

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

Tuesday, November 15, 2016 @ 7:00 p.m.

Present: Joel Clark, Selectboard Chair; John Lavoie, Selectboard Vice Chair; Dan Billado, Selectman; Cathy Fournier, Town Clerk; David Jescavage, Town Administrator; Yaasha Wheeler, Secretary; Harold Garrett, Road Foreman; Derick Billado, Animal Control Officer; Penny Dubie; Dustin and Christine Lang; Luc and Michelle Deslandes; Ronald Kilburn; Patricia Jones; Mark Bushey; Sally Collopy; Mary Bushey; Paula Pearsall; John Winters; John A. Smith; Patricial Rainville; Tom Benton; Alisha LaRocque; Amanda Forbes, Fairfield Town Clerk; Betsy Fournier; Heather Buczkowski, Ch. 15.

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 (d) Discuss Cooperative Swanton Wind CPG Intervention with Fairfield Town under Old Business since the posting of the notice. The Fairfield town clerk Amanda Forbes would be present for that discussion. Also, 6(c) Winters Court Naming had been added. He also noted the addition of 2(a) Solid Waste Complaint. Mr. Clark said he would add 4(e) Discussion of Electronic Sign. He also added Personnel Discussion in Executive Session.

D. Meeting Topics

1. Minutes

a) November 1, 2016 SLB Special Meeting

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to approve the November 1, 2016 Selectboard minutes as printed. Motion carried.

2. Public Comments

a) Solid Waste Complaint

Mr. Jescavage said that the ordinance had a provision that would allow the town to enforce the citizen complaint of extreme junk on her neighbor's lot. He read the ordinance: "It shall be unlawful to deposit, dump, dispose of, or allow the disposal of, any solid waste (i.e. household garbage), on any land or into any water, public or private, including, but not limited to, municipally or state owned lands and waters except as follows..." The Wells Fargo bank had foreclosed on the property.

The complainant, Patricia Jones, came forward. She stated that the residents had been out of the house for a week and dumped their trash on the front lawn. Animals were getting into it, and other people were beginning to dump their trash there too. Mr. Billado said he had been called to this building many times over the years and he had talked to a very "hostile gentleman" who was living in the house at that time. The man had removed the trash the next day, and Mr. Billado had had no complaints since that time. In this case, the bank would have to appoint someone to clean up the property and

if it were not cleaned up, the town could put a lein on the property. “This place is a bad place and I feel bad for the people who have to live next to it... This invites rodents and disease to everyone in the area.”

Mr. Billado and Mr. Jescavage would work together to inform the Wells Fargo bank of the problem and the need to correct it immediately.

3. Animal Control

a) SW Animal Control Officer Report

Mr. Derick Billado said that he had worked with a number of loose and stray dogs, some of which he had brought to the humane society. He had also gotten “quite a few” people to register their dogs in the last month, and there was one ongoing situation with a dog that got loose often. There had been no dog bites that penetrated the skin. The board thanked Mr. Derick Billado for his work for the town.

4. Old Business

a) Accept Planning Commissions’ Report & Proposed Revisions to the 2015 Swanton Town & Village Municipal Plan & Set 2 Public Hearings for the Adoption of the Plan

The Selectboard would accept the report for review, and would hold two public hearings before adopting the proposed language, should they choose to do so. Mr. Jescavage recommended holding the hearings during their regular meetings, December 6th and December 20th. The Trustees would be notified of the hearing, though they did not vote on the approval.

b) Announce Election Results

The election results were on the town website.

c) Swanton Wind CPG Update

Mr. Clark said he made a mistake when he said that the schedule for the CPG had been approved; he now had the actual Public Service Board approved schedule. In the week of January 2nd, a workshop would be held and the town attorney recommended having a large venue available, so interveners and non-petitioning parties could dialogue with Swanton Wind LLC. Mr. Clark recommended holding the workshop at MVU, and the meeting date was still to be set. Mrs. Lang suggested holding the workshop on the weekend so that working people could attend.

