

**St. Albans City Council  
Minutes of Meeting  
Monday, October 13, 2014  
City Hall, Council Chambers**

A regular meeting of the St. Albans City Council was held on Monday, October 13, 2014, in council chambers at City Hall at 6:30 pm.

**Council Present:** Aldermen: Scott Corrigan, Ryan Doyle, Tim Hawkins & Jim Pelkey; Alderwoman Tammi DiFranco.

**Council Absent:** Mayor Elizabeth Gamache and Alderman Chad Spooner.

**Staff Present:** Dominic Cloud, City Manager; Sue Krupp, City Clerk and Treasurer; Chip Sawyer, Director of Planning & Development; Martin Manahan, Director of Business Development.

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

1. Open Public Session with Pledge of Allegiance.

Alderman Hawkins led the pledge of allegiance and called the meeting to order at 6:33 pm.

2. Public Comment.

No public comment was made.

3. Steve Cushing, St. Albans Area Watershed Association.

Mr. Hawkins introduced Steve Cushing of the St. Albans Area Watershed Association. Mr. Cushing stated that the St. Albans Area Watershed Association was founded in 2004 and is an advocate for cleaning up St. Albans Bay. He explained that cleanup was costing roughly \$30,000 annually before purchasing a weed harvester which lowered the expense to \$12,000/year. Their experience has shown that the weed growth is getting increasingly worse. The weeds float in large masses and seem to die off and move into shore accumulating along the shoreline. Mr. Cushing explained that when the weeds start to decay, it feeds more nutrients back into the water, raising the temperature and creating the ideal conditions for blue-green algae blooms. When removed, the water clears up, allowing the lake to re-oxygenate. This year, their cleanup focused primarily along Hathaway Point.

The Association has begun discussing options to purchase another weed harvester and has received an anonymous donation of \$5,000. In addition, they have raised over \$10,000 with a matching grant. Mr. Cushing stated that a used machine costs between \$35,000 and \$50,000 and to ensure that they'll be able to operate the weed harvesters over the next several years, they will need to develop an operating budget. The St. Albans Area Watershed Association only operated the harvester for 7 weeks this year and must start their work in mid July. Mr. Cushing stated that they have received a \$7,500 pledge from the Town of St. Albans, \$2500 from the Town of Georgia and will seek additional donations. They are looking for a commitment from the City to help fund the operation of the weed harvester for 10 years. Mr. Cushing noted that purchasing the harvester is not an issue but there will be operating expenses incurred annually. Mr. Hawkins asked Mr. Cushing where the weeds go after they are harvested. Mr. Cushing responded that they are composted locally. Mr. Hawkins asked if there is a noticeable improvement after the weed harvester is used. Mr. Cushing responded affirmatively and stated that you can see an improvement within a half hour.

Mr. Pelkey asked if the weeds reproduce during the same year once they are harvested. Mr. Cushing responded that some do float onto shore while in the process of removing the weed masses. He added

that the only other way to remove the nutrients in the lake that the weeds feed on is by dredging which is not feasible.

Mr. Doyle asked why July 15<sup>th</sup> is the earliest date the harvesting can begin. Mr. Cushing responded that there was a condition in the permit to protect young fish and they use the weeds to hide from predator fish. Mr. Pelkey noted that last week the State Senator and Governor were at the Bay and asked if there is any Federal money available for cleanup. Mr. Cushing responded that a majority of the federal money available is for creating buffer zones for the farmers and is hopeful they can access some of the money available for operating costs associated with the weed harvester. Mr. Hawkins noted that he is on the Budget Committee and will include this topic during their next meeting. He added that he believes the City has an obligation to help.

Mr. Cushing noted that the Town has discussed the possibility of purchasing a harvester. He believes it would be beneficial if the City, Town and Georgia could have a joint conversation.

4. Update on Lake and Federal Intersection and Consider Approval of Interim Striping Plan (D&V).

a. Dominic Cloud, City Manager; Peter Cross, Cross Consulting.

