

**St. Albans City Council  
Minutes of Meeting  
Monday, September 14, 2020  
City Hall, Council Chambers**

A regular meeting of the St. Albans City Council was held on Monday, September 14, 2020, at 6:30 pm in the City Hall Auditorium and via remote teleconference.

**Council Present:** Mayor Tim Smith; Aldermen: Michael McCarthy, Chad Spooner (arrived late) and Jim Pelkey (via Zoom) & Alderwomen: Marie Bessette and Kate Laddison.

**Council Absent:** Alderman Hawkins.

**Staff Present:** Dominic Cloud, City Manager; Chip Sawyer, Director of Planning & Development; Kelly Viens, Recreation Director; Andrew Gratton, Recreation Programs Manager; Curry Galloway, City Clerk; Tom Leitz, Director of Administration; Maurice Lamothe, Interim Police Chief; Matt Mulheron, Deputy Fire Chief and Marty Manahan, Director of Public Works, Operations & Business Development.

**Visitors:** Jamie Pinkham, Wayne Elliott, Katie Foster, Brendan Deso, Angie Sturm, Erik Johnson, Sally McKenzie, Tanner McCuin, Reese Kelly, Reier Erickson Joannie McGinn and Zach Scheffler.

1. Call to Order and Pledge of Allegiance.  
Mayor Smith called the meeting to order at 6:36 pm and led the pledge of allegiance.
2. Review of meeting protocol.  
Mayor Smith stated that council is working to improve the quality of the dialogue between members of the public who seek to participate and the council itself. The return to in person meetings is part of this effort. In addition, the following guidelines will be in effect. Public comment during the public comment period, at the beginning of the meeting should be brief, limited to items not on the agenda, and used for making the council aware of a situation that needs some attention. The council will typically just receive the information and not engage in a dialogue. Public comment on a particular agenda item allows for a more thorough discussion. Those seeking to comment on an agenda item may do so after recognition by the presiding officer and may request recognition by raising their hand at the appropriate time. The Zoom hand raise function may be used as well. The council will no longer follow a roll call method for recognizing those who wish to speak. Members of the public seeking to comment during the in person meeting will need to speak into the microphone and wear a mask so that the comment can be heard on the zoom channel. All public comment periods are subject to reasonable time limits established by the chair based on the number of people seeking to comment, the length of the agenda, and the time allotted for the subject matter. Comments may also be received via email or conversation with individual council members. Mayor Smith opened the floor for public comment on matters not on the agenda.
3. Public comment on matters not on the agenda.  
Zach Scheffler of Lake Street introduced himself. He stated that in the last few months, he has been documenting some instances of vandalism in the City of St. Albans and has collected about 60 or so instances of white supremacist hate group propaganda being posted all over the downtown. Mr. Scheffler explained that he wanted to bring up information about this group without necessarily using their name and is happy to email materials about this group to council. He explained that this group is a white

supremacist hate group. The core of their beliefs are racist, xenophobic, and anti-Semitic in nature. They sell themselves as patriots and use garish patriotic imagery to disguise their fascist beliefs and they delight in the false mythology of American history. It's disturbing to be reading comments that they make and the effects of this group in the national discourse. Mr. Scheffler stated that he wanted to bring to council's attention that this group is actively recruiting in St. Alban. He reiterated that he has found 60 or so instances of white nationalist or white supremacist hate group propaganda plastered all over the City, on anything from lampposts to utility poles, public and private property. He stated that we've seen hate crimes done by white nationalists across the country and implored council to take this matter seriously and investigate this in St. Albans, condemning these hate crimes and these instances of racist or xenophobic or anti-Semitic hate crimes. The nature of the propaganda includes stickers and posters placed all over the City. They are hard to remove, they're long lasting, and it leaves a lasting mark on our downtown. Mr. Scheffler explained that for a while, it was hard not to walk through the downtown without being asked to join a neo-Nazi group on the internet with the URL present on those stickers. He is hopeful that should anything occur or in the event of vandalism, that moments of healing and education would come together, educating our citizens, neighbors and friends about the dangers of white supremacy. He reiterated that there is no place for this in St. Albans and encouraged council to take action. He stated that he will be reporting these specific instances and will email council with educational materials concerning this group.

Mayor Smith thanked Mr. Scheffler and asked the public if they see any of this propaganda or vandalism to please take a photo, share it with the Police department or City Hall, identify its location and remove it if possible. He added that this will be addressed a little bit more in the agenda under the City Manager's report.

