

**St. Albans City Council  
Minutes of Meeting  
Monday, April 11, 2016  
City Hall, Auditorium**

A regular meeting of the St. Albans City Council was held on Monday, April 11, 2016, at 6:30 pm in the City Hall Auditorium.

**Council Present:** Aldermen: Scott Corrigan, Jim Pelkey & Chad Spooner and Alderwomen Tammi DiFranco & Kate Laddison.

**Council Absent:** Alderman Tim Hawkins & Mayor Elizabeth Gamache.

**Staff Present:** Dominic Cloud, City Manager; Chip Sawyer, Director of Planning & Development; Tom Leitz, Director of Administration; Allen Robtoy, Director of Public Works and Sue Krupp, City Clerk & Treasurer.

**Visitors:** See attached sign-in sheet.

1. Site Visit to 10 South Main.  
Council conducted a site visit at 10 South Main Street.
2. Recess for Board of Abatement Meeting.  
**A motion was made by Alderman Spooner; seconded by Alderman Pelkey to recess for Board of Abatement meeting. Vote was unanimous, 5-0.**
3. Re-Open as City Council (Time Permitting).
  - a. Executive Session re: personnel matters and ordinance enforcement.
    - i. Motion 1: The Council finds that premature general public knowledge would clearly place the City at a substantial disadvantage (D&V).  
**A motion was made by Alderman Corrigan; seconded by Alderman Pelkey to find that premature general public knowledge would clearly place the City at a substantial disadvantage. Vote was unanimous, 5-0.**
    - ii. Motion 2: To enter Executive Session for the purpose of discussing appointment or evaluation of a public official and pending or probable litigation or prosecution to which the City is a party D&V).  
**A motion was made by Alderman Pelkey; seconded by Alderman Corrigan to enter Executive Session at 6:04 pm for the purpose of discussing appointment or evaluation of a public official and pending or probable litigation or prosecution to which the City is a party. Vote was unanimous, 5-0.**  
**A motion was made by Alderman Corrigan; seconded by Alderman Pelkey to exit Executive Session at 6:29 pm. Vote was unanimous, 5-0.**
4. Convene Open Session with Pledge of Allegiance.  
Alderman Spooner called the meeting to order and led the pledge of allegiance.
5. Public Comment.  
No public comment was made.
6. Planning Report, Chip Sawyer.

a. First reading of proposed amendments to City Ordinances concerning sidewalks and parking in the greenbelt. Consider motion to accept first reading (D&V).

Mr. Sawyer explained that greenbelts and sidewalks are an important piece of the aesthetic and physical quality of life, have a lot to do with the marketability of the City's neighborhoods, serve important uses and help to find the right-of-way. Mr. Sawyer recalled that there has been much discussion over the last several years about strengthening some of the protections of greenbelts and sidewalks and staff is proposing an amendment to the City's ordinance. Mr. Sawyer stated that the thing to keep in mind is how important the condition of the greenbelt and sidewalks are, how things can get out of hand if they become damaged or misused and how sidewalks need to be established throughout the network and have connectivity in order to truly serve their purpose.

The first proposed amendment would add to Section 4211 – Unnecessary interference with use of sidewalk. New, proposed language would read, "Vegetation on private property that protrudes beyond the vertical plane of the edge of sidewalk at a height of less than 7 feet is prohibited, and the pruning or removal of such will be done at the property owner's expense." In Section 4354, language has been added to the sidewalk specifications which states that they shall be established and installed across driveways and curb cuts to show that it's a place for pedestrians. Mr. Sawyer added that staff also believes it's an important part of the look of the City right-of-way to have the sidewalks extending all of the way across driveways and curbs cuts and is one of the design elements that was the basis for the recently passed sidewalk bond. There is also an out which would allow the City Manager to do otherwise on a case by case basis. Once a sidewalk is established across a driveway, it will be prohibited to alter it or remove it unless permission has been received from the City Manager. Section 4356 – Alteration of Greenbelts was added to Title 15 which prohibits the alteration of a greenbelt unless written permission is granted by the City Manager or in the case of establishing grass seed in compliance with any other applicable City ordinance or regulation.