Mr. Billado said that he had received emails from Sally Collopy and Brian Savage, with models and images of the 500-foot wind turbines and the effects of the lights on Fairfield Pond. He recommended that the boards should look over how those things would impact the area. Mrs. Collopy added that some of the renderings were from Swanton Wind LLC itself.

d) Discuss Cooperative Swanton Wind CPG Intervention with Fairfield Town

Amanda Forbes, Fairfield Town Clerk, came forward. She stated that the Fairfield Selectboard approved moving forward with filing for intervention status, in opposition to Swanton Wind LLC. They wanted to know if Swanton would be willing to work Fairfield, share resources, and use the same attorney, or whether they should do this separately. Mr. Clark said the Swanton Selectboard had received advice from their attorney. Mrs. Lang felt it made sense to share the resources and lawyer, because Fairfield would have to “get up to speed” on everything. Mr. Garrett affirmed that the Regional Planning Commission approved \$10,000 to intervene in the Swanton Wind project. They would collect facts and findings before hiring a lawyer. Mr. Billado felt it would be economical to share a lawyer.

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to enter executive session at 7:31 p.m. to discuss legal items, citing that the information to be discussed would put the town at a substantial disadvantage if discussed in open session. Motion carried.

Mr. Billado made a motion, seconded by Mr. Guilmette, to exit executive session at 7:57 p.m. Motion carried.

Mr. Clark stated that they had discussed the legal issues regarding working with Fairfield town. The board agreed to work “vigorously” with Fairfield town to intervene on the Swanton Wind Certificate of Public Good request. In the near future, they would meet with the Fairfield Selectboard and discuss terms. Mr. Billado reminded that the \$10,000 committed by the Swanton Selectboard would run out quick: “We’re going to need help. We can’t wait until it’s too late to ask for that help.” Mr. Clark said that they would estimate the potential costs based on what they would challenge and then create avenues to accept donations. They would work with Fairfield to ensure they were not duplicating efforts. The Swanton Selectboard would meet with the Fairfield Selectboard. It was noted that St. Albans was not interested in seeking party status, but Mrs. Lang suggested contacting St. Albans now that Fairfield had shown concern.

e) Discuss Electronic Sign

Mr. Clark said he had ordered the sign and it had a five-week delivery time. He would talk with Mr. Guilmette about mounting options. Mr. Guilmette said he knew someone who was willing to donate the time to create a mounting for the sign out of brick.

The board jumped to 6(c) Discuss Winter’s Court Naming.

Mr. Jescavage said that the spur off of Winter’s Court was called Aljon Street, and it became an issue recently because the state 911 office has a program requiring towns to correct 911 errors. Even though the street is officially named Aljon Street, the three houses on the spur all have numbers on Winter’s Court. The numbers were also not issued properly, resulting in odds and evens on the wrong side of the road, as well as a house numbered as 2A, both of which were noncompliant with 911 standards. The town had to file paperwork to number them with different numbers on Aljon Street that reflected the state rules. The residents were unhappy with that arrangement, so Mr. Jescavage suggested calling the spur “Winter’s Court Extension,” with the houses numbered independently of Winter’s Court. Mr. Jescavage explained that these corrections were being made all over town, and gave examples of recent corrections.

Mr. Winters said that the street was named Aljon Street after his brother and him, but it had never been used. The first house was built in the late 50’s, and 911 arrived in ’98. Himself, Dick Thompson, and a coordinator decided that the small subdivision could be called Winters Court, but he understood that the name Aljon Street had never been officially changed to Winters Court. He asked to officially name it Winters Court, and did not want to call it Winter’s Court Extension. “As far as changing the numbers, it’s worked fine for 50 years.” He said that Mr. Thompson had said that the towns had discretion over that.

The Selectboard agreed they had never heard of Aljon Street until now. Mr. Kilburn said he was on Mr. Winters’ side. In 2000, Jean Lamphere created a one-lot minor subdivision, approved by the Planning Commission and the Town Administrator as 2A Winters Court, of which he was now the owner. He gave the history of the lot, showing that it was always 2A Winters Court. “There’s plenty of authority for you to do what John is requesting, in my opinion.”

To rename Aljon Street to Winters Court, the Selectboard would have to fill out the proper paperwork certifying the street and assigning a town highway number to it. Mr. Clark suggested just abolishing Aljon Street and assigning it Winters’ Court’s highway number. The Selectboard would have to have a public hearing to name the road as Winters’ Court. Mr. Winters requested keeping the house numbers the same as well. The board members unanimously agreed to keep the numbers and the name the same as those previously used.

5. Discuss 2017 Recreational Budget

The board noted that Swanton Recreation was asking for a total town appropriation of \$104,925.50, with \$93,922.50 was their 2017 request. Basically, they were level-funded. Mr. Billado said, "Our community is lucky to have them." He wanted something sent to Betsy Fournier and her team to commend them for a job well done. Mrs. Fournier pointed out that it was actually an \$11,000 decrease in the budget.

