

**St. Albans City Council
Minutes of Meeting
Monday, October 10, 2011
City Hall, Council Chambers**

A regular meeting of the St. Albans City Council was held on Monday, October 10, 2011, in the Council Chambers at City Hall at 7:00 pm.

Council Present: Mayor Martin Manahan, Aldermen: Tim Hawkins, Chad Spooner, Joe Luneau, Jeff Young, Richard Peters and Aaron O'Grady.

Council Absent: None absent.

Staff Present: Dominic Cloud, City Manager; Peg Strait, Director of Finance and Administration; Sarah Duffy, City Accountant; Lindsey Bryant, Downtown Manager; Susan Krupp, City Clerk/Treasurer; Allen Robtoy, Director of Public Works; Denise White, Assessor/Listener; Chip Sawyer, Director of Planning and Development.

Visitors: See attached sign-in sheet.

Executive Session I:

A motion was made by Alderman Spooner; seconded by Alderman Young to enter into executive session at 5:10 pm, to consider: appointment of a public officer; a disciplinary or dismissal action against a public officer or employee; negotiating or securing real estate purchase options; and arbitration, mediation, and civil actions where premature general public knowledge would prejudice the City or person involved.

A motion was made by Alderman Spooner; seconded by Alderman Luneau to exit executive session at 5:43 p.m. at which time the hearing for Sarah Longley commenced.

A motion was made by Alderman Spooner; seconded by Alderman Hawkins to reconvene into executive session at 6:40 pm, to consider: appointment of a public officer; a disciplinary or dismissal action against a public officer or employee; negotiating or securing real estate purchase options; and arbitration, mediation, and civil actions where premature general public knowledge would prejudice the City or person involved.

A motion was made by Alderman Peters; seconded by Alderman Spooner to exit executive session and enter regular session at 7:05 p.m. All motions passed unanimously, 6-0.

Open Session:

1. Pledge of Allegiance. Mayor Manahan led the Pledge of Allegiance at 7:05 pm.
2. Recess and Open as Liquor Control Board.
A motion was made by Alderman Spooner; seconded by Alderman Peters to recess out of regular session and commence as Liquor Control Board at 7:08 p.m. Vote was unanimous, 6-0. (See Liquor Control Board minutes).

3. Recess and Open as Board of Abatement.

A motion was made by Alderman Spooner; seconded by Alderman Peters to exit regular session and commence as Board of Abatement at 7:14 pm. Vote was unanimous, 6-0.
(See Board of Abatement minutes).

4. Errors and Omissions: CVPS Utilities (D&V).

Ms. White explained that an incorrect value for the electric utility was used for CVPS. The amount used in error was \$4,882,010.00 and the correct value should have been \$6,553,913.00. **A motion was made by Alderman Peters; seconded by Alderman Hawkins to correct the value of CVPS' electric utilities by changing it from \$4,882,010.00 to \$6,553,913.00. Vote was unanimous, 6-0.**

5. Mayor's Report.

a. Appointment of Reconstitution Committee Members (D&V).

Mayor Manahan explained that the newly appointed board members of the Reconstitution Committee will study the feasibility of reconstituting St. Albans City and St. Albans Town. The committee will be made up of both City and Town residents. Mayor Manahan stated that he would like to appoint Denise Smith, Trudy Cioffi, Sherri Moore, Jeff Bean, Norm Zawisza, Tim Hawkins, Dustin Degree, Ryan Doyle, Jeff Handy, and Jeff Morrill to the Re-constitution Committee. **A motion was made by Alderman O'Grady; seconded by Alderman Luneau to appoint the ten aforementioned applicants as members of the Reconstitution Committee. Vote was 5-0 with Alderman Hawkins abstaining.**

6. Questions / Discussion of Written City Manager Report.

The majority of the City Manager Report was excluded from Council packets in error. Mr. Cloud stated that missing pages of the City Manager report will be forwarded to City Council members.

7. Quarterly Finance Report. (See Handout).

a. Peg Strait and Sarah Duffy.

Ms. Strait provided an update for revenue and expenditures on the General Fund and explained that there are no revenue or expenditure accounts that are trending significantly higher or lower than expected. The City continues to pay its' bills without borrowing. Ms. Strait stated the General Fund Revenue has exceeded the 25% benchmark and is at 31.8% due to the following items, many of which are one-time revenues that have come in during the first quarter and will not be realized again:

- PILOT program (over-budget)
- Ordinance violations were budgeted at \$9,500 but one violation alone was over \$25,000 which was paid by the bank that took possession of 14-16 High St. (over-budget).
- The pool revenue is 61% over-budget for daily gate passes and memberships were already at 87% as of September 30, 2011.
- An unbudgeted \$97,000 in grant money was received for Public Works to be used toward paving in the areas of High St. and Elm Street. Mr. Robtoy also stated that he is expecting another \$1,500 in grant money. Public Works is working on North Elm and High Street and Fairfield Street would be scheduled

later in the week. Mr. Robtoy added that between the \$100,000 in grant money and the \$85,000 that was included in the budget this year, total paving costs are \$155,000, leaving \$30,000. He is going to take \$22,000 - \$23,000 of the remaining \$30,000 and pave 1300 feet of Fairfield Street.

