

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

Tuesday, July 15, 2014 @ 7:00 p.m.

Present: Dan Billado, Selectboard Chair; Joel Clark, Selectboard Vice Chair; James Guilmette and John Lavoie, Selectmen; Cathy Fournier, Town Clerk; David Jescavage, Town Administrator; Yaasha Wheeler, Secretary; Darrin Ries; Brian Thompson; Heather Buczkowski, Channel 15.

A. Call to Order

Mr. Billado called the meeting to order at 7:04 p.m.

B. Pledge of Allegiance

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

Mr. Billado called for a moment of silence in memory of Steve Thompson, brother to former Town Administrator Dick Thompson and current Selectboard member William "Turk" Thompson.

C. Agenda Review

"Park D Materials" was added as Item E under Highway Department. Paving was already discussed in the finance meeting. Mr. Billado noted that there had been discussions with Mrs. Fournier and Miss Wheeler about recording the meeting on cassette tapes, and asked that the board come up with a protocol for using the tape recorder; should they only use it if the camera was not present? The Recording item would go under Any Other Necessary Business. Mr. Billado added that an illegal burn on Route 207 needed to be discussed in Executive Session, to fall under Contracts.

D. Meeting Topics

1. Minutes

a) July 1, 2014 SLB Regular Meeting

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

2. Public Comments – No public comment.

3. Old Business

a) Discuss South River Street Engineering Proposal

Mr. Clark reminded that the board had taken the proposal home as "homework." The bottom line was \$13,220, which might be reduced slightly depending on how much boring needed to be done. The proposal described the work to be done, plus suggestions for safety improvements, riverbank stabilization, and other items. It did not include a design for the

road itself. This proposal would give a basis for what is stable on the road, and introduced some recommendations. There were various avenues to try to fund it; what did the board think? Mr. Garrett added that “we all know that it is a dangerous road and it is just a matter of time before it slides into the river because of heavy traffic.” Mr. Lavoie agreed that the road improvement should definitely be pursued, which would be money well spent because the road was highly traveled. Mr. Guilmette agreed. Mr. Clark asked for the board to approve the proposal and find a way to fund it.

Mr. Billado said that he would like this road to fall into the 5-year plan, determine the cost, and decide which time would be best to do this. If the road could be improved within the next year or two, he approved the proposal, but if the road could not be repaired for a while, he saw no point in spending the money for the feasibility study at this time. Mr. Lavoie said the real cost would not be determined until the study had been done and the options were known. Mr. Billado added that prices could also rise the longer the project was delayed.

Mr. Clark made a motion, seconded by Mr. Guilmette, to approve the cost of \$13,220 for the engineering feasibility study for South River Street. Motion carried.

The board moved to **Highway Department (a) Discuss Culvert at 58 Lakewood Drive with Martha Casavant and Darrin Ries**. Mr. Ries came forward and started that their property was flooded substantially and took a long time to drain, because of a plugged culvert. There was no deed that said that the Town had the right-of-way, and he wished to cap off the culvert to flood the field instead of the lawn. To “do it the right way,” the pipe would have to be fully dug up. He was asking to cap the culvert. Mr. Ries said that the neighboring farm field would be sold soon; he did not own it.

Mr. Billado’s take was that the Town should not work on private property, and that Mr. Ries could work in the Town right-of-way with Town permission. If he flooded his neighbor’s property, that was a civil matter between Mr. Ries and his neighbor, Mark Fender. Mr. Clark asked how much would be dammed up on the other side if the culvert was blocked off. Mr. Garrett explained the lay of the land, and estimated that once the culvert was capped, a wetland would be created. The culvert used to run under the road and drained to the lake. The culvert was now rotted, so the water was not draining to the lake.

Mr. Clark stated that the Town would have a problem if the pipe was blocked off, unless the Town installed a new culvert higher up, which would create a stream running across the property, or installed a pipe to the lake. Mr. Ries replied that a stream was better than a swamp. Mr. Lavoie asked if a ditch might be a solution. Mr. Ries said the problem was cost, and he was concerned about an open ditch because of kids on the property. Mr. Clark said that if the culvert were capped, the water would go right across his property. Mr. Garrett said that swaling wasn’t an issue; the problem was getting the water through the cement bulkhead along the seawall.

Mr. Clark agreed to set up a meeting with Mr. Ries and Mr. Garrett to view the property and discuss the issue.

b) Discuss Response to Street Lights Memo

The board reviewed an e-mail communication dated July 3, 2014, from Village Manager Reginald Beliveau regarding the street light inventory. Mr. Clark asked to know if the Town’s inventory was now 40 lights. Mr. Garrett said that there were only 2 questionable lights, both on Grand Avenue, which were billed as Town but which were actually in the Village.

