

**Town of St. Albans  
Selectboard Meeting Minutes  
Monday, July 18<sup>th</sup>, 2022  
6 p.m.**

On Monday, July 18<sup>th</sup>, 2022 at 6 p.m., the Town of St. Albans Selectboard met at Town Hall.

**Officials and Staff:** Chair Jonathan Giroux, Vice Chair Bryan DesLauriers, Brendan Deso, Jack Brigham, Jeff Sanders, Town Manager Carrie Johnson, Consultant Corey Parent, and Town Attorneys Dan O'Rourke and Chad Bonanni.

Chair J. Giroux called the meeting to order at 6pm. The purpose for the early start to the meeting was to conduct an executive session to discuss a legal matter.

**Executive Session**

**MOTION: B. Deso made a motion to go into executive session at 6:02 p.m. to discuss a personnel matter 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 a personnel issue under the provisions of Title 1, section 313(a)(1) of Vermont Statutes and to invite in Town Manager Carrie Johnson, and Town Attorneys Dan O'Rourke and Chad Bonanni. Seconded by B. DesLauriers. All in favor, none opposed, motion carried.**

**MOTION: B. DesLauriers made a motion to come out of executive session at 6:31 p.m. Seconded by J. Sanders. All in favor, none opposed, motion carried.**

**Officials and Staff:** Chair Jonathan Giroux, Vice Chair Bryan DesLauriers, Brendan Deso, Jack Brigham, Jeff Sanders, Town Manager Carrie Johnson, Director of the Stormwater Utility Emmalee Cherington, Director of Public Works Alan Mashtare, and Consultant Corey Parent.

**Public in Attendance:** Shaun Coleman NRPC and St. Albans Messenger Reporter Josh Ellerbrock.

**Staff participating via Zoom:** Town Clerk Anna Bourdon, Zoning Administrator Meg Sherlund, and Executive Assistant Jenn Gray.

**Public Participation via Zoom:** Nathaniel Jamison-Root with Peterson Consulting, Amanda Giroux, and Melissa (no last name provided).

Chair J. Giroux called the meeting to order at 6:40 p.m. The Pledge of Allegiance was recited.

**General Warrant**

**MOTION: J. Brigham made a motion to approve the general warrant dated July 18<sup>th</sup>, 2022 in the amount of \$27,179.56. Seconded by J. Sanders. All in favor, none opposed, motion carried.**

**Payroll**

**MOTION: B. DesLauriers made a motion to approve the payroll warrants dated July 8<sup>th</sup>, 2022 in the amount of \$25,033.87 and July 15<sup>th</sup>, 2022 in the amount of \$24,480.75. Seconded by J. Brigham. All in favor, none opposed, motion carried.**

**Infrastructure Development Warrant**

**MOTION: B. Deso made a motion to approve the Infrastructure Development warrant dated July 18<sup>th</sup>, 2022 in the amount of \$13,880.43. Seconded by J. Brigham. All in favor, none opposed, motion carried.**

**Industrial Park Warrant**

**MOTION: B. Deso made a motion to approve the Industrial Park warrant dated July 18<sup>th</sup>, 2022 in the amount of \$683.74. Seconded by J. Brigham. All in favor, none opposed, motion carried.**

**Stormwater Utility Warrant**

**MOTION: B. Deso made a motion to approve the Stormwater Utility warrant dated July 18<sup>th</sup>, 2022 in the amount of \$3,395.58. Seconded by J. Sanders. All in favor, none opposed, motion carried.**

## Stone House Warrant

**MOTION: B. Deso made a motion to approve the Stone House warrant dated July 18<sup>th</sup>, 2022 in the amount of \$4,676.00. Seconded by B. DesLauriers. All in favor, none opposed, motion carried.**

## Minutes

**MOTION: J. Brigham made a motion to approve the Selectboard meeting minutes of Wednesday, July 6<sup>th</sup> 2022 as presented. Seconded by J. Sanders. All in favor, none opposed, motion carried.**

**MOTION: B. Deso made a motion to approve the special Selectboard meeting minutes of Tuesday, July 12<sup>th</sup>, 2022 as presented. Seconded by J. Sanders. All in favor, none opposed, motion carried.**

**Warrants & Minutes = 8 mins.**

## Public Comment

None.

