

TOWN OF SWANTON
SELECTBOARD SPECIAL MEETING
Swanton Town Office Building
1 Academy Street, Swanton, VT 05488
Wednesday, June 19, 2013 @ 7:00 p.m.

Present: John Lavoie, Selectboard Chair; Dan Billado, Selectboard Vice Chair; Joel Clark, Kathy Lavoie, and Dick Thompson, Selectmen; Yaasha Wheeler, Secretary; Channel 16; Allan Laroche, Animal Control Officer.

A. Call to Order

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

B. Pledge of Allegiance

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

C. Meeting Topics:

1. Minutes

a) June 4, 2013 Regular Meeting

Kathy Lavoie made a motion, seconded by Joel Clark, to approve the June 4, 2013 Regular Selectboard meeting minutes. Motion carried.

2. Public Comments – No public comment.

3. Old Business

a) Review & Adopt Personnel Policy Amendments

Mr. Billado made a motion to adopt the new personnel policy amendments in regards to cell phone usage and compensatory time. Mr. Thompson seconded the motion. Discussion: Mr. Clark noted that the verbiage concerning hands-free phones should be included. Mr. Jescavage said that the verbiage had been included; the page of an earlier draft had been mistakenly copied into the meeting packet. Mr. Clark recommended tabling the voting until the final verbiage could be reviewed. Kathy Lavoie seconded the recommendation. The Selectboard agreed to table the motion.

b) Review & Adopt 2013 Town Road & Bridge Standards Amendments

Mr. Jescavage read the following language: “All work in a Town road right-of-way by an entity other than the Town’s Highway Department requires the submission of a right-of-way work permit application and fee and the subsequent approval for the permit by the Development Review Board Chairman, Road Foreman and Selectboard prior to the initiation of any work project in the Town road right-of-way. The Selectboard may set reasonable conditions on any right-of-way permit that it issues to any entity.” The prior paragraph added some leeway if the workers ran into an impenetrable debris. Mr. Clark made a motion, seconded by Mr. Billado, to adopt the standards. Motion carried.

c) Discuss Covey Drive Speed Test Results

Mr. Billado said that he had seen the study, and Mr. Thompson, Kathy Lavoie, and he had driven down Covey Drive. All of them had felt that, based on their observations, speed was not an issue on the road. Mr. Lavoie added that people playing basketball in the street added to the risk of someone being hit. He asked Mr. Jescavage to respond to the petitioner with the information from the police, and affirm that traffic speed is within the limits, and to recommend that the basketball court should be removed from the road right-of-way to discourage children from playing in the street. Mr. Thompson agreed.

4. Expenditures

a) General Orders (5/22/13 – 6/17/13)

Mr. Lavoie stated that the orders had been sent to the Selectboard prior to the meeting. Mr. Thompson made a motion, seconded by Kathy Lavoie, to approve the general orders. Mr. Billado said that he had spoken with Cathy Fournier about his question regarding a paycheck to Ron Kilburn for less than the usual amount, and had received the answer that Mr. Kilburn was on vacation. Mr. Thompson asked to know who G. Gilbert was, and Mr. Jescavage replied that he was the constable out of St. Albans who had served papers on Mr. Zorn regarding the German Shepherd issue. Discussion concluded. Motion carried.

b) Highway Orders (5/22/13 – 6/17/13)

Mr. Clark made a motion, seconded by Kathy Lavoie, to approve the highway orders. Discussion: The Selectboard discussed the payments that had been made to Cross Consulting Engineers, of \$3113.21 and \$1588.81. Mr. Thompson was concerned that the garage project should not exceed the \$800,000 approved for construction, but noted that the sum did not include engineering and design. The Selectboard decided to approve the highway orders with clarification on the Cross Consulting Engineers payments. Discussion concluded. Motion carried.

c) Payroll (5/22/13 – 6/19/13)

Mr. Billado made a motion, seconded by Kathy Lavoie, to approve the payroll. Motion carried.

