



Agenda for City Council Meeting

City Council Chambers, City Hall
Wednesday, July 13, 2016
6:30 P.M.

- 1) Call to Order by the Mayor
- 2) 16-198. Review and Approve Agenda
- 3) 16-199. General Business and Appearances
- 4) 16-200. Consideration of the Consent Agenda:
 - a) Approve the Minutes from the June 15, 2016 Regular City Council Meeting and the July 6th Special Meeting.
 - b) Approve Purchase Order to H.P. Fairfield, in the amount of \$22,450.00, for the purchase of a Dump Body, Plow and Hitch for DPW Truck #3.
 - c) Approve Purchase Order to H.P. Fairfield, in the amount of \$41,260.00, for the purchase of a Dump Body, Plow, Hitch, Spreader and Hydraulics for DPW Truck #4.
 - d) Approve Purchase Order to H.P. Fairfield, in the amount of \$19,860.00, for a Dump Body, Plow and Hitch for DPW Truck #27.
 - e) Approve a request from Julie Smart and Steve Pitonyak, on behalf of the “Meadow” neighborhood residents for the closing of Summer Street (from Spring to Winter) on Saturday, August 27th, from 3:00 P.M. to 10:00 P.M. for their Annual Block Party; rain date would be Sunday, August 28th.
 - f) Approve request from the Meadow Neighborhood Party Committee for a waiver of the City’s Noise Ordinance for a one-hour period between 9:00 and 10:00 P.M. for the block party described above.

- g) Approve a request from Beckie Sheloske, on behalf of Charlie-O's, to close the Jacobs Parking Lot (66 Main Street) on Saturday, August 13, 2016, from 1:00 P.M. to 11:00 P.M. for their 40th Anniversary Celebration. 
- h) Approve request from Beckie Sheloske for a waiver of the City's Noise Ordinance until 11:00 P.M. on August 13th for Charlie-O's event as described above. 
- i) Approve request from Sandy Vitzthum for the closure of Loomis Street (from Park Avenue to Liberty Street) on Saturday, August 6th, from 3:00 to 6:00 P.M. for their Annual Block Party. 
- j) Approve request from Sandy Vitzthum for a waiver of the City's Noise Ordinance until 8:00 P.M. on August 6th for live music at the event described above. 
- k) Award of contract for FY2017 Trash Barrel Maintenance (and Dog Waste Station Collection) to Lloyd Franks of Plainfield; bid price is \$21,896.50. 
- l) Adopt and execute documents for the \$29,616 City of Montpelier Sewer System Improvement General Obligation Bond. 
- m) Approve Allocation of Reserve Capacity for Berlin Route 12 "Special Assessment District" and authorization to enter into negotiations with Berlin concerning extension of water service to this District; this item requested by State of Vermont for GMTA. 
- n) Approve award of contract to Blow & Cote, Inc. as recommended by the Director of Public Works for the Spring Street Bridge Repairs; grant authorization for the City Manager to serve as the duly authorized agent. 
- o) Adopt Septage, Municipal Sludge and Leachate Rates for FY17 for waste materials received at the Water Resource Recovery Facility (WRRF). 
- p) Approve Letter of Support for 2016 VTrans Bike and Pedestrian Program Application 
- q) Payroll and Bills

- 5) 16-201. Appointments to the Development Review Board 
- 6) 16-202. Appointment to the Conservation Commission 
- 7) 16-203. Dog Ordinance – 1st Reading/Public Hearing 
- 8) 16-204. Pedestrian Advisory Committee Presentation for a Proposed Street Closure Event 
- 9) 16-206. Water and Sewer 50-Year Master Plan 
- 10) 16-207. Adopt Water and Sewer Rate Resolution; Set Rates for FY17 
- 11) 16-208. Selection of Projects for Additional PILOT Fund Revenue 
- 12) 16-209. Taylor Street Update 
- 13) 16-210. Goal: Healthy Community 
- 14) 16-211. Taxi Ordinance – 2nd Reading/Public Hearing 
- 15) 16-212. Parking Ordinance – 2nd Reading/Public Hearing 
- 16) 16-213. Disbanding of Montpelier's Bicycle Committee 
- 17) 16-214. Other Business
- 18) 16-215. Council Reports
- 19) 16-216. Mayor's Report
- 20) 16-217. City Clerk's Report
- 21) 16-218. City Manager's Report
- 22) Adjournment



CITY COUNCIL Agenda Item #16-206

Date: July 13, 2016

Consent ☐ Discussion ☒

SUBJECT: 50-Year Steady State Plan – Water and Sewer Funds

SUBMITTING DEPARTMENT: CIP Committee, DPW and Finance Department

RECOMMENDED ACTION: Approve this 50-year Plan which is the beginning of the long-term solution to the infrastructure challenges facing our water and sewer utilities.

RELATED COUNCIL GOAL/PRIOR ACTION: Council Goal G: Achieve a steady state for infrastructure maintenance and improvements, facilities and equipment.

EXPENDITURE REQUIRED: See Master Plan Memo

SOURCE OF FUNDS: See Master Plan Memo

LEGAL REQUIREMENTS: Water: Pipeline improvements to meet minimum fire flow protection and replace undersized water mains serving fire hydrants. Sewer: CSO improvements to eliminate combined sewer overflows.

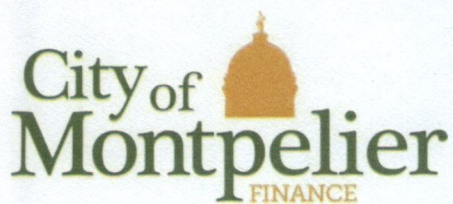
BACKGROUND INFORMATION: See Master Plan Memo

SUPPORTING DOCUMENTS: Master Plan Memo; detailed worksheets available upon request

INTERESTED PARTIES: All city residents, businesses, government agencies, and water/sewer systems users; Vermont Clean Water Initiative

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a white rectangular background.



FINANCE DEPARTMENT MEMO

DATE: May 27, 2016

TO: CITY COUNCIL

FROM: City of Montpelier CIP Committee
Sandra J. Gallup, Finance Director

SUBJECT: Summary of 50-year Steady State Plan – Water and Sewer Funds

In 2012, the CIP Committee established a steady state plan for our streets, sidewalks, bridges, buildings and equipment. This year, we established a goal to develop a long-term (steady state) plan to address our Water and Sewer infrastructure needs. Over the last few months the CIP Committee worked with DPW and Finance staff to come up with a 50-year master plan to assure that necessary (and state mandated) improvements are made to our water/sewer facilities and underground pipelines.

WATER LINES

Steady State Calculation:

- Water Distribution System 100 Years Replacement Program: 52 miles is 275,000 feet /100 years
Replace 2,750 feet per year X \$275 cost = \$750,000 per year
- 50-Year Plan (FY17-FY68) @ \$750,000 per year is \$37,500,000 which is \$78,500,000 when adjusted for 2.5% annual inflation.

Sources of Funds:

This master plan is funded by a \$2.5 million 20-year bond in FY18 and annual 1% increases in water rates. Similar to our calculations for costs, user rates are adjusted for 2.5% annual inflation. The Water Fund will rely on up to 4 cents (of the annual 9 cents) of Water/Sewer Benefit charges in FY19-FY35 to help pay for pipeline improvements for fire suppression. There is an option to borrow 4.5M in

FY23 to speed up fire protection improvements. The Water Fund's operations budget includes funds for the replacement of 450 feet of pipeline per year with "in-house" resources.

Water Lines - Use of Funds:

Our 50-year master plan accomplishes \$78,500,000 in steady state improvements with the following improvement schedule:

Year	Cost	Description
FY 17	\$100,000	Main Street insertion valves
FY18	\$2,500,000	(Bond) for water line replacements on Northfield, Main, Harrison Ave, and Clarendon Ave
FY23-F46	\$10,054,000	Construct first phase pipeline improvements needed for the water system to provide the required minimum of 500gpm fire flow protection while maintaining a minimum requirement of 20psi throughout the water system
FY47-FY68	\$36,425,000	Construct second phase improvements which replaces the undersized water mains serving fire hydrants (8" D min. per water supply permit requirement)
FY38-FY68	\$16,500,000	Additional pipe replacement to meet the 2750 feet per year goal
<u>FY17-FY68</u>	<u>\$12,926,000</u>	<u>DPW "in-house" work 450 feet/yr</u>
	<u>\$78,505,000</u>	<u>TOTAL PIPE IMPROVEMENTS</u>

(Detailed worksheets for this water master plan are available upon request)

SEWER LINES

Steady State Calculations:

- Sewer Collection System 100 Years Replacement Program: 44 miles = 231,500 feet/100 years
Replace 2,315 feet per year X \$275 plus cost of 8 pump stations = \$750,000 per year
- 50-Year Plan (FY17-FY68) @ \$750,000 per year is \$37,500,000 which is \$78,500,000 when adjusted for 2.5% annual inflation.

