

**Town of St. Albans
Selectboard Special Meeting Minutes
Monday, August 14th, 2023
5:30 p.m.**

On Monday, August 14th, 2023 at 5:30 p.m., the Town of St. Albans Selectboard met at Town Hall for a special meeting.

Officials and Staff: Chair Bryan DesLauriers, Vice Chair Jack Brigham, Jonathan Giroux, Brendan Deso, Jeff Sanders, Town Manager Sean Adkins, Director of Public Works Dave Allerton, Stormwater Coordinator July Medina-Triana, and Interim Director of Operations Al Voegele

Public in Attendance: Christy Witters, ANR MS4 Program Manager, Emily Schelley, Environmental Analyst – Stormwater Section, and Madeline Russell, 3-Acre Stormwater Project Developer all from the Agency of Natural Resources, David Bray, Kent Henderson, Diane Iorlano, Mike McGrath, Paull & Sally Larner, Jim Murphy, Kathy Katz, Joan & Brian Pillsbury, David Schofield, Kevin Briggs, and Judy Wechsler.

Staff participating via Zoom: Executive Assistant Jenn Gray.

Public Participation via Zoom: Katie Foster with Northwest Access TV, VT Digger Reporter, Shaun Robison, Sam Hughes with ANR, and Tanglewood resident Kevin Briggs (prior to coming down to Town Hall).

B. DesLauriers called the meeting to order at 5:32 p.m. The purpose of the special meeting was to hold discussions with State representatives from the Agency of Natural Resources Stormwater Division.

Stormwater

D. Allerton explained to the Board there were three people from the Agency of Natural Resources Stormwater Division in attendance to address the Board's questions and concerns regarding stormwater.

Christy Witters is the MS4 Program Manager with the Agency of Natural Resources (ANR) and works with municipalities.

Madeline Russell is the 3-Acre Stormwater Project Developer working on clean water, drinking water, and 3-acre.

Emily Schelley is an Environmental Analyst for the Stormwater Section on ANR.

MS4 Permit

C. Witters provided an overview of the requirements for the MS4 permit and the 3-acre permitting. The Town's current permit is for July 2018 – 2023. Next permit is September 2023 – 2028. There are 16 entities with MS4 Permits in the State of Vermont.

Funding Opportunities

M. Russell went over the ARPA-3-Acre fund, Clean Water State Revolving Fund, and the MS4 one-time funding opportunity (loan/loan forgiveness type program).

J. Brigham stated we've been collecting stormwater fees and getting money from the state to help with stormwater projects. How many years is it going to take to get ahead of this? How do we ask people who are not subject to stormwater issues to pay for improvements? We need to be fair to all our taxpayers. C. Witters stated we try to set up the plans to address the magnitude of these projects. The timeframe for all MS4 communities is set it for 20 years.

J. Sanders asked for the taxpayers for the Town, is there any way to get some assurance that if the Town does a half million dollar project that the project will be sufficient for several years and no be effected by any changes? How much of a usable life span does a project have as long as the maintenance requirements are followed? C. Witters said a lot of the older projects are no longer designed for the today's standards. She went on to explain that they don't anticipate any changes for the next 5-10 years. Significant changes have already been made and we do not anticipate anything like that in the near future. The State is trying to be reasonable.

J. Sanders asked if we should address stream bank erosion first before working on some of these other stormwater projects. C. Witters explained what we should try to do is control the amount of flow through those streams, and then do restoration.

B. Deso explained the reason why he voted to implement the Stormwater Utility. First, because some neighborhoods were built in drainage basins for water coming of State owned roads. Second, to

designate public funds to clean up the lake. Governor Scott signed a bill stating there would be \$60 million to address stormwater. We still have not seen any of that. We're not receiving enough funding to address our stormwater projects. How much bureaucratic stuff do we have to go through to get these projects pushed through? We need a substantial amount of money each year to do our stormwater projects. \$1 million dollars a year would help tremendously.

