

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

Tuesday, September 20, 2016 @ 7:00 p.m.

Present: Joel Clark, Selectboard Chair; John Lavoie, Selectboard Vice Chair; James Guilmette, Dan Billado, and Jeff Raleigh, Selectmen; David Jescavage, Town Administrator; Yaasha Wheeler, Secretary; Cathy Fournier, Town Clerk; Harold Garrett, Road Foreman; Travis Belisle; John A. Smith; Patricia Rainville; Christine Lang; Penny Dubie; Andy Larocque; Luc & Michelle Deslandes; Hank & Molly Lambert; Paula Pearsall; Jeanne Royer; Leslie Cadwell; Martha Staskus; David Peloubet; David Butterfield; Marianna Gamache; Brock Shumway; Tom Benton, St. Albans Messenger; Jerry Vaisey, Ch. 16.

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. Jescavage had added the VTRans Transportation Alternatives Program since the posting of the notice. Item 10(a) should be removed; it was inadvertently left in the agenda from the last meeting.

Mr. Clark stated that the intent regarding the Swanton Wind application was not meant to be a public forum. He was willing to give both advocates and opponents of the project opportunity to speak for a brief period, and the board would discuss the town's response to the application in executive session and announce their intentions afterward. He added 4(a) Discuss Swanton Wind Application, with discussions of Swanton Wind (legal), personnel, and contracts under executive session.

Mr. Billado requested a moment of silence for Allan Laroche, friend and former Animal Control Officer and Constable. Mr. Clark said that Mr. Laroche passed away on Saturday, and spoke of his service to the Town and kindness as a friend. The Selectboard held a moment of silence.

D. Meeting Topics:

1. Minutes

a) September 6, 2016 SLB Regular Meeting

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

2. Public Comments

a) Swanton Wind LLC Application

Mr. Travis Belisle was present with his lawyer, Leslie Cadwell, and Martha Staskus of Renewable Energy Vermont. Swanton Wind LLC had filed the application, copies of which were available.

Christine Lang said that she was concerned about intervenorship. She believed that towns were not granted automatic intervenor status in wind projects, though they were

in solar projects. The PSB was reviewing the application for completeness, then they would set a pre-hearing date, and then they would consider intervenors. She felt it was important for the Town to be involved in.

Marianna Gamache, Swanton/Sheldon Representative, stated that her understanding was that the Town had intervenorship automatically but the status needed to be triggered by notifying the PSB as soon as possible. If the Town does not trigger this status, the Town could not claim such status later in the process.

Mr. Clark explained that the board had gotten the application copies just recently, so they had not yet had a chance to “digest” it. The board would consider the matter of intervenorship.

3. Animal Control

a) SW Animal Control Officer Report

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to accept Derick Billado’s Animal Control Office Report as written. Motion carried.

4. Old Business

a) Public Hearing for Road Discontinuance/Conversion to Trail

Mr. Billado made a motion, seconded by Mr. Lavoie, to exit the Selectboard meeting at 7:12 p.m. and enter into a public hearing.

Notice is hereby given that the Town of Swanton Selectboard will conduct a public hearing for the purpose of discussing and taking action on the discontinuance and trail proposal for an approximately 205 foot mid-section of Babbie Boulevard. The hearing will take place at the Town office Building at 1 Academy Street at 7:10 p.m. on Tuesday, September 20, 2016. Within 60 days of their examination and hearing, the Selectmen shall return a report of their findings and action taken on the proposed discontinuance of this portion of Babbie Boulevard and its classification as a trail to the Town Clerk for recording. The hearing is open to the public and any interested persons who may wish to comment on this proposal. A map illustrating the section of Babbie Boulevard that is the subject of this proposal is available at the Town Clerk’s officer and on the Town of Swanton website on the Highway Department page. Questions and comments may be directed to Town Administrator David Jescavage at 868-7418.

Mr. Billado said that turning this 205 feet into grassy area, maintained by the Village, it would improve the safety aspect of the ingress and egress of the industrial park and it would save the Town money on the maintenance of the road.

