that, in getting signatures for the petition, she had spoken with people and helped to educate them about the project. She apologized that the Swanton voters had not gotten enough information and said that public meetings were planned so that everyone in the community would understand that everyone in the community, not just hockey players, would be able to utilize the facility.

Mr. Lavoie clarified that the Swanton Selectboard had not yet taken a position on the matter, in order to allow the voters to speak freely. He wanted everyone to know that the matter was not personal to the Swanton Selectboard, which had had to ask hard questions in order to make sure that the project was in the best interests of the Swanton taxpayers. He added that he greatly appreciated the work done by the TTRC and MAHA. Ms. Gates recommended May 7th as the date for the revote.

Mr. Billado stressed the importance of facts, stating that he was dealing with a lot of questions about the arena and that the taxpayers had to know that \$4.5 million was only for the renovation, but would not be the “bottom line” for the taxpayers. Ms. Gates mentioned that the \$186,000 raised for the arena could be put into a reserve fund if there was a budget shortfall. Mr. Lavoie said that there was no time to get into all of the details at the present meeting, but the Swanton Selectboard would be discussing the project extensively and would take into account the request for the revote on 5/7/13. Mr. Clark reminded Mr. Jescavage to put an arena project discussion on the next agenda.

3. Old business

Mr. Billado said that they needed to pursue getting a tractor and a one-ton truck, and that he and Mr. Thompson had quotes for it. Mr. Lavoie asked them to put together a spreadsheet of the quotes.

The Selectboard agreed to do Item #8 next.

8. Highway department

a) Award new garage construction bid with peter cross

Mr. Cross stated that he saw no reason not to award the contract to Millbrook, which was the lowest bidder. Six ceiling fans were already included in the contract, but the generator posed a problem, since no one knew how to price it because no one was sure of what the Selectboard wanted. That part could be dealt with during or after construction. The contract price was \$684,000, plus any alternates (the Selectboard had previously selected 3 alternates for the smoke stacks, the concrete pad, and the standing seam roof). The contract price with the alternates totaled \$752,340, which included the base bid of \$684,000, plus the price of the alternates. An attorney could look at the contract to ensure that all was correct. Mrs. Lavoie asked if the alternates were included in the draft contract and Mr. Cross affirmed that they were.

Mr. Cross asked to know his role in the future during the construction phase, and presented two scenarios, one in which his assistance was limited (~\$4000) and a second in which his assistance included a more active role (~\$9000), such as the reviewing and approving of change orders and requisitions, performing inspections, reporting monthly to the Selectboard, and assisting with contract close-out. After the Selectboard discussed the cost of concrete and compaction (est. \$3000) as well as concrete companies, Mr. Clark made a motion, seconded by Mr. Thompson, to authorize Mr. Jescavage to sign the notice of award and the agreement/contract for construction of the new garage. Discussion: Mr. Billado reminded that the Selectboard should review and approve the contract before it was signed. Mr. Clark noted that the motion was to agree to award the contract to Millbrook, for the base bid plus the three alternate items chosen by the Selectboard, for a total of \$752,340. Discussion concluded. Motion carried.

The Selectboard discussed with Mr. Cross the difference between his estimated design cost of \$38,000 and the actual design cost of \$42,000. Mr. Cross explained that the extra cost was partially because of the permits and also because Mr. Cross had retained Pearson to build the design spec, because he felt he could not leave it up to the contractor to tell the town what he was going to put in, especially when addressing potential condensation issues. The Selectboard agreed that Mr. Cross had done the right thing.

Each Selectboard member agreed that option 2 was the favored option, and felt that Mr. Cross’s services and relationship with the Town was worth the extra money. Mrs. Lavoie stressed the importance of a protocol and having one individual overseeing the entire project. Mr. Thompson made a motion, seconded by Mr. Billado, to use Option 2 regarding Mr. Cross’s services. Motion carried.

Mr. Cross said that Millbrook and Mr. Jescavage would meet in his office to proceed with the next step (the approval of the agreement with Millbrook).

The Selectboard agreed to continue the agenda with Item #4.

4. Expenditures

a) General Orders (2/20/13 – 3/19/13)

Mrs. Lavoie asked to know the expenses set aside for computers and networking. Mrs. Fournier replied that part of the line item related to Green Mountain Networking, and aid from Mr. Peter Smith's computer technical support. Mr. Thompson made a motion, seconded by Mrs. Lavoie, to accept the general orders as printed. Motion carried.

b) Highway Orders (2/20/13 – 3/19/13)

Mr. Billado noted that Clarks Trucking should be readjusting the price of \$1753.46 bill and Mr. Lavoie asked Mrs. Fournier to call Clarks Trucking and explain about the possibility of goodwill pricing. Mr. Billado made a motion, seconded by Mr. Clark, to accept the highway orders. Motion carried.

c) Payroll (2/20/13 – 3/19/13)

Mr. Thompson made a motion, seconded by Mr. Clark, to accept the payroll as printed. Discussion: Mr. Clark asked why Leigh Smith was on the payroll and Mr. Thompson replied that she had taken the minutes for the BCA meeting. Discussion concluded. Motion carried.

d) Liquor and Tobacco Licenses

The Selectboard signed liquor and tobacco licenses for Campbell's Bay Campground and Sheridan Bar and Grill, LLC. Mrs. Fournier explained that Sheridan's Bar and Grill required to be signed for twice, because Dan Sheridan was taking over the Country Club and needed licenses for the dates of May 2012 to April 30, 2013, as well as May 30, 2013 to April 2014.

