

**Minutes**  
**Board of Selectmen**  
**Regular SelectBoard Meeting**  
**Monday, September 8, 2003**

The Town of St. Johnsbury Board of Selectmen held their regular meeting on Monday, September 8, 2003. An Executive Session was warned for 6:15p.m. in the Town Manager's Office for the purpose of discussing Contracts, and Appointments of Public Officers. The Regular SelectBoard meeting was held at 7:00p.m. in the Board Room of the Municipal Building.

**EXECUTIVE SESSION** – SelectBoard Members Present – Chairperson Gabriel Handy, Elwin Cross, Bryon Quatrini, Dale Urie, and Reg Wakeham. Others present included Joel Schwartz Director of Economic Development, and Mike Welch Town Manager.

It was moved by Reg Wakeham, seconded by Dale Urie, and unanimously voted to enter Executive Session for the purpose of discussing Contracts, and Appointments of Public Officials, the motion included participation by Joel Schwartz in Contract discussion. The Board entered Executive Session at approximately 6:15p.m.

It was moved by Bryon Quatrini, seconded by Reg Wakeham, and unanimously voted to leave Executive Session at approximately 6:55p.m.

**REGULAR MEETING** – The Regular Meeting of the SelectBoard was scheduled for 7:00p.m. in the Board Room of the Municipal Building. All Members of the SelectBoard present.

Others Present: Howard Stark, Bernier Mayo, Carla Ocaso (Caledonian-Record), Fire Chief Troy Ruggles, Claude Donna, Mary-Jane Donna, Dwayne Keach, Gayle Keach, Alan Boye, Zoning Administrator Priscilla Messier, Economic Development Director Joel Schwartz, Mark Desroches, St. Johnsbury WORKS Director Barbara Morrow, Bob Swartz, Maria Travassos, Darcie McCann, Bruce Corette, Don Welch, Valerie Dillon, Martin Cherry, and Steven Berard.

**MINUTES** – Regular Meeting dated Monday, August 11, 2003. It was moved by Bryon Quatrini, seconded by Elwin Cross, and unanimously voted to approve the Minutes from the Regular Meeting held on August 11, 2003 as presented.

**WELCOME CENTER – POMERLEAU BUILDING** – Joe Schwartz gave a brief history on the donation of the Pomerleau Building and the current status on the use of the building. Howard Stark and Bernier Mayo were present to request that the Board of Selectmen appoint an ad hoc committee to advise the Board relative to potential uses for the building – to include using the building for municipal offices. Mr. Stark stated that Railroad Street would benefit from the additional foot traffic generated downtown by having governmental offices in the former Railroad Depot. Mr. Stark said that if Town Offices were located downtown – that would free-up more space in the current Main Street Municipal building for Police and Fire Services. Mr. Stark said that the Committee would be charged with investigating sources of funds for this move and making recommendations to the Board of Selectmen. Bernier Mayo said that he believes that the Town should consider putting governmental offices in the Pomerleau Building. Senator Mayo said that combined with an at-grade crossing at Eastern Avenue – this entire area could open up for development. Senator Mayo said that the Pomerleau Building will become a focal point. Senator Mayo said that this is an opportunity that should be fully investigated. Reg Wakeham said that he would be in favor of an ad hoc committee as long as all of the options were explored – not just for the Pomerleau Building but for the Main Street Municipal Building as well. Reg said that review of space for

the Municipal Offices has been a priority for the Board, but little has been done on this subject to date – the public should be able to consider all of the options. Reg Wakeham asked about preparing cost estimates. Mr. Stark said that cost estimates would need to be included in any recommendations. Mr. Stark said that he had provided a list of names to the Town Manager – he suggested a committee of no more than 12-15 people. Mr. Stark said that this building is a part of Vermont History and should be handled very carefully and very thoughtfully.

Following discussion, it was moved by Bryon Quatrini, seconded by Dale Urie, and unanimously voted to authorize the Town Manager and Chairperson of the SelectBoard to work with Howard Stark and Bernier Mayo on the formation of an ad hoc committee to make recommendations to the Board of Selectmen regarding municipal office space.

**NEKCA COMMUNITY DEVELOPMENT BLOCK GRANT REQUEST** – Don Welch, NEKCA, was presented to request that the Board of Selectmen consider applying for VT Community Development Block Grant funds to finance a portion of the renovation of the “warden’s house” that adjoins the NEKCA brick building at 108 Cherry Street. Don said total costs are estimated at approximately \$260,000 and NEKCA would like to apply for \$125,000 in VCDP Block Grant Funds. Don explained that NEKCA is also working with some organizations to explore the use of this building as a transitional housing facility for up to six (6) women. Joel Schwartz said that the Board would need to schedule a public hearing before September 25<sup>th</sup>. The Public Hearing can be held at the next SelectBoard meeting on September 22, 2003.

Following discussion, it was moved by Reg Wakeham, seconded by Bryon Quatrini, and unanimously voted to warn the proposed VCDP Grant application of NEKCA for public hearing.

