

**Town of St. Albans
Selectboard Meeting Minutes
Monday, May 3rd, 2021
5:30 p.m.
Via Zoom Teleconferencing**

On Monday, May 3rd, 2021 at 5:30 p.m., the Town of St. Albans Selectboard met at Cohen Park.

Official and staff attending site visit: Chair Brendan Deso, Vice Chair Jessica Frost, Erin Creley, Jonathan Giroux, Bryan DesLauriers, Director of Operations Corey Parent, Director of Public Works Alan Mashtare, Facilities Manager, John Montagne, and Town Manager Carrie Johnson.

Public: Cohen Park property abutters Tommasina Bissonnette, Ron Anstey, and one other neighbor whose name was not provided.

Chair B. Deso called the Selectboard meeting to order at 5:30 p.m. The Selectboard started their meeting with a site visit to Cohen Park.

Recess

MOTION: B. DesLauriers made a motion at 5:55 p.m. to recess the Selectboard meeting until 6:30 p.m. Seconded by J. Frost. All in favor, none opposed, motion carried.

Regular Meeting – 6:30 p.m.

Officials and staff participating via Zoom Teleconferencing: Chair Brendan Deso, Vice Chair Jessica Frost, Erin Creley, Jonathan Giroux, Bryan DesLauriers, new employee Stormwater Coordinator Emmalee Cherington, Director of Operations Corey Parent, Director of Public Works Alan Mashtare, Facilities Manager John Montagne, Town Manager, Carrie Johnson, Town Clerk Anna Bourdon, and Recording Secretary Jenn Gray.

Public Participation via Zoom Teleconferencing: Canna-Trim Owner Jack Nichol, Vermont Growers Association Co-founder Geoffrey Pizzutillo, Franklin/Grand Isle Tobacco Prevention Coalition representatives Amy Brewer and Crystal Lampman, SMS Solar Array LLC representatives Gregg Laber and Will Veve, Joanne Montayne with Northwest Access TV, and St. Albans Messenger Owner Cameron Paquette.

B. Deso called the meeting to order at 6:30 p.m. The Pledge of Allegiance was recited, led by B. DesLauriers.

Amendment to Agenda

MOTION: B. DesLauriers made a motion to move agenda item 7A to the beginning of the meeting agenda. Seconded by J. Giroux. All in favor, none opposed, motion carried.

New Hire- Stormwater Coordinator

C. Johnson introduced new employee, Stormwater Coordinator Emmalee Cherington to the Selectboard. Emmalee comes to the Town with a lot of stormwater experience. E. Cherington explained she has been working with Corey Parent on the billing process for the stormwater utility and are shooting for sending out bills in mid-July. C. Parent explained that we've been on an aggressive timeline since the ordinance was passed last fall.

Payroll

MOTION: E. Creley made a motion to approve the payroll warrants for April 23rd, 2021 in the amount of \$17,226.43 and April 30th, 2021 in the amount of \$34,105.76. 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 May 3rd, 2021 in the amount of \$1,805.00. Seconded by E. Creley. All in favor, none opposed, motion carried.

General Warrant

MOTION: J. Giroux made a motion to approve the general warrant dated May 3rd, 2021 in the amount of \$46,736.34. Seconded by J. Frost. All in favor, none opposed, motion carried.

Minutes

MOTION: E. Creley made a motion to approve the Selectboard meeting minutes from Monday, April 19th, 2021 as presented. Seconded by J Giroux. All in favor, none opposed, motion carried.

Public Comment

Legalize Marijuana Sales

Canna-Trim Owner and City resident Jack Nichol explained the introduction of the idea of legal retail sales of marijuana in St. Albans. Mr. Nichol explained that the reason he wanted the Town to look at this topic now rather than wait for the 2022 Town Meeting Day vote was because it's very important for the community to identify who they want to work with and get ahead of this early, so that we are not trying to cram a bunch of work and planning into an eight month timeframe from the time of vote to a store opening in October, 2022.

