

**TOWN OF SWANTON
SELECTBOARD
REGULAR MEETING
MINUTES**

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

Tuesday, July 21, 2015 @ 7 p.m

Present: Dan Billado, Selectboard Chair; James Guilmette and John Lavoie, Selectmen; Cathy Fournier, Town Clerk; David Jescavage, Town Administrator; Yaasha Wheeler, Secretary; Derick Billado, Animal Control Officer; Harold Garrett, Road Foreman; Heather Buczkowski, Channel 16; Ian & Danielle Garrant; Dustin & Christine Lang; Todd Poirier; Ed & Sarah Ferguson; Gil & Marie Tremblay; Erynn Boudreau; Ricky Doe; Dave Butterfield; Melodie McLane; Reginald Johnson; Jeanne Royer; Pat Messier; Carolyn Palmer; Clark Palmer; Steve Woodward; Robert & Melissa Wagner; Dustin Degree (senator); Patty Rainville; Marianna Gamache (representative).

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

Mr. Billado added, under Old Business, a discussion on concerns expressed by a part-time employee in regard to the Policy Handbook changes. He added a discussion of Franklin County Animal Rescue under "Animal Control."

D. Meeting Topics:

1. Minutes

a) July 7, 2015 SLB Regular Meeting

b) June 23, 2015 SLB Special Meeting

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

2. Public Comments

a) Wind Turbines

Christine Lang noted that she had sent the Selectboard some information. She pointed out the newspaper article in which Mr. Travis Belisle claimed that the residents of Swanton Hill knew that this operation was coming to the area, but Mrs. Lang said that no one had any idea it was going to be a large commercial operation until very recently. She felt that the proper channels had not been taken and proper permitting had been bypassed. Mr. Billado clarified that the test tower had nothing to do with the town; the Zoning Administrator could not permit that. Mrs. Lang agreed.

Mr. Billado reiterated that the Selectboard had no control over this.

Mr. Lang said that Mr. Belisle's lack of transparency and his failure to get a CPG (Certificate of Public Good) denied the residents the knowledge of the project and the consequent

ability to participate in the recent update of the Swanton Town Plan in regard to wind power. He recommended that the Town should determine if the residents' rights had been legally violated. After discussion, since the Town was considered a party in the discussion, the Selectboard asked Mr. Jescavage to get a legal opinion from Town Attorney Brian Monaghan of whether the rights had been violated by lack of notification.

Mr. Garrett, who was on a NRPC committee, explained the Northwest Regional Planning meeting notification process. Mrs. Lang asked whether there would have been a public process if the permit for the test tower had been applied for. Mr. Garrett replied that the permit would only come from the Public Service Board; NRPC would only get to look at the application in consideration of the construction impact to the environment and community. In discussion, it was alleged that Mr. Belisle did not have a Certificate of Public Good. Ms. Marianna Gamache, representative, felt that the meteorological tower's legality needed to be clarified by the Town attorney before the matter could proceed further. Her information was based on state sources.

Melody McLane and Reggie Johnson were present from the Georgia Hill project. Mr. Johnson said that the Georgia project significantly lowered property values in the area, and added that, although he was 3400 feet away, the continual sound (while still under federal decibel levels) resulted in sleep loss, loss of quality of life, headaches, and other symptoms and problems. He summed up, "Our life has been hell."

Mrs. McLane added that she was 3700 feet away, which was much further away than the proposed Swanton project to residents. She added that the promised mitigation is ineffective, because the Georgia residents were told, "The project is in compliance." Her property value was reduced by 12% specifically because of the noise of the turbines. Mr. Johnson asked the Selectboard to consider the lost revenue in taxes.

Mr. Billado responded that the Selectboard had no control over the issues, but he agreed that the board should talk to the Town attorney, since the Town was not notified of Mr. Belisle's project. Mr. Lavoie asked if there were any known positives. Mr. Johnson said that the New York wind farm was not as negatively impactful because of the geography.

It was noted that there were no known state guidelines for how far away the wind projects must be from residences. Mr. Garrett added that NRPC had "absolutely no say" because the state regulates what it wanted, because the eventual goal was to transfer to 90% solar power.

Mr. Billado strongly encouraged the concerned citizens to show up at the state house and make their opinions known. Mr. Billado stated that his message to the state was, "This is *our* town."

Mr. Dustin Degree said that the state created the Public Service Board, and had control over it. It was a matter of the representatives and senators making themselves heard, and a resolution from the Selectboard could help with that. Mr. Billado stated that, if the full board agreed, he would be willing to draft a letter to the state.

Mr. Degree said that the real issue was not so much about this specific instance, but about the town's right to be able to be a party in the case.

