

ST. JOHNSBURY BOARD OF SELECTMEN  
REGULAR MEETING  
MONDAY, JUNE 3, 2013

The St. Johnsbury Selectboard met in the Pomerleau Building, 1<sup>st</sup> floor on Monday, June 3, 2013 at 7:00 p.m. for the Regular Meeting of the Selectboard. Present were: Chairman Kevin Oddy, Vice Chairman Ruggles, Jim Rust, Jeff Moore, Tom Moore, and Town Manager John Hall.

**PUBLIC ATTENDANCE – see attached**

**PRESS**

Present were: Shawn Gaffney from News 7.

At 7:00 p.m., the Regular Meeting was called to order. All stood and recited the Pledge of Allegiance.

Chairman Oddy expressed his gratitude to the public works, the Police and Fire Departments and all the crews that came to help out the town in recovering from the recent storm, followed by hearty applause from all attendees.

**PUBLIC COMMENT**

No comments from the attending public were offered to the Selectboard.

**MINUTES**

For the minutes on Monday, 5/13/13, for the Regular Meeting of the Selectboard, Rust commented that on page 4 under Fishing Pier, insert Len Geradi, ANR. Jeff Moore motioned to accept the minutes with the adjustment made on page 4, seconded by Vice Chairman Ruggles and was unanimously carried.

**WARRANTS**

Vice Chairman Ruggles motioned to pass the warrants, seconded by Tom Moore and was unanimously carried.

**NEW LIQUOR LICENSE – CATAMOUNT ARTS**

Vice Chairman Ruggles motioned to table the discussion until the Catamount Arts representative arrived, seconded by Jeff Moore and unanimously carried. Rust abstained from the vote.

The renewal for Vermont Salvage Holdings was motioned by Vice Chairman Ruggles and seconded by Jeff Moore, and was unanimously carried. Rust abstained from the vote.

The Catamount Arts Center has requested a liquor license as a part time social lure for prospective attendees of scheduled events and films. Both the Fire and Police Departments have received a copy and have expressed no issues. It was agreed by the Selectboard and the Catamount Arts Center that if liquor service progressed to full-time, the license should be

revisited. Jeff Moore motioned to approve the Catamount Arts Center liquor license, seconded by Vice Chairman Ruggles and was unanimously carried. Rust abstained from the vote.

At 7:10 p.m., Jeff Moore motioned to move the agenda item scheduled at 7:20 p.m. to 7:10 p.m., seconded by Vice Chairman Ruggles and was unanimously carried.

### **MIKE FORTIER – CHARTER CHANGE PETITION**

Mike Fortier presented to the Selectboard as a representative of the Concerned Citizen's Group. He discussed how to change the Town Charter to include recall provisions for un-election of officials. He clarified that recall provisions are not a necessary part of a town charter, the Town already has a charter, and the citizens can petition the Selectboard to include the question on the Town Ballot in March. Last winter the deadline had been missed to include the question on the Town Ballot in March. He continued to urge the Selectboard to put the question to the voters during an Australian ballot vote with a special meeting, and to look at some proposed wording for the amendment. Vice Chairman Ruggles and the board agreed to view the current petition language and requested Mike Fortier to email it to them, and he agreed. The Legislature would vote in July. Chairman Oddy reminded the board that when the Town Charter goes to the Legislature in Montpelier, the entire Town Charter is open for change, and not just for this particular change. Jeff Moore suggested that the board look for any other changes, such as the fiscal year change mentioned by Chairman Oddy and any others that would need to be put before the voters, so that the Legislature needs to only view the Town Charter once. Chairman Oddy suggested further discussion at the next meeting.

### **DPW-HUGH WESCOTT**

#### **Grader Purchase**

Hugh Wescott presented to the Selectboard that he would like to move forward with the grader purchase and discussed the quotes previously provided to the Selectboard and why. The decision to go with Volvo was made due to a focus on important user reviews that included the research on Volvo as a company, a good resale history, and the way the grader is made which fit all needs of the department and the current operator. Along with easy maintenance with no early major problems, the grader has AWD as a standard feature. This feature was an add-on for other bids that negated any municipal purchasing discount. It was clarified that the quoted grader would be a replacement for the current one, and Chairman Oddy mentioned that the quoted amount included a descent trade in value.

