



TOWN OF ST. JOHNSBURY

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Meeting of the St. Johnsbury Select Board Dec. 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, Joe Kasprzak, Kresten Sterling, Anthony Skelton, Christopher Olsen, Bradley Reed, Stacy Jewell, Tim Page (via zoom), Lesley Russ (via zoom), Paul Berlejung (via zoom), Steve Beauregard (via zoom),

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

Public: Randall Northrop, Don Smith (via zoom), Michael Wright, Greg Robbins (via zoom), Ashley Van Zandt, Gillian Sewake, Doug Page (via zoom), Barbara and Darryll (via zoom), Brad Ashley, Amy Hornblas, Josh, Allison

Agenda Amendments:

- Dennis asked to add mask mandate as an agenda item after the minutes/warrants/liquor licenses.
- On a motion by Dennis and second by Daniel to add the mask mandate to the agenda after the minutes/warrants/liquor licenses. All in favor.

Public Comment:

- Gillian Sewake, Chamber Director approached the Select Board about the St. J Sparkle holiday weekend that took place on Friday Dec. 10th and Saturday Dec. 11th. She thanked the Town employees- Chad, Joe, the Fire Department, and DPW for all of their assistance. Downtown St. Johnsbury saw over 200 people for the fireworks event on Friday night. Businesses have reached out to the Chamber about what a great event. Wonderful to work with the Town especially DPW and the Fire Department. Appreciate all the work that DPW has put into beautification within the Town. They have worked to keep the downtown looking nice, cared for and vibrant. Thank you on behalf of the Chamber.

Minutes:

- On a motion by Brendan and second by Frank to approve the Select Board Meeting minutes from 11/22/2021 as presented. All in favor. Dennis abstained.
- On a motion by Daniel and second by Frank to approve the Select Board Meeting minutes from the Special Select Board Meeting on 12/06/2021 as presented. All in favor. Dennis abstained.

Warrants:

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

Liquor Licenses:

- None

Mask Mandate:

- Dennis provided the Select Board with the VLCT tool kit on mask mandates. He explained that the Select Board received an underwhelming response to the Select Board's request for the Public to reach out regarding their input on a Town wide mask mandate. He said they received about 5 emails regarding input. He explained that COVID is in the area. Proposing not enforcing a mask mandate but recommending it for indoor spaces. Asked if others on the Select Board would support this type of mandate.
- Frank asked if it would just be recommended. Dennis said yes not enforcing it.
- Daniel mentioned that he feels it should be recommended for those who need it but not mandated for all.
- Dennis mentioned that most emails the Town received was against an enforceable mask mandate. The Governor isn't going to enforce it and has left it up to Towns to decide how to proceed.
- Frank commented that he would support if the language stated recommended not required.
- Dennis stated he was good with a recommendation from the board.
- Brendan asked if they Select Board could just recommend mask wearing in St. Johnsbury and not sign the paperwork as it didn't seem necessary for a recommendation.
- Frank commented that signing is basically a mandate and he cannot do that.
- Kevin mentioned that it seems not a lot of people are in favor of the mandate. He believes a recommendation is ok. He mentioned that people need to step up and take responsibility for their actions however that plays out for them. Whether it be getting vaccinated, wearing mask, isolating, ect. He would be comfortable recommending that people wear masks indoors but he would not be ok with mandating it when we cannot enforce it.
- Daniel explained that a mandate would place an undue burden on the Police Department. Dennis explained that is why he is suggesting a recommendation. Daniel agreed with Brendan that is recommending it that they do not need a paper memorializing it.
- Amy Hornblas expressed her opinion and concerns over a potential mask mandate. She explained that she has reviewed a lot of research around mask wearing. Pilot studies show elevated carbon dioxide and lower oxygen when wearing masks. Masks are medical devices that under the FDA are only intended for emergency medical purposes. Prolonged use of masks has not been studied. She said she is grateful that neighbors get to make the decision regarding a mask mandate.
- Allison thanked the Select Board for seeking public comment before making a decision. She expressed her opinion and concerns over a mask mandate. Stating we are all very different people, we are talking about someone else's body. This is my body this is my choice, we are all unique individuals. Allison mentioned that just because the authorization to make the decision on a mask mandate has been handed down to the towns it doesn't mean the Select Board has to act on it.
- Josh a resident of Lyndonville voiced his opinion about a mask mandate. He mentioned that wearing a mask should be a personal choice. By implementing a mask mandate the Select Board could create a division. He mentioned that wearing a mask causes both physical and psychological harm. While he does not support a mask mandate he would support a recommendation.
- On a motion by Dennis and second by Daniel for the Select Board to recommend a mask mandate in the Town of St. Johnsbury. All in favor.