Sources of Funds:

This master plan is funded by a \$1,775,000 20-year Bond in FY18 and annual 1% increases in sewer rates. Similar to our calculations for costs, user rates are also adjusted for 2.5% annual inflation. The Sewer Fund will rely on Water/Sewer Benefit charges ranging from 3 cents to 7 cents (of the annual 9 cents) in FY19-FY68 to help pay for CSO improvements and clay tile pipeline replacements. There is an option to borrow 4.5M in FY23 to speed up CSO improvements. The Sewer Fund's operations budget includes funds for the replacement of 450 feet of pipeline per year with "in-house" resources.

Sewer Lines - Use of Funds:

Our 50-year master plan accomplishes \$78,500,000 in steady state improvements with the following improvement schedule:

Year	Cost	Description
FY18	\$1,775,000	(Bond) Replace Northfield St sewer lines and CSO improvements East State St
FY23-F47	*\$11,488,000	Construct Phase One sewer line improvements to eliminate combined sewer overflows.
FY48-FY68	\$37,404,000	Construct second phase sewer line improvements to replace the clay tile lines
FY38-FY68	\$15,000,000	Additional pipe replacement to meet the 2,315 feet per year goal
FY17-FY68	\$12,926,000	DPW "in-house" work 450 feet/yr
	<u>\$78,593,000</u>	TOTAL PIPE IMPROVEMENTS

(Detailed worksheets for this sewer master plan are available upon request)

*Note: There will also be a \$3.5 million bond in FY18 for improvements to the Water Resource Recovery Facility. The repayment of this debt is included in the Sewer Fund's steady state financial plan. Also, beginning in FY18, stormwater management costs of \$214,000 will be moved from the sewer fund operations into a separate fund. 2 cents (of the annual 9 cents) of the Water/Sewer Benefit charges will be allocated to pay for these costs until a stormwater utility is established.

SUMMARY

The CIP Committee and DPW staff is recommending this 50-year master plan which provides guidelines and schedules for the replacement of our aging water and sewer pipelines. It also confirms our commitment to construct the state-mandated fire suppression and CSO improvements. The CIP Committee acknowledges that this plan is the beginning of a long-term solution to the infrastructure challenges facing our water and sewer utilities. There will be opportunities in future years to re-assess the progress and costs associated with these substantial capital improvements.



CITY COUNCIL Agenda Item #16-200(p)

Date: July 13, 2016

Consent **x** **Discussion** **Time Sensitive** **x**
(outlined below)

SUBJECT: 2016 VTrans Bike and Pedestrian Program application approval.

SUBMITTING DEPARTMENT: Public Works

RECOMMENDED ACTION: Approve letter of support for 2016 VTrans Bike and Pedestrian Program Application.

RELATED COUNCIL GOAL/PRIOR ACTION: Goal E. Maintain a healthy community for people.

Goal G. Achieve a steady state for infrastructure maintenance and improvements, facilities and equipment.

EXPENDITURE REQUIRED: \$20,000 (if grant is awarded)

SOURCE OF FUNDS: CIP, Alternative Transportation Funds

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: The Public Works Department recommends that the City apply for funding through the 2016 VTrans Bike and Pedestrian Program for a scoping study on Main Street from Memorial Drive to Spring Street and Barre Street from Main Street to the Recreation Center. The study is consistent with the recommendations of "Montpelier in Motion" and the priorities of the Montpelier Transportation Advisory Committee.

The study will focus on improving north/south connectivity for pedestrians and bicycles through the downtown, as well as extending the shared use path from the Recreation Center to Main Street by way of an on-street facility on Barre Street. Aspects such as public concerns/input, surrounding land use, right-of-way, natural and cultural resource constraints, permitting requirements, and utilities will be considered for each alternative.

The VTrans Bike and Pedestrian Program is a 50/50 grant program with a required 50% local match. The estimated cost for the scoping study is \$40,000 which would equal a \$20,000 local match. This expenditure has been accounted for in the CIP and Alternative Transportation Funds.

SUPPORTING DOCUMENTS: Letter of Support

INTERESTED PARTIES: DPW/Montpelier Transportation Advisory Committee

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", is written over the City Manager's Approval line.



America's Small Town Capital

July 13, 2016

Jon Kaplan, Bicycle and Pedestrian Program Manager
Municipal Assistance Bureau, Highway Division
VT Agency of Transportation
1 National Life Drive
Montpelier, VT 05633-5001

Dear Mr. Kaplan,

The Montpelier City Council fully supports this application to fund a scoping study for Main Street from Memorial Drive to Spring Street and Barre Street from Main Street to the Montpelier Recreation Center. The City of Montpelier has long recognized the importance of increased efficiency and safety for all modes of transportation within the downtown and this study is a necessary step towards achieving that. The proposed scoping study furthers the goals of the City Council and is consistent with the City's bike and pedestrian master plan, "Montpelier in Motion", adopted by the City in 2015.

The Winooski West shared use path extends from the Montpelier/Middlesex border to Taylor Street and the Winooski East shared use path extends from the Montpelier Recreation Center on Barre Street to Granite Street. This current alignment results in a gap in the path through the downtown. In coordination with a new downtown transit center the City plans to extend the existing shared use path from its current terminus at Taylor Street to Main Street. When the project is complete one final gap will remain between Main Street and the Montpelier Recreation Center. The proposed study will provide guidance for eliminating the final gap by way of an on street facility on Barre Street as well as improving north/south connectivity through the downtown.

The City of Montpelier understands that this is a 50/50 grant program with a required 50% local match. Montpelier will provide the necessary funds to cover the requisite match.

Thank you for your consideration.

Sincerely,

Mayor John Hollar



, 2016

CITY COUNCIL Agenda Item #: 16-213

Consent ___ Discussion **x** **Time Sensitive** ___
(outlined below)

SUBJECT: Disband Montpelier Bike Committee

SUBMITTING DEPARTMENT: City Manager on behalf of Mayor Hollar

RECOMMENDED ACTION: Disband Montpelier Bike Committee while leaving the current number of bike advocates as permanent members of the Montpelier Transportation Advisory Committee.

RELATED COUNCIL GOAL/PRIOR ACTION:

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: None

BACKGROUND INFORMATION: The City created the Montpelier Transportation Advisory Committee (MTAC) with representatives from the Bike, Pedestrian, Parking and Energy Committees, as well as a Council rep. Members of the Bike Committee feel that the current structure is too clumsy and have asked that the Bike Committee be disbanded but with permanent bike representatives on the MTAC. The other committees would be free to continue to meet if they wish.

SUPPORTING DOCUMENTS: Chart from Bike Committee member Jenn Gordon

INTERESTED PARTIES: MTAC, Bike Committee, Pedestrian Committee, Parking Committee and MEAC

CITY MANAGER'S APPROVAL:

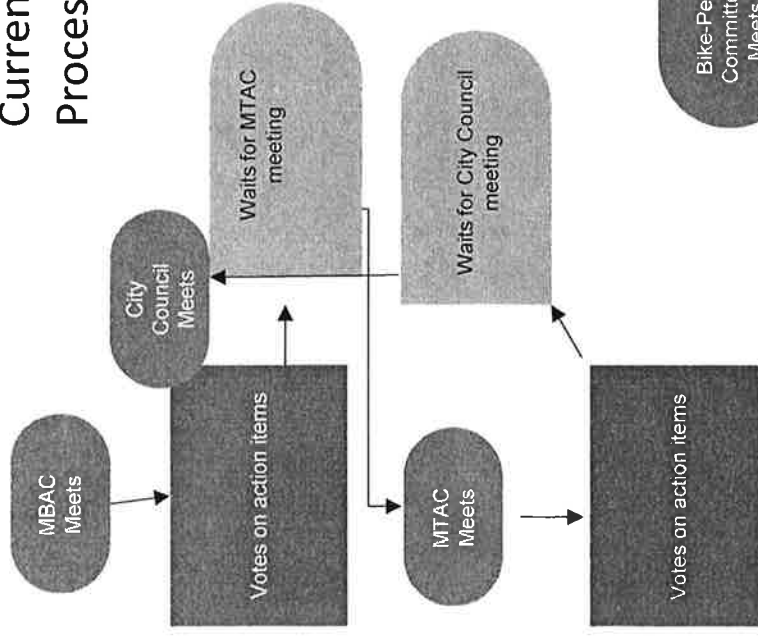
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Flow of Committee/Sub-committee Meetings and City Council Meetings