Mr. McCarthy stated that as a matter of procedure, he will be assisting the Mayor with the zoom and watching for members of the public to "raise their hand" to speak. He stated that if you're not familiar with how to raise a hand in zoom, you would click on the icon at the bottom of the screen after opening the participants list

Tanner McCuin introduced himself. He stated that he has seen and experienced actual recruitment by these organizations. Without naming specific locations, he stated that it has taken place in the bar scene around St. Albans. Members of some of these groups are actively recruiting and do speak quite loudly at certain places and times. He explained that it's not necessarily just a vandalism issue and is something that should be taken serious by all accounts. In terms of the new communication format, he suggested that perhaps the comment section follow the presentations so that people who want to comment can actually respond to what is being presented. Mayor Smith thanked Mr. McCuin for his comments.

Reese Kelly, resident of St. Albans City, introduced himself. He thanked council and staff for keeping this in a hybrid format and stated that even without COVID, it can be difficult to attend these meetings in-person. This format makes it possible for more people to engage that might not be able to be in person. He is also appreciative of the public comment period throughout the meeting, so it feels more interactive throughout the process. In echoing Mr. Scheffler and Mr. McCuin's sentiments, Mr. Kelly stated that white supremacists don't really wear white hoods anymore and what he hopes to convey is that white supremacy looks really different now. He stated that if we're not cued into what it looks like, we don't actually realize how scary and threatening and damaging it is for our community and that a lot of it looks like this co-optation of what we think is really good, positive American patriotic symbolism. But if you follow the URLs, and if you follow the links, you'll see that it's actually really scary, horrific white supremacy; like the KKK and Nazi Germany. Mr. Kelly stated that there really is a philosophy with a set of behaviors, values and recruiting that's behind it. He is hopeful that just because it looks really different,

that we start to build an awareness of how people are actually presenting these really scary and threatening values and behaviors now in contemporary society and that, it's really frightening going into a downtown where you see a lot of these stickers up everywhere. He stressed that while it may seem like a sticker and a backdrop to some, it is something that other people will notice and feel like this community is not a place where they can be safe. Mayor Smith thanked Mr. Kelly for his comments.

4. Parks Commission letter and discussion.

Ms. Sturm explained that the commission spent a couple months working on the letter presented to council. The Parks Commission is requesting some clarification on the role of the commission and would like some input from the council as to how best to define their work. They are requesting some guidance as to whether the City has some projects to hand to the commission or if the council would like to hear about the projects the commission is working on. They would also like to work on a budget and provided the example of one municipal trash can which can cost \$1000. Ms. Sturm stated that the letter is clear about the need for a Parks budget, redefining our charter in a way that clearly defines our authority, and to have a dedicated City staff person that the Parks Commission can go to so there is a clear chain of command. She explained that right now, the commission doesn't know what that chain of command looks like or whether there are certain subjects and projects that go to one area of the city, or another kind that goes to another professional.

Mayor Smith stated that the council has already discussed that they will be inviting a representative from each City board and commission to present to the Council twice a year in order to open those lines of communication. Mayor Smith stated that the Council is always open to commission members' emails as well. He expressed great appreciation for the work of the commission and noted some great successes including the edible garden and their work on the Master Plan. He cautioned that the budget will be tight over the next couple of years.

Mr. Cloud stated that one of his takeaways in reading the letter is that the board could use some advice and direction in how to access information and how to move things through the process. To that end, on the way up, everything has to go through the City Council which is the chief legislative body. There is no money until it's presented to council and approved by the voters. Once that happens, it runs through department heads and the budget is planned. He stressed that the budget is a plan, not a contract. There have been years when staff planned to buy a truck or a trash can and managing the budget turned out differently than the plan with some of those expenditures being defrayed to future years. Mr. Cloud stated that the problem is, there hasn't been a whole lot budgeted for the parks but if the commission has an idea, like a proposal for trash cans, the fall budget season is approaching. He noted that that's the place where the commission can put on their advocacy hat and is the commission's job to follow through the process and present the idea for a citywide inventory on trash cans with a plan and budget request. A representative can then show up at a budget hearing. Mr. Cloud stated that Andrew is the staff person that provides support, similar to the role that he provides to the City Council. The advocacy is up to the Commission itself. Mr. Cloud stated that Andrew will continue to be the staff liaison and can connect with Kelly as well but if there are specific questions about something, he would be the best resource. He added that Mr. Manahan is the Director of Operations and can also assist. Over the last 2 or 3 years, the City has been consumed with some really large infrastructure and public improvement projects and when that happens, council tends to focus on those projects and loses sight of smaller projects like trash cans.

Jamie Pinkham, Parks Commission member, stated that from a planning perspective, this has brought some clarity that they can use moving forward. Mr. Gratton stated that he also went back and read the

charter that the City Council assigned to the Parks Commission when the commission was first proposed. He reiterated that there's a lot going on in the City and it will be nice for the council to hear some of the things that the commission proposes and work our way out the door from there on getting the funding for those projects, if approved by the Council.