Mr. Thompson presented payment invoices that needed to be signed by the Selectboard:

\$1968.32 to Knight Consulting Engineers
\$811.36 to Swanton Village Electrical
\$1588.51 to Cross Consulting (Clerk of the works)
\$120.89 to Peoples Trust Company

It was noted that clarification was needed, since the invoice from Peoples Trust for the interest payment was \$120.89, but Mrs. Fournier's spreadsheet of expenses showed an amount of only \$77.40 owed. Mr. Billado made a motion, seconded by Mr. Clark, to sign the invoices. Motion carried. The Selectboard signed the invoices.

Mr. John Lavoie recommended reading the expenditure report periodically.

5. Animal Control Officer

a) ACO Monthly Report (5/1/13 – 5/31/13)

Mr. John Lavoie read the following letter, addressed to the Selectboard from Mr. Allan Laroche, Animal Control Officer:

Dear Selectboard Members:

I regret to inform you that I will be resigning as Swanton Town Animal Control Officer effective August 1, 2013, due to recurring health issues. I have thoroughly enjoyed working with all of you, serving the citizens of Swanton and trying to improve the quality of life of our pets and animals. I will certainly miss my duties as ACO, but I feel that my health issues must be my primary focus at this time. I appreciate your understanding and most of all, the cooperation and support that I have received from the Selectboard.

*Sincerely,
Allan Laroche*

Mr. Lavoie thanked Mr. Laroche for doing a fabulous job as animal control officer, and for dealing with several long-term issues in the Town. He instructed Mr. Jescavage to advertise for the position, which would be part-time and on-call, and would include regular pay as well as pay for mileage. It was noted that the Zorn court case was scheduled for July 1st.

Mr. Lavoie stated that it had been brought to the Selectboard's attention that there was a cat-

control problem with feral cats, and cats that used peoples' gardens like litter boxes. It was noted that there was no cat ordinance. Mr. Thompson mentioned that he had heard that the town of Shelburne registered and vaccinated all of its cats. Kathy Lavoie said that she was astounded at the amount of time, energy, and money that went into animal control, and felt that the first step in taking care of many animal control issues was to bring awareness to the general public of the enormity of the task and of the current issues involved. Mr. Laroche was concerned that leashes would not be a safe or viable option for cat control, adding that Green Mountain Animal Defenders did trap, neuter, and vaccinate feral cats, although it could not control them. Kathy Lavoie reiterated that a media blitz could bring up awareness and help pet owners to be more conscientious about their cats. Mr. Thompson suggested simultaneously giving visibility to the need for a new animal control officer. Mr. Clark agreed, and felt that the cat problems should be addressed after a new animal control officer had been found and settled in. Mr. Jescavage was asked to call Jesse from the St. Albans Messenger in regard to this idea.

Mr. Lavoie thanked Mr. Laroche for his dedication to his job, stating that he was sorry to see Mr. Laroche go, but that the Selectboard agreed that his health was more important. Mr. Laroche added that he hated to resign, but felt he had to, and had given his notice in advance so that the Selectboard had time to interview and appoint a new animal control officer.

6. Highway Department

a) Discuss Hog Island Road

Mr. Clark showed an aerial map in which a red arrow indicated the drainage ditch, and explained that the area did not drain, since it was flat. Mr. Billado added that the only place for the water to go was the swamp. Mr. Clark suggested doing the ditching that had been discussed at an earlier meeting.

b) Discuss Tree Trimming on Lakewood Drive

Mr. Jescavage stated that he had received complaints from residents with large trucks whose side lights were getting smashed by overhanging tree limbs. Mr. Garrett could not do trimming up high because he needed a lift and had asked Mr. Jescavage to request direction from the board. Mr. Thompson replied that a lift would have to be rented. Mr. Jescavage mentioned that the trimming had been scheduled for the year before but had never happened because of the personnel change of the road foreman. He asked if the residents should be renotified, and Mr. Lavoie suggested taking note of the properties on which the work would be done, and sending notification only to the owners of those properties. Kathy Lavoie added that any other similar work should be done at the same time.

c) Discuss Better Back Roads Grants

Mr. Jescavage said that he had received information on two grant possibilities. One was to do an inventory and capital budget regarding the places in town with erosion along the road sides, with a potential for \$4000 in grant money. The second grant was to correct the road erosion problems through construction, with a potential for up to \$10,000 in grants, with a 20% match. Mr. Thompson suggested applying for a grant for South River Street. Mr. Clark asked if the grant was just for construction or whether it also included planning or engineering. It was noted that the grant information included this statement: "Priority funding will be given to those projects identified in an existing Road Inventory/Capital Budget Plan (a copy of the Plan must be submitted with the application) and to towns that have not yet received a Better Backroads grant."