Mr. Cloud explained that the action item regarding the Lake and Federal Street intersection is consideration of the striping plan and also wanted to update council with a timeline for improvements. He recalled that the overall vision remains to acquire some land from the railroad on the corner of Lake and Federal and further down on the corner of Catherine and Stebbins Street. He explained that those conversations have taken longer than anticipated and is unlikely that the signalization will be in place during this construction season. He added that the upside is that the City will be able to utilize some federal funds.

Staff is proposing to install the striping plan presented which wouldn't change the existing traffic pattern but would define the pattern and make official what is naturally occurring in that area. Mr. Cross stated that the Federal Street turn lanes are already in existence and the biggest change would be a formal turning lane on Lake Street for traffic to turn left onto Federal Street as well as a left turn lane for traffic to turn onto Market Street. Mr. Pelkey asked if arrows should be included to indicate a straight travel lane to the right of the left turn lane, traveling east. Mr. Cross responded affirmatively. Mr. Cross stated that another option would be to use a sign that says "left lane must turn left." Mr. Hawkins commented that studied the traffic in that location while parked in the Taruski lot for an hour and believes the intersection is a nightmare. He stated that there is no way that a truck traveling up Lake Street to turn onto Market isn't going to take up half of the northbound lane. He believes it would be feasible if traffic on Market Street could be restricted in the northbound direction at least up to the middle of the intersection of the Taruski parking lot so trucks could make the turn. He also commented that the use of a parking box would help clear up that intersection.

Mr. Hawkins acknowledged that this plan is an improvement and believes it is the best that can be done given the difficulty of the space. He also stated that parallel parking will have to be eliminated going down Lake Street. Mr. Cloud emphasized that this is an interim solution. Mr. Pelkey asked what route the co-op trucks would have to take if they couldn't travel up Lake Street. Mr. Hawkins responded that they would have to use Market Street. Mr. Hawkins stated that this intersection is too busy to allow trucks to travel up Lake Street. Mr. Cross agreed. Mr. Cloud stated that once the City has property rights sorted out, staff can further discuss the option to prohibit truck traffic on Lake Street. Mr. Doyle asked Mr. Cloud when this improvement will take place. Mr. Cloud responded that he is hopeful it will occur next spring but is still in the process of communicating with the railroad and Agency of Transportation as well as landowners. Mr. Corrigan asked if the word "only" would be included next to the left arrow to indicate "left turns only" from Lake to Market Street. Mr.

Pelkey asked when the striping would take place. Mr. Cloud stated that it would have to be done this month.

**A motion was made by Alderman Hawkins; seconded by Alderman Doyle to approve interim striping plan as presented by City Manager and Cross Consulting with suggestion mentioned regarding additional arrows. Vote was unanimous, 5-0.**

5. Public Information Session: Bond Vote for City Hall Renovations (City Manager).

Mr. Cloud stated that on Election Day, staff is asking voters to support a 2.3\$ million bond vote for renovations to City Hall. The two main drivers for the project are the lack of vault space in the City Clerk's office and lack of handicap accessibility. The new renovation would increase shelving in the vault four times the space as the current vault. In terms of accessibility, there is currently limited access to the second floor of City Hall. This proposal solves that problem by adding an elevator in the alleyway. The third driver behind the renovation is useful life issues in the building and maximizing the space to make it more viable for the many uses it serves. The council room is being re-branded as a community room and would have double the amount of seating. That would also allow the current council room to be redesigned for zoning and the clerk's office. In addition, substantial improvements would be made to the gym so it can function as both a gym and auditorium. The basketball hoops will be retractable and the functionality of the stage has drastically increased. Bathrooms would also be added on both sides of gym and an elevator will be included in the rear of the gym. Energy efficiency opportunities will also be addressed as well as lingering code issues related to asbestos in the attic. Mr. Cloud stated that taxes would go down 3% if the project was not approved vs. 1% if the renovation is done with a \$200,000 loan payment. Mr. Pelkey asked if any discussions took place regarding the functionality of the stage after input was given at the last meeting. Mr. Cloud responded affirmatively and stated that they've discussed access to the side stage and the flooring used. No public comment was made.

6. First Reading: Proposed Revisions to the Public Health and Safety Ordinance.

a. City Manager and Colin McNeil, McNeil, Leddy & Sheehan.

