

**MINUTES
TOWN OF SWANTON
SELECTBOARD 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. Clark called the Selectboard meeting to order at 7:03 p.m. 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. Jescavage had added 4(e) Discuss Transportation Alternatives Program Grant Application and 6(a) Update On Gateway Economic Development Project since the posting of the notice and added 9(b) VLCT PACIF request for insurance.

Mr. Lavoie corrected the last minutes, stating that the statement had been made that the legal decision regarding Maquam Shore Road had involved the Swanton Zoning Administrator. He wished to clarify that it was the previous Zoning Administrator, not the current Zoning Administrator.

Mr. Clark summarized that the board 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). He also asked to discuss an art wall as 9(c).

D. Meeting Topics

1. Minutes

- a) September 19, 2016 SLB Special Meeting
- b) September 20, 2016 SLB Special Meeting
- c) September 20, 2016 SLB Regular Meeting

Mr. Billado made a motion, seconded by Mr. Raleigh, to approve all three sets of minutes as printed. Discussion: Mr. Billado said he had not been present for the September 19th meeting, but he had read the minutes. Motion carried.

2. 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.

3. Law Enforcement

a) Swanton Police Monthly Report

The public forum on vandalism (September 28, 2016) had gone very well. None of the Selectboard had been able to attend, but the forum had been attended by about 30 members of the public.

Chief Stell said that there had been 46 incidents in September, with 5 traffic citations with a fine amount of \$754, with seven warnings. He had not received a check yet as payment for the vandalism on the Rail Trail, but he expected it to be soon.

Mr. Billado asked how the plan was going to try to catch evidence of vandalism on the Rail Trail and other areas. Chief Stell said that officers were walking the trail at random times and said that the other parts of the plan were “being implemented.”

Mr. Billado asked to see the schedule as well. Chief Stell said he would send it.

Mr. Clark said he was “interested in a few more warnings going out” for high-speed neighborhoods. Chief Stell said that verbal warnings were not reported, so he would remind his officers to write out all warnings.

Mr. Billado asked the police to patrol the other side of Route 105 as well. Chief Stell affirmed that the citation for the trash had been written.

4. Old Business

a) Revised Part-Time Economic Development Coordinator Job Description

Mr. Jescavage drew the board’s attention to the revisions to the job description that clarified the tasks, as well as the fact that the position would be part-time with the intention to eventually become full-time.

b) Part-time Economic Development Coordinator Position Ad

c) Part-time Economic Development Coordinator Position RFP

Mr. Jescavage said that the ad would run and, if no qualified applicants came forward, the board could, at that time, decide to hire a consultant. The board could also apply for another USDA grant next year. He felt that advertising for an individual and asking for a consultant should be done separately, but the board preferred to advertise for both together. Mr. Clark wanted the plans to continue the position to be contingent upon funding and the success of the first year. Mr. Jescavage would make the agreed-upon adjustments and start the adds.

d) 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.

e) Executive Session

Postponed until the lawyer arrived.

f) Discuss Transportation Alternatives Program Grant Application

Mr. Jescavage reminded that the board had asked Mr. Garrett to contact Mr. Jim Smith to get estimates on what it would cost to put bike lanes on Maquam Shore. Mr. Smith had declined to give an estimate and recommended Cross Engineering, because such a process was more involved. Mr. Jescavage recommended applying for a feasibility grant for Lake Street and Maquam Shore Road, with a construction grant for the areas already considered in a feasibility study.

Mr. Ed Daniel asked about the old railroad right-of-way that went to Maquam Shore Road. Mr. Clark said that the feasibility studies were meant to prove the existing road infrastructure. A citizen said that it was a great idea to tie the Village along Lake Street perhaps by the railroad bed and with the existing rail trail. The Rail Trail and Lake Street could be looked at to get to Maquam Shore Road.

