



TOWN OF ST. JOHNSBURY

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Meeting of the St. Johnsbury Select Board Sept. 13, 2021 @ 5:30 pm Select Board Meeting

Present-

Select Board: Kevin Oddy, Dennis Smith, Daniel Kimbell, Frank Empsall, Brendan Hughes

Staff: Chad Whitehead, Rachel Waterhouse, Stacy Jewell, Lesley Russ (via zoom), Joe Kasprzak, Paul Berlejung

Press: KATV, Todd Wellington (via zoom), NVU

Public: Jim Brown, Patricia Janssen (via zoom), Mary Berlejung, Bernie Timson, Nancy Cohen, Darryll and Barbara Rudy (via zoom)

Public Hearing- Zoning Bylaw Amendments:

- Chad Whitehead, Town Manager present an overview of the public notice and proposed additions outlined in the Zoning Bylaw Amendments. Planning Commission's report for proposed Zoning Bylaw Amendments was presented to the Select Board on 8/19/21. The purpose of the proposed Zoning Bylaw Amendments is to provide clarity to zoning and the DRB through the bylaws.
- Jim Brown from the Planning Commission stated that the plan is pretty straight forward. There isn't currently much in the books with regards to self-storage, this amendment adds clarity with regards to land use and placement. It is an addition that is needed.
- Bernie Timson questioned who would be taxed should the storage unit not be moved within the required time frame as most companies rent the storage units out. Would the tax be the responsibility of the land owner, the company of the storage units or the renter? Bernie expressed that his understanding was the State of Vermont said storage containers could not be taxed as they are removable.
- Chad stated he was unsure if that was the case but would follow up with the assessor office for clarification.
- Bernie Timson commented that he believes the town will be chasing their tail on this. How will the Town go about taxing all of them? He mentioned that the Town should look at tax revenue from Maplefield's as they are losing revenue there. He believes there will be a battle on it with regards to the storage facilities.
- Nancy Cohen explained her situation regarding a cattle trailer that is used for storage for the farm. She commented that she believes the Town is barking up the wrong tree. She stated she believes the cattle trailer would be considered temporary especially if it's on rubber and can be registered. Mixing with the DMV and State of VT on issues that don't pertain to the Town. Advised Town to investigate legally and figure out how to go about it.
- Chad explained that the intent of the proposed Zoning Bylaw Amendments would be for something that was a permanent structure it would be taxed as so.

- Nancy Cohen stated the cattle trailer was never intended for this.
- Jim Brown explained that the Bylaws have come as a need since currently there is nothing on the books now. There would still be a procedure process and that would take into consideration Nancy and Bernie's situations including the DRB and appeal process for individual complaints.
- Nancy Cohen commented that she understands the appeal procedure. Concern is with legality around it.
- Kevin asked if a trailer on wheels meets the definition of fleet storage for taxation.
- Jim Brown commented that with or without wheels if it is unregistered for over a year it would be eligible for taxation.
- Nancy Cohen commented that a cattle trailer is not built for freight.
- Kevin explained that if it is still be used as a storage area it would be eligible to be taxed if it sits in the same place unregistered for over two years. This would suggest that there are no other plans to use it for anything else.
- Bernie Timson questioned who would be responsible for paying the taxation on it.
- Kevin explained that is something that needs to be looked into.
- Bernie Timson asked if people who have had them on their property for 10-15 years would be grandfathered.
- Dennis explained the purpose of the public hearing was to gather input and presence on the amendments. All part of the process when adopting bylaw changes.
- Kevin commented that who is taxed and how needs to be answered.
- Bernie Timson suggested the Town look at Rural Edge and Weidmann taxes. Taxing of storage containers is small taxes compared to bigger issues.
- Kevin explained that this is a public hearing for the purposed amendments to the zoning bylaws and that is what we are here to discuss.
- Nancy Cohen explained that she has had cattle on her property for over 20 years. Since she owns a farm and her land is zoned under mixed use, questioned if this would even pertain to her. She asked the Select Board to table the discussion as no agenda was posted.
- Brendan asked where the information had been posted.
- Chad commented it had been posted in the Caledonian Record, on the Town website, in the Town Clerk's Office and around town at all normal posting locations.
- On a motion by Brendan and second by Frank to table the public hearing regarding the zoning bylaw amendments until answers regarding who would be taxed, how they would be taxed and if on rubber applies. All in favor.
- Planning Commission will work with Town Manager to determine the answers and will bring back to the Select Board as soon as possible.
- Jim Brown commented that the Planning Commission did work with VLCT and their legal team when drafting the proposed zoning bylaw amendments. Kevin suggested that Jim get their approval in writing.
- On a motion by Dennis and second by Frank the board adjourned by unanimous decision.