Rust questioned the if this is the right time to purchase a grader for the Town, and Hugh Wescott mentioned that when the budgeted \$75K was passed, he thought that it was for the Vac-con and grader. Rust clarified that the Town would be borrowing down payment funds until November. Jeff Moore suggested the current grader's maintenance schedule may be costing money, and Hugh Wescott confirmed that there are extensive maintenance issues now to keep it, and that the department had been exploring different graders since funds were discussed in November. Jeff Moore requested that Hugh Wescott to provide to the Selectboard a ball park figure of current maintenance costs vs. projected expenses, and he agreed. Chairman Oddy requested that Hugh Wescott provide an updated quote since the current one, dated 4/25 and good for 30 days, was expired and he agreed. Vice Chairman Ruggles and Town Manager John Hall discussed projected proposal scenarios. Rust clarified that the triple reserve line was dedicated to be

emergency need funds, now or in the future. Tom Moore motioned to table the grader purchase discussion until next Monday's meeting, seconded by Jeff Moore and the motion was unanimously carried.

### **Town Road and Bridge Standards**

Hugh Wescott requested signatures of the Selectboard that would accept the Town Roads and Bridge Standards, which was a work document that delivered a lot of benefits to the Town. Ruggles motioned to accept the Town Roads and Bridge Standards work document, seconded by Jeff Moore.

Willie Nickerson asked if this document was signed every year and if it was public record. Rust clarified that it does get signed every year, and that there are mostly no changes, but the state would review them if there were changes made. Town Clerk Stacy Jewell clarified that the document was held in the Roads Book. Chairman Oddy reiterated the motion, and the vote was unanimously carried. The document was passed for signatures.

### **Stiles Pond**

Hugh Wescott spoke emphatically about the controversy regarding Stiles Pond, to include dead fish being taken off the water, posted signs that had been taken down, campfires that had to be put out, dumping of car parts, mattresses, machines, et cetera. The gate had been rammed with a truck and is not working. A flat bottom motorboat had been seen in the pond. Hugh Wescott clarified that this is a dammed man-made pond that doesn't include the requirements that are included in the court action to fish that had recently been passed, and it will take more than what is currently being done to fix the problem.

Bernie Timson commented that he had seen people and their children with fishing equipment dangerously standing, walking, and running on the highway between the cars and the guardrail, and using the pull off place to park and cross the roads and state that was at their own risk, that he has also seen joggers on the road so people are going to use this road no matter what.. He continued that he thought it would be ok to fish, and thought not to close off the whole pond, just by the filter plant so they can't get in.

Tom Moore discussed that there are a lot of policies between the state and Town. The Town is owns on the back side of the pond down Slate Ledge Road. Moore was concerned about the gate issue. He continued that there were five or six different issues, but only one or two that falls under the Town that are legal and plausible. He would like to protect the Watershed.

Mike Fortier asked why this is an issue now. Chairman Oddy clarified that a court action opened the Watershed areas to fishing. Jeff Moore motioned to table the agenda item until a viable proposal was brought to the board with suggestions regarding the Town side of the Pond. Tom Moore seconded.

Brian Christman interjected that on May 2nd there was an issue at Stiles Pond that included town workers that were working in the parking lot, two fishermen, and the St. Johnsbury police allegedly harassing the fisherman. Jeff Moore asked if the police interrupted the fishermen's sport by requiring them to remove their fishing line from the pond, with Christman replying no.

Rust mentioned that the Town owns the Watershed, but it's located in Waterford. These issues have been before the Selectboard before, and the Selectboard may have to get more help from the Waterford Selectboard and the state police, and find a way. Town Manager John Hall commented that it was worth speaking with the Waterford Selectboard. Hugh Wescott confirmed that no one should be fishing on Stiles Pond. Chairman Oddy reiterated the previous motion and second, and it unanimously carried on the vote.

## **RURAL EDGE**

### **Resolutions for Hilltop Housing VCDP Grant**

George Matthias and his associate from Rural Edge presented to the Selectboard a proposed project for upgrading and repairing 24 units of family housing that was purchased in 12/2011. Rural Edge is requesting the Selectboard perform three actions:

1. To sign a grant agreement resolution, which would enable St. Johnsbury to accept a \$300K grant, this was applied for on 5/14/12 and awarded in July 2012. The grant is ready for distribution and they are ready to go through the acceptance process;
2. To designate Rural Edge as the grant administrator, and
3. To defer an existing grant of \$280K, because Rural Edge can't carry that much debt. Mr. Matthias suggested extended conversations since Rural Edge is expecting to close by the end of the month.

