

**TOWN OF SWANTON
MINUTES
SELECTBOARD MEETING**

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

Tuesday, August 18, 2015 @ 7:00 p.m.

Present: Dan Billado, Selectboard Chair; John Lavoie and James Guilmette, Selectmen; Eugene Labombard and Adam Paxman, Village Trustees; David Jescavage, Town Administrator; Cathy Fournier, Town Clerk; Ross Lavoie, Andy Larocque, Ed Daniel, Planning Commission; Ronald Kilburn, Zoning Administrator; Harold Garrett, Road Foreman; Brian Savage, Swanton representative; Heather Buczkowski, Channel 16; Derick Billado, Animal Control Officer; Pat Messier; Matt Preedom; Christine Lang; Ed & Sarah Ferguson; Gil & Marie Tremblay; Rita Howard; Danielle Garrant; David Butterfield; John A. Smith; Ricky Doe; Mary Anne Duell; Kevin Nichols; Sandra Skeels-Kilburn.

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. Billado explained that there would be three meetings at the same time. It was noted that all three boards had a quorum for each body. The item was to discuss the town plan in relation to wind. This item was put under Old Business. Mr. Lavoie added "Decker Trail" to Highway. Mr. Guilmette added "Hazard Road" to Highway. Mr. Jescavage added "Permitting Process for Robin Hood Drive," "Elementary School Extra Parking," and "AOT Agreement" under Highway.

D. Meeting Topics:

1. Minutes

a) July 21, 2015 SLB Regular Meeting

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

2. Old Business

a) Set Special Meeting for Personnel Policy Discussion w/ Employees

Tabled due to lack of full Selectboard.

b) Town Constable Search Update

Mr. Jescavage had placed an ad in the paper, but there had been no responses as yet.

c) Municipal Plan

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to exit the Selectboard meeting and enter into a joint JLB/PC meeting at 7:07 p.m. Mr. Billado turned the meeting over to Mr. Paxman, JLB vice chair.

Mr. Hubbard officially called the meeting of the Planning Commission to order. He explained that the Planning Commission has had the greatest community input that he had seen before, with input from the Community Visit in early 2015 and the latest from neighbors of the proposed Swanton Wind Project. The latest 5-year revision was due to expire and to be re-adopted soon. He did not feel that language specifically targeted toward green energy siting was not a substantial change. He reminded that the state had set the goal to have 90% of renewable energy by 2050, and Swanton supported renewable energy. He felt it was important to address that topic in the town plan. He read the summary of what had been there in the past, which he felt was a vague statement, but indicated Swanton's future direction. He underlined the importance in meeting this goal, but the need to protect Swanton's citizens too. He noted: "We want a voice. We want to be heard." The state had denied local control in some of this process.

The Planning Commission suggested removing the paragraph "As the state continues to pursue alternative energy resources and local interest increases, Swanton may find the need to revise their bylaws to accommodate the changes." They hoped to replace it with: "Swanton supports the development of additional energy sources in the community but in order to protect the health, property and lives of its citizens we may need, from time to time, to be able to exercise the right to revise our bylaws to accommodate the changes that will be proposed in our community."

Mr. Daniel said that the Public Service Board would use Swanton's town plan to determine if it supported the development of additional renewable energy resources. The Planning Commission intended to tell the PSB "we want the time to look at it." Mr. Billado said that renewable energy verbiage did not target or avoid any particular type of renewable energy.

Mr. Jescavage noted that Chris Leach suggested some language as well: "However, commercial renewable energy projects must benefit and not impose adverse economical, environmental, or health issues on the community and area in which it is to be located." Mr. Hubbard agreed that the Planning Commission was here both to protect Swanton citizens and to support the state's renewable energy goals. He added that the bylaw could be amended in the future as well. He added that the timeline became less of an issue: "Is a \$20,000 grant as important as Swanton's future?" He simply wanted Swanton to have a say at the PSB level. Mr. Daniel informed the board that nothing had yet been permitted or applied for.