Mrs. Gamache said that there was an agenda afoot by the administration, with a determination that no town shall ever have the right to say, "We don't want this." That has not happened yet, but it was the direction. She strongly opposed that intention.

Mr. Doe said that, due to wind inconsistencies, the power output was not nearly as effective or dependable as supposed, and that, the bigger the project, the less economical it became. Why ruin our beautiful state with ineffective power? Mr. Billado added, "Why ruin our beautiful lives in this state?"

Mrs. Gamache pointed out the natural habitats on Swanton Hill, and that the maps from the Agency of Natural Resources showed that the proposed wind project would completely

destroy the ecology in the area. In order to make that a non-issue, the project proposed moving the turbines further down the mountain, making them closer to the homes. Either way, it did not appear to be the right place for this type of development.

Mrs. McLane added that the closeness of this project was unprecedented in Vermont. Mrs. Lang added that these would be the tallest turbines in New England (499 feet). Mr. Degree said that he and the representatives would be happy to go to the governor on behalf of the residents. Various residents of Rocky Ridge agreed that the matter needed to be brought to Governor Shumlin's attention.

Mr. Billado asked Mr. Jescavage to speak with Mr. Clark and Mr. Thompson, the absent board members, and to find out if those two Selectmen approved with the rest of the Selectboard to draft a letter to Gov. Shumlin.

Mrs. Gamache said that this whole ideology has been "shepherded" over the years, and that a lot of effort had been put into making sure that things were going in a particular way. She expressed her pride in being an "adopted daughter of Vermont" by way of her marriage to her (now deceased) husband. She said, "I will do everything in my power to help all of you, because I believe you are right and the state is wrong."

Mrs. Lang noted that the project promised to give the Town \$150,000 a year. Mrs. McLane added that Georgia was gifted with some benefits in the beginning of their project, but it did not offset the real cost to the town and residents.

Mr. Billado summarized that, if there was 100% board approval to write a letter to Governor Shumlin, it would be done, and the board would look into the legal implications of having received no notification. Mr. Belisle would be apprised on the actions.

One residents said that he had never gotten any notification, because he didn't live on Rocky Ridge Road, but he lived in the area. Another added that she believed that Mr. Belisle's intent was to make money, and did not care about the community.

Mr. Billado promised that the Selectboard heard the citizens and would do all in its power to ensure that this matter did not fall by the wayside.

3. Liquor Control Commission – None.

4. Economic Development

a) Approve Contract for Realtor for 4th Street Land

Mr. Billado suggested that the board look at the contract and make a decision at the next meeting.

5. Old Business

a) Set Special Meeting for Personnel Policy Discussion with Employees

Mr. Billado requested to table this until the full board could be present.

b) Zoning Administrator Job Search Update

Mr. Jescavage said that he had placed ads in the local paper, put an advertisement on the VLCT website, and one on the Town website. He had had one response so far. He felt that the one inhibitor might be the fact that the position is part-time.

c) Appoint Candidate for DRB Vacancy

Mr. Jescavage said that Amy Giroux, a lister, showed an interest in the position. Mr. Guilmette made a motion, seconded by Mr. Lavoie, to appoint Amy Giroux to the vacancy on the Development Review Board. Motion carried.

d) Personnel Policy

Mr. Billado said that Mr. Jim Pratt, lister, called him with concerns that giving the part-time employees similar benefits to the full-time employees would be damaging to the taxpayers. This would be further discussed with the full board.

6. Community Development – None.

7. Animal Control

a) SW Animal Control Officer Report

Mr. Derick Billado said that the month had been fairly busy. He had had a couple dog bites, one surrender agreement, and one animal cruelty case. He had also gotten a few more people to register their dogs.

b) Franklin County Animal Rescue

Mr. Billado said that the ACO took care of the surrendered dog for over a week. Mr. Guilmette said that he had had “some serious talks” with the president and Ms. Rusty Posner, which resolved the particular instance but he was not certain it solved the issues for the future. FCAR pleaded lack of space, but Mr. Guilmette said that he reminded FCAR of the Town’s financial support and the Town’s willingness to contract elsewhere if the board felt that the Town was not receiving sufficient services in exchange.

Mr. Jescavage said that Ms. Posner billed the Town for 2 cats taken by the FCAR in June. Mr. Derick Billado said that he knew nothing about those cats. He said that he had advised people to go to the FCAR with cats. Mr. Dan Billado said that the citizen could construe Mr. Derick Billado’s advice as being direction, so, for the time being, the Town would pay the bill but Mr. Derick Billado’s future response should be, “We don’t deal with cats.” At Mr. Garrett’s suggestion, the FCAR should be notified to consider no cat as received from the Town unless Mr. Derick Billado sent a written note with the cat.

