

**St. Albans City Council  
Minutes of Meeting  
Monday, August 14, 2017  
City Hall, Council Chambers**

A regular meeting of the St. Albans City Council was held on Monday, August 14, 2017, at 6:30 pm in the City Hall Council Chambers.

**Council Present:** Mayor Elizabeth Gamache; Aldermen: Tim Hawkins, Jim Pelkey, Michael McCarthy, Chad Spooner and Alderwomen Marie Bessette and Kate Laddison.

**Council Absent:** None absent.

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

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

1. Executive Session re: real estate development in conference room.
  - a. Consider a finding that premature disclosure of above matters could clearly compromise the City or person involved (D&V).

**A motion was made by Alderman Spooner; seconded by Alderman Hawkins to find that premature disclosure of above matters could clearly compromise the City or person involved. Vote was unanimous, 7-0.**
  - b. Consider a motion to enter Executive Session for purpose of discussing real estate development opportunities (D&V).

**A motion was made by Alderman Hawkins; seconded by Alderman Spooner to enter Executive Session for purpose of discussing real estate development opportunities. Vote was unanimous, 7-0.**

**Alderman McCarthy joined Executive Session at 6:20 pm.**
2. Call to Order and Pledge of Allegiance in Council Chambers.

Mayor Gamache called the meeting to order at 6:30 pm and led the pledge of allegiance.
3. Public Comment.

No public comment was discussed.
4. Wastewater Treatment Plant Discussion, Councilor Hawkins.
  - a. Wayne Elliott, Aldrich & Elliott; Allen Robtoy.

Mr. Hawkins explained that he on occasion associates with the groups that have a lot of interest in the water quality on Lake Champlain. In the past year, he stated that he has been asked a lot of questions and wants to be sure that he is giving the right answers. He recalled that the City takes a lot of heat when the water smells, is green and when there is a discharge notification and compiled a number of questions that he'd like to ask. Mr. Hawkins proceeded to ask the following questions:

    - Would you explain what normally causes the discharge from the treatment plant to the waters of Lake Champlain?

Mr. Elliott responded that the City has a combined sewer system which is an older system that was common in the 1960's. It means that about 20% of the City's area takes the stormwater which collects into the City's catch basins and is transported to the wastewater plant for treatment. Generally what comes in to the plant goes out by gravity. Everything that goes out of the plant is disinfected and measured and runs in a pipe approximately 2 ½ miles where it discharges into the Stevens Brook wetlands area. From there, there is still a ways to travel before it officially hits the lake.

- What specifically goes into the lake in a stormwater event?

Mr. Elliott responded that under normal day to day operations everything that is discharged is fully treated and disinfected with chlorine. The City is required to sample and monitor that continuously and make sure it's in full compliance with the State MPD Discharge Permit. Mr. Elliott explained that everything that comes into the plant receives a level of preliminary treatment which includes grit removal and passes through grinders. Then it goes through the primary treatment clarification process removing solids and BOD removal. Anything from 8 million gallons and below continues to the rest of the treatment process. Anything over 8 million is called a bypass and is disinfected and measured and in addition to the treated flow that is coming from the rest of the process, is combined or "blended" which is sampled and tested per the discharge permit to make sure it's in full compliance. It is then transported to the Stevens Brook wetland and ultimately to the lake. Mr. Hawkins asked if that process is specific to a storm event. Mr. Elliott responded affirmatively and stated that it could also happen in the spring during snowmelt and primarily occurs during any wet weather influence.

- Mr. Hawkins asked if it's correct that there is never a time where raw sewage discharges into the lake from the treatment plant?

Mr. Elliott responded affirmatively. Mr. Hawkins asked if there is ever a time when raw sewage enters the lake from somewhere else. Mr. Elliott responded that the City does have a combined sewer overflow that is part of the discharge permit and has a 1272 Order located on Lower Welden Street. He stated that on occasion, if there is a wet weather influenced event, all that flow can't get to the treatment plant. He explained that there is a manhole on Lower Welden where the water is discharged in the pipe which flows to the Stevens Brook. Mr. Elliott stated that that flow is recorded and is relatively diluted. If the overflow does occur at that location, the City knows when it started and stopped and knows what the volume is. The City is required to report that to the state within 12 hours.

