

**TOWN OF SWANTON  
SELECTBOARD  
REGULAR MEETING  
MINUTES**

**Swanton Town Office Building  
1 Academy Street, Swanton, VT 05488**

***Tuesday, April 21, 2015 @ 7:00 p.m.***

*Present: Dan Billado, Selectboard Chair; Joel Clark, Selectboard Vice Chair; William "Turk" Thompson, John Lavoie, and James Guilmette, Selectmen; David Jescavage, Town Administrator; Cathy Fournier, Town Clerk; Harold Garrett, Road Foreman; Yaasha Wheeler, Secretary; Derick Billado, Animal Control Officer; Dustin Tanner, Channel 16; Adam Paxman, Swanton Village Trustee; Dick Thompson; Lisa Gorton.*

**A. Call to Order**

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

**B. Pledge of Allegiance**

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

**C. Agenda Review**

Mr. Billado added Approval of Selectboard Finance Minutes. Mr. Clark added (d) Vermont Council on Rural Development under "Old Business." Mr. Thompson added (a) Memorial Day Parade under "Any Other Necessary Business." Mrs. Fournier added (b) Liquor License Renewal under "Any Other Necessary Business." Mr. Jescavage noted that item (a) under "Highway Department" had been added after the agenda had been warned.

**D. Meeting Topics**

**1. Minutes**

**a) Selectboard Finance Minutes of April 7, 2015**

**b) Selectboard Regular Minutes of April 7, 2015**

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

**2. Public Comment – None.**

**3. Old Business**

**a) Review Status of Decker Trail**

Mr. Guilmette asked to know the Selectboard's final thoughts on whether to keep the Decker Trail or return it to the landowners. The Selectboard was in agreement to relinquish ownership of the trail; however, Mr. Thompson and Mr. Clark advised caution to ensure that such an action would not "start a war between" neighbors or be costly to the town. Mr. Jescavage said that he would notify abutters of the board's intent to relinquish the trail. Mr. Dick Thompson suggested that the board should check the file on the trail, since the trail had once been involved in a court case.

**b) Reminder of Site Visit and Road Acceptance Public Hearing on May 5<sup>th</sup>**

The Selectboard reminded the public of a site visit scheduled for 6:30 p.m. at Cedar Ledge Estates, preceding the regular Selectboard meeting at 7 p.m. Mr. Clark said that he would not be available for that day's meeting, but would look over the road with Harold Garrett, Swanton Road Foreman, and report their recommendation to the Selectboard.

#### **c) Announce Phase 2 of Robin Hood Drive Extension**

Mr. Dick Thompson gave a brief summary of the background regarding the Robin Hood Drive extension. He explained that a portion of the railroad had been discontinued, and a portion of the area deeded to Swanton for the purpose of building a road to Route 78. The state had funded and managed a design for the intersection layout in the Robin Hood Drive area, and several people had approached the Selectboard at that time to request extending Robin Hood Drive down to Bushey Street. Swanton had begun building the extension, under the understanding with the state that the road was built on top of an inactive railroad bed and, should the state ever wish to reactivate the railroad, the road would have to be removed. The Selectboard had accepted the condition to finish the extension by 2017, and all necessary officials on the state level had agreed on what should be done. Mr. Billado added that the land was not given to Swanton, but was available to Swanton through a 50-year lease.

Mr. Thompson explained that the road diverted traffic from a route with over 130 access points to a road (Robin Hood Drive) with only 4 access points, and would also keep trucks out of the village. He emphasized that the state had been "very generous and reasonable" and felt that "the Town owes the state some loyalty back." The Selectboard discussed the possibility of aligning the extension with Demers Road. Mr. Garrett noted that Robin Hood Drive was designed to be 30 feet wide, allowing for pedestrian use, and Mr. Lavoie noted that people often used the road like a "raceway," increasing the need for more traffic enforcement. Mr. Garrett added that Bushey Street needed to be upgraded.

The Selectboard agreed that they were ready to move forward on this project.

#### **d) Vermont Council on Rural Development**

Mr. Clark explained that five committees, addressing Swanton's five priorities, had been formed, as follows: (1) Expansion of outdoor recreational activities, (2) Creation of art council, (3) Building of Swanton's economic development community, (4) Uniting the town to address substance abuse, and (5) improving traffic and walkability. The committees would report quarterly. Mr. Clark encouraged the public to get involved with the committees.