8. Expenditures

a) General Orders (June 17, 2015 to July 21, 2015)

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

b) Highway Orders (June 17, 2015 to July 21, 2015)

Mr. Billado suggested that the next mower could be leased to buy in the same way that the bucket loader was. Mr. Guilmette made a motion, seconded by Mr. Lavoie, to approve the highway orders. Motion carried.

c) Payroll (June 17, 2015 to July 21, 2015)

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to accept the payroll as written. Motion carried.

d) Economic Orders

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to pay \$2461.25 to Black River Designs for the engineering study on the Town Offices.

9. Highway Department

a) Robin Hood Drive Extension Update

Mr. Jescavage stated that Jeff Green from the Act 250 board had contacted Mr. Clark to affirm that Act 250 had nothing to do with the Robin Hood Drive extension project. Mr. Billado summed up that the town would move forward with the contract with the state.

b) South River Street Stone Culvert Update

Mr. Jescavage stated that Mr. Garrett had been working with Jim Smith on an emergency grant to replace the stone culvert. A representative of District 8 did not consider the culvert to be damaged by a storm event, because Mr. Cross had stated in his evaluation that it seemed to be deteriorating over time. Mr. Jescavage had sent her a picture of the damage of high water on the culvert and asked her if this qualified as damage from a storm event. He had not yet heard back from her. Mr. Garrett summed up that the application had not been denied, and reiterated that high water from the brook definitely deteriorated the culvert in the last year and a half.

c) Municipal Parking Lot Sealing & Striping Update

Mr. Billado noted that the parking lot had been sealed and striped and it looked like quality work.

d) Other Update

Mr. Lavoie spoke with Mr. Garrett about a used truck available to him that would soon be acquired for a low price. He discussed its condition and felt that it would serve the road crew well. Mr. Garrett explained the benefits of having that extra vehicle.

Mr. Garrett said that he had completed the work on Bachand Road and the grant could be closed out now. He had received notification of approval for \$3900 from the Better Back Roads grant, which would require an updated road and culvert inventory. He awaited Messier's Concrete to do Bushey Street on the first part of August. Mr. Lavoie asked if it was possible to estimate culvert needs ahead of time, and Mr. Garrett replied that municipal pricing cut the prices.

Mr. Garrett said that the water line on Waugh Farm Road was going in. He discovered that the waterline was going to go on top of a culvert, but the culvert was deteriorated. He suggested putting in a 20 foot section of new culvert, and putting the line in with it. He estimated that the culvert budget would be a little overspent, but it was an unavoidable expense.

It was noted that the use of Church Road as a detour route because of an accident on Route 78 had caused damage to the road. Mr. Billado said that perhaps, if the damage could be linked to the detour, some money might be recouped.

Mr. Guilmette discussed dense vegetation on Janes Road and a tree that reduced visibility. Mr. Garrett agreed to trim the brush in that area.

Mr. Billado signed a road right-of-way permit.

Mr. Lavoie asked Mr. Garrett about the striping, and Mr. Garrett said that he hoped to stripe Bushey Road, Bushey Street, and Robin Hood Drive. Mr. Lavoie estimated that the budget may go over on stone.

Mr. Garrett said that he wished for an upgraded radio with more channels, and explained its benefits. The Selectboard said that they approved the more expensive radio on Mr. Garrett's behalf.

10. Correspondence

Mr. Jescavage stated that Black River architects would inspect the second story of the Town Offices. Mr. Garrett had cut a hole in flooring and determined that there were four layers of decking. The beams were 10" x 12" and floor joists that were notched in. Mr. Jescavage would send the pictures out to the Selectboard.

11. Any Other Necessary Business

Mr. Billado said he would follow up on the traffic studies on several roads of concern. He was also not happy about the situation on the Rail Trail, which was vandalized; cameras would be put up to catch the vandals.

Mr. Jescavage said that Mr. Beliveau had e-mailed a copy of the statute, but did not send a legal opinion, on the status of the Joint Legislative Body. There was no written legal opinion from the lawyer.

12. Public Comments (Reprise) – None.

13. Upcoming Events

- a) Thursday, July 30, 2015 Next DRB Meeting @ 7 p.m. Town Offices*
- b) Tuesday, August 4, 2015 Next SLB Meeting @ 7 p.m. Town Offices*
- c) Wednesday, August 12, 2015 Next PC Meeting @ 7 p.m. Town Offices*
- d) Car show in park, Saturday, put on by Chamber of Commerce*

E. Adjournment

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to adjourn at 8:34 p.m. Motion carried.

Received and filed by:

Cathy Fournier, Town Clerk

Date