Willie Nickerson asked if these were the same building units that were previously owned by Gilman Housing Trust and renovated 20 years ago, with Mr. Matthias confirming that they were the same although it wasn't Gilman Housing but another group that owned them. Mr. Matthias and his associate continued to discuss that the family housing repair is an investment in St. Johnsbury's housing structure. The buildings are on the national state historic register, and the state is requesting towns to renovate downtowns in order to take advantage of historic preservation of the properties. The 4 properties are a mix of 1, 2, and 3 bedroom units that will last, are prominently located, and will be professionally managed. Willie Nickerson confirmed availability of the pro forma, and will be in contact with Rural Edge off line. Mike Fortier confirmed that there is a huge waiting list for low-income subsidized housing.

Vice Chairman Ruggles motioned to accept the grant agreement resolution on behalf of the Town of St. Johnsbury and specifying Town Manager John Hall to sign as grant manager, seconded by Tom Moore and unanimously carried. The document was passed for Selectboard signatures.

Vice Chairman Ruggles motioned to designate the non-profit grant administrator as Gilman Housing Trust Inc., dba Rural Edge, seconded by Rust and unanimously carried.

Vice Chairman Ruggles motioned to accept the resolution to defer \$280,099 until July 31, 2044, which is a 14 year extension to the existing grant timeframe, seconded by Tom Moore and unanimously carried. The document was passed for Selectboard signatures.

## **DEPARTMENT OF PUBLIC WORKS (DPW) CONTRACT**

Chairman Oddy clarified that he and Rust have negotiated the contracts through the end of this year with the DPW. Rust confirmed a language change agreement that on page 16, Article 13-1, Item #D, stating that VMERS Group B is correct. He included the email from the DPW Union

Representative confirming the change. Jeff Moore asked the difference between VMERS Group B and VMERS Group C, and Chairman Oddy clarified that it states the number of years served before retiring, and that it should have been VMERS Group B all along. Jeff Moore motioned to accept the labor agreements between the Town of St. Johnsbury and the Department of Public Works (DPW) employees with the change to Article 13, seconded by Vice Chairman Ruggles and unanimously carried. The document was passed for Selectboard signatures.

### **Update on Arnold Park**

Tom Moore spoke regarding his recent meeting with Paul Grimes. They discussed replanting the trees that were removed during the park renovations, and that decisions are up to the town manager. The Committee has donations to replace the trees and surrounding soil, and Tom Moore described the trees and their locations while following a physical sketched plan of the park layout. Discussion included: the lighting should be more color true to the lamp style and not so stark white and bright, an all-purpose fertilizer and lime to be used on the new grass, the maintenance and electricity expenses, and the existing plumbing that could restore the pump to its original condition as a gravity fed pump instead of the current motor-fed operation.

Kay Clifford wondered why there were no evergreens or Maples in the plan. Tom Moore discussed that a hole could be designed in order to place an evergreen as a Christmas tree yearly by donation, it's just not there right now. The Maple trees are susceptible to salt and sand that will kill them within 5 years and are not recommended for high traffic areas.

Bill Vermulen confirmed with Tom Moore that there were 9 or 10 trees to be included in the park. The plan extends to revert the bypassing tanks that would negate the need for the chemicals and filters, and to put lilac trees in front of the electric panels to hide them. The lights don't work with the street lights and may decide to put the power underground. Paul's deadline is July, but it doesn't have to be done at all and he can plant trees anytime.

Jim Herald requested that the Selectboard not go to the design/build, but to select the trees with the townspeople. He continued that he had had a discussion with Bob White a few weeks ago regarding plans to finish within the current budget and Bob confirmed that there were no delays. Jim Herald continued to ask the Selectboard why they were not continuing this project with the designer, and suggested a kick-off meeting with the town, 1 month to contract and to plant trees at the right time for the tree. Kathy Decker, with the UVM extension, was contacted per Rust before the trees were selected, and made suggestions after the architect. Rust commented that she gave her free opinion, and thought she was very well informed. The original design had 28 trees, and over the years the park's design has been changed many times.

Willie Nickerson suggested that the Selectboard consider the pressure of the pump, considering that the tanks and pumps were adjusted to provide optimum pressure. Tom Moore commented that it took \$250/month last summer to run the pump including filters and chemicals.