**MUNICIPAL PLANNING GRANT APPLICATION** – St. Johnsbury WORKS in cooperation with the Town and NVDA is preparing an application for funding of \$15,000 from the Vermont Municipal Planning Grant Program. The application is due at the end of September. Barbara Morrow, St. Johnsbury WORKS, asked the Board to table this item until the next regular Board meeting scheduled for September 22, 2003. Chairman Handy declared the item tabled until Monday, September 22<sup>nd</sup>.

**SPRINKLER SYSTEM CHARGES** – The Manager stated that members of the Board received in their packet a copy of a letter from Fire Chief Troy Ruggles, and St. Johnsbury WORKS Director Barbara Morrow, asking that the Board consider eliminating the \$50.00 per quarter charge for industrial and commercial customers that have sprinkler connections. The Manager said that there are currently 71 utility customers that pay the Sprinkler Charge. Barbara Morrow said that the \$200 per year is not going to be the deciding factor regarding whether or not someone installs a sprinkler system – but elimination of the quarterly charge would indicate that the Town’s leadership supports the installation of sprinklers. Troy Ruggles said it is more a gesture toward not having a financial penalty for installing a sprinkler system. Troy said that in some instances customers have actually requested that the sprinkler system be disconnected so that they could avoid the \$200 annual fee.

Following discussion, it was agreed by the members of the Board that the elimination of the quarterly charge for sprinkler connection fee would be discussed during the budget discussions for the 2004 Water and Sewer Charges.

#### **APPOINTMENTS:**

***Planning & Zoning Administrator*** – It was moved by Elwin Cross, seconded by Dale Urie, and unanimously voted to appoint Priscilla Messier to a three year term as Zoning Administrator, as recommended by the Town Planning Commission.

**Design Review Board** – It was moved by Dale Urie, seconded by Bryon Quatrini, and unanimously voted to appoint Patrick Cahoon, Shara McCaffrey, and Fran Boardman to the Design Review Board. The total number of people serving on the Design Review Board was increased from five (5) to eight (8) as part of the recent revision to the Zoning By-Law.

**Board of Adjustment** – Appointment tabled until next Regular Meeting.

**TOWN ROAD SPECIFICATIONS** – Chairperson Gabriel Handy informed the members of the Board that the Planning Commission has recommended the Town Road Specifications that have been previously considered by the Board of Selectmen. A sub-committee including Bryon Quatrini, Dale Urie, and members of the Planning Commission reviewed the draft Policy and have recommended approval. Having no further discussion, it was moved by Dale Urie, seconded by Bryon Quatrini, and unanimously voted to Adopt as a Policy of the Board of Selectmen the “Policy Related to the Paving of Proposed Town Roads – as revised on August 27, 2003.” A copy of this policy has been attached to these Minutes for the record. The Policy may also be found in the Policy and Procedures Manuel of the Town of St. Johnsbury.

**FROST AVENUE** – Several residents of Frost Avenue were present at the meeting including Martin Cherry, Valerie Dillon, and Steven Berard. The Manager informed those present that following the last site visit at Frost Avenue, members of the Board of Selectmen had requested that the Manager investigate some other legal means of maintaining Frost Avenue for Winter Maintenance – without actually taking over the road. The Manager said that even though the Town had plans drafted to consider the acceptance of a one-rod road – this did not satisfy all of the residents on the Street. The Manager expressed concern about exposing the Town to liability associated with the retaining wall at the end of the private drive. The Manager stated that he discussed the concept of a Winter Maintenance Agreement with Town Attorney Edward Zuccaro, and he is preparing a draft. It was agreed by members of the Board that the Frost Avenue Maintenance Agreement would be discussed at the next regular Board meeting.

**SIDEWALK PLANNING CONTRACT** – The Manager stated that the Town had received a State grant in the amount of \$20,000 for the purpose of conducting an inventory and analysis of all of the sidewalks in the Urban Compact Area – basically the former village. Competitive proposals were solicited and four companies responded with proposals. A technical review team consisting of NVDA, State Bike & Pedestrian Program Coordinator, and Mike Welch reviewed the proposals and is recommending that Engineered Solutions, Inc. of Burlington be awarded the contract in an amount not to exceed \$19,980. Alan Boye expressed his support for the Sidewalk Analysis. It was moved by Reg Wakeham, seconded by Elwin Cross, and unanimously voted to authorize the Manager to enter into an agreement with Engineered Solutions, Inc. for the Sidewalk System Analysis.

**ST. JOHNSBURY CENTER FIRE DISTRICT EASEMENT** – The Manager informed the Board that the St. Johnsbury Fire District has signed a contract with Twin State Construction to replace their water lines and connect to the Town Water to be purchased under contract. The Manager stated that in order to satisfy lending requirements the Fire District needs to show that they have an easement to maintain the water lines that will be located within the Town Right-of-Way. Fire District Attorney William Neylon prepared a Quit-Claim Easement, which has been reviewed and approved by Town Attorney Edward Zuccaro. Following discussion, it was moved by Dale Urie, seconded by Bryon Quatrini, and unanimously voted to authorize the Agent to Convey Real Estate to Sign a Quit-Claim Easement for construction and maintenance of utility lines to the St. Johnsbury Center Fire District.

