

**TOWN OF SWANTON  
SELECTBOARD  
REGULAR MEETING  
MINUTES**

**Swanton Town Office Building  
1 Academy Street, Swanton, VT 05488**

***Tuesday, July 7, 2015 @ 7 p.m***

*Dan Billado, Selectboard Chair; Joel Clark, Selectboard Vice Chair; John Lavoie and James Guilmette, Selectmen; Cathy Fournier, Town Clerk; David Jescavage, Town Administrator; Yaasha Wheeler, Secretary; Derick Billado, Animal Control Officer; Chief Leonard Stell, Swanton Village Police Department; Brian Savage and Marianna Gamache, Representatives; Pat Messier; Dustin & Christine Lang; Ed and Sarah Ferguson; Tyrell and Erynn Boudreau; Jan Tessier; Jeanne Royer; Mary Anne Duell; Ricky Doe; Carmen Guttilla; Heather Buczkowski, Channel 16.*

**A. Call to Order**

Mr. Billado called the meeting to order at 7:00 p.m.

**B. Pledge of Allegiance**

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

**C. Agenda Review**

Mr. Jescave noted that since the agenda was originally posted, "Wind Turbines" had been added under Public Comments and the Sewer Line discussion had been added to Item 9, and Mr. Clark had added a Crosswalk Improvement Grant letter of support to Item 9 as well. Mr. Billado added (under Minutes) that July 23, 2015 should be June 23, 2015, and he wanted a discussion on speeding under Law Enforcement. Mr. Clark added an update on the Town office renovation project under Old Business, and various updates under Highway. He also requested Executive Session for contracts under Highway. Mr. Jescavage noted that Mr. Guilmette requested a discussion of the Humane Society contract under Animal Control.

**D. Meeting Topics:**

**1. Minutes**

**a) June 16, 2015 SLB Regular Meeting**

**b) June 23, 2015 SLB Special Meeting**

Mr. Lavoie made a motion, seconded by Mr. Clark, to approve the minutes. Discussion: Approval of the June 23, 2015 minutes would be approved later, since the minutes were incomplete. Motion carried. Only the June 16, 2015 minutes were approved.

**2. Public Comments**

**a) Wind Turbines**

Christine Lang, a resident of Rocky Ridge Road, reminded the board that Travis Belisle had presented a wind turbine project, and she represented people who had concerns with the project. The proposed seven wind turbines would be 1200 feet to the nearest house, which was three times closer than the turbines in Georgia. These turbines would be bigger than the Georgia wind turbines. Given the issues with sound, health effects, and reduced

property values generated by the Georgia turbines, the homeowners were concerned. Also, the most significant habitat block identified by the Agency of Natural Resources ran right along the ridge, which also included wetlands. Ms. Lang requested that the Selectboard members educate themselves on the issues and look at the existing turbines. She detailed the blasting, structures, and other aspects of such a project. She noted that she asked of the Public Service Board if there was a certificate of public good from the applicant; there was no such certificate.

Mr. Billado said that he was not sure that the Selectboard had much authority in this matter, and the Selectboard had not been aware of the application, as the wind power presentation at the March 17<sup>th</sup> meeting had not explained that there would be a pending application. Miss Wheeler recommended that Mrs. Lang and the other residents attend the July 8<sup>th</sup> meeting of the Planning Commission, since the Commission planned to discuss Swanton's stance on renewable energy siting in the near future.

Mr. Savage explained that Act 248 governs such a facility, and he believed that the Public Service Board would give party status to the Town. He agreed that it was a huge issue. Ms. Gamache said that, as a result of H40, siting for solar was specifically left out, to be dealt with in January. Wind had not been spoken of much at all in committee, though she had put in a call to the chairman of the committee. The Public Service Board got its authority from the legislature. She admitted that she had not been terribly happy in the PSB's response to people who should have party status, because of a technicality in the law. She said there was "an agenda afoot" as far as solar, but had not been involved in discussions on wind power. The state had taken the position that they would like to be able to put solar in every town where it was possible to do so. The role of the town and the regional board seemed to be "restricted." She strongly objected to that restriction. She would do everything she could to help and to bring this to a good resolution. She had no problems contacting the Public Service Board if Ms. Lang was not given a response from that board.

Mr. Savage added that others in the administration and legislature had their own personal agenda, which favored certain business associates and friends, and which made it difficult to get legislation changed. At best, change would probably not happen until next May. If the developer of this particular project had it on fast track, there was not much that could be done. He certainly believed in having more of a local voice in the project.

Ms. Gamache added that the thinking was, in the last analysis, that towns would not have the last say, and that was not right.