The Selectboard needed to make a decision about which private street lights, being billed to the Town, should be removed. Mr. Jescavage summed up that Mr. Beliveau's communication basically stated that the Town actually had 43 lights, but had only been billed for 40 lights for the last three years; the Town had been billed for 50 lights since January 2014 because the inventory had been updated. Mr. Billado said that the lights should be taken off of the Town's bill, but the private landowners should be notified in case they wished to retain the lights and pay for them themselves. Mr. Garrett suggested that the Selectboard generate a letter authorizing the discontinuance of the lights.

Mr. Billado asked Mr. Jescavage to communicate that private people should be able to keep and pay for the lights that the Town would no longer pay for.

Mr. Clark wanted a list of the 11 lights to be removed. Mr. Lavoie recalled that the board had seen the list and sent Mr. Garrett to confirm those eleven lights. Mr. Garrett recalled lights on Lake Street (1), Upper Ferris Street (counted twice), Woods Hill (1), Spring Street (1), Grand Avenue (2), Jonergin Drive (1). Mr. Jescavage noted that the light counted twice meant that there were actually 10 lights to be removed.

Mr. Billado asked for the list to be presented at the next meeting, the homeowners to be contacted, and a letter to be drafted.

c) Update on New Truck

Mr. Clark stated that the memo had been signed based on the board's direction to Mr. Clark and Mr. Garrett, so the truck had been ordered. The board was in agreement to go with Viking. He recalled some financial issues in paying for the rest of the truck, some of which had been paid for through the trade-in vehicles. The Town was short about \$29,000. The truck would likely not be available until very late in 2014; should it not be outfitted until after January 1, 2015? Mr. Billado was of the opinion that the truck should be gotten as soon as possible; if a loan was necessary, so be it.

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to move forward with purchasing the body of the new truck in 2014. Discussion: Mr. Lavoie agreed that the truck should be purchased now. If spending was minimized, the truck could be paid off, although a loan was a good back-up. Mr. Billado felt that the budget was already pinched. Mr. Lavoie added that the loan would not be needed until late December or early January, which might mean that there was need for lesser funding. Discussion concluded. Motion carried.

4. Economic Development – No discussion.

5. Animal Control Officer

a) SW ACO Monthly Report

Mr. Jescavage stated that he and Mr. Dashno spoke on the phone and Mr. Dashno was not aware that he was supposed to be present at the meeting. Mr. Jescavage asked him to show up, but Mr. Dashno did not appear at the meeting. Mr. Billado asked Mr. Guilmette to speak with Mr. Dashno. The Animal Control report was tabled, due to Mr. Dashno's absence.

Mr. Lavoie stated that Mr. Dashno responded to a call for a dog that had been left in a vehicle for over an hour. Mr. Jescavage reported that Mr. Dashno had responded to a few other calls as well. Mr. Billado agreed that Mr. Dashno was very responsive with calls. However, Mr. Dashno should be present at a meeting once a month.

- a) Kennel Cage Update – Tabled.
- b) Update on Cats –Tabled.

6. Expenditures

a) General Orders (6/18/14 – 7/15/14)

Mr. Clark made a motion, seconded by Mr. Lavoie, to approve the general orders as printed. Discussion: Mr. Clark clarified the Blue Cross Blue Shield line item with Mrs. Fournier. Mr. Clark asked for an update of the health care situation for the next meeting. Mr. Garrett said that the highway crew agreed that the health insurance was not what had been previously had; now, a preexisting condition could not be treated without the payment of a large deductible. Mrs. Fournier said that the Town had the choice to pay their own premiums to Blue Cross Blue Shield or to pay through the state; the Town chose to pay directly. Mr. Clark said that the state should be made aware of any issues with the new system once the facts had been gathered. Mrs. Fournier recalled that the new plan chosen was the one that was the closest to their prior plan. Discussion concluded. Motion carried.

b) Highway Orders (06/18/14 – 07/15/14)

Mr. Clark made a motion, seconded by Mr. Guilmette, to approve the highway orders as printed. The board clarified a few items. Mr. Billado asked about the “broken glass” cost, and Mr. Garrett explained that the window of the mowing tractor had broken. Discussion concluded. Motion carried.

c) Payroll (6/18/14 – 7/15/14)

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

7. Highway Department

a) Review Road Foreman’s Comp Time

Mr. Garrett requested for half of the comp time to be paid, and for the other half to be put back on the books. Mr. Thompson and Mr. Clark agreed to it. Mr. Lavoie asked for checks to ensure that the situation was not repeated. Mr. Clark and Mr. Thompson planned to meet with the highway employees at some point and discuss the policies with them.

b) Discuss Various Road Issues

Mr. Garrett was concerned about the new law that affected what could be done 250 feet from the lake; did it apply to towns and would he need a permit every time he worked within that distance to the lake? Mr. Billado suggested that Mr. Garrett contact the Vermont League of Cities and Towns to find the answer. Mr. Garrett summed up his understanding of the new law, and was very concerned how it affected the town highway work.

