

**TOWN OF SWANTON  
MINUTES  
JOINT LEGISLATIVE BODY MEETING  
Swanton Village Municipal Office  
120 First Street, Swanton, VT 05488**

***Wednesday, September 10, 2014 @ 7:00 p.m.***

Present: Dan Billado, Selectboard Chair; Joel Clark, Selectboard Vice Chair; James Guilmette and William Thompson, Selectmen; Eugene Labombard, JLB Chair and Village Trustee; Chris Leach and Adam Paxman, Village Trustees; Neal Speer, Village president; Reginald Beliveau, Village Manager; David Jescavage, Town Administrator; Yaasha Wheeler, Secretary; Jason Butler, Swanton Village Fire Department; Ronald Kilburn, Zoning Administrator; Jim Hubbard, Planning Commission Chair; Ross Lavoie, Planning Commission; Channel 16.

A. Call to Order & Roll Call

Mr. Labombard opened the meeting at 7:06 p.m. and noted that all were present except for Mr. John Lavoie of the Selectboard.

B. Pledge of Allegiance

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

C. Agenda Review

Mr. Billado added "Old Business: Dispatch Business" to the Agenda. Mr. Leach added a discussion on the Solid Waste District.

D. Meeting Topics

1. Minutes

a) Approve Minutes of 4/23/2014 JLB Meeting

Mr. Paxman made a motion, seconded by Mr. Guilmette, to approve the Joint Legislative Body minutes of April 23, 2014 as written. Motion carried.

2. Public Hearing for the Proposed Zoning Bylaw Amendments (See separate Public Notice)

Mr. Labombard asked to hear a overview from the Planning Commission. Mr. Hubbard of the Planning Commission stated that the Swanton Planning Commission had received a Municipal Planning Grant and worked with the NRPC closely over the last year or so. Many of the major changes involved wetlands, water quality, and other regulations which the Town must comply with in order to receive FEMA funding. When given three levels of changes, the Town tried to stay in the "middle of the road" as far as its level of compliance. The rest of the update was "housekeeping" revisions, which involved items accidentally omitted from the original bylaws, replacing the mention of the Planning Commission with the Development Review Board where appropriate, various citizen requests, and similar items. Mr. Ross Lavoie agreed with Mr. Hubbard's summary.

Mr. Labombard asked if there was any significant input from the public at the Planning Commission's hearing. Mr. Hubbard and Mr. Lavoie said that there was not. Mr. Hubbard emphasized that the Town definitely tried to publicize the events, but there was little community response. Mr. Billado thanked the Planning Commission for their "behind the scenes" work on the behalf of the town.

Mr. Clark asked whether the Shoreland Protection Act changed any regulations, and Mr. Kilburn stated that Swanton was not required to make any changes, since that act was regulated by the state. Mr. Clark said he wondered whether, over time, the state would turn over control to the Town, but Mr. Kilburn understood that, at present, it was not regulated by the Town.

Mr. Clark stated that a previous bylaw revision permitted storage containers, which gave the Zoning Administrator the ability to regulate it. As the DRB chair, he was concerned as to the appropriateness of a residence having shipping containers on the property; a garage or storage shed was a better option. In the bylaws currently, some districts required Conditional Use, but the DRB could not control its presence, only its appearance. Personally, he felt that shipping containers did not belong at residential properties. He was glad for the control that the previous bylaw revision offered over such containers, but now felt that they should not be installed on a residential property, regardless of the district.

Mr. Hubbard agreed that he was not a fan of storage containers either, but because they were “cropping up everywhere,” the Planning Commission wanted to have a way to control and tax them. Mr. Paxman asked if the structures were generating tax revenues now, and Mr. Hubbard responded that, as the listers updated their information, those structures would be taxed. Mr. Jescavage added that the listers were copied on every approve building permit.

Mr. Leach asked if variances and appeals were substantially changed, and Mr. Hubbard said that the processes were not changed; the language was only clarified. Mr. Paxman was concerned with the fact that the listers were not adding the containers to their lists. Mr. Kilburn replied that it was not their job to enforce this all.