Mayor Smith stated that in looking at the list of proposed projects, he thinks they are great projects and it would be nice to have them collaborate with wood working at the school for projects such as the little free libraries and can help use some other resources such as grants in addition to the budget. He stated that staff can help make some contacts and get those conversations started which can prove to be valuable moving forward. Mayor Smith asked Ms. McGinn if she had any input.

Mr. Pelkey noted that there was a portion of the letter where the commission was also hoping for better communication from other organizations who are using the park so they can anticipate things that will be going into the park. Ms. Pinkham explained that one example was the power boxes being painted which was discussed at the commission level. Then they noticed the boxes were painted before conveying that message to staff which is great, but would be helpful to know what's being planned. Mayor Smith recapped that what he's hearing is the need for better communication which can be executed through bi-annual check-ins with council and communication through the City Manager or individual councilors.

Ms. Sturm asked if the commission could come to every City Council meeting to provide and update. Mayor Smith suggested for the purpose of time, a written update could be included in the council's report. Mr. McCarthy stated that he is happy to have conversations offline with the commission. He stated that while we may not want to have an agenda item where we do a report all the time, if there's a specific concern, or something that's not moving, he welcomes offline conversations so that council can be more responsive. He commented that before reading the Parks Commission's letter, he wasn't aware that there was a feeling from commission that council wasn't being responsive and was actually a little shocked to hear that. He encouraged the commission to keep the line of communication open to the council because they have so many different things going on such as large scale real estate projects. Ms. Sturm stated that she believes they would have something to share every month and sometimes feels they are left not knowing if they are asking the right questions or on the right topics. She had wondered if the City had created the commission because they want help from the commission or if the purpose was for the City to bring items to them when they have issues they want the commission to address. Ms. Sturm recapped that what she's understanding from this conversation is that council does want to hear from the commission but will need to do so in an organized fashion. Mr. Cloud stated that projects can be funded such as trash cans, new sidewalks, tennis courts and fountain restoration, for example, but a blanket line item cannot be funded. He stated that it's the commission's job to put the vision together and bring that proposal to council.

Mr. Pelkey stated that if the commission feels they need to speak to council more than twice a year, he would suggest they reach out to the Mayor to be put on the agenda more frequently. Ms. Sturm responded that they have been very careful about what they've brought forward because they want council to be sure they know the commission is really committed to public safety, to the maintenance of the parks as they are and to the vision of the parks going forward. Ms. Sturm stated that she received a message from Ms. McGinn who wanted to add that the commission is hesitant to initiate anything in Taylor Park or even respond favorably to residents who want to do special things in the park because they don't have a clear idea of the master plan timeline and would like some guidance. Mr. McCarthy

stated that he thinks some of the line of communication got lost between council and the Parks Commission and is hopeful that an open channel of communication can be renewed.

Ms. Laddison commented that she believes this is something we should think about for all of the boards and commissions and doesn't believe they are alone in not always understanding how the chain of command and communication works. When board changes happen, it's really natural to not know what this process looks like. She added that it was new to her as a counselor and is still learning. She would like to look into a training or a document that new board members access when they first join. This board has brought forward a great issue that council should solve for all the boards.

Mr. McCarthy asked if VLCT might be a good resource for some training material. Mr. Cloud responded that there are some but it would be more beneficial to bring the League to the City and do a workshop on it.

5. Consider extra-territorial allocation for R.L. Vallee, 555 Fairfax Rd. (D&V).

Mayor Smith asked if anyone from R.L. Vallee was present. Without a representative present, he stated that the request is for allocation to support 10,000 square feet of additional retail business in the building.

**A motion was made by Alderwoman Laddison; seconded by Alderman McCarthy to approve extra-territorial allocation for R.L. Vallee, 555 Fairfax Road. Vote was unanimous, 5-0.**

6. Presentation by Brendan Deso, Selectboard Chair.

Mayor Smith introduced Town Selectboard Chair, Brendan Deso. Mr. Deso stated that it has been a pleasure to get to know and work with the City Council and proceeded to read aloud a statement. (See Attached Brendan Deso Statement).

Mayor Smith thanked Mr. Deso and stated that regionalism is becoming more of an important aspect of economic development. He believes the outreach that Mr. Deso spoke about is very visionary and thanked him for sharing. He asked Mr. Deso to share his statement so he can forward a copy with council.

Mr. Kelly stated that if a business task force is considered, he hopes that not only the largest employers in the region will be looked at but also small business owners, women owned businesses and minority owned. Mr. Deso agreed with Mr. Kelly's sentiments.

7. Aldis Hill water tower storage project update, Wayne Elliott.

Mayor Smith introduced Wayne Elliott of Aldrich & Elliott. Mr. Elliott proceeded to present the attached memo on the Aldis Hill Water Tower Storage Project update. (See Attached Wayne Elliott Memo).