Ms. Strait also stated that the General Fund Expenditures are closer to the 25% target and items over 25% are all expenses that occur only one time during the year. A summary of the General Fund Expenditures are as follows:

- 4 of the 9 County and district functions were paid in the first quarter.
- Assessing; a final payment was made to APAS for the reappraisal.
- Public works capital; road materials were over 80% but offset by the grant money explained above.
- Recreational capital is over 25% because the amount budgeted is for debt associated with the tennis court rehab work.
- Personnel costs in all departments range between 20% and 25%. The only exceptions are pool salaries (93%) and parks (45%).

Ms. Duffy provided an update on revenues and expenditures for other governmental funds and water/wastewater. Other governmental funds include most grants and any capital projects with a project life greater than one year. Major grant funds include the revolving loan fund, the COPS hiring grant, the community defined solutions grant, the municipal planning grant and EPA (Environmental Protection Agency). Capital projects include the federal street bypass project, Fonda, and the streetscape project. EPA expenditures account for the majority of expenditures for grant funds and exceed grant revenues by \$175,000. Federal Street and Streetscape revenues exceed expenditures in the current year.

In regards to water and wastewater, Ms. Duffy explained that the depreciation expense for the water fund is \$63,000 and \$113,500 for the wastewater fund. The NWCF (Northwest Correctional Facility) was billed at the beginning of October for the first quarter and that billing was approximately 20.3% of budget. Most of the capital projects items budgeted for are one-time purchases that have not occurred yet (i.e. pickup trucks, single axel truck, utility trucks, skid steer, street sweeper, furnace, etc.). The water system mapping project and the at-grade infrastructure assessment are ongoing.

8. Appeal of DRB Decision Re: Buddy's Taxi as Home Occupation (D&V).

Mayor Manahan explained that the issue regarding Buddy's Taxi is whether City Council should appeal the decision of the St. Albans City Development Review Board when it granted a Home Occupation Application to the owner, Clarence Johnson on September 12, 2011. The City has long been concerned over the location of Mr. Johnson's Taxi business located at 320 Lake Street as neither a taxi business or motor vehicle parking lot are permitted in the Low Density Residential District. The City has worked to find a more suitable location for the business and had several opportunities available, none of which were acted upon despite written agreements to do so in exchange for holding off on an enforcement action. The City eventually initiated an enforcement action and Mr. Johnson then filed for a home occupation which is defined in the bylaws as "An occupation or profession carried on by residents of a dwelling unit as an accessory use, which is incidental and secondary to the residential use of the dwelling unit, does not

change the character of the district in which it is located, and does not alter the exterior of the building.” Mayor Manahan explained that it would be in the City’s best interest to appeal the DRB’s decision to allow Buddy’s Taxi to operate as a home occupation. Alderman Hawkins explained although Buddy’s Taxi provides a valuable service to the City and wants to see their business thrive; the decision should be made based on rules set forth and not solely on whether the decision is good for business. **A motion was made by Alderman Hawkins; seconded by Alderman Luneau to appeal the Development Review Board’s decision to grant the business of Buddy’s Taxi as a home occupation. Vote was unanimous, 6-0.**

9. Community Reinvestment Agreement (D&V).

a. Dominic Cloud.

Mr. Cloud explained that the City is working to restructure and unify the City and SAFF (St. Albans for the Future) as a comprehensive downtown development program for Downtown St. Albans. The purpose for the parties establishing a Development Program is to provide a unified mission, goals and objectives for advocacy, project planning, and implementation. The next step in this process is signing the community reinvestment agreement between the City and SAFF. **A motion was made by Alderman Young; seconded by Alderman Peters to sign and approve the Community Reinvestment Agreement. Vote was unanimous, 6-0.**

10. Resolution to accept settlement with North Country Linens (D&V).

Mayor Manahan explained that Mr. Cloud has articulated an agreement with Mr. John Crabbe who borrowed \$250,000 from the City’s Revolving Loan Fund in 1995 for his North Country Linens business which was located in the City Industrial Park. Mr. Crabbe currently has an unpaid fund balance of \$106,896.80 and has not made a payment since October of 2009. The proposed settlement agreement with Mr. Crabbe includes \$10,000 payable upon execution of the agreement and an additional \$80,000 within 60 days. Accepting the \$90,000 instead of the \$106,896.80 would allow the City to revolve the funds into the St. Albans House project without contributing General Fund dollars. Mayor Manahan added that we would be collecting much more than we probably would if the City chose to litigate the matter. **A motion was made by Alderman Peters; seconded by Alderman Spooner to accept the settlement with North Country Linens in the amount of \$90,000. Vote was unanimous, 6-0.**

11. Resolution to authorize promissory note for redevelopment of St. Albans House (D&V).

A motion was made by Alderman Young; seconded by Alderman Luneau to authorize the promissory note for redevelopment of St. Albans House. Vote was unanimous, 6-0.