The JLB discussed the difficulty when some people did not even apply for building permits for these structures. Mr. Kilburn stated that the Town operated on the “complaint” process; the Town addressed complaints, but could not inspect every property for compliance. “After the fact” permits cost double.

Mr. Lavoie pointed out that Mr. Kilburn now had a way to enforce control over the shipping containers.

Mr. Spear asked if there was a limit to the number of containers on one property. Mr. Hubbard replied that, as long as they met setbacks, the number was unlimited. Mr. Clark stated that a residential accessory structure was limited to certain square footage; he therefore recommended limiting the number of square feet for shipping containers as well.

Mr. Jescavage explained that, if the JLB adopted the bylaws, there would be a 20-day appeal day, and would become effective on the 21<sup>st</sup> day. Any substantive changes prior to approval would send the bylaws back to the Planning Commission, for another hearing, followed by a Joint Legislative Body hearing. Mr. Billado recalled that the bylaw could be approved tonight and amended later on; Mr. Jescavage agreed.

Mr. Labombard asked if there was an urgent need to approve the bylaw revision. Mr. Hubbard said that there was not, but reminded that there had been no visitors to protest any of the changes advertised in numerous media. He felt that the bylaws could be approved, and then amendments could be addressed. Mr. Labombard suggested that a public hearing on this issue alone might be a good idea.

Mr. Leach made the motion, seconded by Mr. Billado, to approve the new Land Use & Development Regulations as presented tonight, and for the issue of the storage containers to be further addressed as soon as possible. Motion carried unanimously.

Mr. Labombard thanked the Planning Commission for its hard work. Mr. Hubbard stated that the next project was to revised the Town Plan, and would certainly discuss the storage container issue at the next meeting.

### 3. Swanton Fire Department Updates

Mr. Beliveau stated that Jason Butler, Assistant Chief, was present. Mr. Butler stated htat the total calls to date were at 198 as of today. They had not heard anything on the Federal grant, but money had been given out since May, so although there was no rejection, there was no word. The \$35,000 radio grant had been used for portables, base units, etc. All the equipment was

being installed. They recently had an ISO audit (it had been 15 years since the last one) and they were still at 5/9 for their rating; that was a good rating. With the improvements being made for water distribution, a future audit should result in an even better rating. Mr. Billado mentioned the 22 burning complaints; where they controlled burns or illegal burns? Mr. Butler said that he only recalled 3 illegal burnings. Mr. Billado reminded that the ordinance should be used and complied, and asked to be notified of any such burnings, since he was the health officer. Also, he asked the Fire Department to prepare a budget to present to the Selectboard, with expenditure and budget information. Mr. Leach asked if the department was open to hiring new firemen, and Mr. Butler replied that they were always looking for more firemen. He added that VSFA had recognized and awarded several firemen from Swanton. The JLB thanked Mr. Butler.

#### 4. Discuss Sidewalk Feasibility Grant Award (10% Match)

Mr. Jescavage mentioned that the state had approved the grant for \$30,000 and required a 10% match from the Town and Village. The state asked Swanton to name a municipal manager for the project, and wished to know how much “in-kind” work would be done to make up the match. He did not foresee much “in-kind” time on this. The purpose of the study was to determine whether a McDonalds to MVU sidewalk, and a South River Street sidewalk would be feasible, and to make recommendations. He felt that the match could be put into next year’s budget, but first an RFP would need to be advertised to an engineering firm. The state cautioned not to incur any costs yet, since other items must be agreed to first.

Mr. Labombard asked to know the time frame for the grant, and Mr. Jescavage said that usually the study would have to be completed within a year and a half. Mr. Clark suggested splitting the match cost 50-50 between the Town and Village. Mr. Leach said that it was well known that a sidewalk to MVU was needed; it was feasible. Why the feasibility study? Mr. Jescavage stated that the study was a requirement in order to receive grant funds. Mr. Beliveau and Mr. Jescavage discussed co-managing the project together. Mr. Beliveau felt that the study fitted well with the goals under the Swanton Enhancement Project, and thought that the NRPC had already done a study. He expressed frustration with the red tape that required Swanton to spend \$30,000 to plan a sidewalk. Mr. Spear clarified that the study did not include any engineering; why not simply hire an engineer?

