

Draft Minutes
TOWN OF SWANTON
SELECTBOARD MEETING
Town Office Building
1 Academy Street, Swanton, VT 05488
In-Person & By Zoom
Tuesday, March 19, 2024 @ 6:00 p.m.

Present: Joel Clark-Chair, Earl Fournier-Vice Chair, Steven Bourgeois, Nicole Draper, Cody Hemenway-Members, Cathy Fournier-Town Clerk, Christina Candels-Administrative Assistant, Jim Benson-Animal Control Officer, Chief Matthew Sullivan, Harold Garrett, Ed Daniel, Mathew Walker, Karissa McFadden, Allen Letourneau, Jasmine Hemenway
Zoom: Lin, Suzie Kelleher

A. Call to Order

Mr. Clark called the meeting to order at 6:00 pm.

B. Pledge of Allegiance

Mr. Clark led those present in the Pledge of Allegiance.

C. Agenda Review

Mr. Clark reviewed the agenda.

Ms. Draper requested to add personnel to executive session.

Mr. Clark requested to add two possible uses of ARPA funds under Old Town Business.

Mr. Bourgeois requested to add update of Library Trust update under Old Town Business.

Mr. Clark suggested moving Vicious Dog Complaint up on the agenda due to ACO being present.

D. Meeting Topics

1. Minutes

a) Special Organizational Selectboard Meeting of March 6, 2024

Mr. Bourgeois made a motion to approve March 6, 2024, Special Organizational Selectboard Draft Meeting minutes as written, seconded by Ms. Draper. Motion carried.

2. Public Comments

None

3. Law Enforcement

a) Swanton Animal Control

Mr. Benson provided an update for February 2024. Mr. Benson responded twice to the same address for a barking dog that was not found.

On February 27th Mr. Benson found a stray dog on John's bridge. The dog was walked, fed, watered and housed at the Town Garage for two days. The dog was experiencing some blood in its stool that cleared up with diet change. Mr. Benson did schedule a vet appointment that was not needed after all. The dog was the after two days turned over to "Friends of Duke" animal rescue for them to find a home. Town Highway employees were very helpful with the daily care.

b) Swanton Police Dept.

Chief Sullivan provided an update for February 2024. In February Swanton Village Police 64 incidents.

Top 10 incidents were as follows: 24 traffic stops, 13 directed patrol, 3 family fight/domestic, 3 crash/property damage, 2 citizen assists, 2 animal problems, 2 motor vehicle complaints, 2 welfare/suicide check, 2 suspicious person/circumstances & 2 community outreach.

The 24 traffic stops resulted in 9 tickets, 20 warnings, 2 arrests. For the month there was 5 arrest charges of 5 individuals.

The directed patrol log was down in February and Chief Sullivan has met with sergeants about this.

Chief Sullivan said they have had meetings in regards to the upcoming Solar Eclipse. This information is still forthcoming put projections show possibility of 60k-100k additional people in the state for this event, keep in mind it is a very small area for direct viewing. There are places renting space for viewing. Swanton has no planned viewing locations. Traffic is anticipated to be heavy before and after the event. People are encouraged to get groceries, gas, prescriptions and needed items in the days leading up to the event to eliminate being on the roads. Swanton Village Police will ramp up patrol for this.

Mr. Clark shared the Swanton Fire department will pre stage in different areas of Swanton in case of event they are needed.

Ms. Draper brought it to Chief Sullivan's attention they would like to see police presence at the Rec department. There has been a group of kids lately not making good choices later in the afternoon. The rec employees are having to clean up after these kids daily. Chief Sullivan took note of this and will follow up.

Mr. Bourgeois complimented Chief Sullivan on the report shared in the Swanton Village Report.

c) Health Officer Report

Swanton Health Officer Report has one incident in her report. This incident was in regards to a person being evicted from their trailer. The health officer contacted the person and Health Department with no response back. No action was taken.

4. Vicious Dog Complaint

The animal owner (Audry Barnier) was not present, she was sent a certified letter to attend.