Regular Meeting of the St. Johnsbury Select Board
Sept. 13, 2021 @ 6:00 pm
Select Board Meeting

Present-

Select Board: Kevin Oddy, Dennis Smith, Daniel Kimbell, Frank Empsall, Brendan Hughes

Staff: Chad Whitehead, Rachel Waterhouse, Stacy Jewell, Lesley Russ (via zoom), Joe Kasprzak, Paul Berlejung

Press: KATV, Todd Wellington (via zoom), NVU

Public: Jim Brown, Patricia Janssen (via zoom), Mary Berlejung, Darryll and Barbara Rudy (via zoom); Joanne Brown

Agenda Amendments:

- None

Public Comment:

- Kevin Oddy, Chair of the Select Board reiterated that the Armory Bond vote will take place tomorrow Tuesday 9/14 from 10 am until 7 pm at the Welcome Center. The approval of the bond vote gives the Select Board the ability to move forward and work with the Town Manager's Office to secure more funding. The Select Board is committee to applying for favorable funding and will only move forward with the Armory Redevelopment Project if it is in the best interest of the Town and tax payers of St. Johnsbury.
- Jim Brown commented that he believes the Select Board is aware of the tax payers in the town and would not jump on something that would negatively affect them. Jim also commented that now is the time to complete the project if the Town is going to as the cost of construction and materials is on the raise and is expect to continue to increase.
- Joanne Brown commented that congressional happenings. Expressed concerns with 3.5 trillion vote later this week and increasing the debt ceiling.
- Joanne Brown commented that while she understands and appreciates the board going to such lengths to bring back the Armory as a potentially nice asset she questions the decision as former Town Manager Mike Welch and Select Board voted to moth ball the building.
- Kevin explained that the he cannot speak on behalf of the Select Board and Town Manager at the time. However the building is a liability to the Town and the Board has decided to move forward with a bond vote.

Warrants:

- On a motion by Dennis and second by Frank to approve the warrants as presented. All in favor.

Minutes:

- None

Liquor Licenses:

- None

August Financial Update:

- Lesley Russ, Finance Officer provided the Select Board with an August financial update.
- General Fund has a surplus of \$35,003. Includes retirement payment, special appropriations payments and 3rd floor insurance.
- Tax Sale is scheduled for early November.
- Special Services fund has a deficit of \$1,821 due to retirement payment and overtime.
- Highway fund has a surplus of \$75,947. Paving budget has been almost fully utilized.
- Water and Sewer expense are on target.
- Parking Meter Fund is on target at this time.
- Town recently received the first half of ARPA funds.
- Final audit report should be available late September or early October for distribution.
- No questions from the board or the public.

Finance Policies:

- Chad explained that the balance budget, fund balance reserve and internal controls policies were recommended from either VLCT or the Auditors. Chad provided an overview of the policies.
- Daniel asked if the balance budget policy was 100% new. Chad said yes. Daniel asked if it was also controlled in other policies. Chad explained that the proposed policy intertwines with the current policies. Daniel asked where the policy came from. Lesley explained that the policy was a VLCT templated that was adapted to fit the Town of St. Johnsbury.
- Daniel expressed his concern with the wording in the Fund Balance Reserve Policy. Suggested rewording of the purpose. Kevin agreed. Daniel suggested tabling the policy and looking at the wording.
- Lesley explained the policy was meant for non-recurring expense to be paid through the unallocated reserve funds. However these expense would need to be unforeseen expenses when the budget was prepared.
- Kevin explained the issue is with the required wording. Suggested replacing it with something else.
- Chad explained that the Finance Manager and Town Manager will review and solicit additional feedback regarding the wording.
- Lesley explained that the only change on the Interval Controls Policy was the single check signer. Auditors didn't have a problem with this as the Town has so many other controls in place.
- On a motion by Daniel and second by Frank to approve the Balance Budget Finance Policy. All in favor.
- On a motion by Daniel and second by Frank to table the Fund Balance Reserve Finance Policy. All in favor.
- On a motion by Daniel and second by Frank to approve the Internal Controls Finance Policy with the suggested amendment. All in favor.