## Addition to Agenda

C. Johnson asked the Board to add Village Designation to the agenda so they can review the revised map.

**MOTION: J. Brigham made a motion to add the Village Designation to the agenda. Seconded by B. Deso. All in favor, none opposed, motion carried.**

## Local Hazard Mitigation Plan

Shaun Coleman from Northwest Regional Planning Commission (NRPC) came before the Board to explain the Local Hazard Mitigation Plan. He stated that the plan has to follow specific FEMA guidelines in order for the State to accept it. This plan is used to get Towns to plan for disasters, to reduce long term damage and vulnerabilities. Mr. Coleman went on to explain that after Hurricane Irene in 2011, the State came up with the Emergency Relief Assistance Fund Act in an attempt to incentivize communities. If a community were to adopt a Local Emergency Manage Plan, Local Hazard Mitigation Plan, be a member of the National Insurance Program, and have an adopted Roads, Codes, and Standards, then they are eligible for a reduced local match following a Presidential Declaration. The Town would be on the hook for 25% of the damages and FEMA would cover 75%. With the four items mentioned above, it'll cut the match in half and could be a significant cost savings.

Mr. Coleman explained that some projects were identified within the mitigation plan, as FEMA requires. The Town does not have to do the projects right away. The plan states the Town is taking the steps to identify the vulnerabilities.

Mr. Coleman continued by stating that the mitigation plan will make the Town eligible for mitigation grants. The State has millions of dollars for mitigation projects. The funds could be used for replacing bridges, upsizing culverts, home buyouts, and flood proofing public property. There is a Flood Mitigation Assistance Program which is specific to buyouts. There is the Building Resilient Infrastructure and Communities, or BRIC program for projects of \$200,000 to \$300,000 or above. There is a local match of 25%. The State hired an engineering firm that the Town can used to help with the Cost Benefit Analysis piece of the grant application.

Mr. Coleman stated that the mitigation plan is good for 5 years. After the Selectboard adopts the plan by signing the resolution, it is submitted to FEMA for their review. Then, the Town will receive a letter in couple of weeks saying the plan is good to go for 5 years.

**MOTION: B. Deso made a motion to approve the certificate of adoption for the Town of St. Albans Hazard Mitigation Plan and authorize Chair J. Giroux and Vice Chair B. DesLauriers to sign on behalf of the Board. Seconded by B. DesLauriers. All in favor, none opposed, motion carried.**

**LHMP = 12 mins**

## Town Manager's Report

### New Town Hall Update (398 Georgia Shore Road)

C. Johnson explained we are still waiting for a water test results. Project Manager Nathaniel Jamison-Root reviewed the budget with the Board. There hasn't been a lot of work other than working on a solution for the water. The radius at the main entrance shipped today and DEW is planning to mobilize next week to complete that installation and finish up some other punch list items. We are at 99% completion. The balance to finish is \$239,606.57. The vast majority of

that amount is retainage, which is being held until the very end of the project. This is common practice.

Mr. Jamison-Root stated that the owner contingency is at \$67,077. Again, waiting for the water solution to get resolved before moving onto some of the final owner costs items such as the sign and the AV system.

Mr. Jamison-Root explained that some of the costs assigned to the contingency this month were for legal fees, storage for the rolling racks for vault, the water work with Chevalier, and wetland work by Fitzgerald Environmental.

B. Deso asked for the costs approved for phases 1, 2 and 3. Mr. Jamison-Root and C. Johnson will work on this and provide it to the Board at their next meeting.