Mr. Benson stated he received a call on March 3rd at 5:25 pm about a dog vs dog attack on Middle Rd/Bigelow Dr. Mr. Benson called Mathew Walker / Karissa McFadden. Mr. Walker stated he was walking his dog on Middle Rd when two dogs came running out one of the dogs turned around and the other dog proceeded to grab his dog around the neck. Mr. Walker stated to Mr. Benson he had to kick the dog to get it to let go. Mr. Walker stated it was a tannish grey large pit bull. Mr. Benson contacted the animal owner and used a picture provided. Mr. Walker identified the animal in the picture as the dog they encountered. Mr. Benson asked the owner Audrey Barnier if she wanted to provided a statement she declined. Ms. Barnier stated she was on vacation and there was a house sitter there taking care of the dogs whom did not put the collar on to keep the dogs in the yard. Mr. Benson confirmed the dogs are vaccinated but not registered with the Town at the time of incident. They have now been registered. Ms. Barnier stated she has bought another collar and the dogs will not be outside again without collars.

Mr. Clark asked if there have been any other complaints on this dog? Mr. Benson said no. Mr. Clark asked Mr. Walker & Ms. McFadden what happened. Mr. Walker stated they have walked down the road 100 times. They sometimes walk with there daughter and since this incident they have not. Their dog a German Shepard Service dog Chase weighs 100 pounds. Chase is now scared to go around other dogs when they walk. They now park someplace and walk. Mr. Walker stated after speaking with Mr. Benson they understand this is not normal behavior but want it to be addressed whatever that looks like. This has shaken them up, when Mr. Walker kicked the dog off it looked at them and they were concerned it could come at them. This incident was one time they had nothing on them to protect themselves and were not expecting it. The dog came from about football field away. Ms. McFadden stated they have never had to deal with this on this road usually its just cars which is enough. She does not feel comfortable walking on the road with Chase now and this dog was just as big as him and could come after her.

Mr. Bourgeois asked if they have heard back from the owner? Mr. Walker stated no they had only communicated with Mr. Benson. Ms. McFadden stated they want to keep the neighborhood friendly but feel safe.

Mr. Clark asked if they have seen the dogs loose since? No, they have not been in the area, and have never seen them loose previously.

Mr. Clark stated they are limited on what they can do now but want to ensure this does not happen again.

The Selectboard agreed there needs to be a follow up to ensure they are doing the things to keep the dogs contained, collared and the system works. If not the Selectboard can request a fence be put up. Mr. Walker stated Chase was sore and limping for a week after from falling on one of his back legs. Mr. Benson stated they were both big dogs and could have done damage and didn't. Mr. Benson suggested a letter also.

Mr. Clark stated they would send a letter to Ms. Barnier that if it happens again, these are the steps they can take up this is very serious. Mr. Hemenway said should send a certified letter and go back and ensure the animals are collard. Mr. Fournier asked if they had seen the dogs in previous walks? No, they had not. They agreed the owner probably had a normal procedure but there was a house sitter taking care of the dogs. Mr. Fournier stated its important to note there is not history with the dog(s) the owner has a good set

up but needs to ensure this doesn't happen again. If this happens again there will be different actions, the Selectboard has the authority to have the dog put down. Mr. Clark stated the only concern with collars is batteries die. Mr. Benson stated yes and dogs can figure out how to get the batteries to die, once the beeping stops, they can go out of bounds. Method of restraint will be addressed in the letter. Mr. Walker & Ms. McFadden will receive a copy of the letter sent. Mr. Benson will follow up with Ms. Barnier.

Mr. Letourneau asked where on Middle Rd. this happened? He stated this has happened to him on that road also. They determined it was different property. Mr. Clark stated if this happens let them know so they can get Mr. Benson out there.

5. Expenditures

a) General Orders

Mr. Bourgeois made a motion to approve General Orders for 2/21/24 to 3/19/24 in the amount of \$134,847.79, seconded by Mr. Hemenway. Motion carried.

Mr. Fournier questioned legal fee for Maquam Bay Grant? Ms. Cathy Fournier said it was legal fees for a grant received.

b) Highway Orders

Mr. Hemenway made a motion to approve Highway Orders for 2/21/24 to 3/19/24 in the amount of \$40,349.03, seconded by Ms. Draper. Motion carried.

c) ARPA Orders

Mr. Hemenway made a motion to approve ARPA Orders for 2/21/24 to 3/19/24 in the amount of \$9,948.51, seconded by Ms. Draper. Motion carried.

Mr. Fournier asked if the invoice for LVRT was part of the allocated funds? Mr. Clark stated yes, it was because they needed a lawyer's letter that it was leased land.

d) Library Orders

Ms. Draper made a motion to approve Library Orders for 2/21/24 to 3/19/24 in the amount of \$5,095.03, seconded by Mr. Bourgeois. Motion carried.

