

**TOWN OF SWANTON
SELECTBOARD
REGULAR MEETING
MINUTES**

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

Tuesday, August 4, 2015 @ 7 p.m

Present: Joel Clark, Selectboard Vice Chair; James Guilmette and Turk Thompson, Selectmen; David Jescavage, Town Administrator; Yaasha Wheeler, Secretary; Heather Buczkowski, Channel 16; Brian Savage and Marianna Gamache, representatives; Dustin Degree, senator; Dustin and Christine Lang; Chad and Carolyn Palmer; Dan Hazard, Jr and Ruth Hazard; Mary Anne Duell; Ricky Doe; Erynn Boudreau; Ed and Sarah Ferguson; David Butterfield; Peter Cross, Cross Consulting Engineers; Pat Messier; Michael Blouin; John Smith; John Tessier; Patricia Rainville; Rita Howard; Gil & Marie Tremblay; Greg Lamoureux.

A. Call to Order

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

B. Pledge of Allegiance

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

C. Agenda Review

Mr. Thompson noted that the Police Chief would not be available for the Police Report this evening. That item was removed. Mr. Clark added, under Highway, "Discuss with Mr. Hazard." Mr. Jescavage added that the discussion under Public Comments, "Offer of Donation of Carved Swan from Albert Belval." Mr. Jescavage explained for Ms. Lang that the Town's attorney had given his legal opinion, but, because of the attorney-client privilege, the Selectboard did not have to disclose the contents of that opinion openly. The letter to the governor would be discussed publically.

D. Meeting Topics:

1. Minutes

a) July 21, 2015 SLB Regular Meeting

Mr. Guilmette made a motion, seconded by Mr. Thompson, to approve the minutes. Motion carried.

2. Public Comments

a) Offer of Donation of Carved Swan from Albert Belval

No public comment.

3. Liquor Control Commission

a) If needed – None needed.

4. Economic Development

a) Approve Realtor Contract for 4th Street Land

Michael Blouin came forward. The Selectboard reviewed the agreement between the realtor (Four Seasons Sotheby's International Realty) and the Town of Swanton to market the Town's property on Fourth Street. Mr. Blouin pointed out that the commission amount was 6 percent; the realtor business was equal opportunity, so they split 50-50. The contract could be no longer than 12 months. MLS had to be notified within 48 hours of the listing. There was no listing fee. Mr. Jescavage noted that, after the contract expired, if the Town sold the property within 6 months to a party that the realtor agency had initiated during the contract period, the Town was obligated to pay the commission.

Mr. Thompson made a motion, seconded by Mr. Guilmette, that the Town enter into an agreement with Four Seasons Sotheby's International Realty for 6 months, starting August 5, 2015, and to authorize David Jescavage to sign the paperwork on behalf of the Town of Swanton. Motion carried.

Mr. Jescavage noted that Mr. Blouin had an opinion on the asking price. Mr. Thompson said he did not want to discuss the price, but the Town was open to offers.

5. Old Business

a) Robin Hood Drive Extension Update with Peter Cross

Mr. Cross came forward. He updated the Selectboard on the progress of the intersection with Robin Hood Drive and Grand Avenue. He stated that he had reestablished the old centerline of the railroad bed. He explained the proposed road, with a six-foot shoulder and guardrails. An existing catch basin appeared to be on government property nearby, with at least one culvert going under the railbed toward the river. The road would be curved to enter Grand Avenue with a ninety-degree angle and almost matched the drive to the woodchip plant.

The next step was to submit the application to VTrans, and make a few adjustments as far as removing the existing signage. The nearby wetlands were Class 2, which required a permit in order to partially fill the wetlands and the 50 foot buffer zone. He and Mr. Clark had determined that a stormwater discharge permit would be necessary for part of the project. The VTrans permit were in his contract; the stormwater and wetlands permit were not. In light of that, Mr. Cross presented a proposal to perform the things necessary to obtain the additional permits.

Mr. Clark asked a few questions about the boundary and railroad bed, and Mr. Cross clarified their positions for him. The Selectboard agreed that the layout looked good, and would get back to Mr. Cross about the additional permit work. Mr. Cross explained that the permits could usually be obtained in about 3 months, and the project would be ready to start by next April.

b) Wind Farm Legal Questions

Mr. Guilmette made a motion, seconded by Mr. Thompson, to enter executive session to discuss the legal matter for the wind farm at 7:22 p.m. Motion carried.

Mr. Guilmette made a motion, seconded by Mr. Thompson, to exit executive session at 7:38 p.m. Motion carried.

Mr. Clark stated that the Town had received a 4-page legal opinion from Brian Monaghan. The board considers this a privileged document, and preferred not to share it. Their specific questions had been in regard to the meteorological tower, and the board's response to it. The board had decided not to respond until a permit had been filed.

Mr. Clark added that the Town had received a letter, dated July 31, 2015, sent by several members of the Dubie family, discussing various concerns with the project. The Fairfield Selectboard had requested to have a joint meeting with the Swanton Selectboard to discuss the issue. Mrs. Lang asked if St. Albans Town might want to be invited, since there were St. Albans citizens in the affected area. Mr. Clark said that might be a possibility; the Swanton Selectboard would consider that.

c) Letter to Governor Re: PSB Process

The letter had gathered all Selectboard signatures and would be sent. The Selectboard passed out copies of the Dubies' letters. A citizen asked if the wind turbines would be taxed; Mr. Clark replied that he did not know the answer, but it was a good question.

6. Community Development

a) Discussion with Brian Savage & Marianna Gamache

Rep. Savage said that he and Ms. Gamache tried to meet with the Town and Village boards to bring them up to speed on Montpelier's business. The water quality bill had some ramifications for towns as they related to highways, businesses, and other things. It would probably have the biggest financial impact of the bills. There was also the "Same Day Voter Registration" bill, which the Town Clerks were not in favor of, but which passed anyway. The education bill passed, and the school boards were diligently working to address that. The Franklin Northwest District had hired someone to help them consolidate.

