

**Town of St. Albans  
Selectboard Meeting Minutes  
Monday, November 1<sup>st</sup>, 2021  
6:30 p.m.**

On Monday, November 1<sup>st</sup>, 2021 at 6:30 p.m., the Town of St. Albans Selectboard met at Town Hall.

**Officials and Staff:** Chair Brendan Deso, Vice Chair Jessica Frost, Erin Creley, Jonathan Giroux, Bryan DesLauriers, Director of Public Works Alan Mashtare, and Town Manager Carrie Johnson.

**Staff participating via Zoom:** Executive Assistant Jenn Gray, Stormwater Coordinator Emmalee Cherington, and Town Clerk Anna Bourdon.

**Public Participation via Zoom:** Sean Kio with Northwest Communication District, Shaun Coleman with Northwest Regional Planning Commission, Alan Cunningham, Dr. Jennifer Williamson, Preston Fuller, Amanda Giroux, Nakuma Palczewski, VT Digger Reporter Shaun Robinson, St. Albans Messenger Reporter Josh Ellerbrock

B. Deso called the meeting to order at 6:34 p.m. The Pledge of Allegiance was recited.

**Amendment to the Agenda**

B. Deso explained that the agenda needed to be amended to add the Municipal Planning grant for the Bylaw Modernization under the Town Manager's Report as agenda item 5E.

**MOTION: J. Giroux made a motion to add Bylaw Modernization to the agenda under the Town Manager's Report. Seconded by E. Creley. All in favor, none opposed, motion carried.**

**General Warrant**

J. Giroux expressed his concerns with paying Hungerford Construction \$20,000 for paving at the new town hall from the general fund. C. Johnson pointed out that this was previously discussed and approved by the Selectboard. By doing it this way, we get a rate that is a lot less than the commercial rate when subcontractors do the work. J. Giroux pointed out that he understand that, but he also pointed out that this project was supposed to be funded by LOT dollars (Local Option Tax). He then asked why we couldn't fund this with LOT dollars this far ahead in the project. We are at the beginning phases of it, why are we already hitting the general fund? C. Johnson stated that this was previously discussed at a number of meetings; we did this for the garage (Department of Public Works) project to save taxpayer money and did not charge the LOT funds for it. She went on to say that this was discussed at two other Selectboard meetings and there were no objections from the Board at that time to pay for the paving out of the general fund. We had the same discussion when we talked about the dirt (from the new Town Hall site).

J. Giroux explained that his issue with this is that we put this on the ballot saying we were going to spend LOT dollars on this project and now we're months into the project and we're using general fund dollars. When we put on the ballot that we are going to use LOT funds, we, as a Board should make sure we use LOT dollars. There might be plenty of money in there. So, unless we are going to go back there after, refund the general fund out of the LOT, that's fine. But, to do it this far ahead of the game, unless there is a project outlook that says we are going to be a little over. C. Johnson explained that there is a project outlook that says that we are very close and we are eating a little bit into our contingencies to the point where we haven't even put out our furniture bid yet because we are not sure we're going to have enough money for it. That is because of the soil issues that came up where we were \$250,000 - \$300,000 over on that certain line. C. Johnson went on to say that the budget is very tight. We had the analysis at the sub-committee level and with Hunter (Gomez), our Project Manager and Cost Estimator as to whether or not we would even have the project move forward or should we push to next year. We brought that to the Selectboard, with Hunter here and it was determined that we should push forward anyway because next year's costs could escalate even beyond what we experienced this year. C. Johnson continued stating that she was concerned because she had seen J. Giroux today and he had not asked about this then, so she couldn't prepare for it. J. Giroux stated that he honestly didn't pick up on it until later today. C. Johnson said that once they had decided as a Board, she was under the impression it was resolved. However, if it's going to be brought up once a month to move forward, she would like to know about it advance.

B. DesLauriers stated that we left it that someone is keeping track of it to see where it ends up. C. Johnson agreed. B. Deso pointed out that we will be doing a top coat next year as well.

