

**TOWN OF SWANTON**  
**MINUTES**  
**PLANNING COMMISSION MEETING**  
**Swanton Town Office Building**  
**1 Academy Street, Swanton, VT 05488**

***Wednesday, August 10, 2016 @ 7:00 p.m.***

***Planning Commission***

Jim Hubbard  
Ed Daniel  
Ross Lavoie  
Sara Luneau-Swan  
Andy Larocque

***Town Officials***

David Jescavage, Town Administrator  
Yaasha Wheeler, Secretary

***Also present:***

Dustin & Christine Lang  
Marianna Gamache  
Penny Dubie  
Gil & Marie Tremblay  
Patricia Rainville & John A. Smith  
Tom Benton, St. Albans Messenger

**A. Call to Order**

Mr. Hubbard called the meeting to order at 7:02 p.m.

**B. Agenda Review**

Executive session was moved up to Item 3.

**C. The Swanton Planning Commission will hold a public meeting to discuss a written response to a proposed cure to a complaint of violation by the Planning Commission to Vermont's Open Meetings Law as is required by a 1 V.S.A. 314(b)(2).**

Mr. Hubbard stated: “I move that we find that we go into executive session for the Planning Commission to receive confidential attorney-client communications made for the purpose of providing legal services to the Planning Commission and to discuss probable civil litigation to which the Planning Commission may be a party, either of which premature general public knowledge thereof would clearly place the Planning Commission at a substantial disadvantage.” Mr. Daniel made the motion and Mr. Lavoie seconded the motion.

Mr. Hubbard added: “I move that, based on our just made findings, that premature disclosure would place the Planning Commission at a substantial disadvantage, and that the Planning Commission go into executive session.” Mr. Daniel made the motion. Mrs. Luneau-Swan seconded the motion. Motion carried. The Planning Commission entered executive session at 7:05 p.m.

Mr. Hubbard made a motion, seconded by Mr. Daniel, to exit executive session at 7:31 p.m. Motion carried.

Mr. Hubbard made a motion, seconded by Mr. Daniel, to authorize the Town Attorney Ed Adrian to send a letter in response to the Open Meeting Law request for a cure to the Swanton Wind LLC attorney. Motion carried.

Mr. Jescavage added that the letter from the Town attorney will be public after the attorney had signed it. This letter was in response to the “cure request” made from Swanton Wind. He explained that the party charged with violation has a certain amount of time to respond to a specific violation, then propose a cure for it. Swanton Wind had made a claim of violation but did not propose a cure. Therefore, the attorneys of the respective parties have communicated with one another and the Planning Commission is responding with the cure.

#### **D. Any Other Necessary Business**

Mr. Hubbard stated that the next meeting would be held on August 17, 2016 at 7 p.m. for the purpose of discussing renewable energy language for the Town Plan. The Planning Commission would be “starting over at ground one,” beginning from the last approved amendments in the plan. Swanton Wind had been invited to begin the meeting with a presentation of their project, then the plan language would be “up for discussion.” He emphasized that the Planning Commission is looking for Swanton’s best interests as a community and to put Swanton in the right place in the future.

Mrs. Gamache asked about the language that she had presented previously. Mr. Hubbard invited her to resubmit the language, since the process was starting over. “We have not taken any testimony on that offered language whatsoever.”

#### **E. Adjournment**

Mr. Lavoie made a motion, seconded by Mr. Larocque, to adjourn at 7:38 p.m.

Respectfully Submitted,

Yaasha Wheeler  
Swanton Planning Commission Secretary

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Jim Hubbard

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Ed Daniel

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Andy Larocque

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Sara Luneau-Swan

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Ross Lavoie