Currently, Section 5101 of Title 17 defines the sidewalk and the roadway and what a street is. Right now, the City defines everything between the roadway and private property line as a sidewalk. Staff believes greenbelt deserves its own status definition which has been added and states "; "That portion of a street between the edge of the roadway or curb and the sidewalk or the street right-of-way boundary, such portion normally consisting of a grassed area, trees, or other similar uses." Mr. Sawyer added that medians are also included in the definition of a greenbelt. The definition of sidewalk also had to be altered and now reads, "That portion of a street between the edge of roadway or curb and the street right-of-way boundary that is established with concrete, asphalt, masonry, gravel or some other surface for the purpose of pedestrian use and other uses, such as bicycling, where not prohibited. Also for a portion of the side of a roadway that has been painted with lines or hatching for the purposes of acting as a walkway shall be considered a sidewalk under this ordinance.

Mr. Sawyer noted that Section 5104 pertains to moving violations but noticed some of the fines listed were for parking violations. Offenses relating to parking violations were removed and moved to the section that is specific to parking. The offense, "vehicles on sidewalks" has also been replaced with "vehicles operating on sidewalks and greenbelts." Mr. Sawyer stated that one thing to consider when enforcing the greenbelt ordinance is that it will push vehicles off of the greenbelt and onto the street. Staff made sure to take a look at existing regulations regarding how close to the curb one can park and found that a rule already exists in Section 5157 that states a vehicle's wheels must be within 12" of the curb. Mr. Sawyer explained that the violation in the list of fines for wheel on curb referenced Section 5157 but the section itself didn't actually mention "wheel on curb" so it was added. Section 5158 – Stopping, Standing or Parking, where prohibited discusses the prohibition of parking on a sidewalk or greenbelt. The language, "with any portion of the vehicle or obstructing any portion of"

any sidewalk was added because you can block a sidewalk with a vehicle without the tire being on the sidewalk. Mr. Sawyer stated that the point of the section is to stress that a vehicle is not supposed to be obstructing a sidewalk. Sub-section B was also added; "no operator or driver of any vehicle shall stop or park on any portion of the same on the greenbelt, unless written permission is obtained by the City Manager for temporary parking in the greenbelt, due to construction or some other need." Mr. Sawyer explained that staff wants to be mindful of parking space needed in the event of a renovation at a home or other situations that require temporary, excess vehicles. Section 5161 pertains to vehicles operating on sidewalks and greenbelts with fines for violations of this section being higher than for fines suggested for parking on the greenbelt. Mr. Sawyer explained that the current fine for a vehicle parking on a sidewalk is \$50, matching the State fine. The City has decided to lower that fine to \$25 in an effort to drive people's behavior toward compliance. The proposed fine for a vehicle on a greenbelt is only \$15. Mr. Sawyer added that the council material ends with some photos of greenbelt violations and alterations and explained that staff will have to engage with these property owners to come to a solution.

Ms. Laddison asked if it's correct that bicycles are not allowed on sidewalks considering the language of the ordinance states that vehicles are not permitted on sidewalks. Mr. Cloud asked Ms. Laddison if she thinks bicycles should be permitted on sidewalks. Ms. Laddison responded that she has a hard time thinking about a 5 year old learning how to ride a bike in the street. Mr. Cloud stated that he believes the general rule now is that bicycles aren't allowed on the sidewalks in the Downtown. Mr. Spooner noted that Section 5161 states that anything but something propelled by hand cannot be driven on the sidewalk. Mr. Cloud stated that staff will work to ensure that the language doesn't prohibit bicycles on sidewalks with the exception of the Downtown.

Mr. Corrigan noted the list of right-of-way distances and asked Mr. Sawyer where that list lives. Mr. Sawyer responded that it's a document that he can share. Mr. Spooner asked if there are any spots in the City where the sidewalk is not in the City right-of-way. Mr. Sawyer responded that there probably is and that is a good question for Cross Consulting. Mr. Spooner stated that he is talking about an entire section of sidewalk being outside the City right-of-way rather than a couple inches for example. Mr. Cloud responded that he doesn't believe that scenario exists.

Mr. Pelkey asked if there are any regulations on how high a curb is supposed to be and challenged anyone to park 12" from the curb in front of the Salvation Army Store on Lake Street and try to exit their vehicle. In contrast, Mr. Spooner noted Bishop Street which has been paved so many times that the curb is an inch tall. Mr. Cloud noted that all of the curbs on Lake Street are going to be replaced. Mr. Sawyer stated that there are some accepted uniform standards for transportation used by engineers and new curbs are recommended to go up to 7" in height. Mr. Corrigan noted 5158 b. which states, "No operator or driver of any vehicle shall stop or park any portion of the same on the greenbelt, unless written permission is obtained by the City Manager" and asked if "by the City Manager" should be changed to "from the City Manager." Mr. Sawyer responded affirmatively.