C. Witters agreed to express the Boards' concerns and stated that the Town is doing a great job to try and meet all the State's demands. She stated she's aware of the water runoff from the State highway (SASH) and how it's affecting the neighborhood (Tanglewood) in that area. C. Witters stated she can speak to VTrans about it.

B. DesLauriers stated his concern is being able to spend the funds equitably among the stormwater projects that need to get done. What is the lake going to look like in 2036 and when we and everyone else hit their stormwater targets or we hit are targets and everyone else doesn't? E. Schelley stated that what the Town is currently doing is this helping. Some other communities are working on getting their Flow Restoration and Phosphorus Control plans in place. That will also help. It's going to take a lot time to get the lake healthy again. She encouraged the Board to speak to their legislatures. B. Deso explained that the Town hired Leonine Public Affairs to lobby on behalf of the Town's stormwater utility to stop the change with agriculture and no one listened to us. We hired a lobbyist to stop Secretary Tebbetts from enacting a changed that ended up blowing an 18% hole in our stormwater utility revenue and we failed.

J. Sanders asked if every project is implemented as they are supposed to be, is there any chance the streams would lose their impaired designation and then no longer require an MS4 permit? C. Witters stated that is the goal, to bring those streams to attainment. That would make the TMDL (Total Maximum Daily Load) would go away for those streams. The Town of St. Albans will always be a MS4. C. Witters said that was a valid point and she will look into J. Sanders' question. However, there are still the municipal road requirements and the 3-acre requirements.

J. Giroux stated he doesn't buy that reducing the phosphorus by 69 kilograms is going to have any impact on Lake Champlain in St. Albans Bay. If the Town doesn't meet the stormwater requirements by 2036, what ramifications will there be on the Town? C. Witters stated that the agency has the compliance and enforcement authority. We have to ensure that MS4 communities are meeting the requirements that we are delegated to implement from the EPA. She would rather work with municipalities to try to achieve those targets. If there is knowledge or understanding that it's impossible to meet the requirements by that timeframe, it's worthwhile opening the books and figure out what is the right timeframe, how do we make it happen, and how do we find more money. C. Witters continued by saying it's better to approach it that way than think about the wasted resources of non-compliance, fines, and enforcement actions.

Michael McGrath addressed the Board. His property is backed up to the Tanglewood neighborhood. He stated he's been involved with the Highway Department about Tanglewood and their flooding. He also saw the article in the paper that said that maybe the Town of St. Albans was going to pay to have the stormwater fixed and upgraded. Mr. McGrath stated he's lived in that area for 15 years and hasn't seen anyone do anything there.

Kevin Briggs, President of the Tanglewood homeowners' association explained they have worked tirelessly with the Town over the last 20 years to try to figure out how to fund this. We've raised funds to get to our percentage. This is a Town of St. Albans problem, not just an individual neighborhood problem. We can't pick up \$575,000 and completely rely on the homeowners. We need to rely on all of us to try and fix this for our community and for our state. Mr. Briggs stated that he's pleased to hear we are working together with the Town to get this fixed.

B. DesLauriers stated with regards to Tanglewood, it's his understanding that it's not just water falling from the sky, but also water flowing off of St. Albans Hill. D. Allerton explained he is working with VTrans along with others to try and figure out what we are going to do about it.

B. DesLauriers stated that the State built a pretty big retention pond right off Exit 19 and he's never seen any water in it. B. Deso explained that it's a giant, gravel wetland in there with check dams and other infiltration devices in the median between north and south. It was built last summer, took all year. He went on to say it probably cost millions of dollars and it didn't do much to solve our localized problems. C. Witters stated they can look into that and ask for the plans and figure out what waters the design are supposed to be capturing and infiltrating. It does sound different from the water that is the problem going into Tanglewood. She continued by saying that when VTrans designs systems in their right of way they don't want standing water for safety issues. Any practice that they put in would not be a stormwater pond that has water in it because if it freezes, in the winter, it could be disastrous and cause accidents. It may be a system designed not to hold the water on the surface.