Mr. Raleigh made a motion, seconded by Mr. Lavoie, to authorize Mr. Jescavage to apply for a construction grant for bike lanes on South River Street in conjunction with the existing feasibility study. Discussion: The match was 20%. Motion carried.

Mr. Lavoie made a motion, seconded by Mr. Raleigh, to authorize Mr. Jescavage to apply for a feasibility study for potential bike lanes going from Lake Street down Maquam Shore or going down Middle Road to Maquam Shore Road. Discussion: Mr. Billado reminded that the rail bed would need a lot of work, as well as permission from the railroad. Motion carried.

5. 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.

6. Community Development

None.

7. Economic Development

a) Update on Gateway Economic Development Project

Mr. Jescavage said that this involved the Regional Planning Commission. The previous week, there had been a meeting with the committee members and the consultant. Potential stakeholders in the community had been identified and would be contacted, and the consultant would look at the vacant area across from Swanton Lumber. The project had been featured in the St. Albans Messenger.

b) Discuss & Sign Support Letter for VT Precision Tools Grant Application

Mr. Jescavage said that the Franklin County Industrial Development Corporation announced Vermont Precision Tools had applied for a grant to expand its plant, creating at least 50 new jobs at the site. They were asking for support from the municipality.

Mr. Billado made a motion, seconded by, to sign the letter of support for Vermont Precision Tools to help them get the grant. Motion carried.

8. Highway Department

a) Street Updates

b) Other Updates

Mr. Clark said that the paving in the industrial park looked completed and paving in other areas would commence in a few days. He anticipated that it would be a "big improvement." The truck at Clark's was being "taken apart" and the work was still under warranty.

9. Correspondence

a) PACIF Request

Mr. Jescavage explained that PACIF was the insurance branch of VLCT and they wanted to know if the board wanted a quote for liability insurance this year, or whether the board wanted to continue with their private coverage. Mr. Billado recalled that PACIF could not beat the price of the town's current insurer last time. Mr. Clark said that he was in favor of sending them the town's current policy and saying, "If you can beat it, let us know." The board agreed to have Mr. Jescavage make the town's current policy available to PACIF.

Mr. Jescavage presented the request for 2017 dues for FCIDC. They would discuss this at budget time.

10. Any Other Necessary Business

a) Set Date for Personnel Policy Review

The board would review the personnel policy at the next Selectboard meeting (October 18th) at 6 p.m.

b) Elementary School Art Wall

Mr. Clark said that the Swanton Elementary School wanted to put an art wall on Fourth Street near the school, but it would be on Town property, so the Town would need to approve it.

Mr. Billado made a motion, seconded by Mr. Lavoie, to approve the Swanton Elementary School art wall within the Town right-of-way on Fourth Street. Discussion: Mr. Jescavage would speak with Mr. Reginald Beliveau, Village Manager, and Mrs. Darlene Marrier, Zoning Administrator, to discuss the details. Motion carried.

c) Electronic Sign

Rep. Marianna Gamache had spoken with the secretary of the Agency of Transportation about the possibility of getting an electronic sign for Swanton's village green.

11. Public Comments (Reprise)

None.

12. Upcoming Events

- a) Tuesday, October 18, 2016 Special SLB Meeting @ 6 p.m. @ Town Offices, 1 Academy Street, Swanton, VT
- b) Wednesday, October 19, 2016 Next PC Meeting @ 7 p.m. @ Town Offices, 1 Academy Street, Swanton, VT
- c) Thursday, October 27, 2016 Next DRB Meeting @ 7 p.m. @ Town Offices, 1 Academy Street, Swanton, VT

13. Executive Session

None.

E. Adjournment

Mr. Clark thanked the board members for their professionalism tonight during executive session and the wind discussion. Mr. Billado made a motion, seconded by Mr. Lavoie, to adjourn at 9:50 p.m. Motion carried.

Received and filed by:

Cathy Fournier, Swanton Town Clerk

Date