Mr. Billado asked the representatives to slow down the process if possible. The people who live in the area have the right to live a healthy and happy life. Mr. Ricky Doe said that the same man who wanted to put the wind turbines in put in the PUD where he lived, and that he felt the sale of the homes in the PUD was used to finance the proposed project.

Mr. Clark said that the question was: "What is the benefit to Swanton and Swanton residents?" Would there be any jobs or a power generation facility? For the ones living close to it, the project was probably to their detriment. He was likewise concerned for the environment, the noise, the runoff, the aesthetics, and the safety (what is the destruction radius if something goes wrong?). Sarah Ferguson said that the end result of the damaged turbines in New York were attributed to "human error," which was scary in terms of safety issues. Mr. Clark wanted to know where Northwest Regional Planning was on this issue. Mr. Clark, speaking personally, was "not crazy" about the project.

Mary Anne Doe explained that she had discovered that the residents who live near the Georgia wind turbines have a significant problem with sleep deprivation. Mr. Doe added that "infrasound" was below the human audible range of hearing that causes children to wake up in the middle of the night with "fight or flight" response, migraines, and a variety of other issues.

Mr. Lavoie asked if there was anyone from the Georgia site available. Ms. Lang said that those residents were willing to come to speak with the board. Mr. Billado agreed that he was concerned that this issue was on the fast-track, and, if it was truly good for the town, it

should be worth dotting your I's and crossing your T's. He added that there was a legal understanding with the neighbors, but it did not give neighbors much authority.

Mr. Billado said that Travis Belisle and Martha Staskus had given a great presentation to the board, but felt that it was not as informative as he would have liked, in terms of the issues presented here tonight. Mr. Jescavage explained the detriments that he personally experienced in Pennsylvania when such turbines were placed three miles from his mother's home: "It's hard to see any kind of positive return from this kind of development." Mrs. Doe thanked Mr. Jescavage for sharing his personal story. Mr. Doe expressed further concern about the impact of blasting for construction on the wildlife.

Mr. Billado thanked the people for coming forward on the issue, and added that there was not much the town could do if things could not be slowed down on the state level. Mrs. Doe explained that her research revealed that ice could be hurled up to half a mile by the blades during the winter. Mr. Clark requested that the landowner group share information from their research with the Selectboard, and their information gathered from other communities, to help the Selectboard be better informed in how they handle it.

The Selectboard thanked the residents for voicing their concerns.

### **3. Liquor Control Commission**

#### **a) Approve Liquor License**

Mr. Guilmette made a motion, seconded Mr. Lavoie, to exit the Selectboard meeting and enter into a Liquor Control Board meeting. Motion carried.

Ms. Carmen Guttilla came forward. She was taking over Swanton Beverage, doing the same operation at the same location. Mr. Billado explained that the board had decided to interview every new owner. He asked if she had run a liquor store before. Ms. Carmen said she had not. She added that she was going to a regulatory conference tomorrow that would walk her through the guidelines. One of the family members of the previous owners would actually be staying with her operation. Ultimately, there would be three people (including herself) who will have gone through liquor regulations training. She added that they would keep the business like it is, as a family run operation, with an opening date of October 1<sup>st</sup>.

Mr. Clark made a motion, seconded by Mr. Guilmette, to approve Ms. Guttilla's application. Motion carried.

Ms. Carmen asked if any of the 2015 paving would affect her opening, and Mr. Clark said that he did not think any Village paving was set for 2015.

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to exit the liquor board meeting and re-enter the Selectboard meeting. Motion carried.

### **4. Economic Development**

#### **a) Update on Realtor for 4<sup>th</sup> Street Land**

The Selectboard asked Mr. Jescavage to move forward with finding a realtor. Mr. Jescavage noted that Mike Blouin was the lowest rate and would recommend him. The Selectboard agreed to move forward with Mr. Blouin. Mr. Clark asked Mr. Jescavage to present a contract.

### **5. Old Business**

#### **a) Set Special Meeting for Personnel Policy Discussion with Employees**

The Selectboard would set this date later.

#### **b) Zoning Administrator Job Description Adoption**

Mr. Jescavage noted that the description, as presented, included all the changes that both he and the board had recommended.

Mr. Clark made a motion, seconded by Mr. Lavoie, to add to Number 18 “and other duties as assigned by the Selectboard.” Mr. Jescavage would advertise for a Zoning Administrator as widely as possible. Mr. Guilmette asked if a deadline should be given, and Mr. Jescavage recommended using the language “review of applications will begin on such-and-such a date.”

