

VERGENNES CITY COUNCIL MEETING  
AUGUST 25, 2014  
MINUTES

Mayor William Benton called the regular meeting to order at 6:05 p.m. at the Vergennes Fire Station Meeting Room located at 50 Green Street. Those in attendance were:

Mayor William Benton  
Deputy Mayor Randall Ouellette  
Alderman Joe Klopfenstein  
Alderman Michael Daniels  
Alderman Lowell Bertrand  
Alderman Lynn Donnelly

City Manager Mel Hawley  
City Clerk Joan Devine  
Jason Farrell, Chair of DRB  
Shannon Haggett, Chair of PC  
Approximately 40 Visitors

PUBLIC HEARING - MUNICIPAL DEVELOPMENT PLAN: Mayor Benton read the duly warned and posted Notice of Public Hearing regarding the proposed re-adoption of the updated Municipal Development Plan. The floor was then opened to comments and questions from those in attendance. Robert Feuerstein, owner of Kennedy Brothers, Inc., advised he owns property located in the Northern Gateway District and understands the City's desirability to maintain the historic integrity but felt we also need to allow space for modern technology. He felt wording in the document was important as the Development Review Board uses the City Plan to base some of their decisions on. An example offered was wordage that said "residential uses are prohibited at the ground level. Residential apartments in combination with professional or artistic businesses as a conditional use shall be encouraged above ground-floor commercial uses". He recognized that "encouraged" gave the DRB some wiggle room but wondered why we would want to have to say no to a great plan that was submitted because it didn't meet the language. Mr. Feuerstein stated he found the limitation on vibrations humorous as the train shakes his office daily.

Dan Pflaster, owner of a commercial property with mixed uses in the Northern Gateway District, joined in with Robert Feuerstein's concern regarding no residential uses on the ground level. He preferred allowances with possible restrictions. He felt the wordage was moving away from the flexible commercial and residential use in that district. The Northern Gateway District is supposed to be a mixed use area.

James Amblo, owner of a commercial property with mixed uses in the Central Business District, reported he has the same concern with no residential uses on the ground floor in his district. He advised he has a vacant office on the ground floor that he has advertised for lease for 18 months and has had no interest expressed. That vacant office space utilizes twenty-five percent of the main building. He would like to convert that space to a living unit to enable him to see a return on his investment. Mayor Benton inquired if there was parking for that conversion and Manager Hawley advised there is a clause that allows for a parking waiver if the project involves redevelopment of an existing structure to make it more palatable.

Jason Farrell, Chair of the Development Review Board, advised the uses in the Northern Gateway District were only visionary when that district was created five years ago. They went from a Commercial/Industrial District with no residential uses to what we have today. They mimicked the Central Business District criteria at that time with some adjustments in an attempt to find a middle ground for existing uses.

As there were no further questions or comments, Mayor Benton closed the public hearing at 6:20 p.m.

MINUTES: Minutes to the July 22<sup>nd</sup> meeting were approved as written on a motion by Senior Alderman Randall Ouellette, seconded by Alderman Lowell Bertrand, with all voting in favor.

WARRANTS: The Warrant totaling \$354,414.38 was circulated for review and signatures of approval from the Board.

PLANNING COMMISSION APPOINTMENTS: City Manager Hawley advised he posted and advertised the vacant positions on the Planning Commission when they became available. Two residents have stepped forward and expressed interested in serving on the Board and have already been interviewed for the positions. Up for Planning Commission appointment are Cheryl Brinkman and John Coburn, he advised. Alderman Renny Perry moved to appoint Cheryl Brinkman and John Coburn to the Planning Commission with 2-year terms that expire August 1, 2016. The motion was seconded by Senior Alderman Randall Ouellette with all voting in favor.

DEVELOPMENT REVIEW BOARD APPOINTMENTS: The DRB has been running with 6 members but they have 2 vacancies on their Board, advised Manager Hawley. Tim Cook, who is also on the Planning Commission, expressed interest in one of the positions as well as Jason Mullin. He advised he was able to contact Clara Comeau, who has sit as an alternate on the Board, and she advised she would be willing to serve another 2-year term in that position. Senior Alderman Randall Ouellette moved to appoint Tim Cook and Jason Mullin to the DRB and to appoint Clara Comeau as an alternate; all are 2-year terms expiring August 1, 2016. Alderman Lowell Bertrand seconded the motion with all voting in favor.