### **4. Economic Development**

#### **a) Expenditure of Enhancement Funds for Flowers**

After discussion about the use of the enhancement funds, Mr. Lavoie made a motion, seconded by Mr. Guilmette, to take the remainder of the \$1500 set aside by the Town as "enhancement funds" and to turn that remainder over to the Swanton Enhancement Committee. Motion carried. Mr. Adam Paxman agreed that the Village would do the same thing in regard to their enhancement funds. Mr. Jescavage and Mrs. Fournier would work together to accomplish this transferal to the Committee.

### **5. Animal Control Officer**

#### **a) Swanton Animal Control Officer Monthly Report**

Mr. Derick Billado reported that there had been a few dog bites, resulting in 10-day confinement. He noted that one item had not appeared on the report, since it would soon be acted upon, and he wished to present the resolution with the report. This item related to a dog which had damaged a neighbor's property. Mr. Billado had attempted to contact the dog's owner in the past for other complaints (barking, unleashed dogs, etc.), and at last managed to do so when this new complaint occurred. The dog's owner currently had 6 unregistered dogs, and he had given her a written warning to register all of them within 10 days.

Mr. Thompson asked if he received any calls about nuisance cats, and Mr. Derick Billado replied that he had had some complaints, and informed the callers that Swanton did not deal with cats. Mr. Thompson remarked that taking cats out of the ordinance now made every cat a feral cat, which discriminated against dog owners, since dog activity was regulated. Mr. Derick Billado, upon being asked how he dealt with cat cases, said that he informed people that it was a matter between neighbors.

Mr. Garrett asked if the ACO report was published anywhere, since it was public information. Mr. Billado replied that the ACO report (minus any personal information such as phone numbers) should be included in the minutes.

The Selectboard commended Mr. Derick Billado for doing “one heck of a job” as an Animal Control Officer.

## **6. Expenditures**

### **a) General Orders (03/18/15 - 04/21/15)**

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

### **b) Highway Orders (03/18/15 - 04/21/15)**

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

### **c) Payroll (03/18/15 - 04/21/15)**

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

## **7. Highway**

### **a) Complaint Re: Spring Street/Stearns Court Ravine**

Mr. Adam Paxman and Ms. Lisa Gorton, neighbors, explained that the ravine over which Ms. Gorton’s driveway passed was giving way, and that they had received conflicting information about who was responsible for maintaining and repairing the bank. They emphasized the severity of the situation. Mr. Garrett stated that the ravine was in the state right-of-way, and Mr. Billado added that, if the problem was in the state right-of-way, the state would have to deal with it, but if it was out of the state right-of-way, the Town could not deal with it because it was private land. Mr. Clark and Mr. Garrett agreed to look at the issue, determine the Town/Village boundary to see where the driveway fell, and said they would determine the information that Mr. Paxman and Ms. Gorton needed.

### **b) New Truck Update**

Mr. Clark reported that the new truck was currently in the garage, and would be ready for work after a few minor repairs. Full payment would be issued after the matters had been resolved.

### **c) Salt and Sand Update**

Mr. Garrett reported about 15 to 18 feet of sand left, as well as 100 tons of salt.

### **d) General Issues**

At the request of Mr. Clark, Mr. Thompson made a motion, seconded by Mr. Lavoie, to allow the Road Commissioner (Mr. Clark) to purchase on behalf of the highway department up to \$2000 without Selectboard approval. Motion carried.

Mr. Jescavage had found the design of the Hungerford Brook sign, depicting two graduates and an overturned car to commemorate a fatality in that location. Mr. Garrett was concerned, because one of the former signs was “sitting on top of a 500 psi gas line,” and stated that there should be only one sign to mark the exact location of the fatality. However, Mr. Guilmette made a motion, seconded by Mr. Lavoie, to replace the stolen/removed signs with two signs at the same locations as before. Mr. Thompson opposed; all others were in favor of the motion. Motion carried.

**e) Equipment Issues**

Mr. Guilmette asked if the rusty cab on the loader could be fixed, but Mr. Garrett said it was irreparable.

Mr. Clark said that he was not ready to give the board a proposal on the hotbox, since the Town needed one that was larger than a one-ton.