Mr. Lambert asked if it was Class 4 or discontinued. Mr. Clark explained that it was discontinued as a road and will be maintained as a trail and remain in Town ownership.

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to exit the public hearing at 7:17 p.m. Motion carried.

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to reenter the Selectboard hearing at 7:17 p.m. Motion carried.

Mr. Guilmette made the following motion, seconded by Mr. **Billado**: “I move that after viewing the approximately 205 foot long midsection of Babbie Boulevard as illustrated on the map, shortly after 6 p.m. this evening, the Selectboard has judged that the public good, necessity, and convenience of the inhabitants of the municipality of Swanton require that the mid-section of Babbie Boulevard be discontinued as a Class 3 road and hereinafter designated as a trail.” Motion carried.

b) 4th Street Real Estate Update

This would be considered in executive session under contracts.

c) Announce Town Email Addresses for All Town Board Members

Mr. Jescavage explained that as a result of recent “miscommunications with board members using personal emails” for town business, and also because Comcast’s spam filters sometimes delete legitimate emails, the Town had decided to have Town board emails specifically and only for Town business. All board members (Selectboard, Planning Commission, and Development Review Board) would not use their personal emails for Town business and would only use the Town email addresses. While the transition was being made, both emails would be used. Mr. Clark thanked Mr. Jescavage for starting the process and admitted there were some “growing pains.”

d) Discuss Swanton Wind PSB Application

This matter would be reviewed in executive session under legal.

e) Discuss Board of Civil Authority Appeal

Mr. Jescavage had spoken with Jim Pratt, lister, and the Selectboard agreed that they had had no involvement in the business unless they were invited.

f) Discuss Maquam Shore Zoning Decision

Mr. Clark said that the judge’s decision stated that the structure was illegal but was allowed to remain because the Zoning Administrator had judged that the structure did not need a permit at the time. The structure could be kept, but could not be added to. Mr. Clark summarized that this was “very frustrating” and that the Town had a lot of money into the legal fees.

5. Economic Development

a) Electronic Sign

Mr. Clark said that he had been told that a sign could not change its message more often than 15 minutes. Because the sign was not next to the Town building, only park events could be advertised, which was totally not the intent of the sign, since the Selectboard wished to advertise Town and community events on the sign. Rep. Gamache said she would be happy to talk to the proper authorities with Mr. Clark about the matter.

b) Discuss Economic Development Coordinator Job Description

Mr. Clark wished for more information about grant writing in the essential tasks, duties, and responsibilities, adding that the coordinator should keep an inventory of businesses in the Town and periodically talk to the business owners. He also wanted more focus on enhancing the downtown area and work with the Swanton Enhancement Project Economic Development Committee.

As a board, they had not committed to more than a year of work, and felt that the description should include full disclosure of what the board had committed to. Mr. Billado said that, although they were starting out with a part-time position, their intent was to grow to a full-time position.

Mr. Lambert asked the board to consider hiring as a contractor than as an employee, which would take the burden off fringe benefits. Mrs. Lambert said that an economic development firm would find the appropriate expertise, even for a part-time position. Mr. Clark agreed that that was a possibility.

Mr. Garrett said that it was “extremely hard” to get people in the park area: “What have you got to offer the businesses once they’re here?” Mr. Clark said that “all possibilities” should be looked at, so that the downtown area could be improved, and reminded that it would take the citizens of Swanton to make this all happen.

6. Community Development

a) Vandalism Community Forum Announcement

The forum would be held on September 28th at 6 p.m. at the Village Complex. Mr. Clark asked for a good turnout, so that they could get public input on how to best address continuing vandalism.

7. Expenditures

a) General Orders

Mr. Lavoie made a motion, seconded by Mr. Raleigh, to accept the General Orders (dated August 18, 2016 to September 20, 2016) as written. Motion carried.

b) Highway orders

Mr. Billado made a motion, seconded by Mr. Lavoie, to accept the Highway Orders (dated August 18, 2016 to September 20, 2016) as written. Motion carried.