Mr. Newton stated that the Planning Commission had already voted to submit this town plan to the JLB; the JLB would therefore make this change. Mr. Hubbard stated that the PC proposed the town plan as written, with the additions suggested by the PC members and Chris Leach. Mr. Daniel restated the removed paragraph, the suggested replacement paragraph, and the additional paragraph from Mr. Leach. Mr. Newton reminded that the PSB would not look at the bylaws, but only the town plan, so he suggested the language "town plan" instead. Mr. Guilmette made the motion, seconded by Mr. Billado, to approve the language suggested by the Planning Commission. Discussion: Mr. Billado said that the word "bylaws" should be changed to "municipal plan." Mr. Labombard requested adding Mr. Chris Leach's suggested language. Mr. Guilmette withdrew his original motion. Motion carried to withdraw the motion. Mr. Guilmette made a motion, seconded by Mr. Lavoie and Mr. Labombard, to approve the Planning Commission's modifications and the addition of the language from Mr. Chris Leach. Motion carried unanimously.

Mr. Billado thanked the Planning Commission for all their hard work, and apologized for "dropping the ball" on inter-board communications. Mr. Hubbard also recognized the help from Northwest Regional Planning Commission.

The Planning Commission presented some literature to the JLB to read "at their leisure," considering potential actions in the future regarding renewable energy. Mr. Jescavage reminded the Planning Commission that the commission must review the Zoning Administrator applicants and make a recommendation to the JLB. There were four applicants.

Mr. Ricky Doe thanked the JLB and PC for their efforts and their work together. He suggested that another key aspect of the municipal plan in regard to the proposed wind project was water quality. Mr. Jescavage let the public know that the Selectboard planned to meet with the St. Albans and Fairfield Selectboards regarding the wind project on September 1st.

Mrs. Christine Lang stated that in the meeting with Annette Smith, the need for specificity was important, even to the point of putting in setbacks. She was concerned that there was no specificity in the municipal plan. Mr. Hubbard felt that the suggested language was what the Planning Commission was comfortable with.

Rep. Savage noted that there could be a further amendment at the next two scheduled JLB meetings. Mr. Hubbard added that the only risk to not keeping within the schedule was to lose grant funding. Mrs. Garrant asked to clarify whether there were any proposed setbacks currently. Mr. Hubbard felt that the broad-based language would hopefully protect for the future, and it was up to the JLB to make the final decision. Only one side had been heard so far. A bylaw has teeth, a plan has vision. "To adopt something overnight, that we don't know is right or wrong, for sure, we have to be careful. We still have to defend our town. That's what we've tried to do."

Mr. Jescavage said that Marianna Gamache had told him that there was a movement at the state level to lengthen the interval for adoption of a municipal plan from 5 years to 8 years. Mr. Hubbard added that the Planning Commission would have party status before the PSB if the Swanton Wind Project moved forward. Mr. Matt Freedom said that the "possible plans of action" were noted as "from one member of the PC to other members of the PC." It was confirmed that this was not the Planning Commission's general opinion, just suggestions from one.

Mr. Kevin Nichols said that he knew of a government state operated building with solar panels in the Burlington area, with cost savings to the state, he asked for the town representatives to put themselves in the shoes of the residents of that area and to look at the site of the proposed project. There was a right way to stand up for renewable energy goals. He had just moved to Vermont from another state, and this community in Swanton is "outstanding": "To have these things to go in just to meet a state goal is ridiculous. We would love to help the state meet its goals." Mr. Billado assured Mr. Nichols that the JLB was certainly doing its best to work with the Swanton citizens. Mrs. Patty Rainville said that she could have stopped a neighbor from building a house because a section of their auxiliary septic system would going to touch a corner of her land. If she had that power, why should not the Town have power to oversee the wind project? Mr. Newton offered to continue to keep the various boards "in the loop."