Mr. McCarthy asked Mr. Cloud if he recalled the funding status with the annualized cost for the debt service on the revolving loan pay back? Mr. Cloud responded that he didn't off the top of his head. He stated that the bond vote is for \$3.5 million and if the voters pass it, The City gets a million bucks free and would service a debt of \$2.5 million. Mr. Elliott stated that for phase one, the debt service on \$1.2 million is about \$55,000 per year. The interest rate could vary on that a little bit. It's a maximum 3% and he used 2%. Mr. Elliott stated that the City could even qualify for something better than that based on your current water rates and median household income, but it's in that range.

Mayor Smith asked Mr. Elliott if there's enough land. Mr. Elliott responded that there would be some additional land needs and are close to defining that. He further stated that they are also working on access and will need some staging areas. Mr. Cloud added that staff is optimistic that its partnership with the Aldis Hill Trust will be a strategic relationship. Mayor Smith asked Mr. Elliott to speak on the fire prevention and protection aspect. Mr. Elliott responded that the two main components are flow and pressure. If there's a significant fire in the City, it's mostly going to come out of that tank, because you can't push enough water in from either side. It was never designed to do that to really supply the majority of the fire flow protection. It also really helps to maintain and stabilize the pressures in the system, primarily the hospital. He explained that it's not just the volume issue from a fire flow, it's also the pressure. The City tries to take as much water from the Fairfax side because it's all gravity fed and flows downhill to the water treatment plant but that isn't necessarily enough to maintain the pressures in the system.

Mayor Smith acknowledged several runoffs over the summer that caused an overflow at the wastewater plant. He asked why this would be a priority over addressing that? Mr. Elliott responded that you're really talking about the CSOs, which are water quality issue by one group at the State versus the drinking water side which is still a health and safety issue. If you're looking at the water side of things he stated that his concern is that there isn't redundancy there. The State has identified the lack of storage there to begin with. He added that it's pretty uncommon for a water system of this size, not to have some backup there. If the City tries to prolong the tank another three or four years, and there continues to be issues with that existing tank, taking that tank offline really puts the City at risk for fire protection and operation facilities at the hospital. He recalled that the City has made a major investment in the last few years with the treatment plant, and is running very well. In addition, the amount of phosphorus coming out of that has been reduced significantly from what it used to be, which will ultimately help the bay and the water quality of the lake. Mr. Elliott reiterated that the tank was built back in the 50's and is way past its useful life. Without some reinvestment the City will end up needing to build two new tanks instead of one. He stated that there are multiple competing interests, unfortunately, and many of the older Vermont communities are facing the same problem.

Mayor Smith asked Mr. Cloud what the next steps are. Mr. Cloud responded that this is round one and Mr. Elliott will be back with more information. The purpose of tonight's meeting is for an introduction to the public and council and will be back with more information and a proposed plan.

**Alderman Spooner joined the meeting.**

8. Updated on efforts to join a captive insurance pool for delivering health insurance, T. Leitz & Sally McKenzie, Hickok and Boardman.

Mr. Leitz explained that for a long time, the City had a consulting agreement with at one point the League of Cities and Towns and Hickok and Boardman. Going back six or seven years, the City converted from a premium based health care plan to the current model with a high deductible, where the employee pays the first portion and the City takes on that risk. Mr. Leitz stated that that proved to be a real home run. Every year, staff looks at the City's expenditures and what is spent on the deductibles and the City's portion. Mr. Leitz explained that the majority of the City is in a low risk group. We have a lot of young employees who just don't use their health care. Mr. Leitz stated that 18 months ago, he was introduced to Captive Insurance for the first time. It's a great way to join this workgroup of similar sized employees who are also similarly situated and to take advantage of that lower risk. So instead of paying these monthly premiums to MVP, or Blue Cross Blue Shield, the City would be paying its claims directly and through some insurance products, managing our bigger risks for the huge claims. Mr. Leitz stated that the captive model immediately sounded really appealing and originally assumed that the City would have to capitalize it on

day one which turned out to be a misconception. There's a pretty small investment that would be required which makes this even more appealing.

Mr. Leitz explained that the rate increases for next year, are just now coming out. There's no legal obligation to stay in a Captive and doesn't require a five year contract but at the same time, there is additional risk. Mr. Leitz stated that he sees this as a minimum of three to five year decision so from a staff perspective, we're not 100% there yet but are really close with January 1<sup>st</sup> right around the corner. Mr. Leitz added that the City also has flexibility in the union contracts where it can change healthcare plans, provided the coverage is similar and in this instance, the coverage can be identical. Mr. Leitz proceeded to introduce Sally McKenzie of Hickok and Boardman.

Ms. McKenzie recapped that what Mr. Leitz presented is the underlying funding of the City's health plan. She explained that there's fully insured plans, self-insured plans, in which you take on all the risk, or you have captive funding, which is a combination of both. With the Captive plan, the City would not take on risk for its high cost claims that exceed \$250,000 but anything in between would be shared with other small employers. She explained that in essence, the City would be making a capital investment to fund this pool which would be drawn from to pay out claims. When the City doesn't have any claims, however, it would share the surplus of that pool with a potential return of those dollars that the City's invested. Currently, the City is paying a fully insured premium to MVP and not seeing any return.