Mr. Clark suggested having a full design done by an engineer as part of the feasibility study, adding that he thought that one of the hang-ups involved going under the interstate. Mr. Billado added that there was also difficulty because the sidewalk would go along Route 78.

Mr. Clark made a motion, seconded by Mr. Guilmette, to move forward with the Sidewalk Feasibility Grant Project. Discussion: The motion was amended to include an understanding of the 50-50 split of the match cost between the Town and the Village. Motion carried.

Mr. Billado made a motion, seconded by Mr. Clark, for Mr. Jescavage and Mr. Beliveau to be authorized to act as co-managers of the project.

#### 5. Discuss Swanton Street Light List & Abutter Letter

Mr. Jescavage presented copies of a letter that would be sent to landowners of any discontinued street lights; people who wished to retain the lights could contact the Village Electric and set up a personal account. Mr. Beliveau also presented a list of the street lights to be removed from the Town list. Mr. Jescavage mentioned that the Town and Village had worked together to revise and create the list of the lights which the Town wished to continue. The JLB reviewed the list, and noticed a few inaccuracies. Mr. Billado asked that the Road Foreman and Village Electric employees work together to create the final list, and then the Town and Village would “put this to bed.”

#### 6. Discuss Chamber of Commerce VIP in Swanton on October 14<sup>th</sup>

#### 7. Discuss Chamber of Commerce Upcoming Activities

Mr. Paxman stated that Glenn Swanton, direct descendant of the captain who founded Swanton, would visit Swanton on October 14<sup>th</sup>, whose late father’s estate willed \$500 to the Swanton Chamber of Commerce. Since Mr. Swanton was visiting Swanton in October, the Chamber wished to take him to dinner and on a tour of Swanton, and offer an opportunity for discussion

with Mr. Swanton. Mr. Beliveau suggested that the JLB members should be part of the event as well.

The Chamber would do “Halloween in the Park” on October 31<sup>st</sup>; any volunteers for the event could see Mr. Beliveau or Mr. Paxman for details.

On November 29<sup>th</sup>, the Chamber would host “Christmas in the Park,” with horse-drawn rides, the annual tree-lighting ceremony, and other events; volunteers were also welcome. Mr. Beliveau felt that the tree traditionally decorated each year should be cut down, since it was unsafe; Mr. Paxman agreed that another tree would be used.

Mr. Paxman thanked Mr. Clark for his help in the Swanton’s Memorial Day Parade was a grand success and received many positive comments.

Mr. Paxman mentioned that the “Welcome to Swanton” signs were now throughout Swanton, and had been sponsored by various Swanton entities and businesses.

The Swanton Armory was doing an open house September 16<sup>th</sup> from 6 p.m. to 8 p.m., to inform the community of the armory’s part in the community and what it could offer to the community. Mr. Billado said that he wished to see a revival of various events that used to be done there; Mr. Beliveau said that, after September 11<sup>th</sup>, 2001, the armory was considered a target and that was probably the reason for the fewer events at the armory.

#### 8. Discuss Creation of Economic Development Director Position

Mr. Paxman stated that he drafted up a proposed position description which he would bring to the JLB for discussion. He felt a need to hire someone to a full-time position, someone who would actively draw business into Swanton. Mr. Thompson asked, How much available developable industrial property was available in the Town? That was one question he wanted answered.

#### 9. Swanton Village Improvement projects Update

Mr. Beliveau stated that the water project was underway, with approval pending to get the water main laid. In 2015 and 2016, the bridge to the Village was scheduled to be paved, as well as Route 78.

Mr. Beliveau recalled that a more permanent “Support Our Troops” option had been considered. An Eagle Scout, Gregory Stell, would put on a ceremony for that plaque at 10 a.m. on Saturday, September 20<sup>th</sup>.

