

**Town of St. Albans  
Selectboard Meeting Minutes  
Monday, July 15<sup>th</sup>, 2019  
6:30 p.m.**

On Monday, July 15<sup>th</sup>, 2019 at 6:30 p.m., at Town Hall the Town of St. Albans Selectboard met.

**Officials and staff present:** Chair Brendan Deso, Vice-Chair Bruce Cheeseman, Stan Dukas, Jessica Frost, Al Voegele, Town Manager Carrie Johnson, Director of Public Works Alan Mashtare, Town Clerk Anna Bourdon, and Recording Secretary Jenn Gray. A. Voegele arrived at 6:37 p.m.

**Public:** Mike & Janet McCarthy, Ellen Johnson, Seth Baker, Lawrence Johnson, Jonathan Giroux, Bob Fairbanks, Representative Lynn Dickinson, Representative Casey Toof, VT. Dept. of Fish and Wildlife Commissioner Louis Porter, Lieutenant Carl Wedin, Warden Josh Hungerford, and Jay Sweeney.

The Pledge of Allegiance was recited.

**Legislative Representatives – Joint House/Senate Resolution**

Representative Dickinson explained that the House of Representatives from Franklin County and two Senators approved a civic dedication resolution for the Late Robert Johnson. Representative Dickinson read the resolution and then presented it to Mr. Johnson's wife, Town Manager Carrie Johnson. This resolution will hang in Town Hall.

**Municipal Tax Rate**

Town Clerk Anna Bourdon provided tax rate information for the Board. B. Deso explained the grand list grew and the tax rate has gone down. The Grand List value grew to over \$1 Billion.

**MOTION: J. Frost made a motion to approve the Fiscal Year 2020 Municipal Tax Rate of \$.3650. Seconded by B. Cheeseman. All in favor, none oppose, motion carried.**

**General Warrant**

**MOTION: S. Dukas made a motion to approve the general warrant dated July 15<sup>th</sup>, 2019 in the amount of \$187,734.16. Seconded by J. Frost. All in favor, none opposed, motion carried.**

**Payroll Warrants**

**MOTION: B. Cheeseman made a motion to approve the payroll warrants dated July 12<sup>th</sup>, 2019 in the amount of \$22,668.50 and July 5<sup>th</sup>, 2019 in the amount of \$20,301.31. Seconded by S. Dukas. All in favor, none opposed, motion carried.**

**Industrial Park Warrant**

**MOTION: J. Frost made a motion to approve the Industrial Park warrant in the amount of \$2,375.75. Seconded by S. Dukas. All in favor, none opposed, motion carried.**

**Infrastructure Development Fund – Stone House**

**MOTION: J. Frost made a motion to approve the Infrastructure Development Fund warrant in the amount of \$1,800. Seconded by B. Cheeseman. All in favor, none opposed, motion carried.**

**Fire Department Reserve Account**

**MOTION: J. Frost made a motion to approve the Fire Department Reserve Account warrant in the amount of \$1,449.10. Seconded by B. Cheeseman. All in favor, none opposed, motion carried.**

**Minutes**

**MOTION: A. Voegele made a motion to approve the Selectboard meeting minutes for Monday, July 1<sup>st</sup>, 2019. Seconded by J. Frost. All in favor, none opposed, motion carried.**

## **Parks Ordinance – Vermont Department of Fish and Wildlife**

Commissioner of the Vermont Department of Fish and Wildlife Louis Porter, Lieutenant Carl Wedin, and Warden Josh Hungerford came before the Board to explain the role of the Department and answer any questions. Commissioner Porter pointed out that Town resident Jay Sweeney, who was also in attendance sits on the VT. Dept. of Fish and Wildlife board.

Commissioner Porter explained that the department addresses appropriate uses and times for hunting. He went on to say that it is important to maintain hunters getting access to land for hunting; it's how the department is funded. It also engages people through wildlife. Hunting is the only tool to manage wildlife species. He explained that it's the safest outdoor sport. Conflicts between hunters and non-hunters are rare. Issues with deer management are becoming more challenging for the Department. He asked the Board to consider leaving the land in the town forest open to hunting. B. Cheeseman explained that he had given this a lot of thought. It's an awareness problem. The people using the forest need to be more aware of hunting seasons. Commissioner suggested placing signs at the entrance to the Forest which he will be able to provide assistance in the purchase of the signs for the Town.