STEPS forward

Current Process:



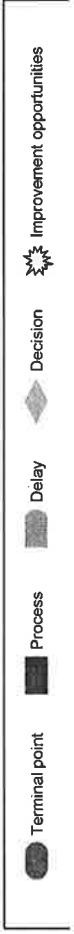
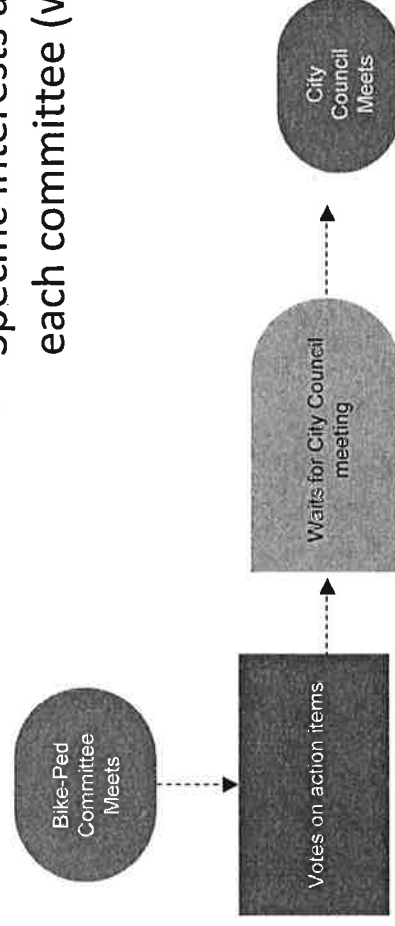
Reasons to change current committee structure:

- Improve efficiency
- Eliminate redundancy
- Fewer meetings for city staff & volunteers

Reasons to maintain current structure:

- Ped Committee may not want to merge
- What about MEAC?
- Specific interests are represented in each committee (walking vs. biking)

Proposed Process:





CITY COUNCIL Agenda Item #16-200(g) & (h)

Date: July 13, 2016

Consent ☒ Discussion ☐ Time Sensitive ☐

SUBJECT: Parking Lot/Road Closure:
Charlie-O's 40th Anniversary Celebration, Jacobs' Lot
Saturday August 13, 2016 from 1:00 PM to 10:00 PM

SUBMITTING DEPARTMENT: Police Department (MPD providing notification only, this is non-City event)

RECOMMENDED ACTION: Approve closure and event

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: Staff time only

SOURCE OF FUNDS: General

LEGAL REQUIREMENTS: Comport with outside alcohol service requirements as directed by the Department of Liquor Control and State Statute. They may request noise variance as well for the four to five live bands that will be playing in the parking lot.

BACKGROUND INFORMATION: Staff from Charlie-O's met with Police Chief Facos, Deputy Fire Chief Quinn, and Ashley Witzenberger (Montpelier Alive) for initial review of the event planning process.

SUPPORTING DOCUMENTS: Initial e-mail request and sketch of area from Beckie Sheloske; e-mail from Chief Facos to his staff

INTERESTED PARTIES: Residents and businesses in the immediate vicinity

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. J. [unclear]".

Sandy Pitonyak

From: Beckie Sheloske <charlieosworldfamous@gmail.com>
Sent: Sunday, June 26, 2016 8:54 PM
To: Sandy Pitonyak
Subject: Charlie O's Event Plans
Attachments: Lot Plan 40th.jpg

Hi Sandy,

We were advised to send over the details of our outside event so that it can be tabled to go in front of City Council on July 13th. Abby will be bringing our event application in to you this week from the DLC. Please note we have spoken with the police, fire, Montpelier Alive and DPW is notified. We also have spoken to the businesses that may be affected by the use of the lot behind Charlie O's as well as informed the residents in the surrounding area.

Please see attached as a basic lot plan and how we will section the event off.

We plan to have the event run from 1pm- 10pm, but would like to request a noise ordinance waiver from the City Council until 11pm as we close down the event and clear the crowd. The space we will be fencing off is the middle section of the lot between the trees, measuring 68x93 ft.

Please let me know that you received this and that our request is set to be tabled in front of the Council at the next meeting, July 13.

Thank you!!

--

Beckie Sheloske
Booking Manager & Events Coordinator

Charlie O's World Famous
70 Main St. 05602
802-223-6820

MAIN STREET

LA PUERTA
NEGRA

APT / OLD ONE MORE TIME

PARKING LOT
ENTRANCE

STAGE

SECURITY

BAND LOADING

EXIT -
SECURITY

STAFF

FENCING

STAFF

BARTENDER

SECURITY

FOOD TRUCK

11/89 added

SECURITY

ENTER

approx. 93 feet

STAFF

STAFF

STAFF

STAFF

DUMPSTERS

POSITIVE PIE

SUBWAY

--- = orange security
fencing

ANALYST

lot
alt.
exit
entrance

Sandy Pitonyak

From: Anthony Facos
Sent: Thursday, July 07, 2016 3:30 PM
To: Sandy Pitonyak
Subject: FW: Charlie O's 40th Anniversary
Attachments: 0877_001.pdf

FYI—This is what I sent to our folks for a heads-up.

Chief Tony Facos

From: Anthony Facos
Sent: Wednesday, July 06, 2016 3:34 PM
To: L-POLICE; L-DISPATCH
Cc: ROBERT GOWANS; William Fraser; Jessie C. Baker; Tom McArdle
Subject: Charlie O's 40th Anniversary

In coordination with the motorcycle toy on Saturday August 13, Charlie O's will be hosting an event in the Jacob's lot from 1300 to 2200 hrs. There will be four to five live bands outside along with a sectioned off area where alcohol will be served. The Charlie O's crew advised that they would have sufficient bar and security staff on duty to safely run this event.

Pending City Council approval, the entrance way by the parklet will be barricaded off along with restricted traffic flow in the parking lot itself.

Chief Anthony J. Facos
Montpelier Police Department
1 Pitkin Court
Montpelier, VT 05602
(802) 223-3445

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Minutes of the Montpelier City Council Meeting
July 6, 2016, 5:00 PM
City Council Chambers

In attendance (via telephone): Mayor John Hollar (Chair), Councilors Justin Turcotte, Tom Golonka and Jean Olson. Councilors Dona Bate, Anne Watson, and Jessica Edgerly Walsh were not present. City Manager William Fraser served as Secretary of the meeting.

The Mayor called the meeting to order at 5:03PM. Hearing no objection, and a quorum being determined to be present, the proposed agenda was approved by unanimous consent.

Also present were Assistant City Manager Jessie Baker, Finance Director Sandy Gallup, Reporter Gina Tron and Camera Operator John Jose.

Councilor Turcotte moved to set the municipal tax rate at \$1.0307./\$100 of valuation, the water/sewer benefit charge rate at \$0.02 and the CSO benefit charge rate at \$0.07. Councilor Golonka seconded. The roll call vote was 4-0 in favor with the Mayor making the fourth aye vote.

Councilor Turcotte moved to set the District Heat Capacity Rate at \$5/MBTU and the Energy Rate at \$10.44/MMBTU . Councilor Olson seconded. After some discussion, the roll call vote was 4-0 in favor with the Mayor making the fourth aye vote.

Hearing no objection, the Mayor adjourned the meeting by unanimous consent at 5:16 PM

Minutes of the Montpelier City Council Meeting
June 15, 2016, 6:30 PM
City Council Chambers

In attendance: Mayor John Hollar (Chair), Councilors Justin Turcotte, Dona Bate, Tom Golonka, Jean Olson, Jessica Edgerly Walsh and Anne Watson. City Manager William Fraser was in attendance. City Clerk John Odum served as Secretary of the meeting.

The Mayor called the meeting to order at 6:30PM. Hearing no objection, the proposed agenda was approved by unanimous consent.

16-179. City Manager Fraser noted it was the last meeting of fiscal year and acknowledged the service of Bev Hill, who was retiring.

16-180. Councilor Edgerly Walsh moved approval of the Consent Agenda, with item L removed for separate consideration, and the addition of a noise ordinance waiver request from National Life. Councilor Watson seconded the motion. After a brief discussion, the motion carried unanimously at 6:37PM.