6. Community & Economic Development

a) Economic Development Coordinator Update

Mr. Jescavage said that there had still been only one applicant, and the ad was still running in the VLCT magazine.

b) Northern Gateway Project Update

Mr. Jescavage summarized that the consultant and sub-consultants had presented their evaluations of Swanton. He directed the board's attention to the websites related to the project: www.SwantonPlan.com and www.ClusterMapping.us. Mr. Clark encouraged citizens to look at those resources, which explained the possibilities for developing the area, with analysis of Swanton's current and potential market.

c) Discuss Winters Court Naming

Already discussed.

7. Expenditures

a) General orders

Mr. Billado made a motion, seconded by Mr. Guilmette, to approve the general orders from 11/02/16 to 11/15/16. Discussion: Mr. Billado asked if they still would set aside appropriations for the Village swans, and Mrs. Fournier said that this year's appropriation would be a tax credit in the general fund, but would be put back on next year's budget. Discussion concluded. Motion carried.

b) Highway Orders

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to approve the highway orders from 11/02/16 to 11/15/16. Discussion: The legal fees in highway would be taken out of the general fund, because they were for the Swanton Wind project opposition. Discussion concluded. Motion carried.

c) Payroll Orders

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to approve the payroll for 11/02/16 to 11/15/16. Motion carried.

The board reviewed the year-to-date expense report briefly, noting areas where they had to supplement overbudget line items from underbudget line items, as well as the reimbursements from grants that were yet to arrive.

8. Highway Department

a) Paving Projects & Street Updates

Mr. Garrett reported that the tractor had been fixed and were cutting shoulders down to promote better run-off, especially on Viens Road. They were also cutting shoulders on Pond Road. Mr. Jescavage had contacted him about the dead sign on the railroad crossing on Lakewood Drive, so the crew had recharged the battery on the sign.

b) Other Updates

The salt and shed were ready for winter. The Mac had new shocks, suspension, batteries, and oil pan, and was now in “good shape.” They had also bought two new tires, because the old ones were “shot.” The crew had cleaned the debris out of the culverts. The quarry owner was happy to work with the crew to do the blasting on Pond Road. Mr. Garrett would look into whether or not the town needed a permit.

Mr. Clark said he was approached by a citizen who complained about Tabor Road’s paving. He said he had driven the road, and the paving seemed fine, but the striping was wavy. Mr. Garrett said he believed the man who did the striping had followed the seam on the road; this was someone different than the Town had usually contracted with. Mr. Clark wanted to talk with the contractor about the quality of the product.

The entire Hazard Road sign was gone, probably stolen.

9. Correspondence

Mr. Jescavage presented a letter from the Restorative Justice Center, requesting \$1500 this year from the Town, instead of \$1000. The Vermont Council on Rural Development requested a contribution of \$150 for their Living Landscape Project. He also read a letter (dated September 22, 2016) from Ted Mable requesting a line item of \$5000 for the community mental health center. A letter from Ethan Paxman (Shelburne Limestone Corp.) reported the monthly tonnage for wood chips.

10. Any Other Necessary Business - None.

11. Public Comments (Reprise) - None.

12. Upcoming Events

- a) Thursday, November 24 & Friday, November 25, 2016
Thanksgiving Day Holiday, Town Offices Closed**
- b) Tuesday, December 6, 2016 next SLB Meeting @ 7 p.m. in Town
Offices, 1 Academy Street (1st Public Hearing for Municipal Plan
Revisions)**
- c) Thursday, December 8, 2016 next DRB meeting @ 7 p.m. in
Town Offices, 1 Academy Street**
- d) Tuesday, December 20, 2016 next SLB Meeting @ 7 p.m. in
Town Offices, 1 Academy Street (2nd Public Hearing for
Municipal Plan Revisions)**

13. Executive Session (legal, real estate, personnel)

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to enter executive session at 9:00 p.m. Motion carried.

Mr. Billado made a motion, seconded by Mr. Guilmette, to exit executive session at 9:40 p.m. Motion carried. Action taken: none.

E. Adjournment

Mr. Billado made a motion, seconded by Mr. Guilmette, to adjourn at 9:41 p.m. Motion carried.

Received and filed by:

Cathy Fournier, Swanton Town Clerk

Date