INFORMATIONAL MEETING - TODDLER PLAYGROUND: Mayor Bill Benton advised the informational meeting for the proposed Toddler Park was posted on the City's website and Front Porch Forum. A letter was also sent to all residents on East Street, the VUES, and Jennifer Russell who lives on the corner of East Street and New Haven Road. He acknowledged we have had problems with how this project played out but procedures have been corrected and he just wants to move forward from this point. Mayor Benton advised Recreation Committee Chairman Joe Klopfenstein will give the history to this project followed by David Raphael who will detail the project and any Committee members who may want to speak prior to opening the floor for questions.

Joe Klopfenstein began with thanking his Committee members, City Manager Hawley for all his input and David Raphael for his work on the plan. The current Recreation Committee was created in May 2012 and was charged by the City Council with focusing on the condition of our facilities, he advised. Maintenance to the skate park, repaving of the ice rink/basketball court, and resurfacing of the tennis courts were accomplished. A survey of what residents would like to have available in the line of recreation was also accomplished. A walking path was the number one want and a toddler park came in second. In the spring of 2013 the Committee made the toddler park their priority as they felt it was a project they could complete rather quickly and then move on to the walking/biking trail that will take much longer to accomplish due to having to acquire rights-of-way, etc. For a location for the toddler park they considered three sites; open land in Crosby Farms Development, Falls Park, and the land adjacent to the pool he advised. In November 2013 the City was awarded a \$21,000 grant for the project. In the spring 2014 the project was scaled down due to cost. Knowing young families are leaving our area we tried to offer something they would want based on affordability and value to add to our good schools with public support. We felt this space would offer parents a place to network and the kids to socially interact. The Committee chose the land adjacent to the pool because the pool is where families congregate, it's located on a quiet side street, it is City owned property, and it is a walk able destination. They felt the basin site access is difficult for walkers, isolated and prone to flooding and the City does not own the land in Crosby Farms. The estimated project costs on the scaled down version is now at \$42,379 with an additional \$7,783 for labor if needed. Money has not been appropriated for this project yet, he advised, but costs over the grant will be requested from the Water Tower Fund.

David Raphael, a landscape architect, advised a well designed playground is a learning environment. This park is designed to serve youth 2-6 year olds who all have different needs. The ship structure itself offers various skills building apparatus such as a climbing web, a tire swing, steps leading into the boat, and two slides. The park will also include and area for play with benches, a dome climber, a swing set with two

bucket seats, and an area with a picnic table. This park is just the right size, he advised, and will compliment the community center that exists that serves Vergennes, Waltham, Panton, Ferrisburg and Addison.

From the floor Lynn Pope spoke first where she advised she would like to see sidewalks throughout the City fixed first with money from the Water Tower Fund. She had to use a walker for a while and found the sidewalks to be in poor condition and almost fell several times. Kathy Rossier stated she also felt the structures proposed are great for kids. She is a teacher in Williston, she advised, where they have a toddler park located in the same area as other playgrounds. This allows older children to play in appropriate spaces and the toddler park is reserved for parents and young toddlers. Sue Ferland, a resident of Bowman Road, advised the site proposed is a very wet area she is concerned with the drainage. You will need to take away space to address the drainage, she advised, which will also increase the project costs. She reported she called VLCT and the toddler park needs to be built to ADA guidelines. She also felt there were great variables in size, weight and ability in children 2-6 years of age. Jason Farrell said he sees Water Tower money used for various things and inquired if those were discretionary funds or if there was anything exact. Mayor Benton advised the Council looks at the interest earnings of which 75 percent can be used for capital improvements, economic development, recreation, a tool for leveraging grants such as the streetscape projects that have been done, and we even bought land on Otter Creek last year. Martha DeGraaf advised her taxes went up sizably this year so she is concerned with the financing of the proposed toddler park, the cost of maintenance once built, and who is going to maintain it. She also pointed out that she does not have a sidewalk near her property either. Mayor Benton advised the cost of maintenance would have to be done through fundraising or taxes. Manager Hawley reported the Watershed Property Fund is to be used for recreation. Funds from that fund covered the cost of the skating rink/basketball court repaving project. Our policy for that fund says 25 percent of the interest earnings go toward growth of the fund and the remaining 75 percent goes into the Recreation Maintenance Fund. Every year the City has been taking \$6,000 from the earnings and applying it towards the operation of the Sam Fishman Pool. The remaining funds of approximately \$4,000 are used for recreation facilities maintenance or capital improvements. He advised this year the budget was increased to \$20,000 to maintain our recreation facilities. The City will have to maintain this park if it is built and the budget will reflect that cost, he advised. Darren Donovan, a resident of East Street and the author of the petition presented at the last meeting, advised signers of the petition were not opposed to the park but were opposed to its proposed East Street location. He questioned information that was included in the grant application that was submitted to the State; specifically where they state that 60 percent of those surveyed said a toddler park would be of benefit to the community. He wanted to know what survey was done and when that showed this percentage as copies of the surveys he was able to locate did not indicate that percentage. Jason Farrell offered that the survey may have come from the Municipal Development Plan survey that was done 5 to 7 years ago. He advised 126 people were polled but not all the people were Vergennes residents. Sue Ferland stated that the City falsified statements in the application and garnered State funds. She pointed out that the grant says that the City has funding in place for this project yet the Council has not committed those funds. Mayor Benton advised once the City Council approves the project the funding will be in the Water Tower Fund. She went on to advise that two points in the grant application are not correct and the document is signed by Manager Hawley. Mayor Benton offered for the City to be transparent with the State and to go from there.