Mr. Beliveau reported that the rain garden project for stormwater from Academy Street and Grand Avenue was ready to move forward. The traffic flow might have to be adjusted to allow for the rain gardens. Mr. Billado asked about the newly-installed item in that area; Mr. Beliveau replied that it was a turret and explained its use. Mr. Billado was concerned because Academy Street was lower than Grand Avenue, and Mr. Beliveau explained that the plan had been reviewed and designed by Friends of Northern Lake Champlain and others.

Mr. Beliveau added that the community visit from the Vermont Community Rural Development Committee was scheduled for January.

#### 10. Public Comments – None.

#### 11. Any Other Necessary Business

Mr. Billado stated that parked cars on Farrar Street made the street dangerously narrow, especially for emergency vehicles. Mr. Beliveau said that he would speak with Chief Stell.

Mr. Billado said that the new LED street lights in the Village did not put a lot of light on the ground, and allowed too much darkness along Grand Avenue. Mr. Beliveau explained that they were the first LED lights installed, and would take a look at that.

Mr. Paxman stated that, with regard to the Swanton Enhancement Project, the committee would like to have a line item on the Town ballot to appropriate \$5000 to support the project. The project had resulted in the start of the Farmer's Market and other events. The upcoming Community Visit was "a big deal," was important for Swanton's growth, and was a way for the community to support the Enhancement Project. Mr. Beliveau detailed other events and changes—movies in the park, a barbecue at Marble Mill, the flowers in the park and on the bridge, various bands playing in the park, adding power to Swanton beach for future concerts, and more. He encouraged the public to become involved in the project.

#### 12. Old Business

Mr. Billado recalled that the JLB had asked to get representation from St. Albans City dispatch to explain why Swanton was paying so much for dispatch. The dispatch cost had once been explained as being "per capita," but more recently, it was based on "call volume." Mr. Billado felt that the cost of Swanton's call volume should be questioned, since it seemed too high. If the taxes continued to be so high, Swanton needed to find other options. Mr. Thompson noted some instances in which Swanton was "paying a premium price, and nobody was returning the calls." Mr. Beliveau said that he had scheduled a representative to speak for the dispatch and they did not show up (with no explanation for their absence), and had not yet rescheduled them. He would do so as soon as possible. It was noted that the Sheriff's Department was now no longer an option. St. Albans City was now the only dispatch office available.

Mr. Leach asked to know what was happening with the old garage and with the natural gas company. Mr. Billado reported that the Fourth Street property had been cleaned up (the old garage removed) and the property was being advertised for \$250,000.

The Town had a purchase and sales agreement with the natural gas company, with a closing date for November 1<sup>st</sup>. He felt it was a win-win for the entire community, since they would be paying taxes, buying power from the Village, creating 15 to 20 jobs, and more. Mr. Thompson added that the natural gas would represent savings to rural businesses and individuals.

Mr. Leach stated that the Solid Waste District had been "floundering" for a number of years, but that has all turned around. The district showed a substantial cash flow, and all villages, except Fairfax, were now members. The district was on solid ground. He recalled the Town and Village were both concerned about Hazardous Waste Days, and noted that there would not be a need for such a special event, since Georgia and other area drop-off sites would be open. For hazardous waste, citizens must call and make an appointment for drop-off. The state's new rules prevented free drop-off of latex paints. However, in general, the district looked strong. He had been on its board for 6 years, and requested a replacement to represent Swanton on that board by January. He added that the state would soon mandate all businesses to separate all compostable materials from general trash, resulting in increased prices all around.

#### 13. Executive Session (if needed)

Mr. Leach made a motion, seconded by Mr. Guilmette, to enter executive session to discuss an entity in the community that would be at a disadvantage if mentioned in public. Motion carried.

Mr. Leach made a motion, seconded by Mr. Paxman, to exit executive session at 9:06 p.m. No action taken.

Mr. Jescavage would schedule the next Joint Legislative Body meeting to discuss dispatch fees.

#### 14. Adjournment

Mr. Leach made a motion, seconded by Mr. Clark, to adjourn at 9:08 p.m. Motion carried.

Typed on September 13, 2014  
Minutes by Yaasha Wheeler  
Received and filed by:

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Cathy Fournier, Swanton Town Clerk

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Date

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Dianne Day, Swanton Village Clerk

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Date