Ms. Draper asked if the Complete Septic Service invoice was due to the drain? Ms. Cathy Fournier stated yes.

e) Highway/General Payroll Orders

Mr. Hemenway made a motion to approve Highway/General Payroll Orders for 2/21/24 to 3/19/24 in the amount of \$34,684.23, seconded by Ms. Draper. Motion carried.

f) Library Payroll Orders

Ms. Draper made a motion to approve Library Payroll Orders for 2/21/24 to 3/19/24 in the amount of \$9,046.32, seconded by Mr. Hemenway. Motion carried.

6. Highway Dept.

a) Harold Garrett to update on TAC (Transportation Advisory Committee) activities

Mr. Garrett came before the board to give an update. Mr. Garrett thanked the board for reappointing him to the TAC board.

Mr. Garrett shared a spreadsheet that provided the planned repairs that will be done. Mr. Garrett is very vocal with the committee about the needs of Swanton. A specific area of concern is the VT Route 207/Woods Hill intersection, this is the highest accident intersection in the State of Vermont. Mr. Garrett stated even though this is known they cannot get the State to do anything about these intersections. Mr. Garrett stated other high priorities are southbound exit off Interstate 89, and interstate bridges that go over the Missisquoi River. Mr. Garrett stated the State is studying the interstate exit now. Mr. Garrett stated the Interstate bridges were built in the 1960's and never been touched. Mr. Hemenway how often are they inspected? Annually.

Mr. Garrett stated he questions the use of State highway funds dispersed in Franklin County vs Chittenden County to ensure Swanton is getting its fair share. Mr. Garrett also expressed the concern that what highway workers are working on the Highway they cannot put a reduce speed sign out with speeding traffic, but private contractors can. There is currently a bill going through the House to change this.

Mr. Garrett also discussed VT Route 105 and that there is no solution to this road with so many deaths.

Mr. Bourgeois thanked Mr. Garrett and asked what can they do as a board to help? Mr. Garrett stated the Selectboard sending a letter to Agency of Transportation Secretary Finn about VT Route 207/Woods Hill intersection is a good start. In this letter they should include data from the number of times the Swanton Fire Dept goes for accidents. Mr. Garrett thinks this is a better route vs local district. Mr. Garrett is willing to assist this. Mr. Clark asked what do you see as a solution? Mr. Garrett thinks flashing caution light would help.

Mr. Clark stated the LVRT/MVRT crossings in Sheldon on VT Route 105 is one of the highest traffic accidents.

Mr. Garrett also shared he has learned other towns are having issues with farmers putting manure lines through culverts. Mr. Clark stated he has not heard of this happening but will let the Highway Dept know so they can keep an eye out for this. This restricts water flow.

Mr. Fournier asked if the scoping study for VT Route 207/Bushey Rd has come before TAC? Mr. Garrett said no. There is no status for this and it is not on the list to be done. The list Mr. Garrett provided is the list the TAC came up with for the commission to vote on. The list is just state funded projects.

Mr. Fournier asked if any rail trail info comes before TAC? Mr. Garrett said they don't have a Rail Trail representative now. Mr. Fournier stated the LVRT trailhead is great but the biggest attraction is wildlife refuge and they can't get

there from the LVRT. Mr. Fournier suggested extending the railbed from Maquam.

Mr. Garrett stated TAC meets the 2nd Thursday of each month if anyone wants to participate and he will continue to share information with the Selectboard.

b) Joel Clark – Highway Department report

Mr. Clark provided a highway update to the board. Mr. Clark has created a vehicle update. The 2009 Volvo dump truck has parts ordered (code 3); the highway crew does the work themselves saving considerable amount of cost in labor.

Mr. Clark will provide updates on vehicles with codes

Code 1-fully operational no needed repairs

Code 2-operational, needing repairs

Code 3-not operational.

Mr. Clark said the 2018 backhoe is considered code 2 because this year they need to buy tires for it.

Mr. Clark said the road crew does a great job maintaining the equipment.

The work the highway crew will do on the drainage at the library should be completed next week. This is being completed with the Village & Town crews.

The trees are just about all removed on Robin Hood Dr. for the LVRT head.

The work that needs to be done on the Brooklyn St. drain will take some work as they will need an easement.

Mr. Clark noted he has seen a lot of dead Ash trees on Maquam shore. This will be something Mr. Clark & Mr. Lapan look for when they are making paving list for this year. The highway crew can remove any that in the right of way.

Mr. Clark has planned Friday to walk through the highway for building inspection if three members attended it needs to be warned as a meeting.

Mr. Clark said the highway crew experiencing a lot of speeders when they are working on roads and will work with the police on this.