Mr. Nichol continued by explaining that he needs to create a petition requesting a special vote. If that is successful, the Town and City would need to identify who in the community they want to be able to basically have the responsibility to do this, someone who is familiar with the process. Mr. Nichol explained that then, the Town and City would need to work with those people they have identified, then the Cannabis Control Board (CCB) in Montpelier will start to disseminate the information and the parameters for everyone who is interested in doing this.

B. DesLauriers asked if this was going to be like the same thing with liquor sales where there is one store or could there be more than that? If there was a retail store, would the product be grown on site or off site? Mr. Nichol explained that his working under the assumption that Montpelier will only give him one license due to a small population between the Town and the City. As for growing on site, Mr. Nichol will not be asking for a growing license. He would just like to have a retail license. He didn't believe growing would be done on site due to supply and demand and having a site large enough to handle both.

Mr. Pizzutillo explained that the opt in under Act 164 is only for retail operations. There are other license types. Not every license type is spelled out in Act 164, but it starts with defining some licenses. Those that are defined are allowed to operate in towns without opt-in approval. This would be the Integrated License Type which is for a dispensary and the Retail License Type. There can be cultivators, distributors, and processors in St. Albans and other towns that chose not to engage in an opt-in vote.

Mr. Pizzutillo explained what the Town can regulate with businesses under Act 164. The Town does have some authority surrounding Zoning, Sign Ordinances, and Nuisance Ordinances. The Town can set up something similar to a Liquor Control Board. The towns do not have the authority, under Act 164 to prohibit any specific license beyond the Retail License. Coming to the Town now is allowing for the Selectboard enough time to come up with their own ordinances, bylaws, and configure a board.

Mr. Pizzutillo went on to say that there is a Bill in State House now that will reform this opt-in. If the Bill were to becoming enacted and a town does not vote to opt in retail operations, by 2023 they are automatically opted in.

Mr. Nichol stated that based on population of the St. Albans area, it may make sense to have just once license. E. Creley asked whether that was based on a business owner making a speculation about what the Town and/or City may approve or is that based on knowledge about the legislation or where the Board that is being enacted is going? Mr. Nichol stated it was complete conjecture and his opinion. He is under the assumption that St. Albans will only get one license.

Amy Brewer with the Franklin Grand Isle Tobacco Prevention Coalition explained the coalition's role in protecting youth from substance abuse. Ms. Brewer went over the Youth Risk Behavior Survey dated for Maple Run Unified School District:

- Marijuana use in the past 30 days has risen steadily between 2013 - 2019 from 18% to 23%.
- Youth perception of harm has decreased between 2013 – 2019 from 32% to 25%.
- Perceived parental disapproval has decreased between 2013 – 2019 from 86% to 79%.
- Perceived peer disapproval has decreased between 2013 – 2019 from 67% to 52%

Ms. Brewer explained that cannabis does have specific risks/dangers to developing youth including:

- Challenges with memory/learning
- Challenges with motor coordination/reaction time
- The earlier the use, the higher the risk of addiction, heavy use, memory/learning, and use of other substances.
- Normalization (caused by increased ads, increased perception of use, decreased perception of harm) can lead to early use which can lead to heavy use. We see this with cannabis, alcohol, and tobacco.

B. DesLauriers asked if there was an increase in the tobacco use numbers? A. Brewer explained that cigarette use had decreased until vaping. Students didn't understand the harm of vaping and still don't to a certain extent. According to the Maple Run Unified District numbers, E-cigarettes or vapes in the past 30 days in 2015 was 17%, in 2017 it was 12%, and in 2019 it was 31%. Looking at smoking cigarettes in the past 30 days in 2013 it was 11% and in 2019 it was down to 7%.

E. Creley asked what if any what kind of protections are put in place around retail cannabis for youth and if towns have any tools through this legislation to consider retail cannabis and youth use? Mr. Pizzutillo explained there is no advertising for the adult use marketplace. There is an effective ban on advertising as it stands now. If this Bill were to pass, there will be advertising. Local control allows ordinances for advertising. The Town has control of signage. Ms. Brewer stated that the Town has zoning too.