12. Resolution to accept settlement of S. Lapierre grievance (D&V).

Mr. Cloud explained that when the City signed the 2008 Union Contract, it contained a new provision to create a Long Term Disability program. The insurance was purchased and took effect on January 1, 2009. In October of 2008, Mr. Lapierre, a former firefighter, notified the City that he would be taking an indefinite leave under FMLA. Mr. Lapierre never returned to the workplace. In June of 2009, Mr. Lapierre filed for and received short-term disability for a non work related injury and was denied long-term disability by Unum because he was not an active employee (a condition of the policy when Unum began insuring the City in January of 2009). The City has appealed the determination and exhausted our remedies through Unum. The proposed settlement is for a grievance filed by the Union on behalf of Mr. Lapierre and would allow access

to the disability portion of our pension plan immediately and also offers a lump sum in recognition that he perhaps was entitled to a payment earlier. The settlement would cost the City \$20,000 from the General Fund. Mr. Cloud feels this is a fair settlement to both parties and is contingent upon City Council's approval. **A motion was made by Alderman Spooner; seconded by Alderman Young to accept the settlement of Steve Lapierre's grievance. Vote was unanimous, 6-0.**

13. Minutes (D&V).

a. August 29, 2011 Special Meeting.

A motion was made by Alderman O'Grady, seconded by Alderman Young to approve minutes from August 29, 2011 Special Meeting. Vote was 4-0 with Alderman Spooner and Alderman Peters abstained. Alderman Hawkins was present for August 29 meeting by phone.

b. September 12, 2011 Regular Meeting.

A motion was made by Alderman Spooner; seconded by Alderman Hawkins to approve minutes from September 12, 2011 Regular Meeting. Vote was 5-0 with Alderman O'Grady abstaining.

c. September 12, 2011 LCB.

A motion was made by Alderman Spooner; seconded by Alderman Hawkins to approve minutes from September 12, 2011 Liquor Control Board. Vote was 5-0 with Alderman O'Grady abstaining.

14. Warrants (D&V).

a. September 8, 2011.

A motion was made by Alderman Luneau; seconded by Alderman O'Grady to approve warrants from September 8, 2011. Vote was unanimous, 6-0.

b. September 15, 2011.

A motion was made by Alderman Luneau; seconded by Alderman O'Grady to approve warrants from September 15, 2011. Vote was unanimous, 6-0.

c. September 22, 2011.

A motion was made by Alderman Luneau; seconded by Alderman O'Grady to approve warrants from September 22, 2011. Vote was unanimous, 6-0.

d. September 29, 2011.

A motion was made by Alderman Luneau; seconded by Alderman O'Grady to approve warrants from September 29, 2011. Vote was unanimous, 6-0.

15. Other business.

Alderman Hawkins asked if Mr. Cloud had been in contact with Sylva & Annette Langevin regarding their complaint over the substantial truck traffic traveling down Pearl Street that was brought up during the September 12, 2011 Regular Meeting. Mr. Cloud explained that he did

meet with the Langevin's. Mayor Manahan added that the new gym floor looks great and would like to find something to protect the floor during voting.

16. Public comment.

Michelle from the St. Albans Messenger asked how many applicants there were for the Reconstitution Committee and asked for clarification as to when the appointments were made. Mayor Manahan explained that there were 13 applicants, the appointments were made during open session and the selection process was made during executive session.

17. Executive Session.

A motion was made by Alderman Spooner; seconded by Alderman Peters to enter into executive session at 9:00 pm to consider: appointment of a public officer; a disciplinary or dismissal action against a public officer or employee; negotiating or securing real estate purchase options; and arbitration, mediation, and civil actions where premature general public knowledge would prejudice the City or person involved.

A motion was made by Alderman Spooner; seconded by Alderman Hawkins to exit executive session and commence into deliberative session at 9:06 pm. A motion was made by Alderman Spooner; seconded by Alderman Peters to exit deliberative session at 9:15 pm. A motion was made Alderman Hawkins; seconded by Alderman Spooner to uphold Mr. Cloud's decision to terminate Sarah Longley. All motions passed unanimously.

18. Adjourn.

A motion was made by Alderman Spooner; seconded by Alderman O'Grady to adjourn meeting at 9:18 pm. Vote was unanimous, 6-0.

Respectfully Submitted,

Kristen Knoff, Admin. Coordinator