Mr. Daniel requested 5 minutes to speak about water in the Southern Growth District. Mr. Daniel discussed the meeting when the Southern Growth District was planned out and what would be needed to develop. Mr. Clark then asked Mr. Daniel if this is something he would like to bring to the Selectboard. Please let them know and it can be added to the agenda. Mr. Daniel would like that and to have a conversation about what can be done with water in the Southern Growth District.

7. Old Town Business

a) Resolution relative to use of ARPA Funds

Mr. Clark asked Ms. Cathy Fournier if she has heard anymore on this. Ms. Cathy Fournier said this is how other Towns have handled the ARPA funds. This is the current rules require the monies to be spent or signed contracts. Mr. Savage & Ms. Cathy Fournier have worked with external auditors and the Vermont Leagues of Cities to draft this resolution.

Mr. Bourgeois made a motion to accept the Resolution of ARPA Funds as presented, seconded by Mr. Hemenway. Motion carried.

a) Welcome to Swanton

Mr. Clark shared pictures of the “Welcome to Swanton” signs and a design example from another town. The bottom of the sign has patches that represent Swanton.

Mr. Clark has an estimate from Premier Sign with two options to replace the existing signs. Two signs would be about \$5,000, four signs would be about \$8,500. Currently there is four signs. Mr. Bourgeois asked about sponsors for the signs? Is this something people want to sponsor to have their name on the bottom of the sign. (the current signs were sponsored when built) Guidelines would need to be drafted for these how long. Mr. Fournier asked whom owns these signs now? That is a good question no one knows for certain.

Mr. Fournier said there is other State signs that need to be changed as well. Mr. Bourgeois asked if they should have Mr. Savage look into sponsorship rules? Mr. Clark said they can but this is more replacing what’s already there. They can discuss at the next meeting.

b) Rec Dept Drainage, vinyl siding, sheetrock, flooring

Mr. Clark said he has looked at the Rec drainage and the highway crew can install French drains and parking lot rescaping. Mr. Clark has also gathered prices for vinyl siding & windows for the existing buildings. Mr. Clark has someone whom can work with him to do this project eliminating cost. This will make the garage more usable to give more space. Mr. Clark said they can add some flooring in and make it respectable use of space. Putting up a wall to store the tractor. Mr. Clark said his recommendation is to use some of the unallocated ARPA funds for this.

Mr. Bourgeois asked for firmer numbers on this, Mr. Clark had material estimates to share. (siding, windows, sheetrock, flooring)

Mr. Clark is told the MVU building trades program (if this is done in the next few weeks) and volunteers can do the work. Great community service project.

Mr. Fournier asked how this fits in with the long-range plans? Mr. Clark said everything done will fit into the plan. Ms. Draper said they intend to use the space to its full capacity no matter what the community decides for community center.

Mr. Fournier asked if the library has money available for their project.

Mr. Bourgeois asked if the Rec has thought of purchasing container to store supplies? Ms. Draper said they do have two out buildings that they use to transition seasonal items in and out. Ms. Draper said the garage space is now being used for community space having to move the tractor for this, a container would be a temporary fix as they are busting at the seams. Mr. Clark said adding windows and sheet rock would make the

space better before summer comes. This space is used when the weather is bad it is a dungeon. Mr. Hemenway said he's spent a lot of time there and this is defiantly needed. Mr. Clark said he would like to see what six people on a Saturday could do as a community event. Mr. Hemenway said he would volunteer his time for this.

Mr. Hemenway made a motion to spend up to \$20,000 in materials, seconded by Mr. Bourgeois. Motion carried. Ms. Draper abstained.

b) Letter to VTrans relative to Sholan Road
This letter has been drafted for the Selectboard to review.

Mr. Fournier made a motion to send the letter as written, seconded by Ms. Draper. Motion carried.

c) Local Option Tax discussion with Village
Mr. Savage included in the Selectboard packet notes, state statutes and a copy of a charter from another Town.
Mr. Clark said before planning a joint meeting with the Village Trustee's they need more information, a meeting with the Tax Department, information on how the money is split between the Town & Village.
Mr. Fournier asked if there is anything in the statutes saying what the Town does with this money? Ms. Draper said she believes they choose something to commit the funds to. The Town & Village can have different uses. Mr. Clark said they also need to speak with businesses and the Chamber of Commerce. Mr. Fournier said he has had this conversation with business and its already being charged in St. Albans. Mr. Bourgeois said he would be firmly against using these funds for anything other than capital improvements.
Ms. Candels has updated a spreadsheet previously drafted with Vermont Tax Dept info from 2021 & 2022. In adding 2023 info the State website does not yet have December information, once it does, she will share with the Selectboard. Swanton Village as well at the Selectboard want to know how the funds are divided up.