Rep. Gamache, who sat on the Energy Committee, passed Act 56 (formerly known as H.40). This had to do with distributive generation, and she was successful in changing some of the details to create a more level playing field for the smaller utility companies. It was meant to replace an expiring bill, and she explained that she elected not to have a \$50 million rate increase by passage of the bill, but it passed anyway. However, the changes that had been made were more acceptable than the details of the original bill. The committee as a whole was emphatic that the bill, as being passed, did not contain any solar or wind siting. The bill was very complex and there was not time to adequately come up with a good solar siting plan, so this was put off until January. A solar siting committee had been started out of session.

Mr. Clark noted that there was a \$113 million shortfall going into the legislative session, but he understood that \$30 million had been raised through the sugar tax and other fees. Rep. Savage said that a surplus had been reported, but there was actually still a large deficit. The sugar tax, supposedly to fight obesity, was a "sham," since it really was just meant to raise taxes. A carbon tax, as high as 45 cents a gallon of fuel, had been proposed. His opinion was that spending was out of control. The state had a budget adjustment act midway through the fiscal year, and sometimes taxes had to be raised.

Sen. Degree agreed with Rep. Savage that state spending was out of control, but felt that the race for governor would draw attention to the need to lower taxes. Mr. Thompson noted that, according to Act 64, his company's stormwater fee went up by 52% to clean up the lake. Sen. Degree felt that some of the raise was the "annual three-year, how-much-more-money-can-we-get-out-of-this-permit?" Rep. Savage said that he had voted for that tax increase under the understanding that the fees would go toward water quality, but he felt that was not true now and would keep a close eye on that.

The Selectboard and attendees thanked the representatives and senator for their work. Those present thanked the Selectboard for their letter to the governor.

7. Law Enforcement

a) SW Village Police Chief Report – None.

b) Constable Resignation

Mr. Jescavage stated that the current constable, Allan Laroche, submitted his resignation as Town Constable due to health reasons. The way he read the statute, ten days after September 1st (the date of his vacancy), the Town had to advertise a replacement for the vacancy. Mr. Clark interpreted the statute differently, and was in favor of counting the creation of the vacancy as the date of his resignation letter, prior to the expiration of Mr. Laroche's work on September 1st, and filling the vacancy on September 2nd with an approved candidate. Mr. Thompson and Mr. Guilmette agreed.

Mr. Guilmette made a motion, seconded by Mr. Thompson, to accept Mr. Allan Laroche's resignation as town constable, effective September 1st, and to have Mr. Jescavage advertise for a replacement. Motion carried.

8. Highway Department

a) Discuss New Truck Body Funding

Mr. Clark discussed the various bid amounts from HP Fairfield, LLC; Viking; and Tenco; and the details of the scope of work. Mr. Thompson made a motion, seconded by Mr. Guilmette, to accept the bid from Viking for \$31,000. Motion carried.

b) Other Updates

Mr. Dan Hazard came forward. Mr. Clark explained for the board that he had looked at a culvert on Woodshill Road and how it was draining on Mr. Hazard's property. He had taken some measurements, and determined that there was about 9 inches of water in the ditch, and some cleaning needed to be done. He had explained to Mr. Hazard that it would be nice to work on his property to aid the drainage. He noted that Mr. Hazard had done some landscaping to slope the area better, but the area was steep near the culvert in question. Mr. Clark proposed extending the culvert by 10 or 12 feet, and signing an agreement with Mr. Hazard in the case of its extension onto his property. He hoped to have the problem cleaned up before winter arrived. Harold Garrett, Road Foreman, had agreed to it. Mr. Guilmette and Mr. Thompson agreed.

Mr. Hazard said that the steep grade was a safety hazard; he didn't want to see anyone go off the road and get killed. He also wanted to time his work so as not to interfere with the Town's work. Mr. Clark said he expected the work to be done by late September or early October. Mr. Hazard said that would be perfect. The Selectboard and Mr. Hazard agreed to move ahead with the project.

9. Correspondence

Mr. Jescavage reminded the Selectboard that he had received a call from the Town Clerk of Fairfield that the Fairfield Selectboard was interested in having a joint meeting with the Swanton Selectboard on the proposed wind project on Swanton hill. The Selectboard agreed to meet with Fairfield and St. Albans town on September 1st. Mr. Jescavage would notify the necessary Selectboards of the invitation.

10. Any Other Necessary Business

a) Set Date for Revised Personnel Policy Discussion

The Selectboard decided on Wednesday, August 26th, at 7 p.m.

11. Public Comments (Reprise)

Mr. Clark explained to Greg Lamoureux from the County Courier that the letter from Brian Monaghan, Swanton Town attorney, clarified the Selectboard's role in the meteorological tower process. They felt that they should sit out that part, and then decide what to do if an actual permit was filed. Mr. Jescavage added that the state had sent him a notice of violation for not getting a Certificate of Public Good before putting the tower up.

12. Upcoming Events

- a) Tuesday, August 12, 2015 Next PC Meeting @ 7 p.m. Town Offices
- b) Tuesday, August 18, 2015 Next SLB meeting @ 7 p.m. Town Offices
- c) Thursday, August 27, 2015 Next DRB Meeting @ 7 p.m. Town Offices.

13. Executive Session (if needed) – Not needed.

E. Adjournment

Mr. Guilmette made a motion, seconded by Mr. Thompson, to adjourn at 8:21 p.m. Motion carried.

Received and filed by:

Cathy Fournier, Swanton Town Clerk

Date