A. Voegele asked Commissioner Porter if there were any statistics on snowfall. Commissioner Porter explained that snow is coming later in the season and not as reliable during the rifle season. The breeding season isn't moving later, but the snow fall and the ability to track in the snow isn't as reliable as it used to be. A. Voegele asked if the Town has the authority to mandate that everyone wear bright orange while in the forest for liability purposes. Commissioner Porter stated he was unsure and would have to look into that question, but landowners have fairly broad authority in rights.

B. Cheeseman pointed out that he has seen a lot of deer hit by cars. He also said that he saw a deer in Burlington on North Avenue. Commissioner Porter explained that if you look at a map of where deer were taken in the State of Vermont in 1970 compared to where they were taken from last year, there is almost no crossover. Very few deer were taken from Franklin County in the '70's. Now, the huge share of the deer taken in Vermont are taken in Franklin County.

A. Voegele asked if the hunting season began sometime in October? Commissioner Porter explained the seasons:

**Fall bow & arrow season: early October**

**Turkey shotgun and bow & arrow season: late October**

**Early bear season: September 15<sup>th</sup>**

**Deer season – rifle and muzzle loader starts with Youth Weekend: November 9<sup>th</sup> & 10<sup>th</sup> followed by the combination of muzzle loader and bow & arrow season.**

A. Voegele asked why we couldn't just allow for the 16 days for rifle season and not have the other seasons? Commissioner Porter explained in order to manage the deer population, we'd have to allow doe's to be taken by rifle. You manage the deer population by the doe's that are harvested, not the bucks. He went on to explain that the State of Vermont has a perversion to having doe rifle season for a lot of reasons; some of which are historical, some are due to archery and muzzle loader hunters wanting to have an opportunity to harvest deer. It would be possible to do that. Commissioner Porter thinks it would result in quite a long rifle season and you disenfranchise your archery and muzzle loader hunters. We want to keep our archery hunters because of those suburban places where deer management is becoming a challenge. Archery hunters are a great tool to do that, more accepted by non-hunters.

A. Voegele asked if the Commissioner knew why the Town of Williston doesn't allow hunting in their town forest. Commissioner Porter stated that it was for similar reasons that the Town (St. Albans) is dealing with. Some people find the activity unsettling, not coming from a hunting background. Williston also has a "Discharge" ordinance. People must understand the importance of managing the deer population.

B. Deso asked if the Commissioner has seen any other towns in the area or other parts of the country utilizing non-cost permits. Commissioner Porter stated that he doesn't. Some of the land trust around the country have done something similar, hunt by application system. He then cautioned us, saying we would need to collect information for all users of the forest.

A. Voegele asked if they could identify how many deer are taking on French Hill. Commissioner Porter said he doubted he'd be able to obtain that information. Lieutenant Wedin explained that when a deer is taken, the hunter isn't required to give the exact location of where the deer was taken, just the municipality.

A. Voegele asked J. Frost, who sits on the Parks and Recreation Committee if the committee had a stance on this subject. J. Frost explained that the topic had not been discussed in a meeting yet. However, she's all for leaving the language as it is in the ordinance, not restricting hunting in the forest.

Lieutenant Wedin explained that he's been a Game Warden for 18 years, 15 of those years have been in this area. He explained that he did not remember getting one complaint of anyone doing anything wrong on a parcel of property. Some deer were hit by cars and died in that area (of the town forest) and other complaints were of dogs chasing deer. In 6 years of dealing with this parcel of property, we have received only letters of complaint about dumping deer parts. If you were to restrict hunters access to this property, you're only going to keep the honest people out.

Jay Sweeney asked if the Town were to close the town forest to hunting, what enforcement issues does that presented to the Town? Lieutenant Wedin stated ultimately, that'll depend on how it's restricted. It has to be a Fish and Wildlife violation in order for them to respond. If a fish and wildlife regulation that is violated, they would respond. It is not their responsibility to enforce Town regulations.

B. Deso explained he would like to increase the reminder of wearing hunter orange in the town forest and he is leaning toward taking the advice of Vermont Fish and Wildlife to allow hunting on this property. There seemed to be consensus to put up warning signs.

#### **Parks Ordinance – Hunting in the Town Forest**

A. Voegele read through draft #3 of the ordinance and explained that there are some inconsistencies that need to be corrected. He asked the Board for permission to rewrite sections to match what the Board wants to have allowed in the parks and the forest. He will work on this with S. Dukas to clarify. The Board agreed.

#### **Public Comment**

None.

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

##### **Stormwater Update – Ned Connell**

C. Johnson explained that Director of Administration Ned Connell was in attendance to provide the Board a brief summary on the stormwater grants and draft sidewalk ordinance. She explained that the Board had been provided in their packets a budget of stormwater grant expenses. We have been spending a great deal of that money from a grant that the Town received last year.