**MOTION: J. Giroux made a motion to approve the general warrant dated October 28<sup>th</sup>, 2021 in the amount of \$106,999.06. Seconded by B. DesLauriers. Motion passed with a 3-1 vote with J. Giroux voting opposed.**

#### Payroll

**MOTION: E. Creley made a motion to approve the payroll warrants dated October 22<sup>nd</sup>, 2021 in the amount of \$21,522.81 and October 29<sup>th</sup>, 2021 in the amount of \$40,330.47. Seconded by J. Giroux. All in favor, none opposed, motion carried.**

#### Infrastructure Development Warrant

**MOTION: J. Giroux made a motion to approve the Infrastructure Development warrant dated November 1<sup>st</sup>, 2021 in the amount of \$28,853.58. Seconded by J. Frost. All in favor, none opposed, motion carried.**

#### Stormwater Utility Warrant

**MOTION: J. Giroux made a motion to approve the Stormwater Utility warrant dated November 1<sup>st</sup>, 2021 in the amount of \$10,196. Seconded by E. Creley. All in favor, none opposed, motion carried.**

#### Stone House Warrant

**MOTION: J. Giroux made a motion to approve the Stone House warrant dated November 1<sup>st</sup>, 2021 in the amount of \$6,025. Seconded by J. Frost. All in favor, none opposed, motion carried.**

#### Minutes

E. Creley provided edits to J. Gray on the October 18<sup>th</sup> meeting minutes prior to tonight's meeting. Those minutes will be provided in the next Selectboard packet and the Board agreed to approve those at the November 15<sup>th</sup> meeting.

**MOTION: E. Creley made a motion to approve the Selectboard budget meeting minutes from Monday, October 25<sup>th</sup> as presented. Seconded by B. DesLauriers. All in favor, none opposed, motion carried.**

#### Public Comment

Dr. Jennifer Williamson addressed the Board regarding the Police Advisory Committee (PAC). She stated that this committee is not operating the way it was intended. As the Chair, she is not given any information in between meetings on which to base an agenda. In addition, information that committee members have requested has not been included in data from the Franklin County Sheriff's Office. Dr. Williamson went on to say that the committee has requested a way for citizens to contact the committee with concerns between surveys and it still is not something that is on the current website as of this evening. She stated she's been asking for this for months since the new website was launched. She shared her concerns with the possibility of cutting the regularity of this committee meeting. She stressed the need for citizen participation. She continued by saying that after speaking to other Police Advisory Committees, she found that they act independently of the Town Council, Selectboards, or staff. She has addressed this with Corey Parent and it will be discussed at their next meeting.

B. Deso asked if the comments Dr. Williamson made were from her as a private citizen or the Chair of the PAC. Dr. Williams stated both. B. Deso stated that to make comments on behalf of the group as the chairperson, you would first have to go to the group, lay the comments out and seek consensus to bring them to the Selectboard. B. Deso asked Dr. Williamson if she did that before speaking. Dr. Williamson said no. B. Deso said so the PAC hasn't had an opportunity to weigh in as a whole on the comments she just delivered to the Selectboard. Dr. Williamson stated no. B. Deso stated that before the Board discusses this that the PAC be given the opportunity to weigh in and reach a consensus. We do appreciate the feedback, but before we consider any type of committee altering action, like removing professional staff or placing any additional powers in the hands of private citizens, that we first hear from the entire committee and that a recommendation be made by motion from the PAC.

B. Deso explained that as Chairs of committees and boards, we only have authority given to us by our boards in policy by consensus or by motion.

J. Frost explained that Dr. Williamson can go back to the committee and they can come up with a statement and a recommendation to bring to the Selectboard that we can discuss and have it on our agenda. In regards to the BEI (Belongingness, Equity, and Inclusion) committee, to have it in the back of our minds, what a committee can be. J. Frost went on to say that she spoke with the Vice Chair of the City of St. Albans Police Advisory Committee. Their PAC does not have staff oversight and the committee works beautifully for them and they enjoy not having the staff

oversight. They get a lot of work done. The committee will then bring items to the Council for discussion and approval. Something to think about as we are thinking about with our own diversity committee, that perhaps we don't need staff at every meeting.

