

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

***Tuesday, August 19, 2014 @ 7:00 p.m.***

Dan Billado, Selectboard Chair; Joel Clark, Selectboard Vice Chair; John Lavoie, James Guilmette, and Turk Thompson, Selectmen; Cathy Fournier, Town Clerk; Harold Garrett, Road Foreman; David Jescavage, Town Administrator; Yaasha Wheeler, Secretary; Heather Buczkowski, Channel 16; Cathy Montagne.

**A. Call to Order**

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

**B. Pledge of Allegiance**

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

**C. Agenda Review**

Charcoal Creek was added under Old Business. The topics under Item 6 (Animal Control Officer) will be taken out of the agenda, with Update on Cats to remain.

**D. Meeting Topics:**

**1. Minutes**

**a) August 5, 2014 SLB Regular Meeting**

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

**2. Public Comment – None.**

**3. Old Business**

**a) Discuss Maquam Shore Road Culvert Project**

Mr. Jescavage brought forth a bid that he said had been received after the deadline. The bid was from D. Tatro, LLC for \$19,500. Mr. Clark clarified that the road foreman had clarified which work the Town would do and which work the contractor would perform. Mr. Clark was interested in walking the site with the bidder. Mr. Clark and Mr. Garrett would work with Mr. Jescavage to set up a meeting with the bidder to go over the work items at the site.

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to give Mr. Clark and Mr. Garrett the authority to decide whether to move ahead on the project with the bidder, if they felt comfortable. Motion carried.

**b) Discuss Recreation Trail Maintenance**

The trail had not yet been sprayed or graded; Mr. Garrett planned to spray it, as had been done last year. The Selectboard discussed whether to have Mr. Garrett spray on Town time or on his own time, and decided to let him do it on his own time, and reimburse him for the use of his equipment. It was important to put warning signs on the trail, since it could not be used 24 hours after spraying. Mr. Clark was in favor of creating a separate line item for trail maintenance to pay for half of the cost to pave the trail. Mr. Garrett informed the board of an available grant to pave the trail. The Selectboard agreed that the grant should be applied for.

**c) Discuss Decker Road Request**

Mr. Clark stated that he had spoken with Wesley Decker, who wanted both grading and mowing of the vegetation along the side of the road. Mr. Clark added that he was not comfortable with the Town working on a trail—What is the maintenance for? What is the Town's liability? The

item would be tabled until the September meeting so that Mr. Clark could ride the road and determine whether it was a road worth the Town's time.

**d) Review Street Lights Letter**

This was the letter sent to the property owners abutting the lights that the Selectboard wished to terminate. The matter of which lights would be terminated was included on the September 10<sup>th</sup> JLB agenda.

**e) Update on the Old Garage Demo**

Mr. Garrett anticipated being "out of there" by tomorrow, and he was in favor of seeding the lot to make it look more presentable for sale. The Selectboard agreed with Mr. Billado said that the telephone pole should be removed. Mr. Garrett estimated that the guard rails would be removed this week as well, but he informed the board that that would make the lot accessible to four-wheelers. The street would be paved soon as well.

The Selectboard wanted a "FOR SALE" sign placed on the lot and an advertisement run in the local paper. Mr. Clark suggested advertising the trusses for \$50, or best offer, each.

**4. Economic Development**

**a) Discuss Park D Sales Agreement Extension**

Leslie Nulty came forward and Mr. Billado read into the record the following letter from Timothy Nulty of Energtek-North Country, Inc., dated August 6, 2014:

*Dear Sirs:*

*You have noted that under the terms of the Purchase and Sale Agreement between our Company and the Town of Swanton, the closing on the sale of the property is due to occur on September 1, 2014. While good progress is being made with the relevant agencies, it now appears that we are not likely to have all our necessary permits in place by that date, which is a necessary condition for us to conclude the sale. We are therefore writing to request an extension of the closing date to November 1, 2014, with the understanding that should we receive the required permits before that date, we will so inform you and proceed to schedule the closing at the then soonest possible date.*

*If this is acceptable to you, please sign one copy of this letter below and return it to us at the address above.*

*Thank you for your continuing support and understanding.*

Mr. Billado received a letter from Vermont Gas asking for a letter of support from the Planning Commission, and Mr. Jescavage stated that he had placed that item on the agenda for the Planning Commission meeting scheduled for August 20, 2014.