N. Connell explained that we have spent quite a bit of money on the 5 projects covered by the grant. Those projects are the large pond at NMC (Northwestern Medical Center), the Industrial Park pond, Tanglewood Drive's pond, and the small pond behind Hawk's Nest. All of those projects are under stormwater review by the State and require stormwater permits. We hope to have those permits in August. The Industrial Park pond also needed a Wetlands review.

N. Connell went on to explain that one of the keys things for stormwater management is the need for a stable funding source in order to stop drawing from the general fund for stormwater projects. Currently, he is working on hiring a consultant to analyze the need for a stormwater utility. He has received 3 bid proposals for a consultant who's charge will be to analyze how much funding we need, what are fair rates, and see what's going on in other communities.

B. Cheeseman stated that he didn't remember agreeing to a stormwater utility. B. Deso explained we decided to go with a consultant to provide us with some options. A good reason why our tax rate went down 9/10 of a cent was because we cut stormwater funding from \$150,000 \$30,000. Spending \$150,000 may not be the most equitable way forward and a utility may be necessary. S. Dukas stated that the infrastructure fund could be used for these types of things. N. Connell stated the consultant will look at every possibility. C. Johnson stated that the Planning Commission will work jointly with the consultant. At a joint Selectboard/Planning Commission meeting it was asked and

agreed upon by most people at that meeting that the Planning Commission would take the lead on the analysis. It wasn't decided to accept the utility, it was just agreed upon to do the analysis.

S. Dukas stated that spending for the year was at \$48,505, but year-end says spending was \$116,000. Where did the rest of the funds go? Did Alan (Mashtare, DPW) spend it and you're not aware? A. Bourdon will print out a detailed expense report.

B. Cheeseman asked Director of Public Works Alan Mashtare if he thought he had the man power to get his stormwater projects done by the end of the year. A. Mashtare explained that the portion he needs to do, he can get done. The Industrial park (work) will go out in an RFP (Request for Proposal). The ponds behind Hawk's Nest and Franklin Health he can get done. N. Connell stated that if it's a rainy fall, he can make a statement to the grant administrators; they will give us some time.

B. Deso suggested putting this discussion off until another meeting allowing the Board to get more versed on stormwater funding and review the budget.

A. Voegele asked what the State estimates our stormwater costs will be? N. Connell stated it is \$5.5 million so far, just for the Town.

### **Sidewalk Update – Ned Connell**

The Board was provided a copy of the draft Bicycle and Pedestrian Infrastructure Impact Fee Ordinance. The Planning Commission has been working on this. N. Connell explained that rather than a road based program, it is more a zoning based program. If you are in the residential, mixed residential/commercial, commercial, industrial, and/or the St. Albans Bay overlay districts, the ordinance is asking for sidewalks on streets in those areas. Areas that are more rural or low density zones, the ordinance is only asking for wide shoulders.

B. Deso stated that the way it reads and the way he understands this is that there is to be a \$35 per linear foot impact fee along certain rural segments and then a \$17.50 fee along other road segments. He asked if this was addition to or in lieu of constructing an actual sidewalk within a project. N. Connell explained that these only relate to frontage they claim along an existing Town road. B. Deso stated that he's not interested in imposing another fee or a cost for a development in addition to sidewalk within a project. He suggested \$35 linear foot to be built on the main road or within the project; whichever is longer. J. Frost pointed out that in Section 4-2 it reads, "applicants who choose to construct a sidewalk at their own expense may offer it as total or partial payment of the required fee under Policy III – Establishment of Capital Reserve Account Section 3-4 Fees".

B. Cheeseman stated that any developer who wants to add foot traffic in any area that is going to cause a safety issue should be responsible for keeping the public safe by putting a sidewalk in. A. Voegele stated that the Town, by law, is responsible for public safety. We're the authority to ensure that people are safe going to and from stores. He went on to say that he had a problem with a developer covering a portion (of sidewalk) from his development, a mile away from the City/Town line, rather the Town should build that mile long sidewalk.

J. Frost stated that the developer should be putting in (sidewalk) along their property and it's OK that it's just pieces and at some point, the Town can fill in. B. Cheeseman agreed. B. Deso said that's what we have now, sidewalks that lead to nowhere. J. Frost stated she thought that was OK.

A very lengthy discussion followed. C. Johnson reminded the Board that this was only a first draft and that they should provide their comments to N. Connell prior to the August 5<sup>th</sup> meeting.