**TH Update = 9 mins**

### **Draft Bylaws**

E. Cherington explained to the Board that as she was going through the ordinance back in May, she pulled a lot of similar development language out of the ordinance, so that the ordinance speaks strictly to the utility, how the utility functions, how the bills go out, etc., then the development based language would be in the bylaws, so when someone comes to the Town trying to build, they're not looking in different places for the information that they need to be able to get their whole picture. That was part of the intent. The other part of the intent is to recognize water quality needs on three different levels; wetlands, streams(lakes and ponds), and stormwater and how stormwater impacts water quality.

### **Wetlands**

E. Cherington explained that there was a question about the mapping language in the bylaws and she stated she was fine with removing that piece of it from the wetlands section. It is important to keep the wetland component in there so that development within wetlands goes through the review process. The State does not prohibit development in wetlands. That's the whole point of the wetland permit. It is allowed, but must be reviewed and a permit issued. At the Town level, we have a lot of knowledge of resources that might not be available at the State level. It is important that we are able to look at those designs as they come in. Mapping is an issue. E. Cherington explained that with talking to Zoning Administrator Megan Sherlund, she proposed doing a map with hydric soils and overlay the existing wetlands as an advisory layer. It wouldn't be conclusive, but a tool for residents to help guide them. She went on to say that removing the language would be fine, but she'll continue to use when she reviews projects.

E. Cherington explained that regarding the buffers for wetlands, it's not clear where the buffers are applied and that her intent was to apply them to Class I and Class II wetlands. We don't have Class I wetlands in St. Albans Town and there aren't many in the state. She went on to say that she would like the buffer language to be attributed to Class II wetlands, which matches what the State regulates.

### **Stream Protection Standards**

E. Cherington explained that the state language has a buffer of 50' from top of bank, but that's really hard for us to measure from office. We can download layer files that show centerline of streams and she had proposed 100' based off centerline. This would only be applied to Rugg Brook, Stevens Brook, and Jewett Brook which are listed as impaired. Jewett Brook has been listed as impaired, but the Total Maximum Daily Load (TMDL) hasn't been set yet by the State. When the State does so, we'll have to take the same actions for Jewett Brook that we have taken with Stevens and Rugg brooks, such as developing a Flow Restoration Plan.

### **Stormwater**

E. Cherington addressed J. Brigham's concerns regarding why the Town is taking over expired stormwater permits explaining that back in 2013 the State put out a policy to all towns with MS4 permits asking them how they were going to deal with these expired permits. At that time, there wasn't a new permit for residential neighborhoods they could reapply under. That did not come out until this past year. In 2014, the Town said we'd take those expired permits under our MS4 and deal with them that way and it protects all the homes when attorneys are doing title searches. E. Cherington continued by saying she went through all the impacted neighborhoods and she stopped counting at 359 homes and then she found another permit. There are more within our Flow Restoration Plan and the Phosphorus Control Plan.

J. Brigham asked if the Town was going to roll in other expired permits for developments. E. Cherington explained that we have Flow Restoration Plans for both Rugg and Stevens brooks. She explained that a storm event that occurs, on average, once a year over a 24 hour period and dumps about 1.9 inches of water is creating huge sheet flows off of impervious surfaces that are hitting our streams and causing major erosion. That is the point of the Flow Restoration

Plan, to capture that flow and slowly release it back into the streams, so that it stops or slows down the erosion.

J. Brigham asked if every development had to have a detention pond. E. Cherington stated that bigger developments do. Now with the new rules, any development over half an acre has to come into compliance with stormwater.

Regarding the Phosphorus Control Plan, E. Cherington explained that recently the Town took over Loomis Lane and Ethel Court as Town roads. When we did, we accepted a dry detention basin, providing us a credit on our Phosphorus Control Plan. We do have to accept a number of these in order to create what we need to create. A lot of times, these ponds are already constructed and all we'd have to do is put a smaller orifice in to slow down the flow, then we get credit for it. E. Cherington continued by saying that if we are not accepting them, the Town has to go out and build these (ponds) from scratch which is very expensive.