- Mr. Hawkins asked what is going into that manhole or that pipe on Lower Welden Street?

Mr. Elliott responded that it's a combination of sewage and stormwater. Mr. Hawkins stated that if he is at home flushing his toilet, some of that could be going into the Lower Welden Street pipe and that Lower Welden Street pipe during a storm event could be transferred to the bay through the Stevens Brook tributary. Mr. Elliott responded affirmatively but stated that realistically, it is probably only 15% sewage and is relatively diluted. Mr. Hawkins asked if the other 85% is stormwater. Mr. Elliott responded affirmatively. Mr. Elliott stated that on an average, normal day, the treatment plant is permitted for 4 million gallons per day. The plant typically would put out 2.5 million gallons on a normal dry day. In a heavy rainfall where there is high intensity rainfall for consecutive days, the flows can get up to 12 – 13 million which can't be handled by the treatment plant. Mr. Hawkins asked why the treatment plant can't handle that amount of flow. Mr. Elliott responded that the pipes aren't big enough and the plant doesn't have the capacity to handle that additional flow. Mr. Hawkins asked if there is room at the plant for another pond. Mr. Elliott responded that it would be a very difficult site to build a pond with the ground water table

and the only other alternative is to build up. As part of the combined sewer, the City is going to be required to submit a long term control plan and the State wants as much of the flow to get to the plant as possible. Mr. Hawkins asked how that will be done. Mr. Elliott responded that it is done by gravity because it is all flowing downhill.

- Mr. Hawkins asked if the upgrades that will be made to the plant will lessen the amount of discharge during a rain event?

Mr. Elliott responded negatively and stated that it addresses the age related issues and to comply with the lower phosphorous limit per the Lake Champlain TMDL. Mr. Cloud stated that however, if there are excess funds in the bond authorization, it could be used to fix the Lower Welden CSO. Mr. Cloud questioned if it would be better to spend dollars to build another tank or to fix the Lower Welden CSO. Mr. Cloud stated that that's in the plans but staff hasn't gotten to the final financing discussion yet. Mr. Elliott stated that there will be an 18 month time frame to develop that plan. He added that it is very hard to predict rainfall and is why there has been a monitoring station at Lower Welden for the last 5-6 years. Mr. Elliott added that over the last 5 years, the City has been very proactive and done several projects to reduce the amount of stormwater going into the sewer system to help better abate that. Projects include streetscape upgrades on North Main Street, the removal of some of the roof drains off of the commercial buildings, separated storm sewer systems on Lake Street and the removal of large drainage areas on of Fairfield Street.

- Mr. Hawkins asked if there is a diagram or matrix developed that has identified the stormwater points that need to be repaired?

Mr. Elliott responded affirmatively but stated that 100% separation will not be the sole solution. He stated that the challenge that the City has is that it is very flat east of the City and difficult to transport that water to be treated anywhere without pumping.

- Mr. Hawkins asked how the State is notified when there is a discharge?

Mr. Robtoy responded that the first report is submitted electronically within an hour and is web based. Within 12 hours a more formal report must be submitted. He agreed that more separation is very key to reducing the frequency of the overflows but added that they will never be eliminated.

- Mr. Hawkins asked if the City has a fine or penalty it must pay when it discharges?

Mr. Elliott responded that there is a 1272 Order which means the State recognizes that the City has a problem and is working on solutions to address it. It documents the past history and improvements made over the past few years and will allow a municipality a timeline to phase out the problem. The State requires a progress report be submitted every year which outlines the problems and documents the progress to see if municipalities are gaining on the problem. In addition to the progress report, a control plan will be due in 18 months which dives back into the solutions and what steps need to be taken.

- Mr. Hawkins asked if the smell and the algae that is persistent in the summer months in the Bay are attributable to the operation of the treatment plant?