Grand List Adjustments:

- On a motion by Dennis and second by Frank the board approved the grand list adjustment 2020 #13 in the amount of \$3.18. All in favor.
- On a motion by Dennis and second by Brendan to approve the grand list adjustment 2021 #13 in the amount of \$672.29. All in favor.
- On a motion by Dennis and second by Brendan to approve the grand list adjustment 2021 #14 in the amount of \$3.23. All in favor.

2022/2023 Proposed Budget:

- Chad Whitehead, Town Manager provided an overview of the proposed budget for 2022/2023. Copies the proposed budget is available on the Town website.
- Explained budget development process and reviewed proposed budget.
- 2022/2023 budget includes the use of \$150,000 from highway reserves and \$150,000 from general fund reserves to help offset increases.
- Also proposed is a transfer from the general fund to the special services fund to help offset the Police Department budget for services that benefit the whole community.
- Highway budget saw an increase in the paving line for the 2022/2023 budget year.
- Special Services budget includes eliminating the two part-time police officer position and creating one full-time police officer position.
- 2022/2023 budget includes pilot payments from Town owned Water and Sewer Utilities.
- Currently the proposed budget reflects a 2.21% increase within the special services district and a 4.11% increase outside of the special services district.
- Kevin urged people review the proposed budget and reach out to the Town Manager or the Select Board with any questions.

November Financials:

- Lesley Russ, Finance Officer provided the following November financials.
- General fund at the end of November had a surplus of \$351,542. The State of Vermont Pilot payments were received in November. The Fire Department overtime and contracted services remain an area of concern.
- Delinquent tax receivables are \$148,065 verse \$228,055 at this time last year.
- Special Services fund at the end of November had a surplus of \$29,394. Regular salaries and overtime combined are at 37% of those budgeted line items.
- Highway fund at the end of November had a surplus of \$146,939. The paving budget in the summer maintenance has been fully expensed for fiscal year. Mechanic was hired in November for the DPW garage. 2 CSO principle payments were made in November.
- Water fund at the end of November had a deficit of \$294,708. Revenue is under budget due to booking revenue to the prior year during our audit. Expense are on target.
- Sewer fund at the end of November had a deficit of \$543,385. Revenue is under budget due to booking revenue to the prior year during our audit. Town has spent \$248,300 for solid handling.
- Parking Meter Fund at the end of November had a deficit of \$20,181. Expense are on target at this time.
- Dennis asked when the booking in the rears for the water and sewer fund will be correct from the audit. Lesley explained that it is done every year as the Town bills in arrears. The correction will be made at the end of the fiscal year.

- Dennis asked if those funds will show a deficit throughout the year. Lesley said yes.
- Daniel inquired about the disparity in the parking fund. Lesley explained that she doesn't expect that fund to perform as budgeted. However the fund will receive most of the revenue in January and February from annual parking permit sales. She explained she still expects to see a deficit in the fund this year.
- Daniel asked if the deficit will be a 2 to 1. Lesley explained that it is still too early to tell. She expects to have a better idea in the spring.
- Daniel asked where the shortfall for the parking fund is. Joe explained that permits are sold based on calendar year. Remote work has also had an impact. Joe explained that the Town will have a better forecast by the end of January/February.
- Chad explained that the deficit in the Parking Fund would also be eligible for ARPA funding should the Town choose to allocate some ARPA funding to offset this deficit.