Ms. McKenzie pointed out that Mr. Leitz has a good idea of the City's demographics but aren't getting any valuation aggregate data of that population and how healthcare health claim dollar are being spent. Under the Captive plan, you're able to see some utilization with aggregate information which is very beneficial to a City who is planning long term for healthcare. She explained that Mr. Leitz touched upon the fact that the City has an administrator that pays its claims and ID cards are held in the pocket of the employees and their dependents. No one is denied health care coverage, employees can see their providers, and enjoy the benefits of the plan that the City currently sponsors. From a planning perspective, staff waits every year, and holds their breath when the insurers get their rate increases. There's no ability to manage it or see what occurs in real time. In the Captive plan, there is access to real time data which will help staff stay abreast of all these trends, positive or negative. She added that the Captive is a large group so it has, in essence, a governing body.

Mayor Smith asked how many employees the City has. Mr. Leitz responded that the City has approximately 65 full time employees but if the City hits 100 employees, it would have a higher premium than the mid-sized group we're in now. He added that Restorative Justice has grown and the Captive Plan would take away any risk if the number of full time employees grows. Mayor Smith asked Ms. McKenzie if there are any concerns with preexisting conditions. Ms. McKenzie responded negatively. Mr. Leitz further explained that the biggest expense for the City would include stop loss coverage. Once an individual reaches \$30,000, the insurance would kick in and then a second policy would cover catastrophic claims exceeding \$250,000. The stop loss coverage is roughly one third of the cost of the entire plan for the year. Mayor Smith noted the handout which shows a percentage of what the City might save with this plan. Mr. Leitz stated that the estimated savings is well into the six figure range and could be a key player in next year's budget strategy.

Mr. McCarthy asked if there were any precedents for other municipalities engaging in the Captive plan. Mr. Leitz responded affirmatively and explained that years ago, there was a self-insurance pool offered through the League. Mr. Cloud stated that it's essentially recreating the Health Trust. Ms. McKenzie stated that the Health Trust dates back to 2010 and was self-insured at that time. Because the Trust was self-insured, the League was at risk for every claim dollar and could not sustain that which is why the Trust

was eventually dissolved. She stated that this is a combination of many groups joining this Captive pool. The difference with the Captive plan is that the City would share the risk with likeminded employers whereas with the Health Trust, VLCT was the only employer self-funding their plan.

Mr. Spooner asked if there would be any impact to the employees under this new plan and asked if they would lose access to their current doctors. Mr. Leitz responded negatively and explained that this would be the vehicle underneath the funding side and not change the application or mechanics of how the employee would access their healthcare. Mr. Spooner asked if the City will be able to pick and choose its own plan design. Mr. Leitz responded affirmatively and explained that under this model, the City can participate in health programs and automatically get a deduction for doing so. Mr. Leitz stated that he can come back before council next month with some firmer numbers. Mayor Smith thanked Ms. McKenzie for attending.

9. Consider adoption of Police Department policy on internal affairs, City Manager & Interim Chief Lamothe (D&V).

Mayor Smith introduced Interim Chief Lamothe. Chief Lamothe read aloud the purpose of the policy on internal affairs and proceeded to present the policy. (See Attached Policy on Internal Affairs).

Mayor Smith thanked Chief Lamothe and opened the floor for questions. Mr. McCarthy asked Chief Lamothe what the main differences are between this policy and how things were done prior. Chief Lamothe responded that there wasn't a whole lot of difference but the section about complaints of discrimination or bias was not included. There also wasn't any language about notifying the complainant or keeping them informed. Mr. Cloud added that the assumption in the past was that the police was investigating themselves and was one of the areas where the department failed to inspire confidence. The former policy didn't have any thresholds embedded within it about when you can investigate yourself and when it needs to be handed off. This policy formalizes that, and provides a much higher degree of customer service to the complainant. He added that it also adds an annual reporting element which recognizes the role of the Advisory Board to look at how many complaints have come in over the year.

Ms. Laddison asked when this information would be part of the publicly available data. Chief Lamothe responded that he will be able to share what was substantial and what was not as well as what was classified as minor or more serious. He explained that in most cases, you'll find that the complaints that do come in will fall into the category as they were initially presented but some could start as minor and turn more serious.

Mayor Smith asked how these complaints will be received. Chief Lamothe responded that people can come into the department to fill out a form or email them but would prefer to receive them in person.

Mr. Spooner asked how someone could make an anonymous complaint. Chief Lamothe responded that they can call in or file a written complaint and not provide their name. Mr. Spooner asked Chief Lamothe how they would follow up with the complainant if they didn't provide their name. Chief Lamothe responded that unfortunately that's the downfall and wouldn't be able to provide any follow up. Mr. Cloud stated that the disposition of the complaint, though, is public record.