**f) Operation Issues – None.**

**g) Road Issues**

Mr. Clark said that he was holding the paving request for proposal until he had a chance to discuss some road issues with the board. He did not want to put much money into Jonergin Drive or Babbie Boulevard until the roads could be properly fixed. Babbie Boulevard had “failed,” and Jonergin Drive should be patched. Next year, he hoped to widen Babbie Boulevard and take out the hook to the right. He added that he had overspent the stone budget because of repairs on Giroux Road, and asked if the Selectboard preferred to keep the road. Mr. Lavoie noted that the road was used as a dump, and had many deep ditches. Mr. Thompson pointed out that the road was useful for emergency travel between Swanton and St. Albans and said that he wished to keep the road, as a good neighbor. He agreed that the stone on Giroux Road had improved it from the “cow path” it had been before.

Mr. Guilmette asked if the Woods Hill Road sign had been replaced, and Mr. Garrett said that it had, and that the new sign was more visible than the old one.

Mr. Guilmette asked Mr. Garrett to look into smoothing out the two bad “cahoots” in Russell Road. Mr. Garrett said he could do so, though cutting the road and re-asphalting would only smooth out the areas for the summer.

**h) Other Updates**

Mr. Garrett reported that a culvert on Monument Road had failed; Mr. Clark said he would work with on that issue. He added that French Hill Road also had two crushed culverts that need to be replaced.

The Selectboard, after discussion, restated the agreement to pay equal to Bob Manning in the annual upkeep of Hazard Road, as agreed upon previously.

**8. Correspondence**

Mr. Jescavage shared two emails. One was a notice of the upcoming Vermont League of Cities and Towns workshop on June 3, 2015, which he planned to attend and to which he also invited the board members. The other email informed the board that, due to a major procedural change in the way that towns could account for work done under grant funds, the contract division was behind schedule with the grant money for Swanton’s sidewalk feasibility study. Since the funds would only be given to one entity, the grant would be given to the Town only, and the Village would reimburse the Town.

**9. Any Other Necessary Business**

**a) Memorial Day Parade**

Mr. Thompson said that the Chamber of Commerce needed insurance to cover the yearly Memorial Day parade, and VLCT said that they would not insure the event. He asked Mr. Jescavage to look into covering the event under the Town’s insurance policy. He would attempt to have an answer to Adam Paxman by April 30<sup>th</sup>.

**b) Emergency Plan**

Mr. Billado received confirmation from Mr. Jescavage that the emergency plan had been signed. Mr. Jescavage would follow up with Chief Stell to ensure that the signed plan had been sent by the deadline of May 1<sup>st</sup>.

**c) Liquor Control Board**

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to exit the Selectboard meeting and enter into a meeting of the Liquor Control Board at 8:39 p.m.

Motion carried. Mr. Thompson made a motion, seconded by Mr. Guilmette, to approve and sign the renewal for "Swimmers" Champlain Country Club, for both the restaurant and the mobile cart. Motion carried.

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to exit the Liquor Control Board meeting and re-enter the Selectboard meeting at 8:41 p.m. Motion carried.

### **10. Public Comment**

Mr. Dick Thompson commended the Highway crew for fixing the gates on the Rail Trail.

### **11. Upcoming Events**

- a) Wednesday, April 22, 2015 – Earth Day
- b) Friday, April 24, 2015 – Arbor Day
- c) Monday, April 27, 2015 – Joint Legislative Body meeting at 7 p.m. at the Swanton Village Municipal Complex
- d) Tuesday, May 5, 2015 – Next Selectboard Meeting, with a site visit to Cedar Ledge Estates at 6 p.m. and the regular meeting at the Swanton Town Office at 7 p.m.

### **E. Executive Session**

Mr. Thompson made a motion, seconded by Mr. Clark, to enter executive session at 8:43 p.m. for discussion of legal matters that would put the Town at a disadvantage if discussed publicly. Motion carried.

Mr. Thompson made a motion, seconded by Mr. Guilmette, to exit executive session at 9:08 p.m. Motion carried. Action taken: none.

### **F. Adjournment**

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to adjourn the meeting at 9:08 p.m. Motion carried.

Received and filed by:

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Cathy Fournier, Swanton Town Clerk

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Date