### **c) Town Office Renovation**

Mr. Clark and Mr. Jescavage had been corresponding with Black River Design. Mr. Clark made the board aware that Black River had done a code review, which revealed that the building would need a sprinkler system for both floors if the second floor was used as a meeting hall. Also, there was concern with the weight of a large gathering on the second floor because of some structural issues. Another possibility was to convert half of the first floor to a meeting room, and add more office space upstairs, which would relieve the issue of a heavy load in the second floor. Mr. Lavoie noted cases in which a sprinkler system may still be required. The Selectboard considered a meeting hall load of 100 people.

Mr. Jescavage added that one of the architects had suggested putting a meeting hall in the back of the first floor. He objected to it because the three offices on the ground floor served the public on a daily basis, and if people had to go up a floor to do their business, it would be inconvenient, as well as a safety risk. Also, a meeting room was used less than office space, and an elevator would need to be installed (as opposed to a lift) in order to move heavy furniture. He pointed out the interactions amongst the offices, and felt that it would be a “major inconvenience” to the operations. Mr. Clark felt that the Selectboard should look at all the options, and make the decisions on what would be the best thing for the offices and the public.

### **d) Animal Control Contract**

Derick Billado came forward. Mr. Guilmette explained that there were some “issues” with the Franklin County Animal Rescue, which would not take a dog that had been surrendered. Mr. Derick Billado stated that he had previously impounded a dog on Middle Road for being at large. It had been released out of Swanton to the owner’s grandson because the owner could not afford to vaccinate or register the dog. The dog had returned to Swanton, incurring multiple complaints from Swanton residents, and Mr. Derick Billado had given the owner 10 days to both register and vaccinate the dog. At the end of the ten days, the owner chose to sign a surrender agreement. When Mr. Derick Billado took the dog to the Animal Rescue, as stated in the agreement, the rescue refused to take the dog. Mr. Guilmette added that he had had difficulty getting a response from the Franklin County Animal Rescue.

Mr. Derick Billado said that he had no place to take dogs that people would not vaccinate or register but which had to be impounded. (There was one dog in addition to the currently impounded dog that he anticipated he would need to impound.) The way he read the contract with Animal Rescue, the rescue would only take strays. Mr. Dan Billado pointed out the state laws about unvaccinated or unregistered dogs.

Mr. Clark summed up that the Animal Control Officer had “no teeth.” Should Swanton possibly contract with both Chittenden County Humane Society and Franklin County Animal Rescue to get full service? Mr. Guilmette informed the Selectboard of the Chittenden contract details.

Mr. Dan Billado said that the dog currently impounded should be vaccinated and re-homed as soon as possible. Mr. Lavoie was concerned about offering to pay for vaccinations and Mr. Derick Billado suggested releasing the dog with a 10-day agreement that the dog must be vaccinated. Mr. Guilmette and Mr. Derick Billado agreed that the dog was available, “free to a good home.”

Mr. Clark asked how much the Town Clerk gathered yearly in licensing fees. Mrs. Fournier estimated over \$4600. Mr. Lavoie asked what the \$500 paid to the FCAS covered; would the

rules adjust if Swanton paid a little more per year? Mr. Guilmette pointed out that FCAS already got \$1300 in donation per year, and added that, when he spoke with the FCAS board, the board chair stated that the board did not have much authority over Rusty Posner.

Chittenden did not take dogs confined for biting someone, but Franklin County did not take surrendered dogs. Mr. Dan Billado asked Mr. Guilmette to speak with Rusty Posner and tell her the Selectboard's needs, and to add that if this issue could not be resolved satisfactorily, the Selectboard would reconsider its \$1300 donation to FCAS.

Mr. Lavoie suggested speaking with Allan Laroche, former Animal Control Officer, to see what conditions he had in a similar situation. Mr. Guilmette would speak with FCAS and Chittenden County, and report back to the Selectboard.

## **6. Community Development**

None.

## **7. Law Enforcement**

### **a) SW Village Police Chief Report**

Chief Leonard Stell came forward with his report. He summarized that there were 12 traffic tickets written in June 2015, with a total fine amount of \$1468. There had been 82 complaints during the month as well.

### **b) Traffic Study**

Mr. Billado summed up that the police had studied the traffic of three different locations, using hidden devices to gather information about time frames and speeds. Chief Stell said that he had concentrated efforts on real problem areas, for example, with speeding showing 300 or 400 cars that were 20 mph over the speed limit within 2 hours. The department was putting together some details and doing some early-morning targeting. He noted that some speeds were in excess of 100 mph. Mr. Billado reiterated that, when the department billed for extra details, the invoice should note the particular roads targeted, for the record.