5. Law enforcement

a) Swanton Village Police Chief Report

Chief Stell came forward to present the monthly report. Mr. Billado commended the department for the Route 78 truck check and Chief Stell stated that every truck taken out of service had major safety violations. The monthly report included all of the total calls for February, with their locations and the nature of the call, as well as the total traffic tickets issued, their location and total fine amounts. He explained that a large percent of the fine for the overweight trucks would come back to the municipality, after certain fees had been taken out. Chief Stell mentioned that the department had been busy working on a drug case involving an indoor grow operation of marijuana, as well as aggressively dealing with the influx of cheap heroin. Mr. Lavoie said that he felt the drug trafficking was driven by demand and Chief Stell agreed that it was important to educate kids not to want to alter their mental states with substances.

Chief Stell reminded the board that the new contract began on April 1st but he had not yet seen the contract. Mr. Jescavage was asked to draft up the contract for the chief's review. Mr. Clark made a motion, seconded by Mr. Thompson, to authorize Mr. Billado to sign the police contract. Motion carried.

b) Route 105 Speed Limit Request

Kenny Madsen came forward to discuss his request to lower the speed limit along a stretch of Route 105. He explained that the area around the Rail Trail between Russell Road and Pond Road had a speed limit of 50 mph, which he felt was a "guideline" for most people, who went faster than the speed limit. He did see patrol cars in the area, but the problem persisted. Given the pedestrian traffic and the traffic from the Rail Trail, Mr. Madsen felt that the speeding problem was a safety hazard. He presented a document which outlined the situation and which included a report from 2010 regarding a rollover crash with fatalities in which speed was believed to be a factor. He added that the road had no real shoulder.

Mr. Thompson explained the process of lowering the speed limit, which involved the Selectboard putting in a request to have a state traffic engineer do a traffic study. The engineer would then come up with an opinion of a safe speed limit, usually based on the 85th percentile (the speed at which 85% of the traffic travels). The Town would then present before the three-member traffic committee, which would review both the state's case and the Town's request before making a decision. The traffic study would cost nothing. Mr. Billado said that he appreciated Mr. Madsen's concerns, but felt that because the route was a main thoroughfare to

St. Albans, the speed limit was unlikely to be lowered. Chief Stell offered to do a traffic survey once the weather warmed up enough for the equipment and to increase police surveillance of the area.

6. Animal control officer

a) ACO Monthly Report

Mr. Laroche reported that the Hodgdon dog had not been recovered by the owner and had been put up for adoption at the Franklin County Humane Society. He had also had trouble with the Zorn/Raleigh, in which he had had to impound the Zorn German Shepherd puppy. He reported that the rabies clinic had not had as much traffic as anticipated, but that he had been told by a vet to do it the week before April 1st, which would get more people. Mr. Laroche added that he had found an abandoned pet rabbit, which he was keeping until he could find a home for it.

7. Community development

a) Discuss Capital Improvement Plan

Mr. Lavoie suggested updating the plan out to 2018, since it was meant to be a five-year plan. Mr. Thompson was in favor of exploring funding options for the South River Street bank, which needed to be stabilized. The Selectboard discussed shifting the road to the west to avoid the disintegrating bank. Mr. Billado suggested putting the next \$40,000 for a major road project toward that use, and Mr. Thompson added that they should look into obtaining some bank stabilization grants.

Mr. Billado added that a compactor and pavement saw needed to be purchased. Mr. Thompson mentioned the need to meet with St. Albans regarding water and waste water allocations, for asbestos removal, and for scraping and painting the second story of the Town Offices. Mr. Thompson said that Mr. Jescavage should discuss the Phase I and Phase II Brownfield Study Grants for the Garage 1 site with Greta Brunswick; the Town was not eligible for Phase 3, but a buyer would be able to clean up the area. He added that potential purchasers should be contacted. The Selectboard recalled that other projects included:

- Request for 40 mph around the St. Albans Town line when Walmart opened.
- Install chain link fence at Garage 2
- Add lean-to to sand shed
- Pave bike path in the future
- Finish paving all gravel roads
- Look at extension of lease for Robin Hood Drive
- Complete Robin Hood Drive extension to Route 7 by 2017