Mr. Matt Freedom noted that the whole thing basically hinged upon protecting the health and property of anyone. No one at the state felt that these types of projects put health and property at risk; how would this give any muscle at the PSB level? Mr. Hubbard said there was nothing in bylaws that said they could defend, fight, or make setbacks for renewable energy. It was a new issue for the Town of Swanton, and did not want to try to do something that the court then threw out because of a technicality. "We're a community trying to defend itself in the eleventh hour." Mrs. Pat Messier noted that there was an important natural habitat of that ridge.

Mr. Billado made a motion, seconded by Mr. Guilmette and Mr. Labombard, to adjourn the JLB meeting at 7:50 p.m. Motion carried.

Mr. Hubbard informed the board that the Planning Commisison would be looking to meet with the JLB twice a year. Mr. Daniel made a motion, seconded by Mr. Daniel, to adjourn the Planning Commission meeting at 7:50 p.m.

Mr. Guillmette made a motion, seconded by Mr. Lavoie, to re-enter the Selectboard meeting at 7:55 p.m. Motion carried.

3. Economic Development

a) Approve 2015 Tax Rate

2014

Non-residential general rate	0.1445
Non-residential highway rate	0.2250
Non-residential education rate	1.3705
Non-residential total	1.7400

Residential general rate	0.1445
Residential highway rate	0.2250
Residential education rate	1.2084
Residential total	1.5779

2015

Non-residential general rate	0.1163
Non-residential highway rate	0.2314
Non-residential education rate	1.3988
Non-residential total	1.7465 (increase of 0.006 over 2014)

Residential general rate	0.1163
Residential highway rate	0.2314
Residential education rate	1.2467
Residential total	1.5944 (increase of 0.0165 over 2014)

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to approve the 2015 tax rate. Motion carried.

4. Old Business

- a) Set Special Meeting for Personnel Policy Discussion w/ Employees**
- b) Town Constable Search Update**

These were both tabled until a full board could be present.

5. Community Development – None.

6. Animal Control

- a) SW Animal Control Officer Report**

Mr. Guilmette had followed up on two loose dogs when Mr. Derick Billado was not available. He found the owners quickly.

- b) Review & Adopt Dog Ordinance Revisions**

It was noted that the supposed absence of a leash law for dogs was not, in actuality, an omission. The definition of “at large” included language about a leash, so there was, in effect, a leash law. Also, without a letter addressed to the town of Swanton to officially complain about a neighbor’s at-large dog who has caused nuisance on one’s property, the Animal Control officer would not impound the dog. Mr. Jescavage noted that “ferrets” had been deleted from the ordinance. Also, the definition of domestic pet had been limited to male or female dogs, or wolf-hybrids. Mr. Guilmette made a motion, seconded by Mr. Lavoie, to approve the dog ordinance. Discussion: Mr. Jescavage added that the title of the ordinance had been changed to “Town of Swanton Dog and Wolf Hybrid Ordinance.” After posting in the paper, the ordinance changes would not be in effect for 60 days.

Mr. Garrett suggested that every person who registered their dog should receive a copy of the ordinance, and sign something that stated that they received a copy.

7. Expenditures

- a) General Orders (July 22, 2015 – August 18, 2015)**

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to approve the General Orders as printed. Motion carried.

b) Highway Orders (July 22, 2015 – August 18, 2015)

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to approve the Highway Orders as printed. Motion carried.

Mr. Garrett updated the Selectboard on the new radio purchase and installation for the trucks. Mr. Billado said that eventually all of the trucks should be updated to the better radios eventually, in order to coordinate better with emergency management. Mrs. Fournier explained various expenses.

c) Payroll (July 22, 2015 – August 18, 2015)

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to approve the payroll as presented. Motion carried.

d) Economic Development

Mr. Lavoie made a motion, seconded by Mr. Guilmette, to approve a payment of \$1442.67 to Black River Design. Motion carried.

Mr. Jescavage noted that the state was paying the town \$1405 for state land in the town, as payment in lieu of taxes.