Mr. Clark asked how many hours of a normal 8-hour day included using the radar. Chief Stell said that there had been a number of directed patrols, and whatever road the police were traveling, the radar was on. Mr. Clark asked if there was stationary radar targeted toward those vehicles, noting that 92 cars during one hour had shown on the report as being significantly over the speed limit. Chief Stell explained that in the time frame of the cars speeding, most of the speeding was done within 10 mph of the posted speed. Unfortunately, the software did not break down the exact times when the highest speeds occurred, although the charts, when taken together, could give a "bulk idea" of when the most excessive speeds occurred. The department would use the study to target the time frames with specific, directed patrols. Two months from now, the department would re-do the study to see if the patrols made any difference.

Mr. Billado asked if the "personnel issue" had been resolved; Chief Stell said that they had. Mr. Billado asked if the cameras had been put up, and Chief Stell said that he needed to speak with Road Foreman Harold Garrett first, then the cameras would be put out.

## **8. Highway Department**

### **a) Robin Hood Drive Extension Update**

Mr. Clark stated that he and Mr. Peter Cross needed to connect regarding the "Act 250 piece." The Town might need to get a stormwater permit.

### **b) South River Street Stone Culvert Update**

Mr. Clark explained that the culvert right-of-way application had been signed and should be sent.

### **c) Discuss Municipal Parking Lot Sealing & Striping Bids**

Three bids had been received, as follows:

DeMag Seal Coating: \$1926.

Seal-All Asphalt Protection: \$2085.

Rocks Asphalt: \$2633 (one coat), \$3195 (two coats).

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to accept DeMag Seal Coating for \$1926.78 to seal and stripe the municipal parking lot. Motion carried. Mr. Jescavage would notify Mr. Mike Demag.

### **d) Other Updates**

Mr. Clark said that he was getting two prices for the Mac truck: one to replace the tilt bed (about \$15,000) and one to replace the whole body (about \$30,000).

All paving was done except Bushey Street and Robin Hood Drive. Mr. Clark wanted to speak more with the Brooklyn Street homeowner about what actually happened when the water backed up, and what fixes are the best options.

Mr. Guilmette asked whether something could be done about the dips and patched areas on Russell Road. Mr. Clark made a note of it.

Mr. Guilmette also noted that the area that was not paved along Woods Hill Road where it crossed Route 207 also had a large section that needed to be fixed. There was also a pothole on Cook Road.

## **9. Correspondence**

Mr. Jescavage presented two right-of-way permits to sign for Vermont Gas. The Selectboard requested that the permits go to Road Foreman Harold Garrett first.

VTrans wanted the Town to sign another maintenance agreement for the paving done through the Village. Mr. Jescavage replied back to the state that it was probably the Village's issue, so the contract might have to be rewritten for the Village.

Mr. Jescavage presented Project Vision (July 15<sup>th</sup> at 6:30 p.m. at the Village Complex) that would address Swanton substance abuse. Mr. Clark added that this was part of the Swanton Substance Abuse task force efforts, which had invited Project Vision from Rutland.

Mr. Jescavage said he had gotten a letter from Blaze Horizons engineering firm, notifying Swanton that they would be doing a survey of Route 7 on Swanton's southern portion for a VTrans project.

## **10. Any Other Necessary Business**

### **a) Selectboard Permission for Plumber to Drill Through Basement Wall for Village Sewer Line Project**

Because of the flat flow of the septic, the plumber needed Selectboard permission to drill through the basement wall as part of an effort to replace the sewer line to the Swanton Town Offices. The Selectboard agreed.

### **b) Selectboard Sign Letter of Support for Swanton Crosswalks Improvement Grant**

Mr. Clark prepared this letter as part of the Swanton Traffic Task Force. The grant would help fund flashing pedestrian crossing signs at four locations in the Village. Mr. Guilmette made a motion, seconded by Mr. Lavoie, to sign the letter. Motion carried. The letter was signed.

**11. Public Comments (Reprise) – None.**

**12. Upcoming Events**

- a) Wednesday, July 15, 2015 Project Vision @ 6:30 p.m. Village Municipal Complex**
- b) Tuesday, July 21, 2015 Next SLB Meeting @ 7 p.m. Town Offices**
- c) Thursday, July 30, 2015 Next DRB Meeting @ 7 p.m. Town Offices**

Mr. Clark made a motion, seconded by Mr. Lavoie to go into executive session for contracts at 8:55 p.m.

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to exit executive session at 9:37 p.m. Motion carried. Action taken in open session: Mr. Lavoie made a motion, seconded by Mr. Clark, to approve hiring Messier to do the concrete work on Bushey Street this summer for an amount not to exceed \$34,000. Motion carried.

Mr. Billado made a motion, seconded by Mr. Lavoie, to adjourn the meeting at 9:45 p.m. Motion carried.

Received and filed by:

---

Cathy Fournier, Swanton Town Clerk

---

Date