Mr. Elliott responded that in terms of the CSO, he would say no because it is a rather infrequent occurrence that only happens a half a dozen times per year. Relative to the treatment plant, Mr. Elliott explained that only about 3% of the phosphorous in the Lake is contributed to the municipal wastewater plants and typically the City is well below the permit limit. Overall, the municipal treatment plants are discharging well below the permit limit, so beyond that, the two other major

sources of phosphorous in the Lake are the developed land stormwater and the undeveloped agricultural land. Mr. Elliott added that phosphorous is embedded in the sediment in areas like the Bay which has nothing to do with what's going into the Bay now. Mr. Elliott stated that the treatment plant is a very minor contributor to the nutrient phosphorous level in the Lake and will continue to be.

Mr. Hawkins thanked Mr. Elliott for answering his questions and stated that he hopes this is a clearer non-technical record for public questions. Mayor Gamache thanked Councilor Hawkins, Mr. Elliott and Mr. Robtoy and stated that she would like to see a clip of this segment on the City website. Mr. Robtoy stated that the EPA is very clear that if they don't get the 3% phosphorous under control, they are going to go back to the point sources which are sewer plants. Mr. Hawkins stated that the concept he's always heard is that the Lake is the Lake and the Bay is the Bay and the City is a big contributor to what's happening in the Bay. Mayor Gamache asked Mr. Elliott if he's seen a shift in higher intensity and/or higher frequency of storms. Mr. Elliott responded affirmatively and stated that the climate change has absolutely changed the weather patterns. Mayor Gamache stated that she has been asked to participate on the Governor's Climate Action Commission as a government representative and commented that this discussion will certainly help her to bring info back to that meeting.

5. Request for Extra-Territorial Water and Wastewater Allocation (D&V).

a. Ruggiano Engineering

Mr. Ruggiano stated that this allocation request is for 144039 Canada Inc. which was purchased by Sebastian Lupu in 2005 and was one of the contributors to developing the intersection. After being put on hold, Mr. Lupu is now resurrecting the project and starting to do some marketing. The uses proposed are speculative and Mr. Lupu would like to obtain the allocation as a first step in getting approval of this project. Mr. Ruggiano explained that there will be 3 structures; a bank, a retail warehouse, something like a F.W. Webb facility and a 30,000 square foot medical office building. Mr. Ruggiano added that the Town has already approved the allocation. Mr. Pelkey asked Mr. Ruggiano if the uses mentioned are firm or if it's possible the use could be changed. Mr. Ruggiano responded that it's not the developer's intent but the use could end up changing. Mayor Gamache asked what the process would be if that happens. Mr. Ruggiano responded that he would assume he would have to refile the application. Mr. Cloud responded affirmatively.

**A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to approve the allocation request as presented. Vote was unanimous, 7-0.**

6. Recess for Liquor Control Board (see separate agenda) (D&V).

**A motion was made by Alderman Spooner; seconded by Alderman Pelkey to recess for liquor control board at 7:03 pm. Vote was unanimous, 7-0.**

7. Interview Rachael Sink for position on Downtown Board.

Mayor Gamache welcomed Rachael Sink. She asked her to introduce herself and explain why she wants to join the Downtown Board.

Ms. Sink responded that she grew up and lives in St. Albans and wants to get more involved in the community in a different way than she has in the past. She has worked for nonprofits in the past and now works at Deringer's. She focuses now on social media marketing and event planning and would like to bring that to the board. Mayor Gamache stated that if an appointment is made, staff's recommendation would be to appoint to a seat expiring 12/31/19 or put the candidate in the 12/31/17 seat and extend the term to the end of 2020. Mayor Gamache asked Ms. Sink if she has a preference. Ms. Sink responded negatively. Mr. Pelkey stated that he would suggest a longer term.