Dog Park:

- Randall Northrop approached the board to discuss the possibility of establishing a dog park within St. Johnsbury. Explained that the closest dog park is located in Hartford, VT. While Dog Mountain is wonderful there is no fenced in area within the Town for dogs to run. Randall asked for direction from the board regarding support or opposition to the idea.
- Kevin explained that he is not opposed to a dog park he is just cautious to take on a project that the cost will be passed on to the tax payers. Explained that dog parks can be a significant expense with fencing, maintenance, open and closing and clean up. Expressed that for his support he would need to see a business plan that would be a neutral cost for the Town for at least 10 years.
- Daniel asked if Randall has reached out to Hartford for information. Randall expressed that he has not but would.
- Frank asked where he would like to see the dog park. Town property or private property?
- Randall expressed that he was thinking more along the lines of Town property. Fencing would cost around \$40 a foot. Don't believe a lot of maintenance would be required or cost to the town. He explained that other dog parks use signage stating the Town is not liable if anything happens.
- Kevin expressed that he would need more information including liability costs to the Town.
- Brendan asked if Randall had talked to anyone from Dog Mountain about possible additions to their property to include a dog park. Randall said he had not and was thinking more along the lines of an in town dog park.
- Dennis suggested that Randall talk with Zoning regarding any ordinances about a dog park in St. Johnsbury.
- Joe Kasprzak, Assistant Town Manager expressed his interest in make the Town of St. Johnsbury more dog friendly. He explained that a dog park in St. Johnsbury would be unique and could draw people to the area. He offered to work with Randall to collect more information about the potential of a dog park.
- Kevin suggested Randall collect more information and come back to the Select Board at some point.

Charter Review Committee Update:

- Chad Whitehead, Town Manager explained that over the last few months the Charter Review Committee has been working on updating the current Town Charter. Presented the Select Board and Public with an overview of the proposed changes to the Charter.

- Chad explained that the Committee is not proposing any drastic changes. The format was adjusted to make the Charter easier to read. Lists would be eliminated and any complaints would go straight to the BCA. Additional updates include updating the recall language, making the Zoning Administrator appointed by the Town Manager and adding funding for the Fairbanks Museum into the Charter.
- Daniel asked if a red line version was available to the Select Board. Chad explained that a red line version would be all red and not helpful.
- Daniel asked if the Select Board Terms were changing. Chad said there would be no change in the Select Board Terms.
- Chad explained the Town will remain a Town Manager form of government. The Town Manager will continue to appoint the Fire Chief, Police Chief, Tree Warden, ect.
- Daniel expressed that he believed the State of VT was an at-will state. Kevin explained that only terminations can be for cause.
- Chad mentioned that the updated Charter also includes a statement that the Charter can adopt charter revisions by Town vote without the need for general assembly.
- Chad explained the next steps for the Charter will be to hold hearing, have a vote at Town meeting and then the Charter will go to the general assembly at the State House for final approval.
- Kevin asked where in the process the Charter changes stood. Where they being reviewed by an Attorney. Chad said yes.
- Stacy mentioned that in order to have the Charter changes on the ballot for Town Meeting Day the first warning would need to take place by Dec. 21st. 70 days prior to Town Meeting.
- Kevin mentioned that if anyone has any questions, concerns or needs clarification regarding the Charter changes to please email elected officials or the Town Manager.

Calex Contract:

- Chad Whitehead, Town Manager provided the Select Board with the proposed Calex Contract for the next three years of ambulance services in St. Johnsbury and introduced Michael Wright from Calex.
- Chad explained the proposed contract does not include any substantial changes. The contract would begin on July 1, 2022 and run through June 2025.
- Kevin asked where the \$16,000 increase year over year came from. Michael Wright explained that the increase was attributed to increase in dispatching costs and increase in employee retention costs. Michael Wright explained that the pandemic has caused a hit on staffing. Calex has to increase their wages to be competitive.
- Frank asked what the cost of the Town's contract with Calex was this year. Michael replied it is \$152,060.
- On a motion by Dennis and second by Frank to approve the Calex Contract as presented and authorize the Town Manager to execute. All in favor.

Armory Project Funding:

- Joe Kasprzak, Assistant Town Manager provided an update on the Armory Project and funding.
- While the Town was not awarded the \$500,000 CDBG Grant the Town continues to work hard to identify other funding sources and move the Armory Project forward. The Town has identified another funding opportunity from ACCD Brownfields Revitalization Fund. Joe stated he is working on completing the required assessment for the funding including a corrective action plan.