B. Deso stated that we've heard from both sides. He went on to say that the decision points are the timeline, tax revenue and possibly using those funds to go into parks, and zoning revisions. This will be a discussion for the Planning Commission and a decision by the Selectboard.

J. Frost explained her concerns stating that she would like to see how this plays out for other communities first. There are many middle schoolers that were vaping because of the high accessibility and they didn't think it was harmful. Any kid who tries a substance, particularly before the age of 21, it will alter their brain development, they are more prone to addiction, and they are more prone to using substances later in life. J. Frost also expressed her concerns about the Town passing legal cannabis sales and who it benefits, whether product sold in Vermont must be grown in Vermont, and the youth accessibility to edibles. She went on to say that she knew the Local Option Tax (LOT) was originally excluded from retail cannabis sales. As far as the State tax revenue, it doesn't matter if you opt-in or out, every community gets benefits back from the State. That wouldn't really impact our tax revenue.

Mr. Pizzutillo explained that the tax breakdown under Act 164 is 14% Excise Tax goes towards and that goes to preventative programs, a 6% sales tax that is currently being appropriated to universal after care programs, and a 1% LOT.

Mr. Nichol explained that he didn't think the rules had been established yet where retail stores have to get their product from. He wouldn't be surprised if Vermont retailers were asked to sell a certain percentage of Vermont product in their stores. Most likely there will be finished product coming from out of state, such as California or Washington state. Town's probably won't be able to prohibit the sale of edibles.

Mr. Pizzutillo reminded the Board that Federally, cannabis is still illegal and cannot cross state lines. Anything that is sold in Vermont's adult use market will have to be produced in state.

Liquor Control Board

MOTION: J. Giroux made a motion to recess the Selectboard meeting and convene as the Liquor Control Board. Seconded by E. Creley. All in favor, none opposed, motion carried.

There was one application for Outdoor Consumption for the Elks St. Albans Lodge.

MOTION: E. Creley made a motion to approve the Outdoor Consumption license for . Seconded by J. Giroux. All in favor, none opposed, motion carried.

MOTION: J. Giroux made a motion to adjourn the Liquor Control Board and reconvene as the Selectboard. Seconded by J. Frost. All in favor, none opposed, motion carried.

Town Manager's Report

Preferred Site Designation – SMS Solar Array, LLC – Gregg Laber

C. Johnson reminded the Board of the Preferred Site Designation procedure regarding preferred solar site projects. The applicant goes to the Planning Commission to present their proposed plan, then to the Selectboard. After that, the applicant must go to Northwest Regional Planning for their approval. Once the applicant has that, both the Planning Commission and Selectboard may submit their letters of support to the applicant. C. Johnson went on to say that the Planning Commission already approved Planning Commission Chair Casey Toof to sign a letter.

Applicant Mr. Laber explained the proposed project stating that it will be located on filled land that can't be built on. Applicant Will Veve explained that meter credits will go back to the community. E. Creley said that there is already some natural screening and asked will it be left alone or more added? Mr. Veve explained they will preserve as much of the screening as possible.

MOTION: J. Giroux made a motion to authorize the Selectboard Chair to sign a letter. Seconded E. Creley. All in favor, none opposed, motion carried.

Act 250 Land Use Permit Amendment – St. Albans City Pool

Informational only, no action required.

Schedule

The next regular Selectboard meetings are Monday, May 17th and Monday, June 7th at 6:30 p.m. It was discussed to have the May 17th meeting be in person at Town Hall for Board members. Jenn Gray may continue to do meeting minutes virtually. The Board was in consensus to have the Board go back to in-person meetings starting on May 17th and the public continue to participate via Zoom until July 1st.

Chair's Report

B. Deso discussed the new Town logo and having it put on apparel. He stated he'd like to consider what to buy for staff, how much, where the money is going to come from, and what to do for volunteers.