8. Consider appointment to Downtown Board (D&V).  
**A motion was made by Alderman Pelkey; seconded by Alderman Hawkins to appoint Rachael Sink to the Downtown Board with a term expiring 12/31/17 seat but to extend the term to 12/31/20. Vote was unanimous, 7-0.**
9. Second hearing for draft City Plan, Chip Sawyer.  
 Mr. Sawyer stated that none of the planning goals have changed since the first hearing. The Planning Commission has not changed their report on their opinions of the plan. There are three areas where some text has been added. On page 32, staff has added in descriptions of the BAART opiate treatment clinic and Franklin County Home Health Agency. The Planning Commission also asked that the council consider mentioning a little bit more about tourism from the north. Mr. Sawyer noted that on page 48, it mentions that there is a customs port of entry in Highgate. In the beginning of page 13 under the policy having to do with the goal that Downtown thrives as a center of commerce, culture and community life in the face of ever-changing socio-economic trends, policy # 14 was added which reads, "The City will support efforts to facilitate and encourage tourism from Quebec, including initiatives improving processing speeds at nearby U.S. Customs ports-of-entry, construction of the proposed "A35" auto route in Canada, and the re-establishment of Amtrak train service to Montreal with a stop in St. Albans."  
 Mr. Spooner asked Mr. Sawyer if this will be reviewed by the Regional Planning Commission. Mr. Sawyer responded that once the City Council adopts the plan, it will become the City Plan. For many programs, most of them grants, they also want the Regional Planning Commission to approve the plan and confirm the City's planning process. Mr. Sawyer stated that the Regional Planning staff has looked at the plan and many of the changes presented at the first hearing were from their comments. Staff is relatively sure that the Regional Planning Commission will approve this final plan as written.
10. Consider revisions and adoption of 2017 City Plan and request NRPC confirmation (D&V).  
**A motion was made by Alderman McCarthy; seconded by Alderman Pelkey to adopt 2017 City Plan with revisions as presented and request that the Regional Planning Commission also review. Vote was unanimous, 7-0.**
11. Second readings and hearings for City Ordinance amendments for no-smoking areas and timed parking.  
 Mr. Sawyer stated that the timed parking amendment would add Stowell Street to the list of Downtown streets that is 2 ½ hour parking from 8 – 5.  
 Mr. Sawyer stated that the proposed no smoking area amendment is to amend Title 17 to include the definition of smoking and to make the covered pedestrian alley way on Main Street between Twiggs and Eaton's to be a no smoking area and that the City greenbelt and sidewalk in the right of way around the little league field also be a no smoking area. Mr. Spooner asked if signs on Stowell Street would be up before school begins. Mr. Cloud responded that that's the goal. Mr. Manahan stated that the City is putting sidewalks on that street as well and trying to get all of the work done before school starts.
12. Consider adoption of City Ordinance amendments re: smoking and timed parking (D&V).  
**A motion was made by Alderman Spooner; seconded by Alderman Pelkey to adopt City ordinance amendments for no smoking areas and timed parking. Vote was unanimous, 7-0.**
13. Re-adoption of policies required by VCDP grant program (D&V).  
 Mr. Sawyer stated that in the packet is a series of policies that any municipality proposing a grant application has to have adopted within the past 10 years and is identical to the policies that City Council adopted in November, 2006. Mr. Sawyer added and that they are all policies that are amenable with the City policies. Mayor Gamache asked Mr. Sawyer to remind her of examples of how the VCDP grant

program is utilized. Mr. Sawyer responded that the VCDP grant program is how Vermont disperses the HUD block grant money and recalled the two local organizations that came before council last month seeking funds. Mr. Sawyer added that the City has to be the applicant and has to be the one to adopt these policies.

**A motion was made by Alderman Spooner; seconded by Alderman Pelkey to re-adopt the policies required by VCDP grant program. Vote was unanimous, 7-0.**