Councilor Edgerly Walsh moved the Council approve Consent Agenda Item L, and was seconded by Councilor Bate. The motion carried 5-0 (Councilor Turcotte recused himself).

16-181. Councilor Edgerly Walsh made the following motion regarding membership on the Conservation Commission: that John D. Fox takes the alternate position with 1 year remaining, John Jose moves into the 4 year term, and Emily Byrne fills the open 3 year spot. Councilor Bate seconded. Motion carries unanimously at 6:38.

16-182. The Council opened a discussion on proposed zoning changes. Planning Director Mike Miller came forward to participate. Comments were offered by: K.C. Whitely (presenting a petition from several St. Paul street residents), Dave Bellini, Sandy Vitzthum, Wally Malley.

There was a brief presentation from Mr. Miller.

Further comments were offered from: Steve Sease, Ron Shems (representing Alan Goldman), Lynn Wild, Lew Friedland, Diane Ziegler, Priscilla Minkin, Phil Dodd, Mary Hooper, Jack McCullough, Ruth Hare, and Alan Goldman. Discussion followed. Jon Anderson (Planning Commission Vice Chair) joined the discussion. Comments were also offered by Leslie Welts from the Planning Commission.

The Chair called a recess at 9:10. The meeting reconvened at 9:17.

16-185. Housing Task Force members Jack McCullough, Jen Hollar, and Polly Nichol were joined by Brooke Jenkins (Director of Good Samaritan Haven in Barre) for a discussion of homelessness.

- 16-184. The City Clerk introduced the proposed changes to the taxi ordinance. The Mayor opened the Public Hearing opened at 9:49. A brief discussion followed. Councilor Turcotte moved the proposal pass first hearing, with an amendment striking the “Insurance” portion of the ordinance, and that the Council set the second Public Hearing to take place at the next regular Council meeting. Councilor Watson seconded and the motion passed unanimously at 9:59. The Public Hearing was closed.
- 16-186. The City Manager offered brief comments on the “Steady state” Council goal.
- 16-187. There was a brief discussion of the summer meeting schedule.
- 16-188. Councilor Bate offered an update on her schedule and invited witnesses of a recent hit and run she was the victim of, to contact her. Councilor Turcotte offered comments on the recent violence in Orlando. Councilor Watson reported on her time Saturday decorating Langdon Street.
- 16-189. Mayor Hollar reported on his meeting with the Community Fund Board. Councilor Olson added comments.
- 16-190. The City Clerk noted that absentee ballots would be available by June 24th.
- 16-191. City Manager Fraser reported on the recent cybersecurity meeting. He also noted the upcoming Econo Lodge working group meeting, and reported on follow-up meetings regarding the proposed dog ordinance changes and city outreach methods. He also offered an update on the upcoming personnel hearing. Finally, Mr. Fraser initiated a discussion to clarify the zoning process going forward. Councilor Olson added comments relating to the dog ordinance.

Hearing no objection, the Mayor declared the meeting adjourned by unanimous consent at 10:21PM.



CITY COUNCIL Agenda Item #16-202

Date: July 13, 2016

Consent ☐ Discussion ☒

SUBJECT: Appointment to Montpelier's Conservation Commission

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Appoint Page Guertin to fill Jim Murphy's unexpired 3-year term; expiration date is 2/12/17.

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

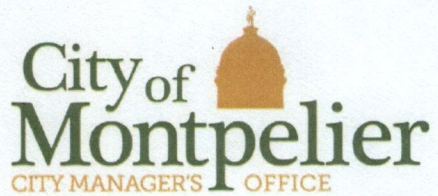
BACKGROUND INFORMATION: Staff has advertised more than once to fill vacancies on the Commission; Ms. Guertin recently submitted an e-mail expressing interest in filling this vacancy

SUPPORTING DOCUMENTS: E-mail from Page Guertin

INTERESTED PARTIES: Commission Members; Parks; and Tree Board

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over the City Manager's Approval line.



America's Small Town Capital

Mayor John Hollar

William Fraser
City Manager

City Council Members:

Dona Bate
Jessica Edgerly Walsh
Tom Golonka
Jean Olson
Justin Turcotte
Anne Watson

Jessie Baker
Assistant City Manager

June 20, 2016

The Times-Argus

Please insert the following with City of Montpelier notices on Thursday,
June 23rd. Thank you!

CITY OF MONTPELIER
Conservation Commission Vacancies

The City of Montpelier is seeking citizens interested in filling two vacancies on the City's Conservation Commission: One is an unexpired regular 3-year term set to expire in February, 2017; the other is an Alternate 1-year term. Letters of interest and/or resumes should be submitted to the Office of the City Manager, City Hall - 39 Main Street, Montpelier (or by e-mailing spitonyak@montpelier-vt.org) as soon as possible. The City Council will make these appointments as soon as they receive ample applications; applicants will be notified of the meeting date when Council will be making these appointments as they are encouraged to attend. All municipal meetings are accessible to people with disabilities and are held in accordance with the public meeting and public records laws. Questions should be directed to Commission Chair Roy Schiff: 223-7214.

William J. Fraser
City Manager

Sandy Pitonyak

From: Page Guertin <pguertin@myfairpoint.net>
Sent: Thursday, July 07, 2016 11:35 AM
To: Sandy Pitonyak
Subject: application for Conservation Commission

Hi Sandy,

I'm submitting my name for either opening on the Conservation Commission, the regular unexpired 3-year term or the 1-year alternate term. I'm not a biologist, an ecologist or even a naturalist, but I am very interested in maintaining some open land in the city because I believe it adds to the quality of life that we have here. The presence of green, of trees and grassy spaces, and of some wild areas all provide a place of sanity in an otherwise rather crazy world. While it's clear that additional residential opportunities are essential in the City, I believe we can still conserve some green space for ourselves and our wild neighbors.

As you know, I've spent the last couple of years working to help further the goal of protecting Berlin Pond from human recreation. Although we haven't been successful yet, we're not anywhere near ready to throw in the towel!

I'd like to bring some of that energy and passion to the goals of the Conservation Commission, to help "strengthen the relationship between people and nature in order to involve residents in the protection and enhancement of the City's natural environment." Montpelier, despite its small size, has a wealth of natural areas, including two rivers and an extraordinary park, within its borders. As a member of the Conservation Commission, I'd like to help promote awareness and appreciation of these special places.

Sincerely,

Page Guertin



CITY COUNCIL Agenda Item #16-208

Date: July 13, 2016

Consent ☐ **Discussion** ☒ **Time Sensitive** ☒
(outlined below)

SUBJECT: Appropriation of Payment in Lieu of Taxes (PILOT) and Local Options Rooms, Meals and Alcohol Tax (LOT) revenue.

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Move to appropriate \$150,000 to the Capital Fund and \$75,000 to the City Manager's budget for implementation of the Economic Development Strategic Plan (EDSP).

RELATED COUNCIL GOAL/PRIOR ACTION: A – Keep Montpelier affordable for residents/Seek new revenue sources; D – Create and maintain a healthy environment for housing and economic growth; G – Achieve a steady state for infrastructure maintenance and improvements, facilities and equipment.

EXPENDITURE REQUIRED: \$225,000 to be allocated to these funds for Capital Projects and EDSP.

SOURCE OF FUNDS: \$130,000 from PILOT revenue above that is already budgeted for FY17. \$95,000 from LOT

LEGAL REQUIREMENTS: LOT revenue must be used for infrastructure and/or economic development.

BACKGROUND INFORMATION: The State of Vermont has confirmed that the City is receiving \$130,000 more in PILOT revenue than was included in the FY17 budget. Collection of LOT revenue will begin in October with the City's two quarterly payments during FY17. This revenue was also not included in the FY17 budget. The full year LOT revenue estimate is \$220,000 which prorates to \$110,000 for a half year. Given the unknowns of this revenue source, however, I recommend that we allocate no more than \$95,000 during FY17.

The additional money provides the opportunity to fund two key priorities that were not included in the approved FY17 budget – capital infrastructure and economic development. A planned increase in capital funding of \$166,300 was reduced to \$16,300 during the budget process. I recommend restoring the remaining \$150,000 to the Capital Fund during this fiscal year for the following:

Hill Street Rehab (part 1)	\$70,000
East State St. Sidewalk (part 1)	\$40,000
Bike Path Resurfacing	\$20,000
Asset Management Software	\$20,000
 Total	 \$150,000

The approved EDSP recommends \$150,000 in annual expense with \$100,000 for a Local Development Corporation (addressed in another agenda item) and \$50,000 added to the Housing Trust Fund.

