

**Town of St. Albans
Selectboard Meeting Minutes
Monday, September 21st, 2020
6:30 p.m.
Via Zoom Teleconferencing**

On Monday, September 21st, 2020, at 6:30 p.m., the Town of St. Albans Selectboard met.

Officials and staff in attendance: Chair Brendan Deso, Stan Dukas, Erin Creley, Jonathan Giroux, Town Manager Carrie Johnson, Director of Public Works Alan Mashtare, John Montagne (DPW), Town Clerk Anna Bourdon, and Recording Secretary Jenn Gray. Vice Chair Jessica Frost, Assessor Bill Hinman, and Assessor's Administrative Assistant Molly Mashtare participated via Zoom.

Public Participation via Zoom Teleconferencing: Toni Mikula with VT. Fish and Wildlife, Chris and Heather Caster, Rene Ravlin, Jana Graff, Kent Henderson, Amanda Giroux, Planning Commissioner Anne Pomeroy, Jackie Brown, and Lisa and Kevin Briggs.

Chair B. Deso called the meeting to order at 6:30 p.m. The Pledge of Allegiance was recited and there was a moment of silence in observance of the passing of Justice Ruth Bader Ginsburg.

General Warrant

S. Dukas asked about funding the Stantec invoices. C. Johnson explained that these payments were part of a grant and that we need to expend the funds before we get reimbursed from the grant. The funds will show on the revenue side, the expense side will appear over.

MOTION: S. Dukas made a motion to approve the general warrant dated September 21st, 2020 in the amount of \$71,656.41. Seconded by J. Giroux. All in favor, none opposed, motion carried.

DPW Reserve Account Warrant, Industrial Park Warrant, and Infrastructure Development Warrant

MOTION: J. Giroux made a motion to approve the DPW Reserve Account Warrant dated September 21st, 2020 in the amount of \$61,950.00, the Industrial Park Warrant dated September 21st, 2020 in the amount of \$826.19, and the Infrastructure Development Warrant dated September 21st, 2020 in the amount of \$7,316.28. Seconded by E. Creley. All in favor, none opposed, motion carried.

Payroll

MOTION: E. Creley made a motion to approve the payroll warrant for September 18th, 2020 in the amount of \$27,953.78. Seconded by J. Giroux. All in favor, none opposed, motion carried.

Minutes

There was an edit to the meeting minutes to say "Wednesday" instead of "Monday" for the September 9th, 2020 Selectboard meeting.

MOTION: J. Giroux made a motion to approve the Selectboard meeting minutes from Wednesday, September 9th, 2020 as amended. Seconded by E. Creley. All in favor, none opposed, motion carried.

Public Comment

J. Frost explained that prior to COVID-19, she and C. Johnson had been speaking with Jenna Koloski with the Council on Rural Development. They have a strategic planning program where they will do community visits in the Town. They form a one-time steering committee of 20-25 people, made up of educators, health care workers, all facets of the community. This steering committee helps identify issues that are important in the community. Then there is a mass invitation to engage the community. After that, they form working committees and have working forums throughout the day. At these forums, the group helps decide what they want to work on in their town.

J. Frost continued by saying they also bring experts from federal, non-profits and other entities to match up aspects and different resources to help move ideas forward. Then, you have 3 - 5 committees all made up of citizens linked with resources to move projects forward. There is a charge of \$40,000. J. Frost stated that both Swanton and Montgomery have participated in this program. It is very successful in engaging the leaders and letting leaders generate ownership over their community.

J. Frost suggested that the Town do this with the City of St. Albans and have both decide what is best for both communities. She explained that she had reached out to Mike McCarthy in the City and he too had met with Ms. Koloski. He's excited about the program as well. J. Frost went on to say that because this is such a popular program and takes up several months of time, we should get on the waiting list now. We wouldn't be able to get a visit until 2022. To get on the waiting list, they just need a letter from the Selectboard inviting them to our community.

B. Deso had gone to a City Council meeting last week to talk to them about working on a few joint initiatives. The Board was in consensus for B. Deso to sign a letter of intent to be added to the wait list. B. Deso stated he will get this done by the end of the week.