8. Highway Department

a) Review RFP for Sidewalk Feasibility Grant

Mr. Jescavage prepared information regarding study area #1 (South River Street) and study area #2 (Missisquoi Street to the MVU High School). The grantor wanted a committee to consider who, out of the submitted RFPs, would be best qualified to put together the study. They asked that the Town be the sole administrator of the grant. Once the final costs and limitations were known, the Town could decide whether or not to move forward with a particular area. Mr. Jescavage would send out the RFPs soon.

b) Bushey Street Update

Mr. Garrett said that the project was moving forward. Mr. Billado asked to know the Bushey Street plan, and Mr. Garrett replied that, if he did not do sidewalk from the curb into Fosgate's to the end of Bushey Street, he would save enough to shim the road. He stated that the whole development needed to be paved. He explained the current paving needs versus the rising costs of pavement. Mr. Lavoie was concerned that, without infrastructure, the road might break up. Mr. Billado and Mr. Garrett felt that shimming would stop the breakage. Mr. Garrett offered to take the discarded sidewalk concrete, to save the town money. Mr. Lavoie made a motion, seconded by Mr. Guilmette, to have the discarded concrete used by Mr. Garrett as fill.

c) Other Updates

The two VOSHA violations were in the process of being corrected. The Selectboard discussed the best way to meet the VOSHA requirements.

The Bachand Road grant work was done. Mr. Garrett would put together the hours for the grant reimbursement. The truck body was on order. Mr. Garrett would soon order salt and did not plan to go overbudget.

d) Decker Trail

Mr. Lavoie explained that Wesley Decker requested the road crew to make a path up Decker Road when they were brush-hogging in the area. Mr. Garrett said he was willing to do that.

e) Hazard Road

Mr. Guilmette suggested brush-hogging Hazard Road, since it was “getting tight in there.” Mr. Garrett had received requests to use chlorine on Hazard Road. Mr. Billado had also had some communications about the road, and he felt that if there were dust issues, the road should have chlorine put on it. Mr. Guilmette explained the location of the dusty section. Mr. Billado recommended that Mr. Garrett should speak with Mr. Clark about the matter and let Mr. Clark make a decision.

Mr. Guilmette asked Mr. Garrett to address a few other small issues on Hazard Road (junk and rough road). The Selectboard offered guidance for Mr. Garrett. It was noted that there were at least 75 cars on Hazard Road per day.

f) Permitting Process for Robin Hood Drive

Mr. Billado drew the Selectboard’s attention to a note from Mr. Clark, which proposed to allow Mr. Peter Cross to complete the needed work on permitting, using what was budgeted for this year. The project would be made up in 2016, with the new budget.

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to let Mr. Cross continue with the permitting process for Robin Hood Drive. Motion carried. Mr. Lavoie clarified that “we’re using next year’s money” and did not want to get into the habit of borrowing from the future. The other Selectmen agreed.

g) Old Garage Parking for the Elementary School

The Swanton elementary school requested to use the Town’s old Fourth Street garage lot for overflow parking on August 25th. The Selectboard agreed.

h) AOT Agreement

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to authorize Mr. Jescavage to sign the AOT agreement entitled the Swanton STP BD14(013) Contract. Motion carried.

9. Correspondence

Mr. Jescavage mentioned a memo he had received from the State of Vermont Department of Children and Families Family Services Division regarding information and guidance for mandated reporters.

10. Any Other Necessary Business

a) Set the 2016 Budget Updates

This was postponed until a full board could be present.

b) Discuss iPad/Kindle Options

This was postponed until a full board could be present.

11. Public Comment – None.

12. Upcoming Events

a) Wednesday, August 26, 2015 Swanton Today Show

b) Tuesday, September 1, 2015 Next SLB Joint Meeting with Fairfield & St. Albans Selectboards @ 7 p.m. Town Offices

Mr. Guilmette made a motion, seconded by Mr. Lavoie, to adjourn at 8:46 p.m. Motion carried.

Received and filed by:

Cathy Fournier

Date