

**Town of St. Albans  
Selectboard Meeting Minutes  
Wednesday, January 15<sup>th</sup>, 2020  
3:00 p.m.**

On Wednesday, January 15<sup>th</sup>, 2020 at 3:00 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, and Town Manager Carrie Johnson.

**Public:** David McWilliams, Mike McCarthy, Chad Spooner, Nelson Mitchell, Laurie Martin, Anne Pomeroy, Paul and Sarah Lerner, John Blouin, John Holzscheiter, Tim Hurlbut, Mayor Tim Smith, and St. Albans Messenger Michael Frett.

Chair B. Deso called the Selectboard meeting to order.

**Hard'Ack – Proposed Municipal Pool Negotiation**

B. Deso gave a brief explanation as to why the Board was holding the meeting. He explained that a Letter of Intent (LOI) was drafted. Should the voters of the Town of St. Albans and the City of St. Albans both approve going 50/50 on the \$5.5 million pool project, the City will deed to the Town an undivided 50% interest in the land deeded to the City by Hard'Ack Inc. by Warranty Deed dated April 11, 2018. The Town would be 50/50 owners of Hard'Ack. The City Council would need to approve it. Per Hard'Ack's agreement with the City (page 7, section 7), B. Deso read the following: "No portion of the real property comprising the Recreation Area shall be conveyed, gifted, sold, or otherwise disposed of without the approval of the St. Albans City Council and three-quarters (3/4) of the Hard'Ack Board.

B. Deso read through the 11 sections of the LOI:

1. The City will deed to the Town an undivided 50 percent interest in the land deeded to the City by Hard'Ack, Inc. by Warranty Deed dated April 11, 2018.
2. The Parties will agree to construct the Community Pool in substantial conformance with the Pool Rendering and Site Plan attached hereto as Exhibits 1 and 2, respectively.
3. The Parties agree that the total construction cost (hard and soft costs) shall not exceed \$5.5 million.
4. Each Party shall utilize its bonding capacity to contribute not less than \$2.75 million to fund the construction costs of the Community Pool.
5. The Parties shall enter into a contract for joint municipal development consistent with the terms of this Letter of Intent and in such form acceptable to the Parties and to facilitate approval of bonding for the project.
6. Each Party shall request voter approval for the project at their respective March, 2020 municipal meetings.
7. The City shall be responsible for the negotiation and execution of all contracts necessary for the construction of the Community Pool. All bond proceeds shall be deposited to a segregated fund established and managed by the City.
8. Once constructed, operation and management of the Community Pool will be the responsibility of the City Recreation Department, with input from the St. Albans Recreation Commission and the Trustees of Hard'Ack, Inc. The Recreation Commission shall contain an equal number of City and Town residents. Each Party, through their respective City Council and Selectboard, shall appoint members to the Recreation Commission.
9. The City shall be responsible for managing the operating expenses for the Community Pool, and shall have the authority to set rates accordingly. The Town agrees that it shall be responsible for 50 percent of the costs of liability insurance for the Community Pool, and may also contribute any additional sums to support operations as the Selectboard deems appropriate.

10. The City agrees that the rates set for usage of the Community Pool and other facilities at the Hard' Ack Recreation Area shall be the same for City and Town residents.
11. The obligations of the parties under this Letter of Intent are contingent on the following:
  - a) Approval of this Letter of Intent by the Parties' respective City Council and Selectboard;
  - b) Consent to conveyance of a 50 percent undivided interest to the Town by the Trustees of Hard' Ack, Inc as required by statute and/or the City Charter.;
  - c) Approval by the voters of each Party for the required bond;
  - d) Any consents by the Trustees of Hard' Ack, Inc. required by that certain agreement between the City and Hard' Ack, Inc. dated September 28, 2017.
  - e) The Parties executing a mutually agreeable joint municipal contract.

B. Deso explained the Hard' Ack agreement states that three-quarters (3/4) of the Board would need to approve the LOI. He suggested that the Selectboard review the LOI prior to their next meeting on Tuesday, January 21<sup>st</sup>.

B. Deso explained that after the LOI was drafted, the City Manager met with Mr. Tim Hurlbut to review the draft. Mr. Hurlbut explained that the seven (7) directors approved the LOI and he went on to say that there was support for the City and Town working together at Hard' Ack.

One of the St. Albans City Councilmen stated that there is a general consensus that the City would like to enter into this type of agreement that is outlined in the LOI and the City has already said we want to put this article before the voters, which was a unanimous vote.