d) 4th Street Garage Survey Update

Mr. Jescavage said that he had spoken with Danny L'Esperance and that the surveyor had determined, with the agreement of Mr. Ned Speer, that the Town owned all of what it thought it had owned at the Fourth Street garage property. The neighboring properties did not have land that extended to the rail trail, as some of the homeowners had thought. Mr. Lavoie reminded Mr. Jescavage to begin actively marketing the land.

e) Updates

Mr. Clark stated that the culvert replaced on the “east” side of Janes Road had lowered the water a bit, but had not drained all of it, probably because it was along such a long level stretch. He added that Pike Industries had repaved Maquam Shore Road and also Sweet Hollow Road. Mr. Billado noted that the wet weather had contributed to potholes along Bushey Street. Mr. Clark encouraged the public to call in potholes, and asked Mr. Lavoie for the phone number of the Janes Road residents, to whom he would explain that the Town’s construction was not adding any water to the ditch.

Mr. Jescavage informed the board of a contractor’s meeting at 8 a.m. at the garage, followed by a 10:30 a.m. meeting with Radio North to discuss recommendations for wiring. Mr. Billado suggested having Radio North evaluate the town offices as well. Mr. Jescavage mentioned that the tie-in for the water was unresolved, which he had thought was the contractor’s responsibility, but which the contractor claimed was not his obligation. The drilling was put on hold until Cross Consulting Engineers could resolve the situation. Mr. Billado and Mrs. Lavoie agreed to attend the contractor’s meeting. Mr. Billado mentioned a crack in the floor that he felt could be a potential problem, while Mr. Lavoie shared some concern that the process of siding the cupola would damage the new roofing. It was agreed that those concerns should be shared at the meeting.

Kathy Lavoie asked if there had been any resolution regarding the salt shed. Mr. Jescavage said that he had called the contractors with a request for bids with sketch plans and specifications, explaining to them that the salt shed was currently being used as a staging area. Mr. Billado asked if the insurance would pay for it, since the original builder was out of business. There was discussion about how to watch for movement and Mr. Billado felt that the bow in the wall had always been there, although he agreed that monitoring was important. The Selectboard agreed to receive the bids and to continue monitoring the bow.

7. Public Comments (reprise) – No public comment.

8. Correspondence

a) Sign NRPC Contract for Municipal Planning Grant

Mr. Jescavage asked the Selectboard to approve the municipal planning grant for the Planning Commission zoning bylaw revision, which he would give to Mr. Ron Kilburn and which would be passed on to Allison Stori at the Northwest Regional Planning Commission.

Mr. Hellman stated that he had received correspondence from Mr. Adrian Hellman to inform him that work on the railroad crossing sign would begin on Monday, and that Mr. Mark Pfenning’s land would be used for the project.

Kathy Lavoie said that she had spoken with Emerson Lynn, editor of the St. Albans Messenger, who had encouraged the Selectboard to do a periodical update on issues relating to the Town of Swanton. She asked the Selectboard for input as to whether this should be done individually or as a board. Mr. Billado felt that it should be done as the Swanton Selectboard. Kathy Lavoie added that Reginald Beliveau, Village Manager, had offered to add village information, to demonstrate a community effort. Mr. Clark suggested talking about the cat issue.

Mr. Jescavage explained that he had sent in a letter of intent and a pre-proposal regarding a hydroseeder that would be lent by the Regional Planning Commission and shared by various towns in the community, with one host town, and with each town guaranteed 2 weeks of its use per year. He expected the reward announcement by August 9th. One road foreman, noting that towns rarely need hydroseeders for two weeks at a time, suggested that the towns should coordinate with each other so that they could share the use of the hydroseeder when it was in the area.

Mr. Jescavage stated that the Roy’s Mobile Home project through Krister Adams of the Housing Foundation, Inc., had been granted \$375,000 after a hearing at which Mr. Jescavage spoke in favor of the project. A grant from another organization had given \$75,000, instead of the desired \$379,000. The reason for the lower grant was because the staff was in favor of repairing more dilapidated parks, and so gave just enough funding to repair the electrical problems.