14. Update from Downtown Board on events calendar.

Eric Johnson, Vice Chair of the Downtown Board introduced himself. He explained that the Downtown Board set up a subcommittee to research a community calendar that would help affect the City and surrounding areas. Over the last couple of months, the committee has been working on preliminary site build as well as coming up with a name. The name that the committee came up with and presented to the Downtown Board is "AroundOurTown.Events" and is available. Mr. Johnson stated that they are coming before council tonight to get approval for the name only and branding and other components will be brought before council at a later date. Mr. Sawyer stated that the calendar would be its own entity that would serve all the organizations in the county for events. He stated that there would still be a Downtown website that would have a list of events just in the Downtown but would be fed from this parent website and would allow people to see what is going on county wide. Mr. Johnson stated that they've also been working with the Chamber of Commerce. Mayor Gamache noted that there has been strong community attendance at events these days. Ms. Laddison asked Mr. Johnson who would be responsible for managing the calendar. Mr. Johnson stated that those details are being worked out and initially discussed having board members and committee members be moderators. Mr. Spooner asked what would happen if someone typed dot com or dot org at the end of the site name. Mr. Johnson responded that unfortunately those sites are all taken. Mr. McCarthy stated that as a former Chair of the Downtown Board, he is excited to see this finally happen because there was always the problem of multiple events being scheduled against each other in the community and thought over the years that there would be a significant advantage to having the City have some control over where people go to get that information. Mr. Pelkey asked if a link for events could link to the City website. Mr. Johnson responded that they are looking into that.

15. Consider approval of loan resolution for wastewater treatment plant, City Manager (D&V).

Mr. Cloud stated that there are two documents in the packet; a cover memo from Tom Leitz and the Official Declaration of Intent. Mr. Cloud explained that this is the first time staff is outlining the finance package and looking to finance in the upward of \$18 million. The City has a grant of \$3 million from USDA and a loan of \$7 million.

**A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to approve loan resolution for wastewater treatment plant. Vote was unanimous, 7-0.**

**A motion was approved by Alderman Hawkins; seconded by Alderman Pelkey to approve resolution requesting reimbursement of expenditures related to the project. Vote was unanimous, 7-0.**

16. Request for façade grants, Moonshadows and Jeff's Seafood (D&V).

a. Marty Manahan

Mr. Manahan stated that Moonshadows has a new color design that was approved by the Design Advisory Board and was one of the first facades approved through the City's façade program but did not get any contribution the first time they applied. Moonshadows is repairing a lot of the rotten wood on the front and side and replacing window sills. The bid is a little over \$12,000 and the City is requesting a \$4,000 grant to help offset that cost.

Mr. Manahan stated that Jeff's Seafood has refurbished their signs. The new owner had contracted someone to reapply the gold and refinish the signs. The invoice for that work was a little over \$2,500 and the City is requesting \$1,200 to help offset that cost. Mayor Gamache asked Mr. Manahan if he recalled the number of façade grants are that the City has done and the dollar amount granted since the program began. Mr. Manahan responded that he would estimate 15 grants. Mayor Gamache asked what fund the façade grants come out of. Mr. Manahan responded that it comes out of the Walmart Fund. Mayor Gamache asked Mr. Cloud what the balance is in that fund. Mr. Cloud responded that the fund started with \$350,000 and a good chunk is tied up in 10 South Main which the City will be getting back. Mr. Cloud estimated a total of \$100,000 distributed in façade grants. Mr. Pelkey stated that he thought the City already approved a \$5,000 façade grant for Jeff's. Mr. Manahan responded that the City did and has reserved those funds but Jeff's didn't finish the project. He noted that the building is in a trust and the Executor has changed and is working to refinance the building because they need to redo the gutter system and plans to finish the painting in the spring. Mr. Manahan stated that there was no assistance granted on the signs originally. He added that the City loaned money to the owner for new carpet and that has been paid back.

**A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to approve \$4,000 façade grants for Moonshadows and \$1200 façade grant for sign at Jeff's Seafood. Vote was unanimous, 7-0.**