Ms. Laddison asked when it would become public. Mr. Cloud responded that it would become public when the investigation is complete. Ms. Laddison stated that her question is more around the transparency of the data and an annual report on it and feels like a long time to wait to look at the data. Chief Lamothe responded that it can be discussed on a monthly basis. Mr. Cloud noted [page 8](#) which states that the Chief of police shall notify the complainant and the subject employee within five days of the conclusion of the investigation. He asked Ms. Laddison if she is looking for more than an update, but also published? Ms.

Laddison responded that she's not sure exactly what she's asking for but just exploring this and would like the ability to analyze trends and not just individual complaints. Chief Lamothe responded that he can provide all of that information on a working spreadsheet.

Mr. Spooner asked if all of the officers wear body cameras. Chief Lamothe responded affirmatively. Mr. Spooner asked how long that data is kept. Chief Lamothe responded that it's kept in the cloud and in the process of buying more storage. He stated that the storage runs about \$35,000 a year currently. Mr. Spooner asked what would happen in the scenario where an officer gives false information during an investigation and either the camera footage or witness information contradicts the officer. Chief Lamothe responded that in the State of Vermont, if you're caught fabricating or lying, your career is done. Mr. Spooner asked if there a process for officers policing other officers or a way for an officer to make a formal complaint against another officer? Mr. Cloud responded that he believes they would use this complaint form or make it directly with the Chief or Lieutenant. Chief Lamothe agreed.

Ms. Laddison commented that she was pleased to see the piece about making sure that the complainant understands the form and asked if any more thought was given about language barriers? Chief Lamothe responded that they have an interpreter service that they use.

Mayor Smith opened the floor to public comment. Mr. Kelly stated that he has a bunch of comments and will put it in the context that as part of his paid professional role, he actually investigates and coordinates the investigations in response to complaints of discrimination, harassment and bias. He commented that this is something that he's knee deep in on a day to day basis, and very familiar with the process. He acknowledged that we have to ensure that we are creating services that are free from unlawful discrimination and bias and thinks that was really great to have that within the purpose. One of the things that he's learned in doing this work is that you really need to use language that complainants are attracted to and understand, that they will be taken seriously and their complaint will be taken seriously. He further stated that one of the things that he believes is important in doing that is using language that shows what you don't tolerate within your workforce. He understands that the document listed the protected classes of race and nationality and sex, but stated that it can be taken a step further because it really is an organizational statement of saying that we're not going to tolerate discrimination and bias. You can add things like sexual orientation, citizenship status and ethnicity and would encourage staff to do so. He reasoned that the more you name the more people will see that you actually don't tolerate those behaviors. He also believes it's important to note in the document that you can arrange translation services and provide accommodations for people with disabilities, again, to show that this process is something that they can actually engage in. He also noted title two of the Civil Rights Act, and Section 504 of the 1973 Rehabilitation Act, which looks at disabilities as they use language of disability, not handicap. He would recommend shifting from handicap status to disabilities. Something that he also believes is really important to include is what the procedure is, if the complaint is actually about the Police Chief. He also suggested that there be potentially other locations where someone can report that's not to a police officer or within the police department. There is a lot of fear, particularly by people who have experienced bias, harassment or discrimination that's compounded with things like excessive use of force and will not actually come to a police officer or walk into a police station. He recommended alternatives such as the Restorative Justice Center or to City Council. It would also be helpful to know if someone has the right to an advocate to be able to come with them. He also suggested that it be embedded in the policy that all individuals also have the right to report to the US Department of Justice, Civil Rights Division. He noted the qualified independent investigator and highly suggested giving the complainant the opportunity to appeal the department's selection of the investigator on the basis of very specific things such as on the basis of conflict of interest or on the basis of bias. He commented that if you don't give someone the opportunity to appeal, then you're not actually making room for someone to engage in this process. He

also suggested that anti-retaliation language be explicit in the policy to protect individuals from retaliation for coming forward. He noted that the definition of bias or discrimination is nowhere to be found in this policy and also suggested giving the right of the complainant to appeal the decision of the investigation. He suggested providing a timeline and instructions for whom a complainant can appeal to and on what basis. Lastly, he suggested the removal of the word, “compliments” in the first sentence.

Mayor Smith thanked Mr. Kelly for his input and asked him if he would be willing to include those points in an email to the City Manager. Mr. Kelly responded affirmatively. Mr. Cloud asked Mr. Kelly if he works directly with the NAACP. Mr. Kelly responded negatively.