Mr. Spooner noted Section 4356 and asked if a homeowner could petition the City Council if they didn't like the decision made by the City Manager. Mr. Sawyer responded that he believes it's a standard blanket provision that decisions of the City Manager can be appealed to the City Council. Mr. Cloud stated that he doesn't think it's necessarily a rule across the board and agreed that a specific right of appeal should be added to the language. Mr. Spooner referenced Section 4211 and asked if it would be the City's responsibility to take care of vegetation in the right-of-way. Mr. Sawyer responded affirmatively. Mr. Spooner asked if homeowners would be grandfathered in if they put a significant amount of their own money into the greenbelt. Mr. Cloud responded negatively. Mr. Spooner asked if it's correct that homeowners would have to incur the expense to fix the greenbelt if

they recently paid to have it paved for additional parking. Mr. Cloud responded that it's a separate conversation and is not sure if it lends itself to a rule that can be applied across the board. He explained that staff intends to come back before council to discuss a general approach to that scenario. Mr. Spooner added that the two paved greenbelts that he has in mind is one at the end of Russell Street and one at the end of Cedar Street. Mr. Spooner asked Mr. Robtoy if he feels the condition of the City's greenbelts are getting worse or staying the same. Mr. Robtoy responded that in the last 2 – 3 years, there have been an additional 15 or so greenbelt violations that have popped up and the problem is definitely getting worse. Mr. Spooner stated that vehicles exiting the greenbelt causes deterioration on the edge of the roadway. Similarly, when vehicles drive over the sidewalks, it creates a coat of mud which can be a hazard to pedestrians.

Mr. Pelkey asked what's to stop people from parking on their front lawns and asked if that's restricted. Mr. Sawyer responded that it is restricted; the ordinances govern the street, greenbelt and the sidewalk and what someone does to their front and side setbacks are governed by Zoning. Mr. Spooner stated that he believes there are going to be unattended consequences with this proposal and people will have a hard time finding parking in the winter during the winter ban. Mr. Cloud stated that every time staff has tried to roll out this program it's been realized that after the expectation is established, it needs to be fine-tuned block by block. He further explained that when Mr. Robtoy has overseen sidewalk projects in the past, he's done great work partnering with the property owner and has found that without new expectations being set, the old behavior comes back pretty quickly. Mr. Cloud stated that staff is going to continue to work with homeowners in the neighborhood to find a common sense solution.

**A motion was made by Alderman Pelkey; seconded by Alderwoman Laddison to accept first reading of proposed amendments to City Ordinances concerning sidewalks and parking in the greenbelt with edits. Vote was unanimous, 5-0.**

- b. Consider approval of agreement with St. Albans for the Future concerning Downtown Program (D&V).

Mr. Sawyer stated that the agreement between the City and St. Albans for the Future has been approved by both bodies.

**A motion was made by Alderman Corrigan seconded by Alderman Pelkey to approve agreement with St. Albans for the Future concerning Downtown Program. Vote was unanimous, 5-0.**

- c. Consider GMP utility pole request for Clarence Brown station reconstruction (D&V).

Mr. Sawyer explained that the Clarence Brown Station reconstruction is underway and is requesting that GMP be given permission to replace a pole in the City right-of-way on the uphill side of Federal Street near the bottom of Hudson Street in order to get power to the new station. Mr. Sawyer explained that GMP also needs the City's permission because the wire in the air is going to span the City right-of-way.

**A motion was made by Alderman Pelkey; seconded by Alderman Corrigan to approve GMP utility pole request and request to have wire span the City right-of-way the for Clarence Brown station reconstruction. Vote was unanimous, 5-0.**

7. Adjourn for Liquor Control (see separate agenda).

**A motion was made by Alderman Corrigan; seconded by Alderman Pelkey to recess for liquor control at 7:05 pm. Vote was unanimous, 5-0.**

8. Interview Candidates for Design Advisory Board: Katy Collin, KarenMarie Peltier & Stephen Poston.

Mr. Spooner welcomed the Design Advisory Board candidates and proceeded to ask the following interview questions:

- What has motivated you to apply and serve on the DAB?
- What experiences in your background have influenced your desire to serve on this board?
- What contributions do you think you will make to the board?
- What are the qualities of a successful Design Advisory Board?
- What is your vision for the DAB?