**RIGHT-OF-WAY AGREEMENT** – St. Johnsbury Bike/Pedestrian Path Project STP BIKE (10). The Town Manager informed the Board of Selectmen that he has received an Agreement form the Agency of Transportation for completing Right-of-Way plans, appraisals, and acquisitions for the Three River Transportation Path. The Manager stated that he wanted the members of the Board to be aware that the

Agreement includes a provision that “If any of the lands or rights needed for the Project cannot be acquired by negotiation, it is agreed and understood that the municipality will, if necessary, exercise its eminent domain powers.” Alan Boye, Bike Path Chairperson was present to review the Right-Of-Way Agreement with the Board. Alan said that the original contract signed by the Board included similar language. Alan said that overall property owners have been very cooperative along the alignment of the path. Chairperson Handy asked about the status of fund-raising. Alan said that the 5K Classic Footrace was not held this year – and he is not certain of any current account balance. Gib said that it was the understanding that the local share for the transportation path would not come directly from the property taxpayers. Dale Urie said that the Transportation Path is an important part of the overall vision for the Town. The Manager said that he has reviewed the Agreement with Attorney Zuccaro. Following discussion, it was moved by Elwin Cross, seconded by Dale Urie, and unanimously voted to approve and sign the Right-of-Way Agreement with the Vermont Agency of Transportation.

### **MANAGER’S REPORT:**

**CAULKINS LAND ALONG PASSUMPSIC RIVER** – Bruce Corette was present to inform the Board of Selectmen that he is working with a local property owner on the possibility of acquiring land along the Passumpsic River for recreational use. Mr. Corette explained that this property is not currently being used – and represents a significant opportunity for the Town in terms of Recreational uses. The Board welcomed Mr. Corrette’s information and encouraged him to keep the Board apprised of discussions regarding this property.

**MARIA TRAVASSOS DOG COMPLAINT** – Maria Travassos was present to request that the Board of Selectmen waive a \$40 fine charged to her for a local ordinance violation for dogs belonging to her son being off from her property. Mrs. Travassos said that she was away from the building when this incident occurred – but the dogs had been left inside the house with the doors closed. She said that it had been determined by the police department that the dogs must have pushed a screen out of a window in order to get out of the house. The Manager provided the members of the Board with a copy of Sgt. Clem Houde’s report on this incident. Mrs. Travassos said that she should not be penalized as she took proper precautions to make sure that the dogs were inside. She said that the dogs are no longer at her home, as they belonged to her son. Gib Handy suggested that if the fee was to be waived – that it would be reapplied in the event that there is another incident involving these animals at the Travassos home. Reg Wakeham expressed concern about waiving any penalty, as there has been an ongoing problem associated with dogs at the Travassos residence for many years. Dale Urie said that he did not believe that Travassos should be penalized for this incident, and he would support a waiver. Following discussion, it was moved by Dale Urie, seconded by Bryon Quatrini, and voted (4-1 with Reg Wakeham opposed) to grant a waiver to Mrs. Travassos for the \$40 penalty assessed for this incident – however, if there is another incident involving these animals then the penalty would be reapplied.

**GRANT AGREEMENT RESOLUTION** – The Board of Selectmen reviewed and signed the Grant Agreement Resolution (PM-1) designating Michael A. Welch as the person for overall responsibility associated with the microDATA GIS Community Development Block Grant for an Economic Development Loan of up to \$350,000 for acquisition, renovation, and installation of equipment at a 24,000 sq ft. facility located on Route 5 south.

### **OTHER BUSINESS:**

***St. Johnsbury Center Sidewalk*** - Elwin Cross asked about the status on the St. Johnsbury Center Sidewalk Project. The Manager stated that he is not certain about the Enhancement Award status for scoping of a new sidewalk – but some of the existing sidewalk will be replaced as part of the St.

Johnsbury Center Water Department project. The Manager said he would find out the status Enhancement project.

***Street Light – St. John Street*** – Claude Donna asked the members of the Board of Selectmen to consider moving street lights from the top of St. Johns Street to an area closer to Route 5. The Manager said that he has reviewed this area with Mr. Donna, and that streetlights at the top of St. John Street are located at intersections. The Manager suggested that if street lights are going to be relocated – we may want to contact residents in that area to find out if they have concerns about removing street lights at the intersections. Chairperson Handy suggested that members of the Board review this area in the evening.

Having no further business or requests, it was moved by Elwin Cross, seconded by Dale Urie, and unanimously voted to adjourn at approximately 8:20p.m.

Respectfully submitted,

Michael A. Welch  
Town Manager