Rental Housing Improvement Grant Program:

- Joe Kasprzak, Assistant Town Manager approached the board regarding the Rental Housing Improvement Grant Program.
- Committee nominations were omitted from the minutes of the organizational meeting. Looking for the Select Board to approve another 1 year term for the Committee as it stands with Irene Nagle, Patricia Janssen, Patrick Shattuck, Alice Kitchel and Ron Steen.
- Kevin asked if all members have been attending meetings. Joe said yes.

- Kevin asked if all members wish to remain on the committee. Joe said yes.
- On a motion by Dennis and second by Brendan to approve the Rental Housing Improvement Grant Program Committee as present for the remainder of the year with a term expiring in March of 2022. All in favor.

Vermont Community Development Program CDBG Resolution:

- Joe Kasprzak, Assistant Town Manager approached the board regarding the Vermont Community Development Program CDBG Resolution. The Town initially applied in the spring and was not awarded the grant. However it was suggested that the Town reapply in the fall.
- Since the Town is reapplying within the specified time frame no public hearing is needed.
- Joe is working to update the dates and timeline on the applicant for a submittal date not later than Sept. 21, 2021.
- Expect a determination at the November 18th meeting.
- The grant if awarded would be in the amount of \$500,000 for Slums and Blight clean up specific to the Armory.
- On a motion by Dennis and second by Frank to approve the applicant for the Vermont Community Development Program CDBG Slums and Blight grant. All in favor.

Zoning Report:

- Paul Berlejung, Zoning Administrator for the Town of St. Johnsbury provided the Select Board with an overview of zoning duties including certificates for zoning compliance, overview of yard sales, lighting complaints, vacant building registration, establish and issue E-911 and issue permits.
- Reviewed recent issues in Zoning.
- Shared the good news including Zion Growers, New Avenue Project and 623 Concord Ave.
- Provided numbers for 2021 over 2020. Increase in both zoning permits and zoning certificates.
 - 98 zoning permits issued in 2020. 92 zoning permits issued to date in 2021
 - 32 zoning certificates issues in 2020. 30 zoning certificates issued to date in 2021.
- Jim Brown asked if Zoning had any information on the old Bailiwicks. Paul commented that he has heard nothing about it yet.
- Kevin commented keep up the good work.

Town Manager's Report:

- Chad Whitehead, Town Manager provided the following Town Manager's Report.
- Reminder Bond Vote for the Armory Redevelopment Project is tomorrow from 10 am until 7 pm at the Welcome Center. Hoping for a good turn out to help the Town gauge the residences wishes.
- Chad and Steve discussed the Portland Street Bridge and feel it is not something that can be done in house and that a construction company would need to come in to evaluate and repair. Continue to work with Steve to seek funding as the cost is not currently in the budget.
- Working to withdraw the Town's land apply application with regards to solids at the waste water plant. Improvements for this will be in the millions. Will work with USDA and others to find funding sources to help offset the cost. Steve has estimated the short term disposal cost be in the area of \$175,000.
- ARPA funds have been received by the Town. Town is required to spend the funds by 2026. Working on creating an ARPA committee to review eligibility list and make recommendations for the funds. Currently the committee consists of Chad Whitehead, Town

Manager, Joe Kasprzak, Assistant Town Manager, Lesley Russ, Finance Officer, Scott Campbell, Scott Beck, Gillian Sewake, Jenna O'Farrell, Adam Kane, and Nicholas Anzalone. Would like to see 1 or 2 Select Board members on the committee. Frank and Daniel are both interested.

- Dennis asked if with the solid waste changes the Town should consider increasing the septage hauler rates. Chad explained the rates were increased about 20% last year and brought more in line with other rates in the area. Dennis commented that he doesn't want to see the tax payers incur the increase in cost.
- Jim Brown asked if there was any further information regarding a regional fire station. Chad said currently the concentration is on the Armory which is a step to move the Fire Department forward. Will be looking at the regional plans and the steps for a new Fire Department next.

Other Business:

- None

On a motion by Brendan and second by Dennis the board adjourned by unanimous decision.