The terms of Energtek's contract with the Town of Swanton spoke of the permits they had to get, not the permits that Vermont Gas had to get. Vermont Gas hoped to get their permits by December first, and Energtek anticipated going ahead with their project once their own permits were in place.

Mr. Clark made a motion, seconded by Mr. Thompson, to extend the Purchase and Sales Agreement with Energtek from September 1<sup>st</sup> to November 1<sup>st</sup>. Motion carried. Mr. Billado signed the resolution.

**b) Southern Growth District Update**

Mr. Clark, Mr. Garrett, and Mr. Jescavage met with Cathy Montagne to talk about the Southern Growth District, as promised at the August 5<sup>th</sup> meeting. Mrs. Montagne had met with a representative from an investment firm in the area. One of the concerns was the condition of Sholan Road and the potential for growth in the area.

Mr. Clark stated that, from a Town perspective, two things had come to light for potential action on the Town's part. One: the Town should meet with the city of St. Albans about water and

sewer. Two: a representative from Swanton should meet with the state to determine what might be approved for access from Route 207.

In regard to the water and sewer, the Planning Commission changed the Southern Growth District requirements to allow for private water and sewer. Mr. Clark felt that municipal water and sewer would eventually want to be offered for fire protection and other potential needs. Mr. Garrett stated that you needed a tank that offered “so many gallons per minute of water” in order to have a fire hydrant. He and the Selectboard recalled various conversations with the City of St. Albans about potential arrangements for municipal water and sewer. Mr. Jescavage was instructed to set up a meeting with the city of St. Albans, at which some Selectmen could be attendant, and Mr. Clark and Mr. Garrett would meet with the state about access off of Route 207.

Mrs. Montagne agreed that the problems between St. Albans city and St. Albans town should have no effect on Swanton, and that the past verbal agreements with Swanton should be honored.

Charcoal Creek: Mr. Billado had signed the deed, Mr. Jescavage had sent it, and Mrs. Fournier reported that it had been received and was complete.

## **5. Expenditures**

### **a) General Orders (07/16/14 – 08/19/14)**

Mr. Lavoie made a motion, seconded by Mr. Clark, to approve the General Orders as printed. Motion carried.

### **b) Highway Orders (07/16/14 – 08/19/14)**

Mr. Garrett reported that the old truck had been fixed (shorted wires), because a truck was needed to plow with until the new truck arrived. The Fourth Street garage included no natural gas expenses, but still included water and sewer expenses (this was the last bill). Mr. Billado questioned the line item for road improvement marked “St. Albans co-op,” and Mr. Garrett explained that it involved materials bought for the hydroseeder, since the hydroseeder materials (seed, etc.) were not provided with it. Mr. Guilmette asked about the “boot chest waders,” and Mr. Garrett replied that a new set had to be bought because an older set received a gash while the highway crew was maintaining a culvert.

Mr. Thompson felt that too many questions implied micromanaging Mr. Garrett’s purchasing, since a policy was already in place allowing Mr. Garrett to make purchases of up to \$500 without asking the Selectboard. Mr. Billado and Mr. Guilmette felt that questions were worth asking in the interest of being careful with taxpayer money.

Mr. Clark made a motion, seconded by Mr. Lavoie, to approve the Highway Orders as printed. Motion carried.

### **c) Payroll (07/16/14 – 08/19/14)**

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

### **d) Set Tax Rate**

Mr. Clark asked Mr. Jescavage to begin building a schedule for the autumn to invite the usual people for the yearly budget discussions.

Mrs. Fournier explained the process involving the billing. The residential rate was 1.2611 and the non-residential rate was 1.7450. There would be partial school rate in the October tax bill. Non-residents would get one bill, but residents would get two bills, once the new rate was approved by the state.

#### 2013

Town non-resident: 1.6950

Town resident: 1.4997

#### 2014

Town non-resident: 1.7450

Town resident: 1.2611

Village resident: 1.1462  
Village non-resident: 1.6458

Village resident: 0.8880  
Village non-resident: 1.3719

When the school budget finally passed, the state would tell the Town how much more had to be billed for to cover that budget, so people would get second bills for the education portion of the tax. The municipal budget had passed, so it could be billed for in the usual October billing.

Mr. Clark made a motion, seconded by Mr. Lavoie, to accept the 2014 tax rate as presented. Motion carried.