Public Comment Stormwater Issues

B. Deso explained that he believes the issues that are occurring at Meadowbrook Lane fall under the Stormwater Utility Ordinance and should be discussed. Chris Caster, who is a homeowner on Meadowbrook Lane explained that the stormwater issues they are experiencing have been going on for 15 years and are due to the retention pond on Tanglewood. Rene Ravlin, who is Mr. Caster's next door neighbor, also suffers from the same issues. Mr. Caster expressed his concerns and frustrations with the Board that these issues are not being addressed.

B. Deso stated that this is why the Town is considering approving the Stormwater Utility Ordinance and have applied for another grant to help Tanglewood and Meadowbrook address stormwater issues.

Lisa Briggs, homeowner on Tanglewood Drive explained that over 2 years ago the homeowners association (HOA) reached out to the Town asking them to be part of a grant. The HOA was directed by the State to go in on a grant with the Town to work on the retention pond. Six months to a year later, the neighbors were contacted by the Town indicating that they wanted us to go in, they wanted to use our infrastructure and work that had been done to apply for a grant that would help repair the retention pond. The HOA members had worked with the Town in regards to this project. Then, it was too late to start the project when the grant was awarded, then the project bids came in too high, and the grant funds weren't enough. Ms. Briggs went on to say that the HOA was told this June that the Town was going to reapply for more funds for this project. She wanted to know where the grant funds that were previously awarded went. There has been a long history of trying to work with the Town on getting this retention pond fixed and have the road turned over to the Town. Ms. Briggs also mentioned that the Town used to maintain the road, but that stopped.

B. Deso asked C. Johnson to respond to why the Town stopped maintaining Tanglewood Drive. C. Johnson explained that the reason the Town doesn't maintain the road is because it's a private road and our insurance carrier told us we cannot maintain a private road for liability reasons.

B. Deso stated that the original grant wasn't enough for the project costs that came in, the costs were too high. We returned the grant. We reapplied for a larger grant in July, 2020. Mr. Caster asked what the contingency plan was and B. Deso explained that there isn't one at this time. We are working on a Stormwater Utility Ordinance at this time that will fund the Town's portion of stormwater projects; to build a staff and funds to move forward on stormwater projects. To help fix issues we didn't have a hand in creating.

Bill Hinman, Assessor – Errors & Omissions

B. Hinman stated that the Errors and Omissions are pretty straight forward. He is doing research on another case that will be presented to the Selectboard in October.

MOTION: E. Creley made a motion to approve the Errors & Omissions as presented. Seconded by J. Giroux. All in favor, none opposed, motion carried.

Appointment of Interim Zoning Administrator

Becky Perron is retiring. Her last day is Friday, September 25th. The Planning Commission met on September 17th to make a recommendation for an Interim Zoning Administrator (ZA) and recommended AJ Johnson. She will fill this position which has a term expiring in September 2022 until we can permanently fill the ZA position.

MOTION: E. Creley made a motion to appoint AJ Johnson as the Interim Zoning Administrator. Seconded by J. Giroux. All in favor, none opposed, motion carried.

Vermont Fish and Wildlife Department – Land Acquisition – Reynolds Property (76 Acres)

Toni Mikula with Vermont Fish and Wildlife Department explained to the Board the department's land acquisition. There is a 76 acre parcel along Black Creek that the Reynold's family would like to donate. The property would be added to the Black Creek area that the department

currently owns. They currently own the east bank and this land acquisition would expand State owned land to the west bank. This land allows for hunting, fishing, paddling, and nature walks. Ms. Mikula needed a motion or letter of support from the Town in order to complete this acquisition.

MOTION: S. Dukas made a motion to follow through with Patty Reynold's gift to the Vermont Fish and Wildlife Department to secure the land on the west bank of Black Creek totaling 76 acres and authorize Selectboard Chair Brendan Deso to sign the letter of support. Seconded by J. Giroux. All in favor, none opposed, motion carried.

Stormwater Utility Ordinance

E. Creley explained that she is also a member of the Planning Commission (PC) and stated that they spent a lot of time working on this ordinance. When they were talking about the suggested Equivalent Residential Unit or ERU, the fee that would be tied to the ordinance, the consultant assumed a higher rate of the Town receiving grant funds for the stormwater work than the PC was comfortable with for the budget calculations. The PC wanted to make sure the Stormwater Utility had enough funds in it for the Town to meet our obligations without having to depend on a grant. The \$65/year per ERU will allow the Town to do this.