Mr. Cloud introduced Colin McNeil of McNeil, Leddy & Sheehan. He explained that Mr. McNeil conducted an analysis of the Public Health and Safety Ordinance (PHSO), focusing on improvements that could be made based on the goal set at the council goal setting session.

Mr. McNeil noted Section 7. (Safety Order) and explained that the date by which the actions to secure a dangerous building or premises and abate the hazardous conditions, to be completed by the owner, was reduced from 15 days to 3 business days from the date of service of the order. Mr. Pelkey stated that he is concerned that there might be conditions that can't be fixed in 3 days such as structural issues. Mr. McNeil explained that the goal was to allow some discretion as it can be no less than 3 days but could be as many as 15 or 30 days. Mr. Hawkins noted that it will put more responsibility on mortgage companies and homeowners. Mr. McNeil stated that most of the revisions proposed include language updates, making them more consistent with the statutes.

Another change proposed concerns the service of a safety order and states that the order shall be served upon the owner of the dangerous building or premises in person or with written receipt. Mr. McNeil explained that wanted to make sure people who could get fines are adequately warned and will follow up with the Health & Safety.

Mr. Cloud asked Mr. McNeil to discuss changes proposed to Section 12. Mr. McNeil responded that zoning regulations talk about the removal of buildings and the way it was written before could be interpreted to supersede those regulations. It was amended so it did not conflict with the City's zoning regulations. Mr. Corrigan noted Section 9.b. and asked if a separate warning would need to be issued for separate violations. Mr. McNeil responded that that's not how he would interpret it.

Mr. Pelkey asked which office the City would be appealing to under Section 8. Mr. McNeil stated that he wasn't sure if it should be to the City Manager's office to then be brought to council. Mr. Cloud stated that typically it has been to the City Manager's office. Mr. Doyle noted "and shall cause" under Section 5.L and asked if it should read, "and shall not cause". Mr. McNeil agreed it should say "not". Mr. Doyle asked Mr. Sawyer to speak to the changes happening in the other ordinances regarding their implications of Section 12 of this PHSO. Mr. Sawyer responded that currently as it says in State statute, public safety orders supersede zoning procedures. Other than that, it's more of a process issue that is being worked out to coordinate between Zoning and the PHSO so it is clear when someone would need to interact with each office. Mr. Doyle asked whether someone would need to come to Zoning for a demolition permit if the PHSO orders a demolition. Mr. Sawyer responded that it would still require a demolition permit but those cases are rare. Mr. Cloud stated that it is really difficult to order someone to tear a building down and then tell them to go get a permit. Mr. Doyle stated that the language makes it sound like residents don't need to consult with anyone further. Mr. Cloud responded that they've carved out a protection for zoning.

Mr. Pelkey noted the term "nuisance" under Section 3. E.4. and asked for an example. He asked if there would be a violation if someone parked a car advertising its sale. Mr. Cloud responded negatively and stated that if a vehicle has been sitting there and is unlicensed, it would qualify. Mr. McNeil acknowledged that there is some discretion by the Public Health and Safety Officer and there are mechanisms that allow appeals to council to be made.

Pearl Gilbert introduced herself and noted her concern as a homeowner. She stated that there are a lot of rental properties in her neighborhood that have out of state landlords. She asked how the PHSO would address that situation. Mr. McNeil stated that the tool is that it will be enforced no matter what and can be served in person or by certified mail. The matter can also be taken to superior Court.

Mr. Doyle asked if the City was billing property owners if they had to remove junk from their yards. Mr. Cloud responded that they are billed when possible and have been researching the possibility to apply liens to recover some of those fees. He added that in his experience, sometimes the absentee landlords tend to pay. Mr. Hawkins asked if a mechanism could be put in place so that information would be in the Land Records during title searches. Mr. McNeil responded affirmatively, however, advised against using that avenue unless absolutely necessary. Mr. Doyle asked if a charge would be issued to a tenant or a landlord for recouping costs. Mr. Cloud responded that the current practice is that the fines would go to the property owner. Mr. Cloud stated that this is about neighborhoods and quality of life more than the collection process. Mr. Dermody commended how critical it is to have this type of discussion.