Ms. Pinkham commented that she thought this policy was really well written. She stated that with her background, she manages the same process, both internal and external investigations at the hospital. She agreed with a lot of the points raised by Mr. Kelly and to Ms. Laddison’s point earlier, believes that having data available at least quarterly would be a good timeframe. She stated that the biggest thing she has found in dealing with both public and internal concerns or complaints are that most people just want you to listen. She asked if any of the officers have had any specific training to do this work. Chief Lamothe responded that they will be getting the Lieutenants trained first and is hopeful to get all of the officers some level of training. She recalled Mr. Spooner’s comments about complaints being anonymous and noted that there is software available that can help manage that with a third party who takes the anonymous complaint. She agreed that tracking both minor and significant complaints is super important but asked if subcategories have been considered to really help hone in on the issues. She stated that at the hospital, they use those categories to help guide their training and follow up and can help decide where you want to focus your dollars and energy.

Mayor Smith thanked everyone for their input. He explained that staff will take the information received, make changes and bring this back for consideration at the October meeting. He thanked Chief Lamothe for his work he put into developing the policy.

**A motion was made by Alderman Spooner; seconded by Alderman McCarthy to table the Police Department policy on internal affairs. Vote was unanimous, 6-0.**

10. City Manager Report.

a. Explanation of public records request

Mr. Cloud stated that after the Seven Days article, staff has received a lot of questions in reaction to the assertion that we omitted the arrest from a record response last year. He stated that it's far from that simple and certainly didn't omit the arrest from a records response. Mr. Cloud explained that the City was caught between two competing sections of Vermont law. There's the public record statute, which has a very, very low bar for releasing records and a very, very high bar for keeping them retained. There's also the laws that protect juveniles. In this case, the person involved was a juvenile and the law states that law enforcement reports and files concerning a person subject to the jurisdiction, the family division shall be maintained separate from the records and files of other persons, such records and files shall not be open to public inspection nor their contents disclosed to the public by any person. It goes on to specify in instances where a court issues an order to seal records, the statutory reply should be that no record exists. So given that as a foundational backdrop, staff wasn't in any position to release anything to Seven Days upon their request. The City was very forthright about what the issues were. Seven Days pushed it and said they were not looking for records that would identify or encroach upon the right of the minor, but wanted to understand the officers' actions. Staff then spent some time reviewing and figuring out

what could be released after redacting information on the minor. Staff then called the State's Attorney and eventually got consensus to release that information as well as video footage. The City hired channel 15 to blur out the video of the minors involved. Mr. Cloud further explained that the problem still existed that there wasn't any public action on the civil side that creates a record until there's a settlement, and everything up to that point was still on the criminal side. Once there was a settlement on the civil side, staff released the information to Seven Days and set up a time for the reporter to come up and view the video. He commented that the phrase that the City omitted it from the arrest goes about goes about two inches deep on a 12 inch deep topic and the City did everything it could to make the records available.

b. Update on racial equity training for staff and boards

Staff is working with the Restorative Justice Center to help us figure out what's the best fit programmatically and financially to provide implicit bias training for all of the City staff and Boards. Staff is speaking with several resources in addition to the Racial Equity Institute. Topics covered include an analysis of structural racism, understanding and controlling implicit bias, race, poverty and powerbrokers and the importance of definitions of race and racism, and the history and legacy of race and American Economic and Policy Development. Finally, there's some programs being developed by the National League of Cities, and staff is exploring those as well. Mayor Smith added that he also reached out to Susana Davis but to date, has not heard back.

Mr. Spooner commented that it be recorded and open to the public. Mr. Cloud stated that there seems to be a lot of external advocacy that focus on City Boards and Commissions, as community leaders, policymakers and people in positions of power. There's also external advocacy that we need larger structural and institutional change for St. Albans at large.

c. Update on efforts to address anti-Semitic stickers and flyers

Mr. Cloud stated that a group has been assembled, that's working to respond to the hate speech found around the City. There's been some investigation by the FBI and others to evaluate the threat and right now the indications are this is more of a warfare idea than it is an emerging public safety threat. Staff is working to try to find some messaging that can be part of a campaign that competes within the realm of ideas that reflect the community's values where there's synergy between the racial equity and social justice discussion.

d. Update on Congress and Main and renovation of old CCV building

Mr. Cloud stated that Congress and Main is moving along well. Staff anticipates the affordable housing development to begin filling those units back up in November. That's when CCV also is anticipated to move out of their existing building. The City intends to begin its renovations towards the end of the year, perhaps early in 2021. Staff went through a solicitation for construction management firms and received five bidders. Green Dolphin was the low bidder and has been selected.

Mayor Smith asked if staff is phasing the development of the old CCV building. Mr. Cloud responded that staff hasn't made decisions to move significantly away from what was designed. Once there is a construction manager that exercise will begin.

e. Update on Police Chief search

Mr. Cloud explained that staff anticipates launching the search for a Police Chief later this month with job descriptions and job posting and anticipates having a selection emerge by the end of the

year. There will be lots of opportunities for folks to weigh in and participate and have that be a community based selection.