Judy Wechsler addressed the Board regarding a culvert being maintained by the Town near her home on Maquam Shore Road. It's working fine, but sometimes it flows over. Are there things that can be

done to help that water stay at a safe level. She asked who she could talk to regarding this? B. DesLauriers explained that Davell Allerton or Sean Adkins.

Kent Henderson, Chair of the Friends of Northern Lake Champlain (FNLC) explained that for many years, the Town had supported FNLC. He stated that for 15 years he's been working on water quality and asked exactly where did the MS4 permit coming from? C. Witters explained that the MS4 permit is an EPA permit. EPA does issue MS4 permits for some jurisdictions. Most of the states in the country are delegated to issue NPDES (National Pollution Discharged Elimination Systems) permits. The State of Vermont has been delegated to issue those permits for the EPA. Being a delegated state, we're given federal dollars, we're given the authority to build these programs, and to implement them. Then, we report on our progress to the EPA. C. Witters continued by stating she believe the first MS4 permit was issued back in 2004, to a large group of municipalities around Burlington because they were in that census designated urbanized area and hit a population threshold. All those municipalities were automatically designated. She next explained that there is an Impaired Waters list that includes waters that are impaired by E.coli, temperature, phosphorus, all different impairments. The monitoring and assessment program looks at what's causing those impairments and then develops TMDL's to restore those impairments. There were 12 streams identified as stormwater impaired and TMDL's were developed on how to restore those streams.

Mr. Henderson stated he sits on the Basin Water Quality Council for the bay and the Missisquoi area of the lake and the council is looking for non-regulatory projects to work on to assist the Town.

Brian Pillsbury from Bluff Lane came before the Board and stated that Bluff Lane is a maintained road to a certain point and from Costes Court down it's private. There is a large culvert under the road at the end of Bluff Lane. Is that something maintained by the Town? D. Allerton explained that if it were in the Town's right of way, we would maintain it, but because it's private property, we cannot. The resident stated that there is a lot of water runoff from French Hill and St. Albans Hill that probably effects the Tanglewood area. D. Allerton stated we can come up and take a look at it. The Town can maintain everything that is in the public right of way, but a lot of the streams and ditches are on private property. We can't legally go onto private property to clean out ditches. The residents in the developments don't understand what needs to be done or that they are responsible for doing it. C. Witters explained that with ANR, there are watershed planners who work with their local communities to identify projects that may be non-regulatory, but are causing a lot of environmental degradation. S. Hughes stated that Karen Bates is the watershed planner for this area.

Dave Schofield from Summit Place came before the Board and stated that his development is on the list of needing some kind of stormwater help. When the development was built, it had an Act 250 permit, but not a stormwater permit. Mr. Schofield explained that water flows off Summit Place and onto Sheldon Road. He suggested a large detention area to slow the flow of water and to collect phosphorus and other sediment. C. Witters stated Act 250 is outside the MS4 permit and is nothing ARN is involved in and it would remain with the property. Mr. Schofield stated that there is a wetland in the development, but he's unsure if anything is being done to maintain it. C. Witters stated that she could provide Mr. Schofield with contacts at Act 250 to make sure everything is being down according to the permit for his development.

That Board thanked the ANR representatives for attending the meeting and answering questions and concerns of the Board and residents in attendance. B. DesLauriers stated he wanted to be sure that we have an equitable way of tackling our stormwater projects.

C. Witters stated she appreciates the comments, notes have been taken, and she will bring them back to the agency. She stated that she is in regular contact with D. Allerton. We will figure out what the next steps are to bring this to a higher level.

Stormwater = 2 hours, 17 mins.

Adjournment

MOTION: B. made a motion to adjourn the Selectboard meeting at 7:47 p.m. Seconded by J. Giroux. All in favor, none opposed, motion carried.

Respectfully submitted,
Jenn Gray Executive Assistant