B. Deso responded by saying that we put out an anonymous survey to the community for policing input. There was a response, given anonymously with contact information to verify it wasn't coming from a malicious source. The staff was the only one who had the access to the participants information. A member of the PAC committee wanted contact information for that respondent to reach out over a specific written response. That could have placed the Town in a very sticky situation given that we advertised we would protect contact information when you make an anonymous complaint.

C. Johnson stated that she would like for there to be more training. You cannot speak on behalf of your committee unless you have consensus from your committee. She suggested that there needs to be Robert Rules of Order training. C. Johnson was under the impression that Dr. Williamson had talked to her committee when she reiterated her status as Chair. If that is the case, C. Johnson wanted to be sure that Dr. Williamson understands what that means, that you have to have the consensus of your committee. B. Deso suggested online training for anyone who is a Chair for a board or committee with the Town annually.

C. Johnson asked Dr. Williamson to provide more specific information about what she was looking for from the Franklin County Sheriff's Office.

Preston Fuller addressed the Board. He serves as the vice chair of the PAC and stated he is not speaking on their behalf. He mentioned the concern about going to an individual who has provided anonymous information, that's not nearly the concern that it was. Somebody had voiced a concern and should we contact that person. It was suggested that this was not anonymous and we moved on. It wasn't a big, concerning guardrail issue. It was just a simple question that was immediately mentioned and we moved on.

Mr. Fuller asked is it OK for us as an advisory committee that does not set policy to meet with or without a Town official present? He stated that he didn't mind there being one present, however, he didn't want to see the meetings cutdown to quarterly instead of monthly in order for another vital committee to be established. Mr. Fuller went on to say that he felt it vital that the committee continue to meet monthly because the committee is newly established and the Franklin County Sheriff's Office has been policing the Town for only 4 months. B. Deso stated that the PAC is allowed to meet as long as the meeting is properly warned. B. Deso asked if there was a policy stating that a staff member must be present for these meetings. C. Johnson stated that she didn't think that there was a policy and that the question wasn't thought of at the time the PAC was formed. C. Johnson suggested meeting with Dr. Williamson once a month to discuss what the committee is up to, what the committee's goals are and if she can be of help.

B. Deso explained that he envisioned having someone from administration in the room, acting as a conduit the committee and the Sheriff's office. He went on to say that he never thought the staff person would run the meetings, but would be there to offer advice and be a resource. Currently, there isn't a board or committee in town that meets without staff present.

E. Creley explained that, having been the Chair for the Planning Commission, having staff support was pretty vital and crucial and thought about the PAC in a similar way. But, part of having the PAC is having the folks come together and make those suggestions back to us (Selectboard) because they are going to let us know how to best achieve their goals and the goals we set for them. If we end up with a recommendation from the PAC for a different structure and meeting without staff and following the guidelines we have, she didn't have a problem with that. E. Creley went on to say that if the PAC comes forward with a specific recommendation to codify, she would be willing to listen to it. B. Deso and B. DesLauriers agreed. J. Frost stated that she was interested in exploring other options and structures for both the PAC and the BEI committees to help alleviate the staff time and to also help them have the voice that they want in our town and to feel that they can bring a wide variety of ideas to us. J. Giroux stated that if anyone wants to start a group and bring their views to the Selectboard feel free and asked if it needed town oversight. B. Deso stated that when we create a specific Town committee as part of the Town organization, there should be some level of oversight because we have obligations to Open Meeting laws, like minute taking. J. Frost stated that someone from the committee would need to take the minutes. Having it under a Town umbrella is going to help the committees and us move things forward quicker.

C. Johnson agreed to meet with individuals monthly from this committee to see where they are at, with advance warning. It would be helpful to have a feel for what's going on.

B. Deso stated that we will come back to the PAC when there is a recommendation from their committee, that has been passed through onto us. Then we'll come back to a discussion with the BEI on November 15<sup>th</sup>.

