St. Albans City Council
Minutes of Meeting
Tuesday, November 5, 2013
City Hall, Council Chambers

A special meeting of the St. Albans City Council was held on Tuesday, November 5, 2013, in council chambers at City Hall at 6:30 pm.

Council Present: Mayor Elizabeth Gamache; Aldermen: Chad Spooner, Ryan Doyle, Tim Hawkins, Aaron O'Grady, Jeff Young and Jim Pelkey.

Council Absent: None absent.

Staff Present: Dominic Cloud, City Manager; Chip Sawyer, Director of Planning & Zoning and Marty Manahan, Director of Business Development.

Visitors: See attached sign-in sheet.

1. Executive Session.

   a) To discuss civil matters, contracts, appointment of public officer, and personnel where premature disclosure would compromise the City or person involved.

   A motion was made by Alderman Spooner; seconded by Alderman Hawkins to adjourn from open session and enter executive session at 5:30 pm. Vote was unanimous, 7-0.

   A motion was made by Alderman Hawkins; seconded by Alderman Spooner to adjourn from executive session and enter open session at 6:22 pm. Vote was unanimous, 7-0.

2. Pledge of Allegiance.
   Mayor Gamache called the meeting to order and led the pledge of allegiance at 6:30 pm.

3. Public Comment. No public comment was made.

4. Owl Club / Smith House.

   a) Request for reimbursement of funds for architectural assessment (D&V).
   Mayor Gamache explained that Sue Prent and Peter Ford have requested reimbursement of funds for an architectural assessment which is different from the structural engineering study that council previously allocated $500 for.

   A motion was made by Alderman Hawkins; seconded by Alderman Spooner to approve reimbursement of funds for architectural assessment. Mr. Pelkey asked how much the architectural assessment cost. Ms. Prent responded that the invoice totaled $1400. Mayor Gamache expressed her concern that the invoice was submitted after expenditures were already made. She added that the City did want to offer support which is why council chose to contribute funds toward the structural engineering study. Ms. Prent responded that she and Mr. Ford were not able to come before council prior to hiring Mr. Keefe due to scheduling and the timing of the court's requirements. A member of the public asked council who was responsible for hiring Mr. Keefe. Mayor Gamache responded that Ms. Prent and Mr. Ford made that decision. Mr. Ford added that there are now reports from both a structural engineer who specializes in historic preservation, a report from an architectural historian and will have a report from someone who was involved with the Trust for Historic Preservation who will do a cost-benefit analysis for rehab vs. new construction. Mr. Young expressed concern that the information now being presented was not done up front. Ms. Prent stated that she and Mr. Ford have contributed their own money toward the architectural

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assessment and would be appreciative of any monetary contribution from council. She added that she feels to some extent it's the responsibility of the City to help alleviate the problem since the DRB who is appointed by council failed to enforce the law. Mr. O'Grady asked Ms. Prent who stated that the DRB did not enforce the law. Mr. Ford suggested that Mr. O'Grady read the minutes of that particular DRB meeting. **An amendment to the original motion was made by Mr. Young to limit the City's contribution to $500.** Mike Conner stated that if anyone has a rescue plan for the building, he and his brothers welcome ideas and offers to purchase the building. He further stated that before council votes to approve funding of an architectural study, he recommends they comprehend and understand the accuracy of the study. Mr. Conner asked that council first review a document which he will submit tomorrow, before any decision is made as he feels the architectural assessment is an inferior work product. Mr. Doyle commented that he would much rather know the outcome of the DRB appeal with the court before making a decision to contribute funds. Mr. Pelkey agreed with Mr. Doyle. Ms. Prent clarified that the court will be looking at the decision the DRB arrived at but what remains is the fact that elements which are required in the City statutes were not satisfied and are a prerequisite for demolition. Mr. Conner commented that selective demolition was done to allow the appellant's experts to review all conditions within the building which uncovered a tremendous amount of new information that neither party was aware of. He further explained that the lack of information from the Conner's that the appellant's are alluding to is an estimate for needed stabilization. Mr. Conner stated that it was already indicated six months ago that they do not have a building to stabilize and recent research has only reinforced that fact. Mr. Ford commented that it is his understanding that the City Council is responsible for the workings of the DRB in terms of appointing members and overseeing their work product. He further explained that Section 7 of the City regulations require multiple provisions before demolition can occur and were not reviewed by the City. Mr. Pelkey noted his experience in the court system and stated that if there was an interim court order that shows the DRB didn't do something they should have done, he would change his position. **Mr. Pelkey seconded the amended motion. Motion did not carry; vote was 1-6 with Alderman Young in favor. Vote for original motion to approve reimbursement of funds for architectural assessment was 1-6 with Alderman Young in favor. Motion did not carry.**

