

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

Tuesday, October 4, 2016 @ 7:00 p.m.**

Present: Joel Clark, Selectboard Chair; Dan Billado, John Lavoie, and Jeff Raleigh, Selectmen; Yaasha Wheeler, Secretary; David Jescavage, Town Administrator; Cathy Fournier, Town Clerk; Heather Buczkowski, Ch. 16; Andy Larocque, Sara Luneau-Swan, Ross Lavoie, Ed Daniel, Swanton Planning Commission; Don Collins; Brian & Penny Dubie; Dustin & Christine Lang; Tom Benton, St. Albans Messenger; John A. Smith; Greg Pierce; Mary Bushey; Tyrell Boudreau; Luc & Michelle Deslandes; Christine Sweeny.

A. Call to Order

Mr. Daniel opened the Planning Commission meeting to order at 7:03 p.m.

B. Pledge of Allegiance

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

C. Agenda Review

Mr. Clark summarized that the Selectboard had gone into executive session at the last meeting and quoted the following from the minutes of the September 20, 2016 meeting:

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.

Since that time, they had sent a draft letter to the attorney. The town attorney would be present for executive session shortly and they would have to "revisit" their decision based on their legal counsel.

Four members of the Planning Commission were present to talk about the letter. Mr. Clark recommended executive session as 4(d).

1. Public Comments

Christine Lang asked if anyone from the town would be present for the VLCT conference; a group would be petitioning VLCT to strengthen the language that would give municipalities substantial deference in renewable energy projects. Mr. Jescavage, Town Administrator, would be present.

a) Discuss comments in a letter to the Public Service Board re: Swanton Wind LLC Section 248 Petition for a Certificate of Public Good

The Planning Commission did not have any comments to make at this time.

Mr. Clark opened the floor to any members of the public. After giving opportunity to those in favor of the wind project—there were no comments—he gave that opportunity to those against the wind project. Christine Lang reminded that the town vote had opposed the project 5 to 1, and “now it’s time to decide what’s to be done and how to honor that vote... The town is the only entity that gets standing” in the Public Service Board process. “To intervene you really need to bring in a lawyer, and it needs to happen soon, and it needs to happen now... Things are going to happen fast at the Public Service Board.” It was important to have a lawyer familiar with the PSB proceedings.

She added: “You’re not going to be in this alone. You’ve got citizens behind you... We don’t expect the Town to be spending all the money on it either. I think as citizens we can help raise money.” They were “more than willing to solicit the money and get donations” to help fight the project. She felt that Fairfield and St. Albans “need you guys to start this intervention” because they would also be “very affected by it” because “they’ll get nothing” from this proposed project.

Greg Pierce said that legislation passed (Act 174) allowed other towns that were within a distance of 10 times of the height of the highest facility to have statutory authority to become parties to such projects. He recommended having all three towns (Swanton, Fairfield, and St. Albans) collaborating “to prevent this from happening.”

Patricia Rainville said she had attended a number of events about wind in the other towns and said that they would be quite willing to continue talking with Swanton about renewable energy. Mr. Billado said that he had spoken with a number of chairs in the twelve nearby towns and had received good reception on the Swanton position on the Swanton Wind LLC project. Mrs. Rainville reminded that the St. Albans Town forest was very close to the proposed project and, in discussions with St. Albans entities, she reminded that “they were better off to help us now while we have momentum” than to wait until the project was in place and starting to expand.

Rep. Marianna Gamache reminded that she had given Mr. Clark the name of an attorney who was a specialist in this process. “She knows her stuff... I would strongly suggest at least meeting with her and getting some feedback from her on this. We need to go forward to protect the Town and you’re dealing with strong people who have a lot of money backing behind them.” Mr. Billado reminded that Governor Shumlin had vetoed an attempt by the legislature to give towns more say in the process: “Thank you, Mr.

Shumlin, for making it harder for all the communities in Vermont.” Rep. Gamache agreed: “The governor has his own agenda.” Now “towns were coming together to fight this, because this is totally undemocratic. Having things shoved down your throat is not the way this country is supposed to run... Peoples’ voices are supposed to mean something.” She assured the board that Rep. Brian Savage, while not present at many of the Swanton meetings discussing the subject, was very active on the matter behind the scenes.

The first hearing had been moved from the October 12th date to a later date. Mrs. Sara Luneau-Swan said that the PSB could send interested people updates if those people show interest. There was a formal process to becoming an intervenor and the deadline for sending that information had not been set.

Mr. Clark said that the Selectboard had sent a letter stating their intention to appear in the pre-hearing conference, so they had taken that step to gain party status. Mrs. Dubie said that Senator Dustin Degree had been a strong advocate for Swanton on this matter in the senate.

Mr. Billado said that it was important to let people know that the Selectboard was against this project. Mr. Clark said that the question was the level Swanton would get involved, and they needed a better understanding of the process. “I have not changed one bit on my opposition to this project.” The Selectboard’s final role in opposition was still to be determined.

Mrs. Luneau-Swan said that the tide was shifting with elections in November. Some influential people were starting to discuss the issues and making strong public statements about renewable energy. “There is momentum and we have to stay true to our values. It’s beyond the values of Swanton—it’s the values of Vermont.”

Mr. Billado said that they had not yet talked about Green Mountain Power and Vermont Electric Co-op, who had already stated that their grids were full. “They don’t need this power, they don’t want this power.” They would have to upgrade their grids in order to take the power and the cost would be reflected back to the taxpayers. The power produced in Vermont was not even staying in Vermont. “We’re destroying our beautiful state to accommodate” other states.

2. Executive Session

Mr. Lavoie made a motion, seconded by Mr. Billado, to enter executive session at 8:02 p.m. for the purposes of obtaining legal counsel, stating that the matter under discussion would put the Town and/or individuals at a substantial disadvantage if discussed in open session. Motion carried.

Mr. Lavoie made a motion, seconded by Mrs. Luneau-Swan, to enter executive session at 8:02 p.m. for the purposes of obtaining legal counsel, stating that the matter under discussion would put the Town and/or individuals at a substantial disadvantage if discussed in open session. Motion carried.

Mr. Billado made a motion, seconded by Mr. Raleigh, to come out of executive session at 9:29 p.m. Motion carried.

Mr. Lavoie made a motion, seconded by Mrs. Luneau-Swan to come out of executive session at 9:29 p.m. Motion carried. No action taken. Mr. Lavoie made a motion, seconded by Mrs. Luneau-Swan, to adjourn the Planning Commission meeting at 9:30 p.m. Motion carried.

Mr. Billado made a motion, seconded by Mr. Raleigh, that the Swanton Selectboard “vigorously opposes” the Swanton Wind project and will commit \$10,000 for legal fees. Discussion: Mr. Billado stated that this could be expensive and the Town will not ask the taxpayers for more money. The Town, however, can legally accept donations to support the process. Mrs. Lang asked if donations were tax-deductible; the board responded that the municipality was not a non-profit. The Selectboard would be contacting Fairfield and St. Albans tomorrow. Mr. Lavoie said, “We need to face the reality that this could be expensive and put a burden on everyone.” The board affirmed that they would need help from the citizens in this matter. Discussion concluded. Motion carried.

Respectfully Submitted,

Yaasha Wheeler
Swanton Planning Commission Secretary

Jim Hubbard

Ed Daniel

Andy Larocque

Ross Lavoie

Sara Luneau-Swan