Other Business

Cohen Park Project Budget

B. Deso explained that regarding the Cohen Park budget, we estimated around \$10,000 for fencing and the low bid came in at \$26,000. He went on to explained that a portion of every impact fee we receives goes to Parks and Recreation. Currently, in the Parks and Recreation Impact Fee account, we have \$24,500. The whole point of the impact fee and the Impact Fee Ordinance is to use new residential growth to offset the cost of expanding services and assets. B. Deso asked the Board if they were in consensus with using the Parks and Recreation Impact Fees to pay for the fencing.

B. Deso asked if Alan Mashtare had received three bids for items over \$5,000. C. Johnson explained that there were three quotes for fencing. B. Deso also asked if items were getting approval by the Town Manager prior to purchase. C. Johnson stated that not every single items, such as the flowers pots was run by her first. B. Deso suggested at this time that going forward, with the Town having more projects, that possibly a Project Review process would be a good idea. A checklist to make sure all things, such as permits are being applied for prior to the start of a project.

E. Creley asked if the impact fees (\$24,500) were previously considered for other projects and if so, how that would impact those other projects going forward? A. Bourdon explained that whenever the Town collects impact fees so much goes towards multiple cost centers, such as the Fire Department, Parks and Recreation, and General Government. C. Johnson explained that some items on the Capital Improvement plan may get pushed aside as we did allocate some of those impact fees for those project. C. Johnson will look into this.

J. Giroux expressed his concerns regarding the budget for the Cohen Park project and asked why the budget increased from \$65,000 to \$75,000 and then to \$100,000. C. Johnson stated that is what this was discussed at the last Selectboard meeting and why we are discussing it again tonight. This is an extraordinary project and that is why the Board is seeing it. No additional expenses will be approved without Selectboard approval. C. Johnson stated she will not approve any more expenses since we are already doing this as a special project. J. Giroux expressed more of his concerns stating that we are already digging and haven't been in front of the DRB (Development Review Board) yet. C. Johnson stated we will address that, but need to finish the discussion on the budget. The \$75,000 was previously approved.

E. Creley asked if we are being asked to use the impact fees today, we would have to do a motion to allow that and she still has questions regarding the allocation of impact fees for other projects. We are getting an update on what the fees may be. She asked if it would be at the next meeting the Board would need to make a decision? C. Johnson explained that we were asking to spend the money today because there is about a 6 – 8 week lead time at the very minimum on the fence. However, if it doesn't work, we will wait a couple of weeks. The budget we have presented is at \$74,028 and we estimated \$10,000 for the fence, but it came in \$15,000 over that. If you add another \$25,000, we are, to J. Giroux's estimate, we're close to \$100,000.

Are we able to make a motion if it wasn't previously on the agenda as a warrant, B. Deso asked for each Board member if they were in agreement to move forward with the project and to use the Parks and Recreation impact fees to pay for the fence. The Board was in consensus.

B. Deso confirmed that if there are more costs to this project, they will have to come before the Board for approval before being expended.

Vermont Arts Council

J. Frost explained that we received a grant from the Vermont Arts Council. There were many applications and we were 1 out of 5 to receive a \$10,000 grant. It will be used to install a large wood carving of Champ in the Bay Park. It will be big enough for kids to climb on it. The name of the grant was “Animating Infrastructure”. There will also be benches carved into native species shapes with some informative panels on them. We are partnering with the museum to find the right information on the panels, so it will also share some of the history of the area. Facilities Manager John Montagne did a lot of work on this and found the artist to do the carvings.

Executive Session

MOTION: E. Creley made a motion to go into executive session at 8:05 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 Town Manager Carrie Johnson. Seconded by B. DesLauriers. All in favor, none opposed, motion carried.

MOTION: J. Giroux made a motion to come out of executive session at 8:46 p.m. Seconded by E. Creley. All in favor, none opposed, motion carried.

Adjournment

MOTION: J. Giroux made a motion to adjourn the Selectboard meeting at 8:47 p.m. Seconded by E. Creley. All in favor, none opposed, motion carried.

Respectfully submitted,
Jenn Gray, Recording Secretary