## **6. Animal Control**

### **a) Resignation of ACO**

Mr. Shawn Dashno had sent a resignation letter to the Selectboard, stating his willingness to continue acting as Animal Control Officer until his replacement could be found.

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to accept Mr. Dashno's resignation. Motion carried. Mr. Guilmette and Mr. Jescavage would communicate with Mr. Dashno. An advertisement would be run advertising the open position.

### **b) Update on Cats**

Mr. Jescavage presented a copy of the Shelburne ordinance, which included licensing cats. He had also included other materials involving ways municipalities could deal with cats. He felt that the Shelburne ordinance was a little contradictory. Mr. Thompson suggested that the current Swanton ordinances could be updated to include a new definition of domestic pets, a definition which included cats. Mr. Billado added that the only way to know that cats were vaccinated against rabies was to register them. Mr. Billado felt that it would be very difficult for farmers to register the perhaps dozens of cats that they had.

Mr. Thompson brought up that cats could be both public nuisances and dangers, and wanted a way to regulate them. He wished for outdoor cats to be registered, to give the Animal Control Officer some "bite" to respond to calls. Mrs. Fournier brought up that a budget should be created for cats, since unclaimed cats would have to be delivered to the Humane Society.

Mr. Clark recommended receiving public input and comment before making a decision. Mr. Jescavage read a portion from "Residents Question Proposed Cat Ordinance" (July 14, 2008, Rachel Basinger), which stated "The ordinance does not contain language exempting cats that never go outside, but Councilman David McIntire, director of public health and safety, said last month that he would include such language before submitting a final version."

Mr. Thompson recalled the early days of dog licensing, and felt that it solved many problems after the initial opposition, and hoped that a cat ordinance would do the same. Mr. Lavoie agreed with Mr. Clark's idea of receiving public input.

The Selectboard agreed with Mr. Clark's suggestion to have a public hearing on cats in the second September Selectboard meeting. Mr. Jescavage was asked to advertise the hearing, and to draft language for review at the hearing.

## **7. Highway Department**

### **a) Sidewalk Grant Announcement**

The Village and Town applied jointly for this grant. The grant of \$30,000 was awarded for the feasibility study for South River Street and the sidewalk to MVU High School, with a 10% match.

### **b) Discuss Application for VTrans Transportation Alternatives Grant**

Mr. Jescavage would look into the grant, which was offered for the creation of trails, and he was not certain that it applied to improvement of an existing trail. The project might be considered favorably if the Town noted that paving the Rail Trail would make it handicap accessible.

### **c) Discuss Garage Safety Inspection**

Mr. Jescavage performed a safety audit of the new garage about two weeks ago. The safety issues were currently being remedied. The Knox Box had not yet been installed because a gated fence had not been erected yet. Mr. Clark said that he would work with Mr. Garrett to find a temporary location for the Knox Box.

The Selectboard discussed whether cans of latex paint should be stored in the mechanical room, and agreed that the paints should be stored elsewhere, even though they are not considered hazardous waste.

Mr. Garrett mentioned a kit for protection from blood-borne pathogens, and Mr. Thompson offered to help him become familiar with proper protective procedures. Mr. Billado added that Missisquoi Valley Rescue might be another resource. Mr. Lavoie suggested that someone on the crew should be trained in First Aid in the event of a medical emergency.

Mr. Clark asked Mr. Garrett to respond to the list in the second meeting of September and either defend or correct his practices.

#### **d) Review & Sign Regional Hydroseeder Agreement**

The hydroseeder agreement required a one-time payment of \$500 (already paid by the Town in 2013) and then an annual fee thereafter of \$50. Mr. Garrett reported some confusion over various issues with the hydroseeder, and added that he needed to address these matters with the Northwest Regional Planning Commission. Mr. Clark made a motion, seconded by Mr. Thompson, to pay the \$50 annual fee for the hydroseeder. Motion carried. Mr. Lavoie made a motion, seconded by Mr. Thompson, to authorize Mr. Billado to sign the agreement to pay the \$50 annual fee. Motion carried.

#### **e) Review New Garage Warranty Log**

The warranty expired on September 20, 2014, and Mr. Cross had suggested that, in the last month of the warranty, the Town should contact the contractor to fix any remaining issues. Mr. Garrett stated that a citizen had recommended corrective action (spreader bars) for all of the overhead doors. The yard had been swaled in the corner to alleviate some of the water problem.