#### **Public Comment**

S. Dukas started of by making the comment that he has not changed his mind. He explained that the Board listened to a half hour pitch from St. Albans City (on the pool) and it took the Board 10 minutes to reach a quorum agreement to spend \$2.75 million ahead of everything we have in our Capital Plan. S. Dukas said he was done and left the meeting at 3:10 p.m.

B. Cheeseman directed his comments to B. Deso stating that he found it hard to believe that the agreement was reached with one 20 minute phone call. He went on to stated that it had been agreed upon that B. Deso would take S. Dukas to those meetings (with the City). B. Cheeseman stated that he agrees with S. Dukas, he hasn't changed his mind either, he doesn't approve of this. We have signed already. How many documents are we going to sign on this? What is the big push? We said we were going to take it to the voters. Why can't we wait until March? We signed a declaration. Now, you want us to sign a Letter of Intent. You're pushing it too hard, my friend and if it fails, it's going to be because of the big push. B. Cheeseman said he was done and left the meeting at 3:12 p.m.

A. Voegelé stated that part of the problem is linguistics. He said B. Deso and the Board is providing information for the public to make a decision on Town Meeting Day. This doesn't bind anyone to anything, it's an educational process to get out the word about what we are thinking, how this could work, and how it helps both the people who use the pool and community relations between the City and the Town. We've gone for 100 years with fighting with one another and for the first time in 100 years we are now starting to cooperate and work with the City. We are one community and that's what we have to look forward to. Life is going to get harder thanks to climate change. We have to start thinking as one government, one community, and move forward to protect the future of this Town and retaining our young people.

B. Deso said that he was concerned when the Vice Chair walked out without discussing the merit of the actual letter, I thought that I coherently and transparently explained how quickly this came about and how I was in touch with the person the Board asked me to negotiate with. He went on to say that he'd asked S. Dukas if he wished to speak with Dom, the City Manager. S. Dukas told him, no, and that it was fine. B. Deso continued saying he took that to mean he was absolved of that requirement and B. Deso then scheduled this January 15<sup>th</sup>, 2020 meeting.

J. Frosted stated that recreation is something that the City and the Town have been collaborating on and share a lot of assets. A pool isn't going to be something that is a money maker for the City. It's an amenity, an asset for people who move here, to have access to that. There is demand and there is a need. It would get highly used throughout the whole year. The people are asking us for something different, let's cooperate, let's see what else we can do for the Town. B. Deso pointed out that if it (pool) gets voted down, we'll work in a different direction. We are not committing anybody to \$2.75 million. We are asking people what they think and giving them an opportunity to vote on it.

Town resident, David McWilliams came before the Board and thanked them for putting the pool article before the voters. Mr. McWilliams directed some questions to the City Council members in the audience and asked them if they looked into what it would cost to repair the current pool? Was it repairable? Why didn't the Council come with a proposal like that instead of going for a brand new pool? Mayor Tim Smith responded to Mr. McWilliams' questions saying that an analysis was done on the pool and the repairs were going to be \$2 million plus and even then, we'd get 10 maybe 15 years out of that. We weighed our options and as a Council, we felt a new pool was the best way to go. With the new pool, it gives many more opportunities for other age groups. Plus, it'll be a year round asset.

Mr. McWilliams stated it was his understanding that the City is going to use LOT (Local Option Tax) funds to pay for sidewalks and the pool, should it pass. Mayor Smith said that was correct. Mr. McWilliams asked what would happen if the City or the Town vote it (pool) down and the other one passes it. Mayor Smith stated we will then regroup and try to figure it out.

Mr. McWilliams asked if the Town should invest in a new pool over a new Town Hall? Mayor Smith stated that it wasn't for him to say. B. Deso stated he thought we could do both. He went on to explain that we have a Capital Improvement Program that is booked out over 10 years and includes \$250,000 per year for a new or renovated Town Hall. If the voters wanted to do both, it's very doable.

Mr. McWilliams asked has the City and the Town gotten together to discuss what it's going to cost to run it (pool), between labor and chemicals, etc. B. Deso explained that in the LOI, it states that the City will have the authority to set fees. They will use that funding to offset their costs. If the City runs the pool at a deficit, the City will not come to the Town and ask for 50% of that. A City Council member explained that right now, the City is subsidizing the pool significantly just on operating expenses. What having a year round pool potentially allows us to do is renting it out for things like physical therapy that can't happen in the current facility. Especially not year round. We actually think it will lower the net operating investment that needs to be made in the pool just by virtue of having a more expansive facility that is open year round.