17. Other Business

Mr. Hawkins noted the St. Albans Shopping Center in Ward I and commented that he thinks it's in poor condition. He has noticed windows broken with tape on them, doors that are blocked off that can't be utilized, overgrown plants along the sidewalk that only make it passable for one person, windows and doors that are not being cleaned, and handwritten instructions on windows to direct patrons where to go. He hasn't heard anything related to what's going on with the center building where the bank used to be and is becoming unsightly given all of the improvements being made to the Downtown. Mr. Spooner stated that there were bars missing from the granite pillars. Mr. Hawkins stated that those have been fixed but are constantly being hit by cars. Mr. Hawkins stated that he wasn't sure if the shopping center had come to the City to seek any façade grants and wasn't sure if any action could be taken based on conditions of their permits. Mr. Manahan responded that the first thing that can be done is to pull the site plan and see if there are any violations and would be happy to speak with Tony Pomerleau. As far as the former credit union, the ATM still exists and when People's Trust occupied the building, they had leased it for an additional year after they moved out to prevent anyone else from moving in. There have been a couple of businesses that have taken over additional space next door which may be the issue with signs on the door. A representative has contacted the City about water allocation for a potential retailer that might be moving in. Mr. Manahan stated that he had a conversation with Mr. Pomerleau about doing a mural on the back of the Planet Fitness building and signage for 14<sup>th</sup> Star and is engaging with Jon Young on that. He added that there is a responsive property manager. Mr. Hawkins noted that they have done a good job clearing snow, mowing and fixing the rails and concrete that was damaged. Mr. Manahan stated that in their defense, they have been very responsive and will reach out to them.

Mr. Spooner stated that the Water Treatment Plant at Lower Newton looks great and likes the picket fence. He noted a couple trees cut down on Edward Street last year and was contacted by the owner of 22 Edward because it seems the crane that pushed down the pad to take those trees down, crushed their personal sidewalk to the house and put a divet in their driveway. Mr. Manahan asked Mr. Spooner to email him with the address. Mr. Spooner stated that he would like council to take a look at the trash truck ordinance and has received a couple of calls in the past couple weeks about noise caused by garbage trucks early in the morning. Mr. McCarthy stated that he has received calls in Ward IV where

trucks are backing down an entire street early in the morning. Mr. Spooner stated that most of the calls he's received is from residents that live near businesses with dumpsters. Mr. Spooner asked what the status is on the speedbumps on Stowell. Mr. Cloud responded that the plan is to have them in before school starts. Mr. Spooner stated that he wanted to recognize that there are a lot of volunteers in the City. He noted that Public Works bought paint for the building in Houghton Park and Cole Woodland, an 11 year old, spent 4 hours painting. He stated that he knows there are people that weed the gardens in the park and pick up trash in the streets and would like to do something to recognize them. Mayor Gamache suggested using City Council meetings and Other Business to recognize folks and stated that she would be happy to send a letter on behalf of Council to Cole Woodland.

Mr. Hawkins noted the lights coming up Lake Street onto Main Street and stated that it sometimes doesn't recognize the vehicles on the white line. Mr. Sawyer responded that he thinks a streetlight banner was in the way and believes it has been resolved. Mr. Hawkins stated that trucks cannot negotiate those turns at the top of Lake Street, south or north, and there should be a sign that says no trucks past this point. Mr. Sawyer responded that staff is looking at those options for that block of Lake Street after this summer's project is over which gives trucks other options for getting off and on Main Street and to the Federal Street corridor.

Mr. Pelkey asked if anyone has heard how the hotel is doing. Mr. Manahan responded that they have been at full capacity the last four weekends.

Ms. Krupp announced that she has decided to retire and will not be seeking another term for City Clerk & Treasurer in March. She welcomed anyone in the public interested in learning about the position to stop by.

18. Consider approval of warrants: 7/21/17 and 8/11/17 (D&V).  
**A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to approve 7/21/17, warrant. Vote was unanimous, 7-0.**  
**A motion was made by Alderman Hawkins; seconded by Alderwoman Bessette to approve 8/11/17, warrant. Vote was unanimous, 7-0.**
19. Consider approval of mtg. minutes: Reg. mtg. 7/10/17 (D&V).  
**A motion was made by Alderman Pelkey; seconded by Alderman Hawkins to approve 7/10/17 regular meeting minutes. Vote was unanimous, 7-0.**
20. Adjourn.  
**A motion was made by Alderman Pelkey; seconded by Alderman McCarthy to adjourn meeting at 7:41 pm. Vote was unanimous, 7-0.**

Respectfully Submitted,

Kristen Smith  
Community Relations Coordinator