a. Katy Collin

1. She has enjoyed being a part of the process and enjoys going to meetings. It has been an amazing transformation in the downtown and is excited about the future. She also likes historic preservation and has a lot of experience doing reconstructive work.
2. She has enjoyed getting back involved in the community. Previously, she lived in Breckenridge, Colorado working for property management companies and got to see first-hand the process of merging an older downtown with something new.
3. She tries to be knowledgeable in what's going on, organized, well-informed and prepared.
4. Diversity and different perspectives work well. It's nice to know that you can rely on the experience of other board members.
5. It has been fun to watch the progression of planning and has been gratifying to see the results.

b. KarenMarie Peltier

1. She has enjoyed being on the board thus far and would like to continue and make up some of the absences she incurred due to health reasons. She has a historic restoration and communication background and an artistic eye and thinks it's important to facilitate the vision of the City for keeping everything aesthetically pleasing in a way that the general public can palate. She can see a lot of promise in St. Albans and looks forward to contributing.
2. Her own historic renovation project; she learned a lot, enjoyed the process and would do it again. Other experiences include sitting on the Friends of the North Country Board in the Adirondacks and living in major Cities such as Philadelphia and Washington D.C. which broadened her horizons about the necessity of planning and having a cohesive, communicable plan going forward. She has a lot of love and pride in St. Albans.
3. She recalled a meeting where she had to be a facilitator in a very heated situation and that's what she brings to the board.
4. Having a cohesive board. It is okay to agree to disagree which is necessary to create a win/win situation for the entire community and not just for the board.
5. A continuation; to bring a lot of the things that have begun to fruition. She would like to see everything come together cohesively in the best possible way for the whole City. She respects and appreciates the time and effort that all of the board members contribute.

c. Stephen Poston

1. He has been a City resident for the past 12 years and witnessing the changes that have been taking place are really motivating. He is looking for a way to become more involved and is a licensed architect.
2. Having been in architecture has opened his eyes to the value of collaboration, communication, planning and having a cohesive plan and vision for a City. He is originally from the Newport area and moved away at a young age. Having experienced a historic downtown that is lacking in putting the pieces together and seeing how there is a lot of good will but not necessarily a lot of expertise or good planning coming together at the same time is painful to see in places where there hasn't been as much success as seen in St. Albans. That alone has motivated him to put forth his effort and expertise and do everything he can to be involved.

3. He has only attended one DAB meeting and liked the collaboration and teamwork that he saw. He thinks what he can personally bring is a broad knowledge of building design, codes, regulations, problem solving and giving good advice or suggestions that make the process easier for all involved.
4. The qualities that the members of the board display already. They work well together and make it an enjoyable process for everyone involved. He would like to see that trend continue.
5. It seems as though what the board has accomplished so far has been great and envisions fulfilling that capacity of providing a good voice or advocate for the City while working with others to provide a creative way to make things happen. He sees the board as playing a large role but one that is more collaborative than one might expect.

Mr. Pelkey asked if a vote could take place now and asked how many vacancies there are. Mr. Sawyer responded affirmatively and stated that there are 2 vacancies.

**A motion was made by Alderman Pelkey; seconded by Alderwoman Laddison to re-appoint Katy Collin and KarenMarie Peltier to the board and to appoint Stephen Poston to the board as an Alternate for 3 year terms. Mr. Spooner explained the definition of an Alternate to Mr. Poston. Vote was unanimous, 5-0.**

9. Overview of Water Treatment and Testing Protocols, Allen Robtoy.

Mr. Robtoy noted that lead in drinking water has been in the forefront of the news lately. He recalled that in 1991, the first ever lead and copper rule was established and was later implemented in 1992. Based on system size and other factors, the City chose 20 sites that it would sample from and was approved by the State. Mr. Robtoy explained that the City takes a lot of guidance from the State and has an experienced staff in water distribution and treatment. Any existing lead is caused by lead joints in the older pipes and Public Works completes corrosion control which lines the insides of those pipes. Mr. Robtoy explained that lead is not found in the treatment process or the distribution portion of what the City does and when you hear about lead in water on the news, the problem is isolated mostly to homes. Last June, Public Works completed its last round of lead and copper testing. When the testing rule was first established, the City tested for lead every year for 10 years. Due to the results coming back within the allowable range for safe drinking water each year, the City was placed on a reduced monitoring schedule and now only has to test every 3 years. Mr. Robtoy added that in 25 years, the City's water system has never fallen below the 95<sup>th</sup> percentile for the Maximum Contaminant Level (MCL) and has been in the allowable range for safe drinking water. The City is also very fortunate because it has two water supplies. Mr. Spooner asked if it's correct that a lot of the copper pipes found in the homes have lead inside of them. Mr. Robtoy responded that lead in solder was banned in the early 1980's but even in older homes with older pipes, the City is not exceeding the MCL.