I recommend using half of this total, \$75,000, for starting up the LDC. This will cover legal costs, incorporation expenses, hiring costs, equipment costs and staff costs for more than half of the fiscal year.

Both of these proposed uses are consistent with the LOT authorization, meet Council goals and priorities, and address major unmet FY17 budget needs.

Other items considered but not included were:

Housing Trust Fund	\$25,000
Equipment Fund	\$50,000
Economic Dev. Loan Fund	\$25,000
Personal Property Reappraisal	\$50,000
Reappraisal Reserve	\$30,000

Allocation of unanticipated revenues does not have any specific timetable and is not required. The funds could go into the General Fund and be used on an as-needed basis or to increase the fund balance.

However, funding for both the Capital Plan and EDSP are time sensitive. If capital projects are to be included this year, they need to be added to the work list immediately. If the LDC is going to happen, implementation needs to begin now.

SUPPORTING DOCUMENTS: None

INTERESTED PARTIES: EDSP Steering Committee, Montpelier Alive, Public Works Department

CITY MANAGER'S APPROVAL:





CITY COUNCIL Agenda Item 16-203

Date: July 13, 2016

Consent ☐ Discussion ☒

SUBJECT: First Reading of Proposed Amendments to Dog Ordinance

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Approve first reading of amended ordinance as presented; set second reading for August 10, 2016.

RELATED COUNCIL GOAL/PRIOR ACTION: Goal C: Maintain a Safe Community.

Council direction to staff on February 24, 2016 to present ordinance revisions. Council reviewed an earlier version on May 25 and asked for a revised draft.

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Ordinance adoption or amendment requires two public readings (or hearings) prior to approval. This proposed draft would fully eliminate the current Article 2 and replace with this wording.

BACKGROUND INFORMATION: The City Council conducted a discussion of dog related issues on February 24th. The Council directed staff to propose ordinance revisions. A working group consisting of Police Chief Tony Facos, Police Captain Neil Martel, Parks Commissioner Sarah Swenson, Parks Director Geoff Beyer, Justice Center Director Yvonne Byrd, CJC Coordinator Judy Gibson and City Manager Bill Fraser prepared and recommends these draft amendments. After the May 25 Council meeting, Marilyn Mode and Danis Regal joined the working group. In June, the group met with representatives of the American Kennel Club.

SUPPORTING DOCUMENTS: Proposed Amended Ordinance

INTERESTED PARTIES: Parks Commission, Dog Owners

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "Bill Fraser", enclosed in a rectangular box.

ARTICLE II. DOG CONTROL ORDINANCE

Sec. 8-200. ORDINANCE INDEX.

1. Definitions
2. Licensing
3. Running at Large
4. Penalties
5. Duties of Police Officers and Persons Having Control of Impounding
6. Conditions of Release
7. Dogs as a Nuisance
8. Penalties
9. At Risk Dogs
10. Penalties
11. Dangerous Dogs
12. Penalties
13. Animal Control Committee Review and Appeal Process for Dangerous Dogs
14. Defecation
15. Penalties
16. Repeal of Conflicting Ordinances
17. Separability of Provisions
18. Effective Date

Sec. 8-201. DEFINITIONS.

1. "Owner" shall mean any person or persons, firm, association, or corporation owning, keeping or harboring a dog.
2. "Run at large" shall mean any dog that is off the premises of the owner and not:
 - a. on a leash
 - b. in a vehicle
 - c. on the premises of another person with that person's permission
 - d. clearly under the verbal or non-verbal control and in sight of the owner
 - e. hunting with the owner
 - f. accompanying an owner who has a leash with them
3. "Nuisance" shall mean any dog that:
 - a. Chronically disturbs the quiet, comfort and repose of others by barking, whining, calling, or howling for a continuous period of twenty (20) minutes or more. This

regulation shall not apply to dogs in a kennel/boarding facility which has received a zoning permit under the City's Zoning Regulations.

- b. Damages property of another person.
- c. The provisions of this section and section 8-203 pertaining to running at large and disturbing the quiet, comfort and repose of others shall not apply to working farm dogs if:
 - 1. The working farm dog is barking in order to herd or protect livestock or poultry or to protect crops; or
 - 2. The working farm dog is running at large in order to herd or protect livestock or poultry or to protect crops.
- 4. "At Risk" shall mean any dog, regardless of breed, breeding, type or appearance, which, when unprovoked:
 - a. On two separate occasions within 36- month period engages in any behavior that requires a defensive action by a human or domestic animal to prevent bodily injury.
 - b. Acts in a highly aggressive manner, when unprovoked, within a fenced yard or enclosure and appears to be able to jump over or escape.
 - c. Inflicts minor injuries on a person
 - d. Causes damage to personal property as a result of aggressive behavior
 - e. Aggressively chases or charges another domestic pet or person
 - f. These definitions shall not apply if the dog was protecting or defending itself, its offspring, another domestic pet or animal or a person or it's owners property from attack or assault or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog.
 - g. Vocalization or barking, without more, shall not cause a dog to be deemed of a highly aggressive manner.
- 5. "Dangerous" shall mean any dog, regardless of breed, breeding, type or appearance, which, when unprovoked:
 - a. Kills, seriously bites, or inflicts serious injury upon a domestic animal
 - b. Inflicts injury on person which requires medical attention
 - c. Inflicts severe injury on or kills a human being
 - i) severe injury means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery
 - d. These definitions shall not apply if the dog was protecting or defending itself, was in reaction to pain, injury or disease or protecting its offspring, another domestic pet or animal or a person or it's owners property from attack or assault or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog.

6. "Animal Control Committee" shall mean a committee appointed by the city council for the purpose of determining a recommended course of action for dangerous dogs after sufficient police investigation in order to maintain public safety consistent with provisions of this ordinance. The committee shall be composed of 5 individuals: the Health Officer, the Police Chief or designee and 3 individuals appointed by the City Council including, if available and willing to serve, 2 dog advocates (veterinarian, certified animal behaviorist, kennel worker, local breeder).

Sec. 8-202. LICENSING.

No dog shall be kept within the limits of the City of Montpelier, County of Washington, State of Vermont, unless such dog shall have been licensed by its owner in accordance with the statutes of the State of Vermont. Dog license fees shall be set at \$5 above the amount set by the State of Vermont.

Sec. 8-203. RUNNING AT LARGE PROHIBITED.

It shall be unlawful for the owner of any dog to permit such dog to run at large.

Sec. 8-204. PENALTIES FOR RUNNING AT LARGE.

The penalties for violation of this section shall be as follows:

- 1st Offense** Written warning
- 2nd Offense** Completion of a restorative process with the Montpelier Community Justice Center (MCJC) or a waiver fine of \$100. Completion to be certified by the MCJC. Failure to complete the restorative process if selected is a \$100 fine.
- 3rd Offense** Completion of a restorative process with the MCJC and a \$50 fine or a waiver fine of \$200. Completion to be certified by the MCJC. Failure complete the restorative process if selected is an additional \$150 fine.
- 4th Offense** \$300 fine for each subsequent violation

Sec. 8-205. DUTIES OF POLICE OFFICERS AND PERSONS HAVING CONTROL OF IMPOUNDING.

Any police officer, including special police officers or dog catchers within the city of Montpelier,

shall have the authority to seize, impound or restrain any dog kept in violation of Section 202 after the owner has been given a written warning, and Section 204 on the 4th offense, and deliver such dog to the person or organization duly authorized or contracted to have control of impounding. If the owner of such dog is known or can be located with reasonable diligence, then the person who has control of impounding shall personally notify the owner within three days of the receipt of such dog. If the owner of such dog is not known or cannot be located with reasonable diligence, then the person who has control of impounding shall post, within forty-eight hours of the time such person shall have taken such dog into his possession, written notice at City Hall in Montpelier, and on the City's website giving a description and picture of the dog, stating where it is impounded, and the conditions for release. If the owner, within seven days after receiving notice or within seven days after notice has been posted, does not claim such dog, then the person having control of impounding shall dispose of the dog by sale, adoption, or euthanasia.

The person having control of impounding shall keep a record of every dog disposed of by sale or otherwise. Such record shall include (a) a description including a picture which identifies the dog with reasonable certainty; (b) the manner of disposing of the dog; and (c) if the dog was transferred to another person, the name and address of the transferee. In addition, the transferee must sign a statement giving his name, address, and the date of delivery or receipt of the dog.

Sec. 8-206. CONDITIONS OF RELEASE.