John O'Donnell, who lives on East Street very near the proposed site, reported he has no problem with funds not being set aside for the toddler park. He pointed out that East Street gets a lot of traffic and is not a quiet street. He also wanted to address the chain link fence shown on the drawing from East Street all the way back to the building; very urban looking to him. He views the site in this discussion as a vacant lot that is used a great deal by all ages; a safe secure spot. Kids play ball there, do cartwheels there, sit on towels and talk, etc. It is an unstructured play space, he advised. You will not be adding a resource to the City by locating the park there, he stated, you will be replacing one with another. Jim Beauchemin, a Bowman Road resident, thanked the Committee that has worked hard and spent a lot of time on this project. He felt the park certainly would add value to the City but does not agree that the park should go in ahead of the walking trail. He proposed the town be allowed to vote on this as there seems to be enough contention in the room

regarding the project. Sarah Stroup, a resident of Green Street and the mother of a 3 and 5 year old, feels there are more in support than not for the park. She advised she appreciates the Committee and the work they have put into this project. She acknowledged some valid questions have come up but just feels the overall tone has been negative. She pointed out that we all pay taxes here for things that we don't use. Alexandria McGuire, who said she is speaking on behalf of young families, stated she has concerns with the process that has been followed but is not scrapping the project. Every project is not perfect for everybody, she advised, but she herself would enjoy the park. She suggested everyone look at this community as a whole and inject more positivity into our discussions. Jon Kidde, a resident of School Street and the father of a 2 and 4 year old, supports the toddler park proposed. He advised he is happy to be engaged with moving forward. Nancy Klopfenstein advised she is the wife of Alderman Klopfenstein and is employed at Tapestry Midwifery on Armory Lane where they delivered 560 babies last year. She reported they have patients who travel from Ticonderoga, Lake Placid, Montpelier, etc. and when these travelers arrive they are looking for running space for their children. Kevin Rooney, owner of property on East Street, advised he is not against the toddler park; he thinks it is a great idea. He questioned whether the City Green was perhaps a better location where it can be seen by people coming through town and perhaps entice people to stay longer at events downtown. He thinks the design is awesome but might warrant more community discussion. Heather Simons advised she is not opposed to the project but, after hearing Kathy Rossier, feels it needs to be closer to other play areas; she would not want to split up her children. Heather stated she independently did a survey on front porch forum a while ago regarding the proposed park and found 30 percent were opposed to the park based on its location or because they felt a walking trail was needed instead, 30 percent supported the park and 40 percent were not even aware of the proposal. She felt more effort is needed in getting the information out to the people. Betsy Rippner, a member of the Recreation Committee and the wife of Darren Donovan, advised she was shocked when she saw the plan; the scope of the project, the cost, and the nice piece of land that was being used up. Compromise is needed here, she advised. There is a plan out there from years ago for the basin area with a boat design. She felt we need to design things in areas where we want the people to go. If we were to have another site in mind would the State allow us to move the location, was her question. Sandy Reck, a resident of Maple Manor, advised she saw an article in the paper about the proposed park. There is a parking problem at that location when the pool is having swim meets or the elementary school is having an event where that piece of land is used for parking. She agrees with Mr. Rooney that the park should be put on the rear portion of the City Green. Boaters looking for biking opportunities and other transportation may also appreciate a toddler park for their little ones. She felt we need to compromise to find a solution. She did inquire if insurance was going to be a problem. Manager Hawley advised the City has insurance with VLCT and our liability insurance is based on operating expenses and the value of the structure so he did not see any issues here. Mayor Benton thanked those in attendance for coming and offering input where a lot was learned. He declared the information meeting closed at 7:50 p.m.