Mr. Jescavage agreed to incorporate Mr. Thompson's updates in the updated plan and to move the "Done" items to a back sheet.

b) Discuss 2013 Road Pavement Plan & Choose Road For 2013 Pavement Grant

Mr. Jescavage stated that this grant was for resurfacing Class 2 roads, offered \$175,000 with a 10% match, and was due April 15th. He added that the board would have to adopt the Vermont Bridge and Road Standards to be considered for the grant. The board discussed applying the grant to Maquam Shore Road as well, which would free up the money that would otherwise go to Maquam Shore Road for other projects. The Selectboard agreed to apply for the grant for Maquam Shore Road.

c) Adopt 2013 Town Road & Bridge Standards

Mr. Clark said that he felt that there was nothing significantly restrictive in the new standards, adding that he was comfortable with the following statement in the standards: "The select board reserves the right to modify the standards for a particular project or repair or

maintenance activities where, because of unique physical circumstances or conditions, there is no possibility that the project or activities can be completed in strict conformance with these provisions.” Mrs. Lavoie asked if that meant that the standards would be modified directly in the document, or that the power of the Selectboard would be used to modify in particular cases. Mr. Thompson clarified that that involved the power of the Selectboard to modify. Mr. Billado made a motion, seconded by Mr. Clark, to adopt the Town Road and Bridge Standards. Discussion: Mr. Clark asked Mr. Jescavage to edit the electronic version of the standards to reflect any standards by which Swanton exceeded the state standards. Discussion concluded. Motion carried.

d) Updates

Mr. Jescavage said that Fairfield and Sheldon were willing to cooperate on the joint Sweethollow Road and Woods Hill Road projects. The Sheldon Selectboard, because it could not meet with the Swanton Selectboard at the present meeting, was scheduled for the April 2nd agenda. Mr. Clark felt that both foremen should meet before the meeting and Mr. Jescavage said that he would call to confirm that.

Mr. Clark commented on the good job that the highway crew had done in the painting of the equipment. Mr. Billado noted that the backhoe needed new tires and that he felt it would be worthwhile to trade the pusher for a roller or other piece of equipment that was more needed.

9. Public comments (reprise)

No public comment.

10. Correspondence

Correspondence included the following:

- A request from the Transportation Advisory Committee of the Regional Planning Commission to know if the town had any highway bridges that needed a higher rating for money to repair them. The Selectboard agreed to put the town on the list.
- An annual fee charged for stormwater runoff on Bushey Street. Mr. Jescavage mentioned another bill for the Robin Hood Development (\$1100). Mr. Billado asked Mr. Jescavage to find out if David Fosgate would be responsible for the bill once the property was sold, as well as for the inspection of basins and culverts. The Selectboard, having never recalled seeing that fee in the budget, asked Mr. Jescavage to verify where that bill came from.
- Approval of the wastewater permit for the new town garage.
- Notice of Hazardous Waste Day on May 18, 2013 at the Town Garage.
- Notice of the Vermont City Manager and Administrator Conference on May 16th and 17th in Jay Peak. Mr. Jescavage requested to go and the Selectboard agreed.

Mr. Clark signed the approval for the hazardous waste collection at the old garage site.

11. Any other necessary business

a) Info For Selectboard’s Website Page

Mr. Jescavage asked to know what type of information the Selectboard members wanted to include about themselves on the website. The Selectboard decided to include their names, positions, and term expirations, plus meeting times.

The Selectboard set the next quarterly budget meeting for June 18th at 6:30 p.m.

12. Upcoming Events

a) March 20, 2013 First Day Of Spring

b) Planning Commission Meeting @ 6 P.M. On March 25, 2013

Mr. Jescavage stated that the Planning Commission was ready to interview candidates that night and then to make recommendations to the JLB about the candidate that they felt would best fill the vacancy.

- c) JLB/PC meeting (Public Hearing On Proposed Zoning Changes)
@ 7 p.m. On February 25, 2013 In Swanton Village Complex
- d) Passover Begins @ Sundown On March 25, 2013
- e) American Diabetes Alert Day On March 26, 2013
- f) March 29, 2013 Good Friday Holiday (Offices Closed)
- g) March 31, 2013 Easter Sunday
- h) DRB Meeting (New Garage Review) @ 7 P.M. On April 3, 2013

13. Executive Session

Mr. Clark made a motion, seconded by Mr. Billado, to go into executive session at 9:15 p.m. for contracts. Motion carried.

Mr. Clark made a motion, seconded by Mrs. Lavoie, to come out of executive session for contracts at 10:34 p.m. Motion carried.

14. Adjournment

Mr. Billado made a motion, seconded by Mr. Clark, to adjourn at 10:35 p.m. Motion carried.

Typed on March 22, 2013
Minutes by Yaasha Wheeler
Received and filed by:

Cathy Fournier, Swanton Town Clerk

Date