Before such dog may be transferred to another person, (a) such dog shall be vaccinated with anti-rabies vaccine, unless there is proof of vaccination within the previous year; (b) such dog must be licensed in accordance with the statutes of the State of Vermont; and (c) the transferee shall pay to the City Treasurer of Montpelier the total of the following charges.

1. \$150.00 transportation charge, plus
2. Vaccination charge, if required, plus
3. License fee, if required, plus
4. Daily rate set by impoundment area, when dog bit requires, according to State Statute, impoundment of said dog for not less than 10 days.

Sec. 8-207. DOGS AS A NUISANCE.

The owner of a dog shall not allow their dog to create a nuisance.

Sec. 8-208. PENALTIES FOR NUISANCE DOGS.

The penalties for violation of this section shall be as follows:

Penalties:

1st Offense Completion of a restorative process with the Montpelier Community Justice Center (to include any victim restitution agreed upon). Completion to be certified by the MCJC. Failure to participate in or complete the restorative process is a \$100 fine.

2nd Offense Completion of a restorative process with the MCJC (to include any victim restitution agreed upon) and a \$100.00 fine. Completion to be certified by the MCJC. Failure to participate in or complete the restorative process is an additional \$100 fine.

3rd and subsequent offense Referral to the Animal Control Committee for action.

Sec. 8-209. AT RISK DOGS.

The owner of a dog shall not allow their dog to behave in an 'at risk' manner.

Sec. 8-2010. PENALTIES FOR AT RISK DOGS.

The penalties for violation of this section shall be as follows:

Penalties:

1st Offense Completion of a restorative process with the MCJC (to include any victim restitution agreed upon) and a \$100.00 fine. Completion to be certified by the MCJC. Failure to participate in or complete the restorative process is an additional \$100 fine.

2nd and subsequent offense Referral to the Animal Control Committee for action

Sec. 8-211. DANGEROUS DOGS.

The owner of a dog shall not allow their dog to behave in a dangerous manner. In order for the animal control committee to take action the victim must file a written complaint with the police department who shall investigate the incident. The written complaint must contain the time, date, place

of the incident, and any other facts that may assist the investigation. Upon investigation, the police department may then refer the incident to the animal control committee. The animal control committee, within 7 days of receiving the complaint, shall hold a public hearing on the matter. The committee will make all reasonable efforts to contact the owner and provide the owner with a copy of the complaint and time/date of the hearing.

Sec. 8-212. PENALTIES FOR DANGEROUS DOGS.

If the dog is deemed dangerous by the animal control committee, the committee shall recommend an order to the city manager as the facts and circumstances of the case may require. The owner will be immediately notified of the recommendation of the animal control committee and will have an opportunity to appeal pursuant to sec. 8-213.

Penalties:

1st & Subsequent Offenses:

Recommendation by the animal control committee not limited to muzzling, chaining, confining, or euthanizing the dog

Sec. 8-213. ANIMAL CONTROL COMMITTEE REVIEW AND APPEAL PROCESS FOR DANGEROUS DOGS

Any recommendation made by the animal control committee pursuant to a dog being deemed dangerous can be appealed to the animal control committee and the city manager. In the event that the city manager/animal control committee affirms euthanasia as the correct remedy, the decision may be appealed to the city council in a hearing open to the public.

Any recommendation for euthanasia made by the animal control committee shall only be made after the committee has consulted with a professional animal behaviorist and that individual has determined euthanasia is the only appropriate remedy.

The owner of the dog must be notified immediately of all decisions made in the review and appeals process. If the owner contests the decision, her or she may, within five days of the notice of determination appeal the decision of the hearing entity to the Civil Division of the Superior Court which shall consider the matter de novo. (VSA 20 sec 3550)

Sec. 8-214. DEFECATION.

The person in control of any dog which defecates in a public park, walkway, sidewalk, street, public way, playground, cemetery, school grounds, and state property shall remove such material immediately and dispose of it in a sanitary manner.

Sec. 8-215. PENALTIES FOR DEFECATION.

The penalties for violation of this section shall be as follows:

Penalties:

1 st Offense:	\$50 fine
2 nd Offense:	\$75 fine
3 rd & Subsequent Offenses:	\$100 fine

Sec. 8-216. REPEAL OF CONFLICTING ORDINANCES.

All existing ordinances of the City of Montpelier are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

Sec. 8-217. SEPARABILITY OF PROVISIONS.

It is the intention of the municipality that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the municipality that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

Sec. 8-218. EFFECTIVE DATE.

This ordinance shall be effective six days after publication in full text in a newspaper of general circulation in the city.

CHARTER REFERENCE: Title I, Title III, Title VII.

STATE LAW REFERENCE: Vermont Statutes Annotated, Title 20, Sections 3381-4003, et seq.

Sec's. 8-211 to 299. Reserved.

Enacted: December 8, 1976.

Effective Date: January 1, 1977.

Amended and Corrected: March 9, 1977.

Amendment enacted October 11, 1978 [Sec. 8-202]. Date of Publication: 10/18/78. Effective Date: 10/24/78.

Amendment enacted November 9, 1988 [Sec. 8-205, PENALTIES, increased]. Date of Publication: 11/21/88. Effective Date: 1/01/89.

Amendment enacted May 8, 1991 [Sec. 8-205, PENALTIES, increased]. Date of Publication: 5/16/91. Effective Date: 5/22/91.

Amendment enacted June 23, 1993 [Sec. 8-205. PENALTIES, increased]. Date of Publication: 7/05/93. Effective Date: 7/11/93.

Amendment enacted September 22, 1999 [Sec. 8-210. DEFECATION, added]. Date of Publication: 10/04/99. Effective Date: 10/10/99



CITY COUNCIL Agenda Item #16-201

Date: July 13, 2016

Consent ☐ Discussion ☒

SUBJECT: Appointments to fill two expired 3-year terms on Montpelier's Development Review Board

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Reappointment of Dan Richardson and appointment of Kate McCarthy (currently an Alternate) to fill Michael Sherman's 3-year term.

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

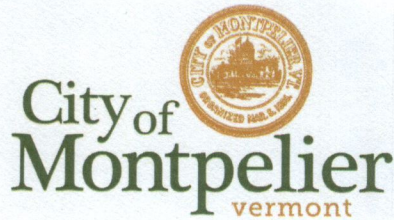
BACKGROUND INFORMATION: Michael Sherman would like to see Kate McCarthy fill his expired term (letter attached). This will leave a vacant Alternate seat, but both Alternate terms expire in September of this year so staff will advertise to fill those terms at that time.

SUPPORTING DOCUMENTS: E-mail from Dan Richardson; Letter from Michael Sherman; Letter and Resume from Kate McCarthy

INTERESTED PARTIES: DRB Members; Planning and Community Development staff

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over the "CITY MANAGER'S APPROVAL:" text.



America's Small Town Capital

Mayor John Hollar

City Council Members:

Dona Bate
Jessica Edgerly Walsh
Manager
Tom Golonka
Thierry Guerlain
Justin Turcotte
Anne Watson

William Fraser
City Manager

Jessie Baker
Assistant City

June 22, 2016

The Times-Argus
Att: Mandy

Please insert the following with City of Montpelier notices on: Thursday,
June 30th. Thank you!

CITY OF MONTPELIER
Development Review Board Vacancies

The Montpelier City Council is seeking individuals interested in filling two, 3-year terms on the City's Development Review Board. Letters of interest with a brief resume should be submitted to the Office of the City Manager, City Hall - 39 Main Street, Montpelier, on or by noon on Thursday, July 7, 2016. They can also be sent electronically to spitonyak@montpelier-vt.org. The City Council will make these appointments at either their July 13th or 27th meeting; applicants will be notified and are encouraged to attend. All municipal meetings are accessible to people with disabilities and are held in accordance with the public meeting and public records laws. Questions: 223-9506

William J. Fraser
City Manager

Sandy Pitonyak

From: William Fraser
Sent: Wednesday, June 22, 2016 10:13 AM
To: Sandy Pitonyak
Subject: Fwd: Development Review Board

Begin forwarded message:

From: Daniel Richardson <DRichardson@tgrvt.com>
Date: June 22, 2016 at 9:27:09 AM EDT
To: William Fraser <WFraser@montpelier-vt.org>
Subject: Development Review Board

Dear Bill,

I understand that my 3-year term on the DRB expires in July. Please consider this notice that I would like to renew for another 3-year term.

Please let me know if you or the counsel would like a more detailed statement about my intent or reasons for re-applying.

Thank you.