Town resident, Paul Lerner asked for an explanation as how this is not going to impact the Town tax rate and how the City is going to account for this? Mr. Lerner had concerns about getting into the same kind of hassle the City got into with water and sewer where the City made it part of the general fund instead of an enterprise corporation or kept it a separate entity. If we set this up where we are co-owners, would it not be advisable to set Hard'Ack up as enterprise operation where it's a stand-alone and that all of the costs are in one pot and at the end of the year you'll have to come a way of dividing them, whether it's by population, school count, whatever? Equally between the two. B. Deso explained, again that the Town has a 10 year plan that he previously stated for capital improvements. We want to go to the voters on Town Meeting Day and ask them to allow us to start using the LOT for some capital expenses. B. Deso explained that we are talking about utilizing \$850,000 a year of the LOT. We do not have the LOT paying for the pool on paper, right now. We have the LOT set to pay for a few things that are currently being paid for from the general fund. If the voters pass a bond for the pool, the cost of the bond vote would be raised by property taxes, but the two would offset one another. The idea is that if the pool vote fails, this program would set us up to stabilize or lower our property taxes by starting to pay for things like Public Works infrastructure, sidewalks, Public Works equipment, Fire Department apparatus, government facilities, and Parks and Recreation.

A. Voegele asked Mr. Lerner to clarify if he was advocating that the Town have a joint, equal relationship with the City on the costs of the pool and of Hard'Ack? Mr. Lerner stated that what has evolved is that that pool is ours as much as it is to any resident of

the City. Mr. Larner continued saying he has an equity interest in that pool as a citizen. A. Voegele stated he likes the idea of an enterprise fund that is equally owned. We should think about how that may work.

Town resident, Ann Pomeroy came before the Board asking if we are being taxed for this? It's not really out in the public that this 1% sales tax is going to cover this, the cost of the pool. B. Deso explained it is not going to cover the costs of the pool. The Local Option Tax is not going to cover the pool bond the way we have it proposed right now. The LOT will start covering things that are currently covered by the general fund, so that if we pass the pool bond and those payments start coming due every year, the tax payer will then raise it through property taxes, but they would no longer be required to raise the other costs centers shifted to the LOT and the thought is that it'll be a pretty clean break. Ms. Pomeroy stated that the Board needs to make it clear to the tax payer who this pool is going to be funded and whether it's going to raise their taxes.

Nelson Mitchell asked the Board why they were holding this type of meeting at 3pm in the afternoon. J. Frost suggested having a joint forum and really publicize it and have the City and the Town there to answer all the questions. B. Deso stated that he looked at the LOI as something that could go to the press and be printed in the paper and our Board members would have read about it the same time as public and he didn't think that would have been fair. But, he thought the public should know about it as fast as possible. B. Deso continued saying he had to take into account that when you ask your staff to stay late, it's kind of like a punishment to them. The thought was to get the Board here, get the information out to the public and the Board. Do it at a time that doesn't keep the staff later than they need to stay. Then have a follow up meeting.

C. Johnson showed a site plan of the pool to the audience.

A. Voegele suggested that B. Deso and Mayor Smith come up with a date and a place where citizens of both municipalities and come and hear from both boards. Mr. Holzscheiter requested that when this meeting is set to let the Hard'Ack Board be included. The Board agreed.

B. Deso said that we need to hammer out how we are going to pay for it. Set a meeting date with the City and the Board at Hard'Ack and to continue working on the details on the Letter of Intent, specifically who pays for what and how the contribution to expenses will go.

Mayor Smith stated that this is a project that is going to benefit the entire community. This isn't an "us vs. them" or "City vs. Town". This is something that will resonate with young families, senior citizens to want to locate in this community because of the amenities we are offering. The City and the Town are not going to benefit from it solely. We are all going to benefit. It's unfair for B. Deso to take the heat for having a vision to better our community. Mayor Smith thank B. Deso for that, he's gone out on a limb, and he's been threatened in terms of his political career. Mayor Smith went on to say that the reason why things move so quickly is because both communities are on the same page and want what's best for our community.

#### **Adjournment**

**MOTION: A. Voegele made a motion to adjourn the Selectboard meeting at 3:58 p.m. Seconded by J. Frost. All in favor, none opposed, motion carried.**

Respectfully submitted,  
Carrie Johnson