At 8:00 p.m. Mayor Benton called the regular meeting back to order after a short recess where the majority of visitors departed.

**GREG EDWARDS-VERGENNES TRANSPORTATION TASK FORCE:** Greg Edwards, Chair of the Vergennes Transportation Task Force, advised he was looking for feedback on whether to go forward with the \$25,000 grant from ACRPC for a planning study of Main Street. Last Wednesday Adam Lougee of ACRPC made him aware of \$200,000 that is available with a 10 percent match for projects fitting their criteria, he advised. He will be meeting with Mr. Lougee next Wednesday and the grant application will be due October 3<sup>rd</sup>. The study would be basically a feeder for future grants but he would have to come back to the Council with the cost, he advised. Manager Hawley advised it is typical to go through 3 phases; planning, scoping, and construction. Mayor Benton recommended having a discussion with updated information at the next meeting scheduled for September 9<sup>th</sup> and making a commitment then.

**SEWER EXTENSION AGREEMENT – TRAIN STATION:** Manager Hawley presented a proposed sewer extension agreement between the City and the State for sewer service at the train station in Ferrisburgh. He was looking for authorization to sign the agreement on the City's behalf. He advised City Attorney James

Ouimette, the State's attorney John Dunleev and he all met to discuss the agreement. Their only contention is with item #6, Lien and Collection, but Attorney Ouimette and he are standing firm on that clause. We need to be consistent with all property owners, he advised. Alderman Mike Daniels moved to authorize City Manager Hawley to sign the Sewer Extension Agreement between the City and the State for sewer service at the train station location in Ferrisburgh. The motion was seconded by Alderman Lowell Bertrand, with all voting in favor. Manager Hawley advised he also wants to change sewer tap-on fees going to the Biosolids Management Fund at a future meeting.

VACANCY - VUES BOARD OF DIRECTORS: We have received notice that Tara Brooks has resigned from her position on the VUES Board of Directors effective August 20, 2014, advised Manager Hawley. He will post a notice of the vacancy and any interested candidates can be interviewed at the next meeting being held on September 9<sup>th</sup>.

MANAGER'S REPORT: Manager Hawley advised everyone has been given a current budget and a Fund Balance Sheet for all Fund 9. He reported the streetscape project across the street in front of the Methodist Church and the sidewalk replacement project in front of City Hall will both be completed by ECI (Al Pidgeon) who was the low bidder on both projects. An updated delinquent tax report was given to the Board. Delinquent Tax Collector Mel Hawley reported collection of delinquent taxes has been great. His goal was to get below \$40,411 and we are pretty close to \$30,000 now; tax sales are disappearing.

Manager Hawley advised he has given out a copy of his worksheet where he is keeping track of the savings in electricity at the treatment plant due to the solar panels. He said he was amazed that kilowatts generated are right on the estimate he was given. He went on to report a filing error of over 14 million dollars that has been made by Velco that was discovered in October 2013 and we are just getting notified. The effect on the City involves an increased assessment of 376,000 that would calculate out to \$11,000. We will get our money, he advised, but just need to get through the process. Manager Hawley went on to report that he did not get the grant for the 3<sup>rd</sup> time for sidewalk extension project from Vergennes Redemption Center to the train station. He stated he was very disappointed but it is very competitive.

At 8:33 p.m. Senior Alderman Randall Ouellette moved to adjourn the meeting, seconded by Alderman Lowell Bertrand, with all voting in favor.

Respectfully submitted,

Vergennes City Clerk