Best,

Dan

Daniel P. Richardson
Tarrant Gillies & Richardson
44 East State Street
P.O. Box 1440
Montpelier, Vt. 05601-1440
(802) 223-1112 ext. 105
drichardson@tgrvt.com
www.tgrvt.com

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Michael Sherman
20 College Street
Montpelier, Vermont 05602

June 28, 2016

Mayor John Hollar
Members of the Montpelier City Council
City Hall
39 Main Street
Montpelier, VT 05602

Dear Mayor Hollar and members of the City Council:

My current term on the Montpelier Development Review Board (DRB) expires July 14, 2016. I am writing to inform you that I will not request reappointment to the DRB and to enthusiastically support Kate McCarthy's application for appointment to the vacant position.

My decision not to apply for reappointment is in part related to Kate's interest in taking a more active role as a member of the DRB, on which she currently serves as an alternate. Kate and I were appointed alternates at the same time, and made an effort to take turns sitting in when called so that each of us could learn the rules, procedures, and issues that come before the board. When Josh O'Hara resigned from the DRB, Kate and I discussed which of us would apply for the vacant position. At that time, Kate was preparing for the birth of her child and declined to run for the vacant position. We agreed, however, that when she was ready, I was prepared to step aside. That time has arrived.

As you will be able to judge for yourselves in her application letter, Kate has excellent credentials for serving on the DRB; so I think that she merits appointment on that basis alone. But there are also some other compelling reasons to appoint Kate at this time.

First, a simple glance at the roster of DRB members reveals that its current composition, and its composition for several years, has been all males. As I reviewed the current membership of other boards and committees appointed by the City Council, I saw that most of them have a mix of male and female members. I think it is important that DRB, as one face of the City of Montpelier government, join that majority of boards and committees.

Second, most of the members of the DRB have served many terms. This is important and helpful, because the DRB uses and needs to use precedent as well as the zoning regulations in making its decisions on site approval, variants, and conditional uses. Institutional memory is therefore useful and often crucial in order to make good and careful decisions. But is also useful, I think, to bring new ideas, perspectives, information, and values to the DRB's deliberations. And I think it is important for the city to encourage the next generation of citizens and taxpayers to become participants and leaders in city government.

Third, with the likelihood of new zoning laws being put in place in the coming months, this is a good time to bring onto the DRB someone who is prepared and eager to step up and participate in that transition.

It has been an honor and a pleasure to serve on the DRB. I respect and value my colleagues on the board and admire their even-handed and thoughtful approach to their work. Thank you for giving me this opportunity to participate in city government.

Yours truly,

Michael Sherman

KATE MCCARTHY, AICP

6 Hillhead St., Montpelier, VT 05602 • (802) 451-8348 (cell) • kl.mccarthy@gmail.com

July 7, 2016

Dear Mr. Fraser and members of the Montpelier City Council,

With this letter I'd like to express my strong interest in filling one of the two, 3-year terms currently open on the Montpelier Development Review Board.

I've served as a DRB Alternate for almost three years (I was first appointed in the fall of 2013). During that time, I've enjoyed having the opportunity to work with applicants and fellow board members to help ensure high quality development in the City. At the same time, I've also attempted to help make the process more understandable for applicants and interested members of the public. I would look forward to continuing to do these things if appointed to a full-time position.

I'm also eager to help administer the new zoning bylaw. It will be a learning process for staff, volunteer officials, and applicants alike, and I'd like to do my part to help ensure successful implementation. I would bring my professional background as a land use planner – which includes municipal and regional work, as well as work on state programs related to land use planning and downtown revitalization – to this effort.

Thank you very much for the opportunity and for considering me for a full time term.

My best,
Kate McCarthy, AICP

KATE MCCARTHY, AICP

6 Hillhead St., Montpelier, VT 05602 • (802) 451-8348 (cell) • kl.mccarthy@gmail.com

EDUCATION

Cornell University, Ithaca, New York
Master of Regional Planning

Rice University, Houston, Texas
B.A. in Cultural Anthropology

University College Cork, Cork, Ireland
Junior year abroad. Studied Irish culture and history

WORK EXPERIENCE

Vermont Natural Resources Council
Sustainable Communities Program Director

October 2011-present

- Provide technical assistance and write zoning bylaw language to advance natural resource, smart growth, and other local goals with Vermont communities. Work includes writing standards for development review that can be readily interpreted and administered by local review boards.
- Develop and deliver trainings and educational materials that empower local decision-makers with information about smart growth and natural resources planning and implementation. Recent work has led to bylaw changes to better protect large forest blocks in rural Vermont communities.
- Collaborate with stakeholders from state government, regional planning commissions, municipalities, and non-profits to inform state policy and investments (for example, the Working Lands Coalition, Farm to Plate Network, and legislative study committees).
- Work as an advocate and resource in Vermont's legislature to promote sound land use, natural resource, and local and regional planning policies. Testify in front of legislative committees on these issues.
- Collaborate with VNRC's Forests & Wildlife, Energy & Climate Action, and Water Programs on integrated approaches, rooted in local decision-making and regional development review, to meet the challenges facing Vermont's environment and communities.
- Participate in development of Act 250 legislation, rules, and hearings in support of downtowns, continued viability of working lands, and citizen access to the Act 250 process.

Windham Regional Commission, Brattleboro, VT

June 2010-October 2011

Assistant Planner / Energy Efficiency & Conservation Block Grant Project Coordinator

- Provided technical support on town plans and bylaw updates to municipalities in a rural, 27-town region in southeastern Vermont (approximate population: 47,000). Evaluated municipal plans for compliance with Chapter 117 (Vermont's Land Use Law).
- Oversaw energy planning and programs. Provided staff support to Commission's Energy Committee. Managed federal grants and facilitated outreach events to bolster local energy planning and projects.
- Managed \$210,000 in Energy Efficiency and Conservation Block Grants funds from the American Recovery and Reinvestment Act. Oversaw nine municipal and county weatherization projects, translating into an estimated 38 tons of carbon, 4,600 gallons of fuel oil, and \$15,000 in savings.
- Managed sites and provided support to the Windham Regional Brownfields Reuse Initiative, to bring contaminated properties back to productive use. Procured Phase I and II environmental site assessments, supported clean up planning efforts, and assisted with assembling clean up funding. Collaborated with partners at Vermont Department of Environmental Conservation, US Environmental Protection Agency, and community agencies to ensure coordinated clean up and redevelopment.

Building Resilient Regions, Cornell University, Ithaca, NY (Prof. Rolf Pendall)
Graduate Research Assistant

July 2008-May 2010

- Researched, analyzed, and evaluated transportation and housing plans of metropolitan regions for a) how rapid growth would affect the region, and b) whether/how localities were planning for growth.
- Created GIS maps identifying concentrations of vulnerable housing potentially affected by rapid growth.

GrowSmart Maine, Portland, ME
Summer Intern

June 2009-Aug. 2009

- Developed workshop materials on “lessons learned” from a pilot planning project in Standish, Maine.
- Created detailed, user-friendly resource packet and presentation for professional and citizen planners.

Cornell University, Department of City and Regional Planning, Ithaca, NY
President, Organization of Cornell Planners

Jan. 2009-Jan. 2010

- Communicated with students and faculty about departmental issues and student needs. Facilitated public participation exercises and constructive dialogue, including the annual department Town Hall meeting.
- Helped the department adapt to a 42% increase in cohort size by developing a group advising program, organizing orientation events, and promoting professional development opportunities.

Central Washington University, Study Abroad & Exchange Programs, Ellensburg, WA

Interim Director, Jan. 2008 – June 2008; Study Abroad Advisor, Nov. 2003 – Jan. 2008

- Advised students, organized faculty-led study abroad programs, developed study abroad marketing materials, led pre-departure orientations, and organized university-wide international studies events.
- Promoted to Interim Director in January of 2008. Supervised staff of four through major office reorganization. Communicated and coordinated with department and successor for a smooth transition.
- Created study abroad program budgets compliant with university policy and faculty collective bargaining agreement, and managed the office’s operating budget.

**PROFESSIONAL
AFFILIATIONS**

American Planning Association, October 2008 to present.
Vermont Planners Association, January 2011 to present (Secretary, September 2013 - present.)
American Institute of Certified Planners, member, November 2012 to present.

SKILLS

Zoning Bylaw Development • Presentations and Public Speaking • Grant Writing and Management • Project Management • Meeting Facilitation • MS Word • MS Excel • PowerPoint

PUBLICATIONS

“Industrial Wind Power: What Local Officials Need to Know,” co-authored; Cornell’s CaRDI Research and Policy Brief Series, March 2010. • “Community Strategies for Vermont’s Forests and Wildlife: A Guide for Local Action,” co-authored; September 2013.