Town resident Nakuma Palczewski explained that she is a recent transplant to Vermont. She would like to bring more awareness to constituents to be involved in town meetings. She went on to say she found it very interesting how few Town residents show up to meetings. She didn't know about them and they are not posted on the Facebook page. She wants to make other people feel welcome here. It was an interesting transition moving from a big city to a rural town. Ms. Palczewski continued by saying that she feels BEI would be great to bring in all walks of life. She explained that she is a wife, mother, a law enforcement officer, and Reservist and she and her family have been able to travel and see a lot of different things. B. Deso asked if she may like to join any of the Town committees. Ms. Palczewski stated that she would and explained that in the last town she lived in, there was a population of 2,500 and she was on the fire department. There really wasn't a lot of oversight within the small town. They did meet with their Selectboard every so often and able to bring a lot of concerns to them when needed. They also did a lot of surveys and she stated that we need to make surveys more anonymous, maybe switching the platform the survey is on from Google Docs to Server Monkey.

There was a discussion on the accessibility of local officials in the Town and Ms. Palczewski was unaware if there was a policy to follow to meet with officials. B. Deso stated that if Ms. Palczewski would like to meet with any of us, individually, himself included, our contact information is under the Selectboard tab on the Town's website. B. Deso continued saying that she could reach out to him whenever she liked. At that time, a viewer shouted, "Bullshit, bullshit"! B. Deso asked C. Johnson to mute that meeting participant.

### **Town Manager's Report**

#### **Emmalee Cherington – Stormwater Coordinator – Town Stormwater Permit**

C. Johnson explained Emmalee Cherington sent a memo to the Board regarding a policy decision that we as a Town need to make in a timely manner. Three options were provided to the Board to help address some of the expired stormwater permits. E. Cherington went over them with the Board; 3-9050 Initial Notice of Intent (NOI), roll expired permits under the Town's MS4, or do nothing.

E. Cherington explained our MS4 isn't fully valid because we haven't submitted our Phosphorus Control Plan yet, which is currently in the works. We should be able to submit our plan with our annual report for our MS4 permit April 1<sup>st</sup>, 2022. Because of that, the State was initially telling us that they would not allow us to roll any expired HOA (Homeowners Association) permits in under the Town's MS4 permit.

E. Cherington explained that in looking through historical materials, the Town determined that they would absorb the expired HOA permits under the MS4 permit.

E. Cherington stated that now we have a number of expired HOA permits and a fast approaching deadline for any of these permits that are in an impaired watershed. Both Stevens Brook and Rugg Brook are impaired and if any of these permits are within those areas, the HOA's have a December 1<sup>st</sup> deadline to submit an initial NOI (Notice of Intent), giving the HOA a valid permit for 18 months. During those 18 months, they HOA's are supposed to be designing an actual system to install. At the 18 month mark, the HOA's submit their plans to the State, they file an official NOI, and then a 5 year period to implement their design begins.

E. Cherington recommended the Town consider incorporating the Church of the Rock and Northwestern Medical Center (Hawk's Nest) permits into the Town's MS4 permit along with the HOA's. If we do this, we are responsible for the maintenance on their stormwater systems. J. Giroux asked E. Cherington how we would pay for the maintenance on these systems. E. Cherington stated it would come out of the Stormwater Utility budget.

B. DesLauriers asked that by doing this, we are moving quicker to better stormwater? E. Cherington said yes, we have to be actively maintaining these systems.

B. Deso asked if these HOA permits get rolled into our permit, do the permits cease to exist. E. Cherington explained that on paper, but if the HOA's don't agree, we can kick them out and they have an expired permit. That will cause properties to be left with clouded titles, making property transfer complicated.

E. Cherington recommended rolling in the HOA's and the two non-profits into our permit now, submit our permit application for April 1<sup>st</sup>, which will include the phosphorus control plan and

annual report, if we haven't heard from HOA's by mid-March, then, we'll kick them off our permit. The Board was in consensus.