10. Finance Report, Tom Leitz.

Mr. Leitz explained that for the last several years the Water and Wastewater Funds have finished in a good position. The revenues from allocations are down slightly but will pick up in the spring and doesn't affect the operating budget. The bids for Fairfax have come in under budget and the water system should have a surplus. When the debt service was budgeted for Fairfax, staff tried to be conservative on the interest rates. Based on the way things are tracking, Mr. Leitz expects interest rates to be 3.25% or a bit lower. The Water Fund budget pulled \$100,000 from reserves this year for valve replacement and the plan is to use \$100,000 next year as well. Mr. Leitz explained that because the City is in such a strong saving position now, he would propose spending an additional \$50,000 now toward valve replacement which was earmarked for next year. Mr. Robtoy added that using an additional \$50,000 now would still result in being under budget. Mr. Robtoy noted the mild winter which has put his department ahead of schedule in terms of cleanup and explained that he would like to be aggressive and get a jump on

putting in more valves without having to wait until July 1<sup>st</sup>. Mr. Spooner asked if the plan is for new valves or replacements. Mr. Robtoy responded that they will be installing brand new insertion valves. He noted that \$50,000 was already spent last summer for new valves on Fairfield Street between Lincoln Avenue and Barlow Street. Mr. Spooner asked Mr. Cloud if council can vote on this proposal even though it wasn't warned. Mr. Cloud responded that it can be warned for discussion and vote at the next meeting.

Moving on to revenue for the General Fund, Mr. Leitz explained that penalty on late taxes is assessed at year end at which time the City expects to receive \$33,000. At the end of March, revenue for interest on savings is at \$6,460 and revenue for the Pilot Program is at \$81,465 which is up from \$40,000 compared to last year. The City Clerk's revenue is slightly behind the trend while Planning & Development has already hit their budgeted revenue due to small fees in the Zoning office. Fire, Police and Dispatch revenues are good overall; there is an extra officer on the force however, the officer's salary is paid for by a grant. The revenues for the Restorative Justice Center are on target. The Parking Garage is over budget on the revenue side, however, the numbers are slightly skewed due to the insurance reimbursement from a damaged kiosk. Public Works has met its budgeted revenue due to excavation fees. The Recreation Department's revenue is to the good based on the pool revenue last summer. Day camp registration is already full for this summer and expects to see a surplus.

On the expense side, Administration & Finance are under budget. The City Clerk's Department is well under on expenses based on a healthy election budget. Planning & Development's expenses are slightly over budget and largely driven by holiday lights. The Fire Department's expenses are on budget despite the purchase of a new fire truck. Police & Animal Control's expenses are over budget but largely due to personnel expenses which will be reimbursed. Restorative Justice Center expenditures for the year are at \$494,000 while the department has collected \$522,000. Public Works expenses are slightly under budget due to the mild winter and overtime expenses are lower than last year. While Recreation has experienced growth in programs, the department is temporarily down a fulltime employee and has managed to be under budget on expenses. Mr. Leitz stated that the City is in a positive net position currently.

11. Other Business.  
Mr. Spooner asked if any councilors would be available to participate in the Maple Festival parade. Unfortunately, everyone had prior commitments.
12. Consider Approval of Warrants: 3/24/16 & 4/8/16 (D&V):  
**A motion was made by Alderman Pelkey; seconded by Alderman Corrigan to approve 3/24/16 and 4/8/16 warrants. Vote was unanimous, 5-0.**
13. Consider Approval of Minutes: 3/14/16 Regular Meeting (D&V).  
**A motion was made by Alderman Pelkey; seconded by Alderman Corrigan to approve regular meeting minutes from 3/14/16. Vote was unanimous, 5-0.**
14. Executive Session re: personnel matters and ordinance enforcement.
  - i. First Motion: The City Council hereby finds that premature general public knowledge would clearly place the City at a substantial disadvantage (D&V).
  - ii. Second Motion: To enter Executive Session for the purposes of discussing appointment or evaluation of a public official and pending or probable litigation or prosecution to which the City is a party (D&V).  
Council decided that Executive Session was not needed.
15. Consider appointment to Design Advisory Board (D&V).

Appointments were made following interviews. (See agenda item # 8).

16. Adjourn City Council Meeting.

**A motion was made by Alderman Corrigan; seconded by Alderman Pelkey to adjourn meeting at 7:55 pm. Vote was unanimous, 5-0.**

Respectfully Submitted,

Kristen Smith  
Community Relations Coordinator

Approved by Council