Bill Vermulen stated that the pressure is more than enough with gravity and has worked as a natural flow for 124 years. He continued that within the last 5 years the pool was resurfaced and the lady painted. He asked the difference between contractors vs. designer. He continued his opinion that Paul Grimes and his father have a great reputation in the Town, and he believes that

Paul wouldn't put in a tree he couldn't guarantee and maintain. He urged the Selectboard not to put all efforts with the architect, and that there is a lot of sentimentality associated with that park and to put ownership back on the people. Tom Moore clarified that it was up to the town manager and that they will be meeting, but it's not up to the Selectboard. Tom Moore said that he would like to see it go back to the original flow, but he's turning it over to the town manager.

Rust mentioned that the main focus was to get a basis for the park design, and the trees were later. Rust continued that Gina Glidden, the Chairman of Beautification, the DPW, and Kathy Decker of UVM Extension all need to be involved. The major expense of the fountain is finished, the design should not be rushed into, and a good plan is necessary.

Bernie Timson commented that the tank system had run 44K gallons per month last summer that went through the fountain, all the water was treated and that there are no pipes directly running from the fountain to the Pond. He continued that it costs money to make water and run it.

Bill Vermulen mentioned that there's no comparison between the cost of treating water that was already paid for in the treatment plant and his bill.

#### **Fred Mold Park – GMP Fishing Pier**

Tom Moore suggested that the pier be built where the fish are located, and that people with handicapped conditions can access it. He suggested that the cement pier be run down the side so that there's nothing in the river to break off, etc. GMP will pay to maintain it, and they will be giving plans to the Selectboard to review, including a Stay-Mat path for handicap access.

#### **SCOTT BECK – RR STREET SIDEWALK – Banner Poles, Parking Meters, Tree Species**

At 9:00 p.m. Scott Beck confirmed with the Selectboard that the bid is in Montpelier now being reviewed.

Scott Beck continued to discuss that Andy Fisher had been consulted with regards to the RR Street trees and the need for them to grow more vertically due to the traffic. Andy Fisher recommended that the Norway Maples were well suited to urban environments and could be substituted out, and that he can contact Paul to change dates so the process can proceed.

At 9:10 p.m., discussion continued regarding the installation of banner poles, and that they should stay within budget and were valuable for town events. Scott Beck continued that they shouldn't be put over crosswalks due to the safety issue of traffic looking at the banner instead of the pedestrians crossing in the crosswalk. He continued that the led light color can be changed and won't hold up the bid process.

Scott Beck discussed that it would cost \$25K to re-head all the parking meters to a digital system. There is difficulty in currently maintaining parking enforcement. A survey of the RR Street and Eastern Avenue business owners suggested parking meters were a deterrent to business, and that they would be open to discussing alternative enforcements. Scott Beck discussed a Decal Zone system, whereby if a person works or lives within a zone a particular decal would be placed on their car limiting parking times and areas. He continued to confirm that

all the downtown parking meters do not have to be changed and no decisions need to be made now, but by mid to late August.

Lyndon's parking was discussed.

Jeff Moore commented that the Town is lacking parking signage. Tom Moore commented about the amphitheater seating design, and Scott Beck responded that it would replace the retaining wall and provide additional space for people to attend events, festivals, concerts, Senate meetings, etc. The retaining wall is necessary for the grant.

Jim Rust asked John Hall to look at the Cobra lighting in Danville in that it throws more light, and John Hall replied that he would speak with Chad.

### **TOWN MANAGER'S REPORT**

#### **CSO Project – Eastern, Main, Western**

Town Manager John Hall stated that the meeting is on Wednesday at 6:00 p.m. Town Manager John Hall spoke about the historic preservation of the park, including some archaeological and gravesite issues.

#### **Westside – South Final Walkthrough**

Town Manager John Hall stated that the walkthrough will happen on Friday at 9:00 a.m., and will be meeting at the Colonial Apartments to start.

#### **Public Meeting Depot Square Park**

Town Manager John Hall asked to place on the next meeting's agenda the current check signing policy of needing two signatures. Considering that banks scan checks for only the primary signature on the account, it was suggested that only one person sign the checks, but only up to a certain arbitrary limit, of which \$5,000 was suggested.

Mike Fortier suggested that due to the lack of past financial administrative control shown by the audit, this is a significant decision.

Chairman Oddy confirmed Tuesday's public hearing on the proposed by-laws at 1187 Main.

Chairman Oddy confirmed Monday, June 10 as the next scheduled Selectboard meeting.

At 9:40 p.m., Tom Moore motioned to adjourn the regular meeting of the Selectboard, seconded by Jeff Moore with a unanimous decision to carry.