Mr. Jescavage presented the updated permit from Vermont Gas. Mr. Billado said that he felt it should be signed off on and Kathy Lavoie noted that the board had been trying to make the process easier on Vermont Gas so that the company would not have to keep returning to the Selectboard for new approvals. Mr. Lavoie noted that the Vermont Gas planned to install new gas main and services to the following roads: Woodhill Road, Beebe Road, Covey Drive, Bushey Road, and Country Club Estates. Kathy Lavoie made a motion, seconded by Mr. Billado, to approve the permit. Discussion: Mr. Clark asked if there would be any open road cuts and Mr. Billado replied that there would not be. Mr. Clark wished to review the permit before signing off as the road commissioner. Mr. Billado noted that the motion was amended that the permit would be signed, but would need to be reviewed and approved by the road commissioner before finalized. Motion carried.

9. Any Other Necessary Business

a) Sign Liquor License & Tobacco Application for Campbell's Bay, Inc.

The Selectboard signed the liquor and tobacco license for Campbell's Bay, Inc.

b) Sign UniFirst Customer Service Agreement

Mr. Clark signed the UniFirst Customer Service Agreement regarding uniforms, for \$56.28 per week. Mr. Billado made a motion, seconded by Kathy Lavoie, to sign the contract with UniFirst for 3 years. Motion carried.

The Selectboard resumed the matter of the updated and revised employee handbook regarding cell phone use and compensatory time, which had been tabled from earlier in the meeting. Mr. Billado made a motion, seconded by Mr. Thompson, to approve the handbook as written. Motion carried. The Selectboard signed the new version of the handbook.

10. Upcoming Events

a) First Day of Summer, Friday, June 21, 2013

11. Executive Session (contracts)

Mr. Thompson made a motion, seconded by Mr. Billado, to enter executive session for contracts, personnel, and real estate. Discussion: Mr. Clark felt that the matter of whether or not to continue working with Franklin and Highgate regarding the Highgate arena should be discussed out of executive session. Mr. Billado agreed, but felt that a discussion in executive session was also advisable, since legal contracts and real estate were also involved in the issue. Kathy Lavoie and Dick Thompson were comfortable either way. Mr. Lavoie felt that the conversation fell under contracts, and that the Selectboard could give a decision after coming out of executive session. Discussion concluded. Motion carried. The Selectboard entered executive session at 8:53 p.m.

Mr. Billado made a motion, seconded by Mr. Thompson, to exit executive session at 9:43 p.m. Motion carried.

Mr. Thompson made a motion, seconded by Kathy Lavoie, that the Selectboard unanimously decide not to enter into an interlocal contract for the Highgate arena, as the voters had announced their disapproval and voiced "no" to any involvement. Motion carried.

Mr. Clark made a motion, seconded by Mr. Billado, to into executive session for personnel and real estate at 9:45 p.m. Motion carried.

Mr. Thompson made a motion, seconded by Kathy Lavoie, to exit executive session at 9:47 p.m. Motion carried.

Mr. Billado made a motion, seconded by Mr. Thompson, to instruct Mr. Jescavage to write a letter to Peter Magnant, new chair of the Tri-Selectboard, and to Henry Rainville in regards to Swanton's decision concerning the interlocal contract. Mr. Jescavage should also write a letter to the Franklin clerk about the minutes, stating that the minutes did not reflect the tone of the meeting as well as the St. Albans Messenger does and that Swanton would like the minutes to be amended and to include a copy of the DVD. Motion carried.

Kathy Lavoie made a motion, seconded by Mr. Clark, to go into executive session at 9:48 p.m. for personnel and real estate. Motion carried.

Mr. Billado made a motion, seconded by Mr. Clark, to exit executive session at 10:25 p.m. Action taken: Mr. Jescavage would pursue the sale and marketing of the old town garage site on Fourth Street.

12. Adjournment

Mr. Billado made a motion, seconded by Mr. Clark, to adjourn at 10:26 p.m. Motion carried.

Typed on June 27, 2013
Minutes by Yaasha Wheeler
Received and filed by:

Cathy Fournier, Swanton Town Clerk

Date