b) Request to enter an appearance in proceedings (D&V).
Mayor Gamache noted the importance of having an appeal process and stated that she is personally pleased to allow the process take its course without an appearance in proceedings.

A motion was made by Alderman Young; seconded by Alderman Spooner to request that the City remain neutral in proceedings. Mr. Young commented that he believes council's involvement would not benefit the proceeding. Mr. Hawkins stated that he is worried the motion made does not satisfy the way it was warned. **Aldermen Young and Spooner withdrew their motions. A motion was made by Alderman Hawkins; seconded by Alderman Pelkey to enter an appearance in proceedings. Vote was 0-7. Motion did not carry.** Ms. Prent commented that she and Mr. Ford will continue to hold the City Council responsible for the DRB's actions.

c) Discussion of Engineering Ventures Assessment.
Mayor Gamache explained that the purpose of this discussion is to clarify one item in the assessment with regards to the boundaries of the Downtown district. She stated that the assessment indicates that the Smith house is not within the Downtown district, however, a map of the district indicates otherwise. Mr. Ford noted past discussions of the Raid and the Taylor Park Fountain and commented that he finds it appalling that council is dismissing the Smith House.

5. Taylor Park Fountain.

a) Mayor's Comments.

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Mayor Gamache explained that there is important information now available related to costs and timelines which will help establish a vision of what the next step is. Mayor Gamache asked staff to present the latest refinements from the consultants.

b) Staff Comments.

Mr. Sawyer recapped a discussion that took place a year ago in which staff asked council to provide funds to hire a consultant to explore restoring the Taylor Park fountain. He explained that staff had two major objectives; make the fix a substantial one that significantly extends the useful life, the safety and the preservation of the fountain; the second that no drastic changes would take place in terms of the fountain's functionality and how the water runs through it. Bob White of ORW Landscape Engineers was hired and pulled together a team of engineers and experts that specialize in all of the various parts associated with the fountain. Their initial estimate to restore the fountain was $500,000 at which time staff began eliminating unneeded pieces of that estimate. Mr. Sawyer stated that the current estimate is now $266,000 and is based upon what staff knows now without dismantling the fountain and pool. Mr. Sawyer explained that Alderman Young would present one option for restoration and added that there are still other permutations of that option that could be chosen. The largest unknown factors involve the pool and foundation as well as the granite ring around the pool. He stated that staff is exploring a few options with regards to the design of the pool. Mr. Young added that Mr. White can field questions regarding his process and the estimate. Mayor Gamache asked Mr. Sawyer to comment on timelines for completing the work. Mr. Young responded that the original estimate showed that the fountain would need to be disassembled by Thanksgiving and sent down south in order for Robinson Iron to work on recasting over the winter. Mr. Young added that after speaking with Robinson Iron yesterday, they can extend their deadline for disassembling the fountain until Christmas. Mr. Young explained that that deadline was for the fountain to be back and restored in time for the Raid and whenever council chooses to begin the project, the entire process will take roughly eight months. He added that as far as pouring concrete for a new pool, it would have to wait until April or May when conditions allow. Mr. Doyle asked Mr. Sawyer if the $266,000 estimate included 10% contingencies. Mr. Sawyer responded negatively. Mr. White noted that the original $500,000 estimate included almost $100,000 in contingencies, soft costs and bonding costs. He further explained that although the $266,000 estimate did not include contingencies, items that the Public Works department is capable of doing were eliminated from the initial estimate. Mr. White stated that the $266,000 estimate is an out of pocket cash cost for the fountain's restoration, the installation of the water system and the reconstruction of the pool. He noted other soft costs and contingencies that he recommend be factored in. Mr. White explained that Robinson Iron is an authentic source for the restoration of the fountain. He recommended authorizing some funds now in order for the fountain to be disassembled and sent south and estimates the cost for disassembly to be $31,000. Mayor Gamache asked staff to comment on how much funding has been budgeted for the current fiscal cycle as well as how much money is currently on hand for the project. Mr. Cloud responded that the City has roughly $7,000 on hand and no money budgeted in the current fiscal year. Mr. White commented on the poor condition of the top bowl of the fountain and stated that it is a safety hazard. Mayor Gamache stated that she was unaware there was a safety hazard involved.