d) LVRT update-Joel Clark
Tabled until next meeting.

e) Library Trust Update-Steve Bourgeois
Mr. Bourgeois stated the Selectboard has previously questioned if the Swanton Library Trust has the funds to help pay for library repairs. Mr. Bourgeois said he has received a copy of the Vera Cline Trust but not the Webster Trust. The Trustees do not know where the Webster Trust documents are. The statutes clearly state these funds are for the Trustees to use. The Town has no claim to these funds. Mr. Bourgeois said he feels if they ask them to take money from the Trust to help with repairs it will take away their dividends/income they use to operate that year therefore asking the tax payers for more money. Mr. Bourgeois said they do a very good job. Mr. Bourgeois would like to recommend that the

Trustees board have a member with financial experience. . Mr. Bourgeois was told if he wants the information on the Webster Trust to get it. Mr. Bourgeois recommendation is that they send a letter requesting them to get the documents for the Selectboard it is not their responsibility to get it.

Ms. Candels clarified a letter will be drafted and signed by the Selectboard.

f) Great Eclipse 4-8-24-Highway Department/Employee

Mr. Clark asked how the board feels about the Highway department having half a day off vs whole day? Swanton Village is giving employees the day off. Mr. Bourgeois asked if they are given the day off are they on call? That is what Mr. Clark would like to do. Mr. Fournier said it's a once in a lifetime event and if traffic is that bad, they won't be able to get anywhere. Ms. Cathy Fournier is closing the Office. Mr. Fournier said they work hard they have earned the day off/on call.

8. New Town Business

a) Letter of Support – Sap Run of the Annual Maple Festival

Mr. Bourgeois made a motion to approve the Letter of Support for the Sap Run, seconded by Mr. Fournier. Motion carried.

b) Amendment to Personnel Policy relative to VMERS

Mr. Bourgeois made a motion to approve amendment to Personnel Policy relative to VMERS, seconded by Mr. Hemenway. Motion carried.

9. Community and Economic Development

Mr. Bourgeois shared an update about a 14-acre parcel in the industrial park. This land has been classified as wetlands. Franklin County Industrial Development Corporation has been working with the State they are working on converting 4-5 acres back to industrial space. They may need to mitigate some land for this. Mr. Bourgeois will keep them updated on this.

10. Any Other Necessary Business

a) Liquor Control Board – renewal of licenses

Mr. Fournier made a motion to exit the regular Selectboard meeting and enter into the Liquor Control Board meeting at 7:51 pm, seconded by Mr. Hemenway. Motion carried.

- 1) Veterans of Foreign Wars Charles DePrato Post #778 is requesting 1st & 3rd class license renewal.
- 2) Campbell's Bay Inc is requesting 2nd class & tobacco license renewal.
- 3) Martin Foods of Southern Burlington LLC/Hannaford's is requesting a 2nd class license renewal.

Mr. Fournier made a motion to approve all renewal requests stated, seconded by Mr. Hemenway. Motion carried.

Mr. Fournier made a motion to exit the Liquor Control Board meeting and enter the regular Selectboard meeting at 7:53 pm, seconded by Ms. Draper. Motion carried.

11. Correspondence
None

12. Public Comment (Reprise)
None

13. Upcoming Events
a) Wednesday – March 27, 2024 – Planning Commission 6:30 pm
Town Offices
b) Thursday – March 28, 2024 – DRB – 6:00 p.m.- Town Offices
c) Friday – March 29, 2024 – Good Friday – Offices and Ops. Closed
d) Tuesday – April 2, 2024 – Regular Selectboard Meeting – 6:00 pm –
Town Offices and Zoom
e) Monday – April 8, 2024 – Great Eclipse – Offices and Ops. Closed

14. Executive session – for legal and real estate
Ms. Draper made a motion to enter executive session at 7:56 pm, seconded by Mr. Hemenway. Motion carried.

Mr. Fournier made a motion to exit executive session at 8:41 pm, seconded by Mr. Hemenway. Motion carried.

No actions taken.

15. Adjourn
Ms. Draper made a motion to adjourn at 8:41 pm, seconded by Mr. Hemenway. Motion carried.

Respectfully Submitted by,
Christina Candels-Administrative Assistant