7. First Reading: Proposed Revisions to Land Development Regulations RE: Gas Stations.

a. Chip Sawyer, Planning Director.

Mr. Sawyer explained that this first reading surrounds proposed revisions to City Land Development Regulations regarding gas stations. He stated that the primary goal is to preserve the look and feel of the Downtown and make sure it is pedestrian friendly with adequate sidewalks, perceived boundaries between pedestrian and vehicular uses and clearly defined curb cut widths and frequency. (See attached memo).

Mr. Dermody noted that he believes the proposal is thoughtful and pedestrian friendly, particularly with the Federal Street expansion. Mr. Hawkins asked if it would make it convoluted of the regulations if council adopted these changes but did other changes under conditional use provisions so each project can be given a look based on its own merits. He asked if that would make it too

subjective. Mr. Sawyer responded that the DRB likes to have some clear direction but are allowed to do waivers on other things when something is brought before them. Mr. Pelkey commented that he appreciates and respects the work of the Planning Commission but doesn't understand why installing a sidewalk and creating curb cuts wouldn't make it a pedestrian friendly environment and didn't know why gas stations were being targeted. He further stated that there are very few gas stations without an attached convenient store and believes they would lose a lot of business as the meat of their profits is not gas. Mr. Dermody responded that the Planning Commission was trying to be more futuristic in terms of the future of the Federal Street expansion. Mr. Pelkey asked if a proposal for sidewalk and curb cuts was included in the SB Collins site plan. Mr. Sawyer proceeded to display site plan and responded affirmatively.

Mr. Doyle stated that the current definition of a B1 district is to have a focus on pedestrian friendliness and to increase that over time. He stated that some of these locations are close to where the City is actively working on the streetscape and agrees that many of these stores are neighborhood corner stores used by pedestrians. He also noted that many of the gas stations in the Route 7 corridor have gas pumps on one side only and have no canopies at all.

Mr. Corrigan stated that he is more inclined to preserve the Main Street. He noted that it is important to allow truck traffic to fuel up on both sides of the street and believes that 4 pumps are too restrictive. Mr. Hawkins agreed. Mr. Dermody noted the concept asked what the guidance would be from council in terms of pedestrian safety. Mr. Hawkins stated that he would consider it to be no different than children walking to school. He believes 4 pumps might cause a traffic problem as Clarence Brown has competitive prices. Mr. Pelkey noted that they are the only station in town with full service. Mr. Hawkins agreed with Mr. Corrigan that council should be restrictive in the historic district. Mr. Pelkey also agreed that the height of the canopy should be raised as well.

Sam Ruggiano introduced himself as well as Diane McCarthy, the attorney representing SB Collins. He noted the definition in Article 2, Section 202 and stated that SB Collins has kerosene and off-road diesel that they want to sell, some of which do not go into motor vehicles. He would request that it be added to the list. Mr. Ruggiano noted Section 412. F. and stated that if it is intended for a new development, he understands but this station has been around for 80 years. He added that he believes "and only in conformance from section 415 of these regulations" should be removed. Mr. Ruggiano noted Section 415. B. which reads, "attached vehicle sheltered canopies are allowed under the principle building shall not extend 10 feet "and noted that the Agency of Transportation recommends 14'2". He also commented on Section 6 and believes the number of fuel pumps allowed is way too restrictive. Mr. Hawkins asked Mr. Ruggiano if his argument is that they'd be restricting what they already have available. Mr. Ruggiano responded affirmatively and added that their site plan includes sidewalk construction and landscaping and believes it's a win/win project for everyone but can't be restricted by the number of pumps they have. Mr. Hawkins asked if there is anyone opposed to allowing more than 4 pumps. Mr. Dermody stated that he believes there should be further discussion of the site plan. Mr. Ruggiano noted that there is a revised site plan and doesn't want this meeting to turn into a site plan review. Mr. Cloud stated that the general sentiment from council is to protect the historic district, strike a more appropriate balance in the B1, something greater than 4 pumps.

8. Finance Report: Sarah Duffy, City Accountant.

a. First Quarter Finance Report.