J. Brigham explained that when he sat on the DRB (Development Review Board) homeowners associations were supposed to contribute funds every year for detention ponds. He wondered where those funds were and stated that the DRB never followed up on that. E. Cherington explained that for example, she has a final design for Tanglewood, shovel ready and as soon as she can find grant funding to apply to it, we can start construction on it. The funds that are in the Tanglewood Homeowners Association escrow account will be applied based on the amount of impervious surface.

E. Cherington explained that the Flow Restoration Plans needs to be implemented by 2032 and the Phosphorus Control Plan by 2036, but the State has pushed all these plans to 2036. In 14 years, we have to invest a huge amount of money to get all of these back up to standards.

J. Sanders asked why would the Town want to have anything different in the bylaws than what the State has for rules and regulations on water quality and the buffers. He went on to explain different agencies have different rules and it just leads to confusion. E. Cherington explained that she didn't want any development on streambanks near impaired streams. This (language in the bylaws) gives the Town the opportunity to look at plans that are proposing development on our impaired streams. E. Cherington explained that with our MS4 permit we are required to add language to the bylaws and ordinance to protect our water. B. Deso asked, so by doing center of stream with the GIS layer, it'll be easier. E. Cherington stated she can do it here by generating a map so that if a developer comes in with a plan set, she can pull up the map and determine whether something will be an issue or not as opposed to her going out in the field.

B. Deso explained that the Board was in consensus with removing the mapping language from the bylaws, but was unsure of how we were going to define measuring from impaired streams. E. Cherington stated that she can change it to say "top of bank", but it's harder to map. She went on to say that she could include the language that the State uses.

Discussed changes to be made and a clean copy will be provided to the Selectboard at their August 1<sup>st</sup> meeting. In the meantime, C. Parent will review the changes with the Planning Commission at their meeting on Tuesday, July 26<sup>th</sup>.

**Bylaws = 33 mins**

#### **Conflict of Interest and Personnel Policy Review Update**

C. Johnson explained to the Board that J. Gray used the VLCT template to create a draft of the Conflict of Interest policy. If the Board is in consensus, it will be sent to VLCT for their review. The Board agreed to send the draft to VLCT for review as presented.

**Policies = 7 mins.**

#### **Historical Preservation Committee**

C. Johnson explained that Joe Luneau wants to jump start this committee and get them to meet three times before year's end. If anyone is interested in participating with this committee, they will meet 4 times a year and the meetings will be done virtually.

**Historical = 2 min.**

#### **Vermont Agency of Transportation Repaving of VT. Route 105**

Informational only. No action required.

**VTrans = 1 min.**

**Fiscal Year 2023 Tax Rate Set July 12<sup>th</sup>**

C. Johnson explained that the Selectboard held a special meeting to set the tax rate on July 12<sup>th</sup>. Tax bills were mailed out last week.

**Tax Rate = 1 min.**

**Village Designation**

C. Johnson explained that there was a small change to the Village Designation map. A label corrected from reading "Bait Shop". This will be submitted for the committee's meeting in early August.

**Village = 3 min.**

**Schedule**

The next regular Selectboard meetings are Monday, August 1<sup>st</sup> and Monday August 15<sup>th</sup> at 6:30 p.m.

**Schedule = 1 min.**

**Other Business**

J. Brigham asked A. Mashtare how he was doing with the culvert installations. A. Mashtare stated they were all the culverts had been installed.

**Other = 1 mins.**

**Executive Session**

**MOTION: B. Deso made a motion to go into executive session at 8:01 p.m. to discuss a personnel matter 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 a personnel issue under the provisions of Title 1, section 313(a)(1) of Vermont Statutes and to invite in Town Manager Carrie Johnson. Seconded by J. Sanders. All in favor, none opposed, motion carried.**

**MOTION: J. Sanders made a motion to come out of executive session at 8:53 p.m. Seconded by B. Deso. All in favor, none opposed, motion carried.**

**Adjournment**

**MOTION: B. DesLauriers made a motion to adjourn the Selectboard meeting at 8:54 p.m. Seconded by B. Deso. All in favor, none opposed, motion carried.**

Respectfully submitted,  
Jenn Gray Executive Assistant