c) Councilor Young's Comments.

Mr. Young stated that the City's fountain is on the cover of a Smithsonian book that depicts our fountain as being one of the best examples of zinc architecture in America and noted that there are only seven zinc fountains remaining today. He proceeded to display a photo of the fountain four years after its initial installation in 1887. Mr. Young explained that there is only one other fountain identical to the City of St. Albans' located in Clinton, Massachusetts. He noted an article in the

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Messenger which indicated that the Taylor Park fountain had been turned on in 1980 after several years of disuse. Mr. Young proceeded to display a slideshow of restoration photos for a fountain similar to the City's located in West Brookfield, MA which was restored for $187,000, much of which was donated. Mr. Young explained that the paint used lasts approximately ten years. He stated that Robinson Iron recommends maintenance every ten years to clean the fountain, repair any chips and apply a clear coat. The cost of such maintenance is $5,000.

Mr. Young proceeded to display problem areas that lie in the Taylor Park fountain; the moving granite base, the grades that the fountain sits on and the statuaries which are separating at their original seams and need to be re-casted. Mr. Young explained that a solution now needs to be determined as to how to rebuild the pool. He has spoken with Harrison Concrete who will be brainstorming with other concrete experts to determine the cost and best option.

Mayor Gamache reiterated that there is a process underway and this discussion is to further identify the timeline and associated costs for restoring the fountain. She stated that she has received many comments from members of the public indicating a variety of positions; however, the majority is in favor of refurbishing the fountain. Mayor Gamache added that one of the main concerns she is hearing is that if the City is going to spend this level of money, it is important that the job is done right. Mayor Gamache opened the floor for public comment.

d) Public Comment.

Chris Dermody commented that he was discussing the fountain with several people recently and the consensus was concern over keeping the public involved. Another topic that came up regarded the reflecting pool that was removed without any public discussion.

Mayor Gamache explained that council will be faced with the task of deciding how to fund the restoration project and is hopeful at least a portion will be funded by private donations. She stated that the budget process is currently underway and hasn't been presented to council as of yet. There are concerns over the timing of the project and the importance of having the fountain restored in time for the Raid. Mr. O'Grady commented that although it would be nice to have the fountain back for the Raid, realistically there is less than two months to come up with funding.

Jay Fleury introduced himself and noted that he is the only living founder of the St. Albans Historical Society. He agreed that timing is important, however considering the thousands of people that will be visiting St. Albans from all over the country for the Raid, believes it is critical to have the primary focal point of the park and the downtown ready for the 150th anniversary of the Raid.

6. Discussion.

Mr. Young commented that he believes the City needs to take the lead in dealing with the fountain and not put the project off another year. He stated that his preference is to let the voters decide how they want the project funded and if they approved a bond, the annual payment would be roughly $13,000 - $15,000. If the bond is rejected by the voters, he will continue his attempt to raise private money through fundraising efforts. Mr. Young stated that a mixed option between raising private donations and public funding would be timely and parts of the fountain may need to be removed for safety purposes. Mr. Pelkey asked Mr. Young when he suggests putting this to the voters. Mr. Young responded that a referendum could take place as early as December 1st. Mr. Spooner asked Mr. Cloud how soon a vote would need to be warned. Mr. Cloud responded that it cannot be warned more than 40 days out and no less than 30 days. Mr. Spooner asked Mr. Young how much of the fountain can be salvaged.