B. DesLauriers asked if every permit name listed were going to roll into our Permit. E. Cherington stated yes, except for anything that is private or school. B. Deso read the list of all the HOA's and non-profits that will be included in the Town's MS4 permit:

Pleasant View Estates  
McCracken's Homestead Estates  
Hill Farm Estates Rd – St. Albans city  
Sunset Terrace  
Tanglewood Estates  
Church of the Rock  
Grice Brook Retirement Community  
Phase III Sunset Terrace  
Northwestern Medical Center – Hawk's Nest  
Pine View Estates  
Mobile Home Park – Champlain Chevrolet  
Meadowbrook Lane  
Clyde Allen Drive  
St. Albans Town Industrial Park

E. Cherington explained that the Town is paying an annual fee for the St. Albans Town Industrial Park, but if we roll it under the Town's MS4 permit, the fee would just come out of our MS4 allocation instead of a having a separate permit fee.

**MOTION: J. Frost made a motion to authorize the Stormwater Coordinator to roll the stormwater permits for the HOA's and non-profits listed and the St. Albans Town Industrial Park into the Town's MS4 permit. Seconded by E. Creley. All in favor, none opposed, motion carried.**

B. Deso stated that at one point it was suggested to review the Stormwater Utility Ordinance and make any changes, if necessary, once the Utility was up and running. He went on to say that he thought at one point we mentioned that the Stormwater Utility Commission was going to be the Selectboard. If that is the case, like with the Liquor Control Board, when we make these decisions, should we recess the Selectboard meeting and convene as the Stormwater Utility Commission. J. Giroux stated that he didn't think that was necessary because it's not a state thing. The Board could not recall if that was the case at this time. B. Deso suggested that possibly after the holidays and the budget is set, we can revisit the Stormwater Utility Ordinance.

#### **Sean Kio – Northwest Communication Union District**

Sean Kio Executive Director of the Northwest Communication Union District (NWCUD) addressed the Board, via Zoom regarding universal broadband. Also participating via Zoom was Shaun Coleman of the Northwest Regional Planning Commission. Mr. Kio explained that this district was created in 2020 with the first three communities being Enosburgh, Montgomery, and Fairfax. Now there are 16 communities with the Town of Swanton and the Village of Swanton recently joining. Mr. Kio explained that the goal is to bring high speed broadband to every premise within the district. Currently with all 16 communities, there are 19,079 premises. Of that, there are 2,612 unserved, zero connectivity. 8,417 are considered underserved, not meeting the FCC definition of broadband. 48% of all the premises within the NWCUD do not have adequate broadband connectivity.

Mr. Kio went on to explain that the overall goal of the NWCUD is to have universal access with everyone having the same level of service, regardless of what side of the street you live on or in what town, using fiber optic technologies to deliver that service. This is the best commercially available product that allows us to do that and not have to ultimately replace that infrastructure in a short period of time.

Mr. Kio stated that the NWCUD is seeking to prioritize the under and unserved first. The Vermont Community Broad Band Board stated in a press conference this morning stating that all the CUD's, including NWCUD have committed to having 100% coverage for every home who is not currently served or is under served within 5 years. We are on track to begin some form of implementation of construction ideally in 2022.

B. Deso read the benefits for the Town joining a CUD. "There are no direct costs to the taxpayer or the municipality. A CUD may ask a municipality to provide space for a communications plant used to store fiber optic cable, electronics, and other assets required to operate the network. Membership in a CUD poses no financial risk to the municipality or individual taxpayer, by state

statute, meaning taxpayer dollars will not be used and if the CUD fails no liability falls to the member municipality or taxpayer". B. Deso stated that we understand that we need to send a Town representative and an alternate to participate in the CUD.

B. Deso asked Mr. Kio how he was being paid, where is his office space, and how is he paying for ongoing expenses? Mr. Kio explained that we are 100% grant funded and in the future, we may seek some private funding and have the ability to access revenue bonding. Grant H.360 that was just received was for just under \$605,000. Mr. Kio went on to say they are currently 100% remote with no office space now. Likely we will seek some space when we add additional staff. We are looking to hire 2 additional staff in 2022.

