

To introduce ourselves we are Ed and Sally Groff. We live in a Saint Albans Town in a senior condominium project called the Village at Franklin Park. We get our water/sewer from Saint Albans City.

In September 2021 we and 5 of our neighbors received our regular water/sewer bill from the Saint Albans City Water/Sewer department. Enclosed was an additional bill from the City of Saint Albans which they call an Affiliation Fee Water and Sewer. This bill basically doubles our water/sewer costs per year. This fee was a surprise to us and our neighbors. It had not been disclosed to any of us in our real estate transactions nor was it disclosed to us in the numerous conversations concerning what we could expect for our water/sewer costs.

Upon research we learned that this fee will be charged annually, the monies paid go to the City's general fund not to the water/sewer department, it is calculated the same way Vermont towns calculates property taxes and it is currently set at 32 cents per one hundred dollars of the town's assessed value of our property. This fee will increase both as the assessed value of our property increases and can also increase the same percentage as the city tax rate increases.

This fee is currently being billed to only 23 businesses/residences of the of Saint Albans Town. There are penalties if one doesn't pay which include a lien on your property, late payment interest penalties – and when one of our neighbors wrote a letter trying to get clarification on this fee/tax City Manager Domonic Cloud responded with a threat to shut off her water and wastewater services for nonpayment. With no way to affectively protest or appeal what we consider to be an unfair and inequitable fee/tax, we and our neighbors paid it under protest.

We are in a bind. We can't get our services anywhere else. The criteria they have established is inequitable – at this point they are billing 23 users. It also seems arbitrary because it only affects those living outside of the city who have accessed sewer and water after 2015. They have not allowed any of us an avenue to appeal or to vote on this unfair tax.

In email exchanges about this issue with Representative Mike McCarthy who is also on the City Council and Dominic Cloud who is the City Manager; they have both stated that the purpose of this is to balance the disparity between the town vs city tax rate (town rate is about 40 cents – city rate 90 plus cents). Their stated feeling is that the ability to access city sewer and water gives the town an unfair advantage that allows them to grow their tax base. They state that this fee/tax is a solution. We do not understand how billing only 23 water/sewer users outside of the city who have no vote can even begin to solve this in a fair and equitable manner.

They also suggest that if we are uncomfortable paying this fee we should go to our town and ask them to pay it. We look at that as the city trying to use us as pawns in the city's and the town's decades long dispute over water/sewer issues.

In addition to the above issues, we see this fee/tax to be in violation of the City charter. Mr. Cloud is quoted in an October 26<sup>th</sup> Vermont Digger article as saying *“monies from the affiliation fee program goes into the city's general fund. The fund pays for city services such as fire and*

*police.”* As you can see in the quotes below the city charter prevents the City from using these fees for anything other than water and sewer issues.

*The general grant of ordinance promulgating authority in section 16 of this charter, and in addition to those powers enumerated in 24 V.S.A. § 2291, such authority shall include the authority to fix and impose licenses, fees, or taxes within the limits of the City and collect the same for purposes of regulation and revenue in respect to the following matters and things:*

*(11) To provide a supply of water for the protection of the City against fire and for other purposes, including the supplying of water outside the limits of the City, and to regulate the use of same; and to establish and maintain reservoirs, aqueducts, water pipes, hydrants, or any other apparatus necessary for such purposes, and also necessary sewers and drains, within or without the limits of the City, upon, in, and through the lands of individuals and corporations, on making compensation therefor; and in taking such lands for such purposes, said City Council shall proceed in the same manner as selectboard members of towns are authorized by law to proceed in the taking of lands for highways; and the same right of appeal to the county court from the decision of the City Council in taking such lands and in awarding land damages shall be allowed; and such appeal shall be taken in the same manner as is provided by law from the decision of selectboard members in such matters, except that such appeal, if taken from the appraisal of damages only, shall not prevent the City from proceeding with its work as though no appeal had been taken. All monies accruing on account of the City Water and Wastewater Departments shall be paid into the City Treasury, and the City Treasurer shall keep separate accounts thereof showing fully all receipts and payment. Such monies shall be devoted solely to the expense of construction, reconstruction, improvements, additions, repairs, and maintenance of said water system and to the payment of any indebtedness created on account thereof.*

Above quotes can be found at:

<https://legislature.vermont.gov/statutes/section/24APPENDIX/011/00018>

In an email to our neighbor Representative/councilman McCarthy has said that he does not believe that this is a legislative issue, he feels it is an issue that should be resolved between the city and the town. We wish they could have done that. Since they could not, the city attempted to unilaterally solve their funding problem by imposing a clearly inequitable and unfair fee/tax on people outside their municipality. If a city can arbitrarily establish a tax by calling it something else and get away with it, we believe that creates a frightening precedent for the citizens of Vermont. This, to us, not only violates our constitutional rights (taxation without representation) but also violates their municipal charter. We feel this needs to be prevented by clear and enforceable legislative action.

Thanks for your thoughtful consideration.

Ed and Sally Groff