Mr. Young responded that all of the statuary would be recast but the existing statuary can be kept and displayed as the City sees fit. He added that the bowls and center column would get sandblasted, primed and painted. Mr. Pelkey asked what the total cost would be to have the fountain disassembled

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and sent to Alabama. Mr. Sawyer stated that the cost would be $31,500 to take the fountain apart and transport the necessary pieces back to Alabama to be catalogued. The cost to recast the pieces and have them sent back from Alabama is an additional $81,500 and would include the reassembly and plumbing. Mr. Young commented on the fountain in West Brookfield, MA and noted that they were able to get all of the plumbing working again and added low voltage LED lighting to display the water effect. He added that Robinson Iron is one of the premiere fountain builders and restoration companies in the world and believes if the City spends $5,000 every ten years for maintenance, it will always be functional.

Mayor Gamache stated that no action would be taken tonight and the purpose of this meeting is for an informational session only. Mr. Pelkey asked if Monday evening's agenda could include a discussion and vote as to whether or not to hold a bond vote. Mr. Cloud stated that to summarize Mr. Young's analysis and proposal, he believes that now is the time to take action and the cost is up to $300,000. He further recapped that Mr. Young is encouraging the council to consider putting it to the voters by calling a special meeting. Mr. Cloud stated that consideration of a special meeting could be included on Monday's meeting agenda if that is the direction council is headed or the Mayor could call a vote tonight directing the City Manager to put that question out to the voters. Mayor Gamache stated that her intention is not to make that decision tonight and added that whatever is decided, she wants to make sure the job is done properly and does not want to rush through the process. She further explained that she is worried about the impact that a bond vote would have on the tax payer's and would like to think about how a combination of funding sources could be carried out. Mayor Gamache noted comments that she heard from several people about the potential to use the Raid event as an opportunity to fundraise for the fountain. Mr. Young stated that the cost to fully restore the fountain through a bond would be $15,000 per year for twenty years and doesn't believe that's an unreasonable amount in comparison to the $10 million annual budget. He expressed his concern over having the fountain sit through another winter and a third year without operating. Mr. White stated that the $266,000 estimate would not cover the cost of bonding and encouraged council not to rely on that figure. He added that with the interest, soft costs and contingencies factored in, the overall cost could be closer to $400,000 or $20,000 per year through a twenty year bond. Mr. White stated that fundraising efforts are a great way to establish a "Friends of the Fountain" group and set up the expectation that the fountain is going to need money every year. Mr. Young commented that a bond authorization in any amount does not obligate the City to spend that money until the project is finished and believes it is highly important to get the fountain taken down and sent south for repairs.

Mr. Doyle asked if he was correct in saying that council can either put the question out to the voters in the near future to decide if they want to approve fixing the fountain immediately or wait until a later time or council can decide to take no action at all. Mr. Cloud responded that he sees three possible options; schedule a vote before March, schedule a vote in March or decide not to hold a vote at all. Mr. Doyle asked if anyone saw a drawback to allowing the public to make a decision. Mr. O'Grady responded that the only drawback he sees with allowing the public to decide are the costs associated with holding a special election. Mr. Cloud stated that the drawback is that property taxes can only increase so much and the bonding capacity is limited at $10 million per year for bank qualified notes. Mayor Gamache asked Mr. Doyle if he had a personal position for the outcome of the fountain. Mr. Doyle responded negatively. Mayor Gamache reiterated that no action will be taken and this discussion can pick up at a future meeting. She added that it is important no matter what is decided to be in a position where council knows what the costs are before allowing the public to weigh in. Mayor Gamache stated that she is hopeful staff can put together a final number that would be included in a question to the voters for a bond vote if council chose that direction. She noted that an additional $2,000 was donated in the last week toward the fountain restoration from the Kingman Street Klassic and thanked Kate Manahan for her support.

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7. <u>Councilor Young's Proposal for Taylor Park.</u>

Mayor Gamache explained that she included this item on the agenda in response to many calls she received over the last several weeks with questions and concerns about the fountain and Taylor Park. She stated that it is important for the public to know at this stage that while a proposal is being floated, it has not come before council for review and there is no endorsement from the council as a body. She added that the biggest concern she is hearing is that decisions for the park remain a public process.