A. Mashtare did make the comment that projects along state highways require permits from the State. At a cost of \$50/foot, it won't cover sidewalks or paths in the State right-of-way.

### **Salt Shed & Dept. of Public Works Garage Update**

C. Johnson explained that Matt Young is applying constant pressure on the grant for the salt shed. Trying to get permission to go out to bid this fall. The foundation walls are up for the garage. The building is arriving third week of August. There is a berm to protect

the neighbors from our activities and vegetation will be planted on top. The sewer easement with the Pion's has been finalized and recorded.

S. Dukas asked how we were doing on directional drilling. A. Mashtare explained test holes are being done. The west side of the wetlands; everything looks good there.

#### **Town Hall Relocation**

We do need to push this process forward. B. Cheeseman stated we need to find a location we all agree on. A. Voegele stated we need to talk about what we need. B. Deso suggested the 5 members of the Board, Town Manager, and Town Clerk form the committee. It was agreed upon to start the discussions in 2-3 weeks.

#### **Certificate of Public Good – SolarSense VT XXII, LLC**

This was just informational. S. Dukas asked where we were regarding the procedure with the Planning Commission and solar projects. B. Deso explained that potential projects go to Regional Planning first and then come to the Town.

#### **Water/Wastewater Allocation Request – Lot 6 Mapleville Depot Road – Richard Cummings**

**MOTION: A. Voegele made a motion to approve the water and wastewater allocation for Lot 6 Mapleville Depot. Seconded by B. Cheeseman. Motion carried with 3 votes for and 2 abstentions (B. Deso & S. Dukas).**

#### **Schedule**

Joint meeting with the City of St. Albans will be held on Monday, July 22<sup>nd</sup>. This meeting begins at 5:30 p.m. and the location is to be determined.

The next regular meetings are Monday, August 5<sup>th</sup> and Monday, August 19<sup>th</sup>.

Sunflower Festival will be August 2<sup>nd</sup> – August 4<sup>th</sup>

National Night Out is the first Tuesday in August, 6<sup>th</sup>.

Town relocation meeting to be determined. Jenn Gray to do a Doodle poll.

#### **Chairman's Report**

None.

#### **Other Business – Brigham Road Property**

B. Cheeseman asked if we had interested parties on the Brigham Road. C. Johnson said no.

#### **Impact Fees**

Zoning Administrator Becky Perron came before the Board asking for a clarification on how to charge impact fees for duplexes and accessory dwelling units. The ordinance says that we follow the Bylaws for definitions. The definition of a multi-unit building is 3 or more. Accessory dwellings and duplexes were not defined in the impact fee ordinance. B. Perron believed that the intent was to charge accessory dwellings and duplex units as multi-family.

**MOTION: J. Frost made a motion to accept the recommendation of anything over a single dwelling unit be charged impact fees of a multi-unit. Seconded by B. Cheeseman. All in favor, none opposed, motion carried.**

#### **Governor Ride**

C. Johnson explained that Governor Scott will be coming to town, riding his bike. He will be in the Bay park around 9am on Saturday, August 10<sup>th</sup>. We should showcase the walking path in the Bay Park. C. Johnson asked that some of the Board be in attendance.

#### **Personnel Evaluations**

A. Voegele printed out all the links regarding personnel evaluations for anyone to read. They will be in kept in a binder at Town Manager's office. He explained that the first link and last link are probably most helpful.

**Hospital Employee Appreciation Event – Cohen Park**

B. Deso recommended that the \$200 application be waived for the hospital for their event. These do not need to come to the Selectboard as C. Johnson is authorized to do this.

**Executive Session**

**MOTION: A. Voegele made a motion to go into executive session at 8:24 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, personnel and contractual issues under the provisions of Title 1, section 313(a)(1) of Vermont Statutes and invite in the Town Manager Carrie Johnson. Seconded by B. Cheeseman. All in favor, none opposed, motion carried.**

**MOTION: A. Voegele made a motion to come out of executive session at 9:15 p.m. Seconded by B. Cheeseman. All in favor, none opposed, motion carried.**

**Zoning Administrator Salary**

**MOTION: B. Cheeseman made a motion to approve a salary increase for Zoning Administrator Becky Perron to \$65,000 annually effective 7/1/19. Second by Jessica. All in favor, none opposed, motion carried.**

**Adjournment**

**MOTION: S. Dukas made a motion to adjourn the Selectboard meeting at 9:20 p.m. Seconded by B. Cheeseman. All in favor, none opposed, motion carried.**

Respectfully submitted,  
Jenn Gray, Recording Secretary