Mr. Clark stated that, due to the budget, Janes Road was not being paved this year as planned. He said that from Middle Road to the lake, the road was “coming apart quickly.” The board needed to consider how it could fix the worst parts. Mr. Clark explained that the bid for paving did not include the cost approved to finish Woods Hill Road, so when the expenses for the Woods Hill finishing and the new 2014 paving were added together, it came to over \$300,000.

Mr. Guilmette asked if Hazard Road was graded periodically by the Town; Mr. Garrett replied that it was. Mr. Guilmette asked for the road to be regraded soon because it was pretty rough.

c) Other Updates

Mr. Garrett stated that his stockpiled material on Park D needed to be removed by August 1st, but there was concern that Mr. Garrett needed Selectboard approval to remove the material, so that the purchasers would not be surprised. The Selectboard directed Mr. Jescavage to communicate with the purchaser about the material removal. Mr. Garrett planned to have the material gone by the first of August.

Mr. Clark asked for the warrantee log to be reviewed at the next meeting, because the warrantee would be expired within two months.

8. Correspondence

Mr. Garrett requested to go to an upcoming supervisor training meeting in St. Albans. The Selectboard agreed.

Mr. Jescavage presented a notice from Reginald Beliveau of bridge work to occur on the 16th and 17th during the night hours.

Mr. Jescavage informed the board of a meeting on Education Property Tax on August 14, 2014, to be held on South Burlington Highschool at 9 a.m. Mr. Clark felt it would be worthwhile to have someone from Swanton attend this meeting, perhaps Mr. Jescavage and Mr. Beliveau.

Mr. Jescavage stated that Peter Cross had brought in applications with regard to Energtek and Park D, for Mr. Jescavage to sign, to get the ball rolling.

Mr. Jescavage informed the board of park and ride grants. The Selectboard determined that it was nothing the Town needed at this time.

9. Any Other Necessary Business

The Selectboard decided to record the meetings by cassette tape only when the camera was not present. The DVDs should be available as soon as possible, and updated regularly. Mr. Lavoie made a motion, seconded by Mr. Guilmette, to only use the cassette tapes for recording Selectboard meetings when the camera was not present. Motion carried.

Mr. Billado asked Mr. Jescavage to invite state representatives to the next meeting to discuss the new open meeting law.

Mr. Billado asked when the old garage would be demolished. Mr. Jescavage needed to clarify what work would be done by the demolition company. Mr. Clark said that, once he heard from Mr. Jescavage about what the contract includes, he and Mr. Garrett would move on the demolition. It was noted that the gas had been shut off, but it was still connected. Mr. Lavoie asked Mr. Jescavage to find out the availability of the dumpsters and to determine the status of the gas line. Mr. Guilmette was in favor of finishing the project before school was in session.

Mr. Garrett asked if the rail trail would be sprayed this year to reduce the vegetation? Or should the crew use the box blade and borrow the village roller to roll over it? The Selectboard agreed to grade the trail.

10. Public Comments (Reprise) – No public comment.

11. Upcoming Events

- a) July 16, 2014 @ 7 p.m. Planning Commission Public Hearing for Zoning Bylaw Revision
- b) July 18, 2014: Act 250 Public Hearing @ 9 a.m. to Noon in Town Office meeting Room
- c) July 24, 2014 @ 7 p.m. Development Review Board Public Hearing
- d) August 5, 2014 Next Selectboard Meeting @ 7 p.m.

12. Executive Session

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to enter executive session at 8:42 p.m. for police contracts. Motion carried.

Mr. Clark made a motion, seconded by Mr. Guilmette, to exit executive session at 9:05 p.m. Motion carried. Action taken: none.

13. Adjournment

Mr. Clark made a motion, seconded by Mr. Lavoie, to adjourn the meeting at 9:06 p.m. Motion carried.

Typed on July 19, 2014

Minutes by Yaasha Wheeler

Received and filed by:

Cathy Fournier, Swanton Town Clerk

Date