11. Municipal Planning Grant Resolution, Chip Sawyer (D&V).

Mr. Sawyer explained that for a long time the Planning Commission has been interested in modernizing the residential districts the way they're written in the regulations. One is called the High Density Residential district and the other is the Low Density Residential district and the types of neighborhoods that exist are more diverse than that. He explained that sometimes it's hard to make sense of the rules that exist versus the neighborhoods that have been there for a long time through history and why the rules we have today might differ from what we see on the ground. By modernization, he explained that he's talking about ground truthing; looking at existing conditions and thinking about what we want our desired outcomes to be for our neighborhoods. Also, engaging in the conversation about where can we increase housing densities in the City based on the regulations and where can we allow for perhaps more dwelling units in areas of the City than what the regulations today might allow.

Mr. Sawyer stated that we have the expertise necessary to make these changes both on the Planning Commission and with staff. What is lacking is comprehensive data, where staff could use GIS to create maps and tables for the entire City, figure out what kinds of neighborhoods are contiguous to each other, share the same sort of character, density, setbacks, etc. Right now in the State, there's a conversation about doing cookie cutter version across the board but it doesn't allow for a local solution based on community context. Mr. Sawyer explained that staff is applying for this municipal planning grant which would assist with the GIS tool, loading in all the data and getting some consultation on how to use it. The maximum award would be \$22,000.

Mayor Smith asked if it's correct that the grant would pay for a consulting service to develop the software and asked if there isn't already an off the shelf product that would be the same? Mr. Sawyer responded that staff is looking at a free GIS software called QGIS, which they use today. Staff would need the consultant to help them become super users of this software, help staff and members of the Planning Commission and others learn not only how to use it, but also how to update it with new data as it becomes available.

Mr. McCarthy noted the conversation at the State level around this topic and stated that there are people who really want to make sure housing density is increased. He stated that he believes we have all have been part of the conversation around making sure that there is more housing stock and how that can be done in a way that provides more opportunity for equity, but also maintains the character of some of our neighborhoods. He stated that he shares the view of many of the other Franklin County legislators and legislators from across the State that don't want the State to tell them you must have X housing density and you will do it in X, Y and Z ways. He stated that it's going to be tragic if that makes it out of the committee this week and doesn't think it will come out the way it is in its current form. He agreed that this is a great for the City to have this data and formulate a plan. He expressed his appreciation for Mr. Sawyer's advocacy and the way that he has helped the comments from the Planning Commission be heard in Montpelier.

**A motion was made by Alderman McCarthy; seconded by Alderman Spooner to approve municipal planning grant. Vote was unanimous, 6-0.**

Mayor Smith thanked Mr. Sawyer and Northwest Access for their work making the meeting work remotely.

12. Update on sidewalks and paving projects, Marty Manahan.

Mr. Manahan presented the following list of streets which will be completed this season.

Paving:

- Upper Gilman Street
- Lower Welden Street
- Russell Street
- Pearl Street
- North Elm Street
- Sunset Meadows
- Brainerd Street
- Lincoln Avenue
- Ferris Street

Sidewalks/Curbing:

- Brainerd Street
- Ferris Street
- Rugg Street
- Beverly Court
- Burnell Terrace

Mr. Manahan thanked Erik Johnson for his help in communicating updates to his neighbors.

13. Mayor's Report

Mayor Smith thanked Mr. Mulheron for his work at the Cadillac recently. He also thanked Chief Lamothe because he received an email from DCF commending the department's work on a couple of recent cases. He also thanked Erik Johnson and Donna Howard for all their work on the Mayor's Photo Contest.

14. Councilor Reports.

Ms. Laddison asked for a status on After Glow. Mr. Cloud responded that After Glow has been cancelled at the decision of the organizer.

Mr. McCarthy stated that the paving on Stevens Avenue looks great. He added that the Public Works crew helped his daughter cross the street on her first day of school and appreciated the culture.

Ms. Bessette complimented how beautiful the City looks with the flowers.

Mr. Pelkey stated that he is very impressed with staff and community leaders.

15. Consider approval of regular meeting minutes: 8/10/20 (D&V).

**A motion was made by Alderman McCarthy; seconded by Alderman Spooner to approve 8/10/20 regular meeting minutes with correction to the second paragraph of page 6. Vote was unanimous, 6-0.**

16. Consider approval of warrant: 8/31/20 (D&V).

**A motion was made by Alderman McCarthy; seconded by Alderman Spooner to approve 8/31/20 warrant. Vote was unanimous, 6-0.**

17. Adjourn  
**A motion was made by Alderman Spooner; seconded by Alderman Spooner to adjourn meeting at 9:36 pm.**

Respectfully Submitted,

Kristen Smith

Community Relations Coordinator

Approved