Mr. Young asked Mayor Gamache if she believes that there hasn't been a sufficient public process in the past regarding the park. It is his opinion that the City has held many public hearings and used as many public outlets as possible to allow the public to review everything that has happened in the park, including the reflecting pond. Mayor Gamache responded that she feels strongly that many people are left out of the process and that they don't always feel there is an opportunity to be heard in the process. She further stated that she believes the Taylor Park Commission could provide a good opportunity for public involvement and thinks the council perhaps in the last couple of years hasn't utilized the full value of having a Taylor Park Commission with opportunities for public input. Mayor Gamache asked Mr. Young to help council understand what the current issue is that he is working on and what he is attempting to solve. Mr. Young explained that since working on the Park Commission in 2007, they have obtained roughly $500,000 in public grants for sidewalks and other maintenance. He stated that the City has not contributed much financially to the park other than for mowing expenses and most of the money that is used comes from grants and private donations. Mr. Young stated that on two occasions the Park Commission had presented a five year plan to council which included immediate projects, intermediate projects and long-term goals. He believes all decisions pertaining to the park have been open to the public and that the decision to remove the reflection pond was a two year process. He noted that the decision to remove the pond was due to liability reasons that the insurance company presented and the pond was not a historic landmark.

Mr. Young explained that his desire to start a private foundation for the park came from his frustration that the City was not taking action to restore the fountain two years ago. He added that in fairness to the City, he understands that a lot has been happening in the past couple of years. He believes that to deal with upkeep and preservation of the fountain and park that there should be some oversight whether it is a private foundation or a public committee. Mr. Young stated that he created the notion of establishing a private foundation simply to bring the discussion to the table to determine what should be done to ensure that the park is always at the top of its game. He explained that he works with several private organizations that put on fundraising activities for communities with no contractual obligations. Mayor Gamache asked Mr. Young what he envisions for the park in relationship with the City. Mr. Young proposed the following relationship and stressed that the park needs a consistent funding source with consistent oversight to make sure that the park continues to develop:

- Fundraise - gather resources with direct contributions, memberships, retail and grants and contributions that support the park.
- Develop events – support existing events and develop new events and make sure the park is event-oriented.
- Support help in rebuilding and maintaining the fountain, sidewalks, gardens, monuments and trees.

Mr. Young stated that he is proposing a private organization which would establish a foundation and raise money and is hopeful that if there are issues, the organization could sit down with the City to help raise funds for the fountain. Mayor Gamache noted that the park is a public asset and asked Mr. Young who would have that oversight he was referring to and asked where the public accountability would come from. Mr. Young responded that the City would have the ultimate oversight of the park but is

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proposing that an organization be established to make sure the City does what it should do to maintain the park. Katie Collin, a member of the public, asked how the park was run prior to 2007. Mr. Young responded that different City departments oversaw the maintenance of the park but did not have a hand in events or fundraising efforts. Ms. Collin asked if the Garden Club was also involved with some maintenance of the park. Mr. Young responded affirmatively. Mr. Young stated that the main focus as of late has been fundraising for the fountain and is a work in progress. He stated that fundraising for the fountain has been structured much like it was for the museum. Mayor Gamache stated that the difference is that the museum does not answer to the City. Mr. Pelkey commented that he is hesitant to give up council control for what happens in the park. Mr. Young responded that nobody is asking for council to alleviate their control and is only looking to establish a friendly, "Friends of" organization whose purpose would be to help the park. Mr. Hawkins asked Mr. Young if he is correct in saying that there would be no conflict because the foundation would raise money on its own and communicate with the Taylor Park Commission, which would be under the authority of the City Council. Mr. Young responded that the Commission has not met in years and his recommendation is that a Conservation Committee be formed as one of the standing committees of the council. He added that the Conservation Committee would have oversight of all of the City's parks and would function similarly to the Finance Committee and the Public Safety Committee which would include recommendations to council. Mayor Gamache stated that nothing would prevent someone from starting a private, non-profit organization and welcomes the idea. She explained that what is concerning is how the City maintains a level of control and defining where the public accountability starts and stops. Mr. Young stated that the first thing he proposed was to do away with the Park Commission and replace it with a Conservation Committee. Mayor Gamache stated that the formation of a Conservation Committee could be discussed in the future and asked Mr. Young if there is anything specific that he is asking of council at this point in time. Mr. Young responded negatively and stated that his goal is to stimulate the fundraising process. He explained that his goal is to raise money for the entire park and not just the fountain.