B. Deso asked Mr. Kio how the UCD would pay off the debt service on bonds. Mr. Kio stated we are early yet. B. Deso asked if other member municipalities were sending staff, elected officials or community members to represent municipalities. Mr. Kio explained that it is mixed, but mostly it is concerned citizens. Shaun Coleman explained that the Town of Swanton sends their Town Administrator and Economic Director, the Town of Fairfield sends their Town Administrator, and the Town of Fairfax was sending their Town manager.

C. Johnson asked how much of a time commitment is needed to serve on the Board. Mr. Kio explained that the general board meets monthly, the 1<sup>st</sup> Thursday at 6pm, remotely.

B. DesLauriers asked for some clarification regarding the underserved. Mr. Kio explained that under would be 25 megabytes under 3. That's what the FCC and the State consider underserved. The State mandated goal 5 years from now is to have 100 over 100. No one other than the City of Burlington has been able to say they've accomplished that. B. DesLauriers asked what percent of St. Albans is that? Mr. Kio explained 93.5% has over 25 megabytes over 3 or better. 79% unserved meaning they have no connectivity. .2% meets the 100 over 100 goal.

**MOTION: E. Creley made a motion to join the Northwest Communication Union District. Seconded by J. Frost. All in favor, none opposed, motion carried.**

B. Deso pointed out that the Board will work on appointing someone qualified to the NWCUD board. J. Giroux asked how we would budget for the storage of the equipment? B. Deso stated we will need to agree to a very specific thing first.

**Act 250 Permit Amendment**

**Barry Callebaut**

Informational only, no action required.

**Act 250 Permit Amendment**

**Malone 861 Sheldon Road Properties, LLC**

Informational only, no action required.

**Act 250 Permit Amendment**

**Malone Dorset Street Properties, LLC**

Informational only, no action required.

**Bylaw Modernization Grant**

C. Johnson explained that Northwest Regional Planning Commission (NRPC) has asked that we coordinate the grant. The match for this grant is minimal. The grant will allow us to work with NRPC to modernize our bylaws as it relates to housing opportunities and other areas of concern. The Board made a motion to approve the resolution for this grant.

**MOTION: J. Frost made a motion Approve the fiscal year 2022 Municipal Resolution for Bylaw Modernization on behalf of the Town of St. Albans. Seconded by J. Giroux. All in favor, none opposed, motion carried.**

**Schedule**

The next regular Selectboard meetings are Monday, November 15<sup>th</sup> and Monday, December 6<sup>th</sup> at 6:30 p.m. Budget meetings are scheduled for Monday, November 8<sup>th</sup> at 5:30 p.m. B. Deso suggested another budget meeting on November 22<sup>nd</sup> or 29<sup>th</sup>.

**Chair's Report**

B. Deso explained he is looking forward to welcoming Canadian visitors back to our area and contributing to our Local Option Tax again.

B. Deso explained that as part of the BEI discussion, he has reached out to some community non-profits. He has had some discussion with J. Frost regarding options available to us to address

concerns that the committee will be charged with addressing. B. Deso stated that he has spoken to someone at Maple Run. He is finding that a lot of places are hiring consultants that specialize the exact work we are talking about accomplishing. In the meantime, if anyone knows of how other places are dealing with this, let's be prepared to discuss this at the next meeting on November 15<sup>th</sup>.

**Other Business**

None.

**Executive Session**

**MOTION: J. Frost made a motion to go into executive session at 8:15 p.m. to discuss legal, contractual or personnel issues where premature general public knowledge of the subject matter would place the Town (or person involved) at a substantial disadvantage. It was further moved to enter into executive session to discuss legal, contractual or personnel issues under the provisions of Title 1, section 313(a)(1) of Vermont Statutes and to invite in Town Manager, Carrie Johnson. Seconded by B. DesLauriers. All in favor, none opposed, motion carried.**

**MOTION: E. Creley made a motion to come out of executive session at 8:58 p.m. Seconded by J. Giroux. All in favor, none opposed, motion carried.**

**Adjournment**

**MOTION: B. DesLauriers made a motion to adjourn the Selectboard meeting at 8:59 p.m. Seconded by J. Frost. All in favor, none opposed, motion carried.**

Respectfully submitted,  
Jenn Gray Recording Secretary