#### **f) Discuss Salt Purchase**

Mr. Garrett stated that salt needed to be bought, and the state prices were available. The prices are between 21% and 40% above the same amounts for last year. Mr. Clark estimated that the overall increase for Swanton's district was about a 25% increase. Mr. Clark made a motion, seconded by Mr. Lavoie, to buy whatever amount of salt is needed, only within the salt budget. Motion carried.

Mr. Garrett reported that sand had gone up about 50 cents from last year's prices.

#### **g) Discuss Various Road Issues**

Mr. Garrett asked whether striping should be done in September or October. Mr. Guilmette and Mr. Clark were in favor of striping sooner rather than later. Woods Hill Road, Viens Road, and Comstock Road needed to be striped.

#### **h) Other Updates**

Mr. Jescavage stated that he had contacted Dianne at District 8 to find out about the availability of free guard rails in the state, and she informed him that they no longer give away used guardrails.

### **8. Correspondence**

The Highway Division Right-of-Way informed local Development Review Boards should notify the division of any applications involving access to the state highway.

David Fosgate's lawyer wants to know which lawyer the Town would use to close on the Robin Hood property. The Selectboard agreed to go through Brian Monaghan.

Leader Evaporator got a permit to install a 3000-gallon nitrogen storage tank on their property. Mr. Billado suggested that this should be added to the agenda for the upcoming JLB meeting, for fire protection awareness.

Blue Cross Blue Shield would continue to allow the Town to deal directly with them, as they did last year, and employees could choose from different plans. Mrs. Fournier projected a 9% increase in premiums.

The Regional Planning Commission sent a follow-up letter regarding the letter sent to the St. Albans Messenger about the Energtek project.

*Dear Geoff:*

*The intent of this letter is to clarify the NRPC Policy/Project Review Committee review of an Act 250 application submitted by Energtek North Country, Inc. for the installation of a natural gas filling station in Swanton, VT.*

*The comments in the July 30<sup>th</sup> letter were based on questions raised by the policy/Project Review Committee when reviewing a pre-application conceptual plan. At the time of the committee meeting, the full application was not available.*

*NRPC is not seeking a hearing and supports processing this application as a minor application.*

*Please feel free to contact me should you have any questions.*

*Sincerely, Taylor Newton, Regional Planner*

Mr. Jescavage and Mrs. Fournier met with a state representative regarding the FEMA flood grant; the representative just checked on the records to ensure all was kosher. Swanton passed with “flying colors.”

The Town fair was coming up in Essex, Thursday, October 9<sup>th</sup>, at the Champlain Fair Grounds.

#### **9. Any Other Necessary Business**

Mr. Clark and Mr. Thompson still planned to meet with the employees.

Mr. Lavoie suggested getting iPads that would eliminate the paper generated by the Selectboard agenda packets and other documents. In the long run, he felt that the iPads would be quicker and pay for themselves. Mr. Billado supported the idea.

Mr. Jescavage would price up some options and the Selectboard would consider this for next year’s budget.

#### **10. Public Comments (Reprise) – None.**

#### **11. Upcoming Events**

- a) August 20, 2014 @ 7 P.m. Planning Commission Southern Growth District Discussion, Review of Plans from Vermont Gas for Energtek
- b) August 21, 2014 @ 7 p.m. Development Review Board Public Hearing
- c) August 28, 2014 @ 7 p.m. Swanton Enhancement Committee Public Meeting

Mr. Clark recommended that the Selectboard and Swanton citizens should show support for the committee’s efforts to enhance Swanton.

- d) September 1, 2014 Labor Day Holiday, Town Office Closed
- e) September 2, 2014 Next Selectboard Meeting @ 7 p.m.
- f) September 10, 2014 Joint Legislative Body Meeting @ 7 p.m. in Village Complex, Also Public Hearing for Zoning Bylaw Revision

12. **Executive Session (if needed)** – None.

**13. Adjournment**

Mr. Clark made a motion, seconded by Mr. Lavoie, to adjourn at 9:07 p.m. Motion carried.

Typed on August 21, 2014  
Minutes by Yaasha Wheeler  
Received and filed by:

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Cathy Fournier, Swanton Town Clerk

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Date