Mr. Clark reminded that the next finance meeting would be held prior to the next regular Selectboard meeting at 6:30 p.m.

c) Payroll Orders

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to accept the Payroll Orders (dated August 18, 2016 to September 20, 2016) as written. Motion carried.

8. Highway Department

a) Discuss VTrans Transportation Alternatives Program

Mr. Jescavage explained that this was the new program for this year and this grant could be used to pay for bike lanes, with a 20% match required. Towns could apply for up to \$300,000 for a specific road.

The board discussed which road would be their first priority. The Selectboard discussed some of the roads that could be applied for, and agreed to apply. Mr. Garrett would look at potential roads.

b) Paving Projects & Street Updates

Mr. Garrett stated that the paving had been pushed back and would commence next week. Mr. Billado expressed concern that the paving dates had been pushed back twice already. Mr. Lavoie asked Mr. Garrett to highlight the Selectboard's concerns that the paving should be done before the weather gets colder. The Selectboard discussed that the contract should mirror that of other towns, and have a penalty for paving past the deadline.

c) Other Updates

Mr. Garrett said that the sand vendor was not selling this year. He had found a source in Berkshire and it is "the best sand we've ever had." Although the distance was greater, the price per load to haul was less.

They had about 75 tons of salt and he had ordered 100 tons to start with. He was getting 75 tons of ClearLine, which was a little more money per ton (\$100/ton as opposed to \$80/ton) but would melt at -15 degrees Fahrenheit.

Kevin's truck was not running and the mechanics would find out what was wrong with it.

9. Correspondence

Mr. Jescavage presented a notice copied to the Town, originally sent to RPC, that AOT would be resurfacing and maintaining I-89, including the section that ran through Swanton.

Mr. Jescavage and Mrs. Fournier had received an email from an auditing firm that had been hired by the state to audit the VMERS retirement accounts. Mr. Jescavage had asked for verification that this was authentic and he had called the representative at the state treasurer's office, who affirmed that the state had indeed hired this firm. Every 10 years, the firm auditing a tenth of the towns in the state. The firm wanted to come the first or second week of October, which was too busy because of the balance of the tax coming in. The firm wanted the audit done by October 15th. Mrs. Fournier said she could schedule something with the firm.

10. Public Comments

Christine Lang requested that decisions would be made "sooner rather than later," because it was important to start the process as soon as possible.

11. Upcoming Events

- a) Wednesday, September 21, 2016 PC Meeting @ 7 PM in Town Offices, 1 Academy Street**
- b) Thursday, September 22, 2016 DRB Meeting @ 7 PM in Town Offices, 1 Academy Street**
- c) Community Forum on Vandalism, September 28, 2016 @ 6 PM in the Village Complex at 120 First Street**
- d) Tuesday, October 4, 2016 next finance meeting @ 6:30 PM and next SLB Meeting @ 7 PM in Town Offices, 1 Academy Street**
- e) Saturday, October 8, 2016 Second Annual Dam Ducky Derby fundraiser for Swanton Historical Society, Swanton Enhancement Project, etc. @ 1 p.m.**

12. Executive Session

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to go into executive session at 8:03 p.m. regarding real estate (Fourth Street), legal (Swanton Wind LLC application), and personnel that would put the Town and/or an individual at a substantial disadvantage if the matter was discussed in an open meeting. Motion carried.

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to exit executive session at 10:19 p.m. Motion carried.

There was no action taken on the 4th Street land for sale.

Mr. Guilmette made a motion, seconded by Mr. Billado, to make David Peloubet and Brock Shumway permanent full-time highway employees with a 50 cents per hour increase in pay, beginning with their 91st day of employment. Motion carried.

Mr. Billado made a motion, seconded by Mr. Guilmette, to intervene on Swanton Wind's application to the Public Service Board by sending the PSB a letter with a packet of information opposing the Swanton Wind project. Motion carried.

E. Adjournment

Mr. Guilmette made a motion, seconded by Mr. Billado, to adjourn the meeting at 10:23 p.m. Motion carried.

Received and filed by:

Cathy Fournier, Swanton Town Clerk

Date