Ms. Duffy stated that at the end of September, we have completed the first quarter of the fiscal year. Starting with the General Fund, Revenues are at 31% of budget and Expenditures are at 24% of budget. The difference of 7% creates a surplus of \$500,000. There are two major revenue items that

are recognized early in the year and will be spent moving forward. The first includes Dispatch revenues which are at 72% of budget for the year and the second is CJC revenues which are at 54% of budget. Expenditures are 1% under budget for the first quarter. Planning & Development capital is the primary outlier. It includes \$18,400 that relates to the FY14 window replacement project which wasn't completed until July. That project was funded entirely with FY 14 reserves. Police capital is also higher than the 25% benchmark reflecting the purchase of two vehicles early in the year. Debt service is slightly over the 25% benchmark. The October payment on the TAN bond was prepaid at the end of September and is included in these numbers (about \$8,000) and the semi-annual interest payment on the Solo LOC is paid early in the year (about \$1,300). If removed, debt service comes down to 26%. As of the end of September, 25% of all planned reserves in the General Fund have been booked. Taken as a whole, the first quarter was a strong start to FY 15.

In terms of Other Governmental Funds, there has been minimal early year activity. The first quarter of TIF proceeds have been transferred to the TIF fund. An invoice was submitted to VTRANS for reimbursement of \$240k in expenses incurred on the Federal Street project.

For Water & Wastewater, both funds are right at the benchmark on revenues, and very close on expenses with water expenses coming in under budget at 19%.

b. Approval of Internal Control Checklist (D&V).

Ms. Duffy explained that as a requirement of the audit, a checklist has been completed based on existing internal controls and is seeking council's approval. Mr. Corrigan noted that # 59 does not have an answer. Mr. Cloud stated that we can circle "yes" because the City has a pension fund.

**A motion was made by Alderman Corrigan; seconded by Alderman Pelkey to approve Internal Control Checklist. Vote was unanimous, 5-0.**

9. City Manager Report.

a. Personnel Update.

Mr. Cloud stated that Marty Manahan has been promoted to Director of Operations & Business Development in recognition of the work he's done managing the parking garage. Also a new Director of Administration, Tom Leitz, has been hired and will start December 1<sup>st</sup>. Mr. Cloud stated that Mr. Leitz currently serves as the Franklin County, NY manager.

10. Minutes: Special Meeting 8/25, 9/29 & 10/2; Regular Meeting 9/8 (D&V).

**A motion was made by Alderman Corrigan; seconded by Alderman Pelkey to approve Special Meeting Minutes from 8/25/14. Motion passed, 4-0 with Alderman Hawkins abstaining.**

**A motion was made by Alderman Pelkey; seconded by Alderwoman DiFranco to approve Special Meeting Minutes from 9/29/14. Vote was unanimous, 5-0.**

**A motion was made by Alderman Pelkey; seconded by Alderman Corrigan to approve Special Meeting Minutes from 10/2/14. Vote was unanimous, 5-0.**

**A motion was made by Alderman Pelkey; seconded by Alderwoman DiFranco to approve Regular Meeting Minutes from 9/8/14. Vote was unanimous, 5-0.**

11. Warrants: 9/8/14, 9/19/2014 & 10/10/14 (D&V).

**A motion was made by Alderman Corrigan; seconded by Alderman Pelkey to approve warrants from 9/8/14. Vote was unanimous, 5-0.**

**A motion was made by Alderman Corrigan; seconded by Alderman Pelkey to approve warrants from 9/19/14. Vote was unanimous, 5-0.**

**A motion was made by Alderman Doyle; seconded by Alderman Pelkey to approve warrants from 10/10/14. Vote was unanimous, 5-0.**

12. Other Business.

Mr. Doyle stated that residents of Rugg Street have made complaints about parking and other neighborhood concerns so he will be responding.

Mr. Corrigan noted that Mr. Robtoy did a fantastic job communicating with the residents of Driscoll Drive regarding maintenance and future plans. Mr. Doyle also commended his job on paving.

13. Adjourn.

**A motion was made by Alderman Doyle; seconded by Alderman Pelkey to exit executive session and adjourn meeting at 8:37 pm. Vote was unanimous, 5-0.**

Respectfully Submitted,

Kristen Smith  
Admin. Coordinator

Approved by Council