S. Dukas explained that some developers already did the right thing. B. Deso explained he had a letter from one of those developers. S. Dukas stated that he agrees with that developer. B. Deso explained that the letter came from developer Richard Cummings of Mapleville Depot. At the depot, Mr. Cummings built a stormwater pond costing \$70,000 and an offset pond that cost \$118,000 to take care of any discharged the stormwater pond lets through. Mr. Cummings stated in his letter that he felt they had addressed their obligations and should not be charged another fee by the Town. It was also stated that Mr. Cummings pays several hundred dollars for a renewal fee annually. He pays people to maintain his pond as well.

E. Creley stated that the question of credits was brought up with the Planning Commission. There are many pros with giving credits for stormwater projects because it encourages landowners to do things that would be beneficial for the Town in meeting our obligations. As the utility operations budget is set, the budget for our expenses are based off of what we anticipate needing to do. We are offsetting revenues and giving credits, then it might mean the ERU is increased. That means it goes up for the rest of the residents. E. Creley went on to say that we should get the utility up and running, hire staff and then see how we can issue credits to landowners who have been doing their due diligence with stormwater.

B. Deso suggested maybe having 5 criteria for people. If they do one or more of the criteria, they become eligible for a credit. E. Creley explained that we will need to hire a professional who can determine, scientifically what that criteria should be. Kent Henderson with Friends of Northern Lake Champlain (FNLC) stated that his group may be able to assist with research.

E. Creley explained we need to have a roadmap for landowners explaining what things they can do to address stormwater and provide them a credit. B. Deso explained that he can't let go of the fact that if someone who is currently paying their part would be asked to pay more. E. Creley suggested possibly back dating credits. Don't know if that is possible. We don't want to not have enough funds to do future projects. S. Dukas suggested taking \$1 million from the LOT to start up the utility and the people who are currently doing their part, they won't get charged again.

A. Mashtare asked if the Planning Commission had considered the 3 Acre Act? Mr. Cummings would fall under that act. The State has approved a 3 acre law that has to pay into stormwater. So, if Mr. Cummings has to pay into that, will he pay the Town and the State? We've been talking about at the Transportation Advisory Committee (TAC). We need to take that into consideration before we finalize anything. E. Creley asked if the funds paid into the 3 Acre Act, does that help the Town to get funds to help us meet our stormwater obligations? A. Mashtare stated the town school has a certain deadline to fix their stormwater issues. If they don't fix their issues, the State can put a lien on the property. So, small developments that would have up to 3 acres of impervious surface and their stormwater permits aren't up to date, they have to get them fixed or the State will put liens on all their properties until they fix the issues. The State is starting to take control over a lot of the larger impervious parcels.

A. Mashtare asked if after the issues get fixed at Tanglewood, does the HOA have to maintain that stormwater permit or would that be the Town's responsibility? C. Johnson said we have already worked that out. We have a "Stormwater Agreement" that our lawyer drafted that we would use, that we would share those expenses with the HOA. On a case by case basis, and there is a legal HOA, we are signing a Stormwater Agreement with them. It states that the HOA will maintain their private stormwater infrastructure and we want access to the public portion so we can maintain public portions.

B. Deso asked when the bills for the utility would go out? A. Bourdon asked if it would be based on assessment or if everyone would get charged the flat \$65 a fee? E. Creley explained that for the single family residents receiving an individual tax bill, they would get charged the \$65 fee a year. A. Bourdon stated that you could put something on a tax bill for the stormwater fee. Money would flow into the general fund and then you'd transfer it to the utility. E Creley explained that for the non-residential calculation, you would need someone to be able to use the maps that we have online to be able to identify the non-pervious surface.

E. Creley asked that we approve the ordinance now, then we can start to work on the business plan. S. Dukas would like to see a business plan first. B. Deso stated we need to hire someone to calculate the bills and that same person can create a credit process. J. Frost agreed with C. Creley, saying we should wait to do the credit piece until we have every detail in place. We need to get going, the sooner the better and say that credits will be available in the future. We really need someone on board to handle this. It's a lot of work to do up front. We are getting bogged down with the details.

E. Creley asked for C. Johnsons' thoughts and plans? C. Johnson said we should get the utility ordinance approved now, hire a stormwater employee, and then 3 - 6 months after, start sending out bills, create a credit program, and start paying for that stormwater employee. The utility will pay for staffing.