Mayor Gamache stated that perhaps what council needs to do is have a briefing from the Taylor Park Commission, review the current plans and five year plan for the park. Mr. Pelkey asked if the Park Commission is specific to Taylor Park or if it's for all parks. Mayor Gamache responded that the Taylor Park Commission is specific to Taylor Park but starting to have conversations about creating a commission which would cover all of the City's parks. Mr. Manahan commented that during his tenure as Mayor, aside from the reconfiguration of the Fire Department, the most controversial topic was removing the reflection pool in the park. He added that the $7,000 that has been raised was raised by one individual during two separate events and doesn't believe there is a lot of fundraising currently happening. He noted the handout provided by Mr. Young that states there is a group currently involved in getting the fountain up and running and asked who is in the group and how you can become a part of that foundation. Mr. Young responded that he and his wife Jan are putting together the basics for the group and have reached out to several community members with the hopes of opening up the foundation with memberships like any private organization. He stated that they have applied for incorporation and a 501c3 status. Mr. Manahan asked Mr. Young if there were currently any other members of the group other than he and his wife. Mr. Young responded affirmatively. Mr. Manahan asked what would happen in the case where money was raised and council denied the recommendation made to council. Mr. Young responded that he would hope the foundation wouldn't raise funds for a particular project without an understanding from the City that that was something they wanted to pursue. Mr. Doyle commented that there would need to be some by-laws established to dictate how that process would occur. Mr. Sawyer stated that perhaps the City could replicate the current model it has with the Downtown non-profit, reinstate the Park Commission and give it a new charge and project. He stated that by structuring in that fashion where the foundation is appointed by the City Council, any

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disconnect would be eliminated. Mayor Gamache commented that the model for the Downtown non-profit is currently working but is distinctly different than the membership organization that is being proposed. Mr. Doyle asked if there were combination models that utilize a private organization, appointing some of their members to an Executive Committee as well as the public appointment to the same committee. Mr. Young responded that he is open to any form and simply wants to start the discussion versus doing nothing at all.

Mayor Gamache stated that at this point in time, Mr. Young's organization has not been established yet so fundraising, whether it's for the park or just the fountain, would come directly to the City. Mr. Young added that the organization does not have 501c3 status so any donations that have been received thus far have gone directly to the City. Mayor Gamache asked that as council moves ahead it is important to acknowledge that there is a strong public feeling for the park which is public and it needs to be treated as such so there is no confusion. Mr. Doyle asked when a good time would be to bring the Taylor Park Commission before council. Mayor Gamache responded that there may be time in December.

8. Other Business.

Mr. Hawkins stated that he attended a dinner recently and members of his ward raised the topic of vehicles parking in close proximity to intersections, specifically from Jeff Laroe's house down to Messenger Street and asked if the Public Safety Committee could look into it. Mr. Spooner responded that they should call the police department. Mr. Hawkins asked if a sign could be erected that said something along the lines of "no parking from here to corner." Mr. Spooner responded that there would then be the need for signs at every corner. Mayor Gamache stated that if there are areas that are more problematic than others, that might make sense. Mr. Spooner asked Mr. Cloud what his recommendation is. Mr. Cloud responded that if the council wants the police to pay more attention to vehicles crowding the corners of stop signs they can and would be the quickest option.

Mr. Doyle expressed his appreciation to the Public Works and Police Department for their fast response time in getting a traffic study completed and making signs visible around Upper Welden Street

9. Adjourn.

A motion was made by Alderman Pelkey; seconded by Alderman Doyle to adjourn at 8:38 pm. Vote was unanimous, 7-0.

Respectfully Submitted,

Kristen Smith
Administrative Coordinator

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