- The Town continues to work with White and Burke. A Historical Preservation Consultant has been selected. Scantech continues help navigate the waters with regards to brownfield cleanup. Working to secure a design engineer firm and to develop a contract.
- Joe explained that he continues to work with neighboring property owners regarding easement. Engaging in talks with the Vermont Bond Bank for bond anticipation note. Working to limit the financial risk to the Town but still move forward.
- The timeline remains on target for opening the Armory doors on July 2023. The Town will continue to work with NCIC to identify funding procurement sources. Will continue to provide the Select Board with updates as the project moves forward.
- Daniel asked what the time frame was on the brownfield grant from the state. Joe explained that there isn't an exact time frame, however a correction action plan has to be in place. We are 80% there. Joe commented that he feels the Town is in a good position for the funding.
- Daniel inquired who is responsible for determining the award. Joe said the award comes from the Agency of Commerce and Community Development. Specifically Kristie Farnham's office.
- The Select Board thanked Joe for the update and his continued work on the Armory project.

Readiness-to-serve Transfer to ED Reserves:

- Joe Kasprzak, Assistant town Manager approach the Select Board to ask them to transfer the Readiness-to-Serve Payment in the amount of \$30,000 to the Economic Development Reserve Fund. He explained this will help ensure a healthy fund moving forward. Already spent about \$75,000 of the Economic Development Funds on the Armory Project. He reminded the board that when the Armory project goes to bond they would be able to replenish the funds used Economic Development Reserve for the Armory project should they choose.
- On a motion by Brendan and second by Dennis to approve the transfer of the Readiness-to-Serve Payment in the amount of \$30,000 to the Economic Development Reserves. All in favor.

955 Portland Street- Notice of Intent to Transfer Property:

- Chad Whitehead, Town Manager approached the Select Board about 955 Portland Street. The property was acquired during tax sale and the Town has had a number of people interested in the property. The purchase would be as is. The house is solid however it is filled with garbage. Working with Ed Zuccaro to develop a contract that the new owner would have so many months to improve the property. Once sold the property would return to the tax rolls.
- Kevin confirmed that the language would include that the Town has the right to accept or reject all bids. Chad said yes.
- Kevin read the presented resolution to the public.
- On a motion by Daniel and second by Frank to approve the resolution and notice of intent to transfer property located at 955 Portland Street and authorize the Town Manager to execute. All in favor.

First Night- Road Closure:

- Ashley Van Zandt approached the Select Board regarding the proposed road closure for the First Night events on 12/31/21 in St. Johnsbury. She explained the requested road closures are exactly the same as they have done for the past 27+ years. The road closure would take place from Fuller

Hall down to Maple St, Central St, Church Street and Eastern Ave from 4 pm on December 31st, 2021 until midnight. Continue to work the Police Department, Fire Department and DPW for this community event.

- ON a motion by Dennis and second by Frank to approve the road closures for First Night on Dec. 31st, 2021 from 4 pm until midnight. All in favor.

Town Manager's Report:

- Chad Whitehead, Town Manager had nothing to report.
- Daniel expressed his concern with the recent vandalism within St. Johnsbury and how the individual was just dumped on us. The Town had no ability to prevent the vandalism. Daniel expressed that he is concerned that at some point the Town could be liable for such actions. Restrictions should be built into the program.
- Frank asked if there was any transparency from the state. Chad said he would speak with the Police Department and State to see what he can find out.
- Frank mentioned that we are talking about a good dollar amount of damage.
- Daniel mentioned that it was not the individual's first time exhibiting such behavior. Daniel asked if the Town has the ability to say no as it is not fair to St. Johnsbury just because we have a hotel. Why are we penalized?
- Chad explained that he would reach out to the agencies involved.

Other Business:

- Brad Ashley approached the Select Board to let them know he is hopeful to be on the next Select Board Agenda on 12/27/21. He explained that the New Avenue building is hopeful to host a restaurant/café in the similar space the Chinese restaurant was in. However proper venting of the space causes some problems. In order to properly vent the restaurant/café such venting would have to take place out the North wall. He explained that the plan for the venting system has been approved by the State and the Fire Marshal. He is proposing an easement to occupy the 3 parking spaces along the North wall for the venting system. The plans have been to the DAC and DRB. The DRB has recommended a barrier around the system to prevent injury to the public. He explained that the New Avenue building has a provisional lease in place for the restaurant area with Cosmic Cup Café if the venting system can be worked out. He said he would return to the Select Board on 12/27/21.

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