Anne Pomeroy, Town resident and Planning Commissioner stated that we need to get the baseline down and determine the credits after someone is hired to do just that. We need to get this rolling. E. Creley stated we could approve the ordinance and then say within a year, we'll have the credit piece established.

B. Deso asked if landowners should get credits back dated? E. Creley said she doesn't want to get too far ahead with promises of specific credits.

MOTION: E. Creley made a motion to approve the Stormwater Utility Ordinance as presented. Second by J. Frost. Vote resulted in a 2-2 tie with Chair B. Deso voting in favor. Motion carried.

S. Dukas and J. Giroux voted opposed. B. Deso to respond to Mr. Cummings' letter with authority by the rest of the Board. The Board was in consensus.

Town Manager's Report

Town Hall Relocation Update

Matt Young is preparing cost estimates. We worked with Freeman French Freeman (FFF) on the Town Hall floor plan and elevations. We now need to begin public outreach. Part of that is to conduct interviews with public officials, explaining the shortcomings of the existing building. Parks employee Mason Mashtare is putting together a video.

COVID-19

Town Hall remains open by appointment only. At last week's press conference, Dr. Fauci said that the State of Vermont should be a national model and that the Vermont Department of Health and the State are doing something quite well. The Cross state travel maps are going to be updated on Tuesday's now instead of Friday's.

Employment Opportunities

C. Johnson explained that we currently have the Zoning Administrator opening and will be working on another job description in executive session later.

Selectboard Letter of Support for St. Albans Health Path Grant Application

We are applying for a grant for the construction of the St. Albans Health Path. Erik Alling of Stantec is assisting with the grant application. Part of the application is to include a letter of support from the Selectboard.

MOTION: S. Dukas made a motion to approve the letter of support for the St. Albans health path across the SASH and authorize Chair B. Deso to sign. Seconded by J. Giroux. All in favor, none opposed, motion carried.

Petition of Green Mountain Power for Certificate of Public Good

No action required.

Schedule

The next regular Selectboard meetings are Monday, October 5th and Monday, October 19th at 6:30 p.m. Budget meetings will be at 5:30 p.m. on Monday, October 12th and Monday, October 26th.

Chair's Report

Regarding the Stormwater Utility, B. Deso asked if approvals start now? C. Johnson explained that we have to wait the 60 day appeal period for the ordinance. B. Deso suggested hiring someone within one to two months to get this program started. S. Dukas stated there may be someone in house that is interested in this position. B. Deso stated that if that's the case, we could hire someone, pay them out of the general fund and then reimburse the general fund when the new money comes in. The Board was in consensus.

B. Deso suggested having an annual event, a virtual, photo Halloween custom contest for kids. Photos will be submitted to the Selectboard and they can judge during budget meetings. There would be three age divisions, ages 0 - 5, 6 - 12, and 13-17. The 13 – 17 year age group would have to make a costume that inspired them. There would also be a pet category for bragging rights. The Selectboard would do all the work. Submittals could come via email or Facebook. Every child who submits, will receive a bag of candy from the Town. A \$50 gift certificate to a business located in the Town would go to the winner. We could start this October 1st and run it through October 25th. Announce winners on Halloween. We would need to get parents' permission to post pictures of their children online.

B. Deso stated he attending a City Council meeting about economic development between the two communities.

B. Deso suggested a scavenger hunt in the spring to take place in Bay Park, Cohen Park, Bay Dock, and the Town Forest.

Other Business

J. Montagne explained to the Board that we are holding a Harvest Festival this Saturday, September 25th starting at 12 noon at the Bay Park. There will be a chili competition, with registration required. Nobby Reed will be supplying the music. There will be farmers market vendors as well as new vendors selling their goods.

Executive Session

MOTION: J. Giroux made a motion to go into executive session at 8:36 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 is further moved to enter into executive session to discuss legal, contractual, or personnel issued under the provisions of Title 1, section 313(a)(1) of Vermont Statutes and to invite Town Manager Carrie Johnson. Seconded by E. Creley. All in favor, none opposed, motion carried.

MOTION: E. Creley made a motion to come out of executive session at 9:40 p.m. Seconded by J. Giroux. All in favor, none opposed, motion carried.

Adjournment

MOTION: S. Dukas made a motion to adjourn the Selectboard meeting at 9:46 p.m. Seconded by J. Frost. All in favor, none opposed, motion carried.

Respectfully submitted,
Jenn Gray, Recording Secretary