**HONORS &
AWARDS**

Finalist, Presidential Management Fellows program (withdrew) • American Institute of Certified Planners Outstanding Student Award, 2010 • American Planning Association Economic Development Division Graduate Scholarship • Graduated cum laude from Rice University



CITY COUNCIL Agenda Item #16-210

Date: July 13, 2016

Consent ☐ Discussion ☒

SUBJECT: Goal Review: Maintain a Healthy Community for People

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Receive Report

RELATED COUNCIL GOAL/PRIOR ACTION: Adoption of 2016-17 Goals.

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: None

BACKGROUND INFORMATION: The City Council adopted Goals, Strategies and Actions on April 27th. Staff has scheduled regular updates throughout the year.

SUPPORTING DOCUMENTS: Summary memo from City Manager

INTERESTED PARTIES: City Council, City Staff

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. J. Fran", is written over a light gray rectangular background.

Mayor John Hollar

William Fraser,
City Manager

City Council Members:

Dona Bate
Jessica Edgerly Walsh
Tom Golonka
Jean Olson
Justin Turcotte
Anne Watson

Jessie Baker
Assistant City Manager

MEMORANDUM

To: Mayor Hollar & City Council Members
From: William Fraser, City Manager
Re: Goal Update: Maintain a Healthy Community for People
Date: July 13, 2016

This is the third of regular updates on goals. Specific action items will appear on agendas throughout the year but reviews of overall goal categories will also be included. The current schedule is as follows:

The topic for this agenda is Maintain a Healthy Community for People. An excerpt from the Overall Goals document is included. Color Code – White = completed. Green = proceeding as planned Yellow = proceeding but slower than planned. Red = Started but not proceeding well. Purple = Not started yet.

+

Reference Letter	Policy Goal	Strategies	FY17 Actions
E	Maintain a healthy community for people	Promote Health-building Activity	Continue to Implement Montpelier in Motion plan
			Develop Policy for balancing Community Services demand and resources
			Develop Community Services transition plan
			Complete Stonewall Meadows Park Plan
			Identify Funding for new Park lands
		Promote equity and fairness	Fully implement Victim outreach program
			Engage collaboratively with community stakeholders to improve circumstances for vulnerable people

			Implement Project Safecatch
			Implement President's task Force on 21 st Century Policing
		Maintain senior nutrition program to improve health and socialization for aging population	Meet meal demand and explore potential changes to FEAST partnership

The Montpelier in Motion plan work continues. Street markings are new placed throughout the city.

The major effort under this goal is the Community Services coordination process which is actively underway. Facilitators have been retained and sessions being conducted. We will begin work on the balance of community service need and demand after this process is completed.

Police initiatives for Project Safecatch and 21st Century Policing are both successfully being implemented. Both require a lot of effort but, thus far, have shown to be producing positive results.

The CJC victim outreach program is fully implemented and has received positive feedback.

MSAC is currently in the process of reviewing the FEAST program.



CITY COUNCIL Agenda Item #16-200(e) & (f)

Date: July 13, 2016

Consent x Discussion

SUBJECT: Request from Julie Smart and Steve Pitonyak, on behalf of the “Meadow” neighborhood, for the closure of Summer Street (from Spring to Winter) on Saturday, August 27th, from 3:00 to 10:00 P.M. for their Annual Block Party; rain date would be Sunday, August 28th. They are also requesting a variance of the City’s Noise Ordinance.

SUBMITTING DEPARTMENT: City Manager’s Office

RECOMMENDED ACTION: Approve

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Requests for street closures require Council approval.

BACKGROUND INFORMATION: N/A

SUPPORTING DOCUMENTS: See attached letter.

INTERESTED PARTIES: Meadow area residents; Police; Fire and Public Works

CITY MANAGER’S APPROVAL:

A handwritten signature in black ink, appearing to read "W. J. [unclear]", written over a horizontal line.



July 5, 2016
City of Montpelier Mayor and City Council Members
C/o William J. Fraser, City Manager
Montpelier City Hall
39 Main Street
Montpelier, Vermont 05602

Re: Permission to close Summer Street

Dear Mayor and City Council Members:

The residents of the "*Meadow*" neighborhood have been coming together each summer for twenty-nine years to enjoy each other's company and to preserve a sense of neighborhood unity for ourselves and our children. These yearly "block parties" consist of family activities in the Summer Street Park, a slowest bike race, a kids' parade around the neighborhood, a pot luck dinner, and a talent show followed by music and dancing.

In the interest of safety, we are requesting permission from you to block off a portion of Summer Street during our activities on **Saturday, August 27, from 3:00 P.M. to 10:00 P.M.**, with a rain date of Sunday, August 28th. We propose closing off Summer Street from Spring Street to Winter Street using DPW road work barriers.

To comply with the City of Montpelier's noise ordinance we will distribute a "Meadow Noise Notice" to all residents surrounding the party location. We ask the council for a variance to this ordinance for a one-hour period between 9:00 PM and 10:00 PM.

We would provide access to emergency vehicles and residents who wish to enter this area. If you have any questions or concerns, please call Steve Pitonyak at 229-4671 or Julie Smart at 229-6847.

Thank you for consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads 'Julie Smart'.

Julie Smart & Steve Pitonyak
Meadow Neighborhood Party Committee

Meadow Noise Notice

Please be advised that the Meadow Neighborhood Committee is planning the Neighborhood Block Party for Saturday, August 27th, from 3:30 PM to 10:00 PM at the Summer Street Park, featuring a slowest bike race, kids' parade, potluck dinner and dancing.

Sunday, August 28th, will be the rain date.

We need to receive a variance for the City of Montpelier's noise ordinance to play music from 9:00 PM until 10:00 PM.

Accordingly, we ask that you take the time to consider whether the music planned for the dance will be objectionable to you and your family after 9:00 PM. The purpose of the noise ordinance is to protect the public tranquility and peace. We make it a point to end the music sharply at 10:00 PM. If you do not wish us to play music in the park after 9:00 PM on August 27th, please notify the City Manager's Office at 223- 9502, Steve Pitonyak (30 Summer Street) at 229-4671, or Julie Smart (10 Summer Street) at 229-6847.

The Montpelier City Council holds regularly scheduled meetings each month at City Hall. Our request to close the street and grant a variance would be considered at one of their July or August meetings. If you plan to attend, please call the city manager's office to confirm the latest date and time of their July meetings.

For more information, contact Steve Pitonyak at 229-4671 or Julie Smart 229-6847. Thank you for your time and continued support of our efforts to make the "Meadow" a safe, supportive and fun neighborhood for all of us to live in.

29th Annual Meadow Neighborhood Block Party

Saturday, August 27th
(Rain date on Sunday, August 28th)
3:30 pm to 10:00 pm



Bike Decorating after 3:30 pm • Piñata at 4:30
Kids Bike Parade at 5 pm • Slowest Bike Races
Pot Luck Picnic at 6 pm • Talent Show • Dancing



The motto of our talent show is "No act is too small!"
We welcome and encourage neighbors of all ages to participate, so brush
off your musical instruments, practice singing your favorite song,
teach your dog a trick. We enjoy it all!

To help set up, clean up, or ask questions, please email or call
Julie Smart (10 Summer Street) at 229-6847 or getsmart719@comcast.net or
Steve Pitonyak (30 Summer Street) at 229-4671.
At the end of July, we will send out a volunteer signup link via the Meadow
listserve, too. Please help us make this party possible by pitching in.

Join the Meadow neighborhood listserve by visiting our neighborhood
website at <http://montpeliermeadow.blogspot.com/>

Sandy Pitonyak

From: ROBERT GOWANS
Sent: Wednesday, July 06, 2016 2:47 PM
To: Sandy Pitonyak; Anthony Facos
Cc: James Quinn; Tom McArdle
Subject: RE: Street Closure Request

I have no issues with this request, they always maintain emergency vehicle access.

Robert A Gowans

Fire Chief
City of Montpelier Fire and Emergency Services
Montpelier, Vt
802-229-4913
Cell 802-371-9633
rgowans@montpelier-vt.org

From: Anthony Facos
Sent: Wednesday, July 06, 2016 2:49 PM
To: ROBERT GOWANS; Sandy Pitonyak
Cc: James Quinn; Tom McArdle; L-PD_SUPER
Subject: RE: Street Closure Request

I support this as well.

Tony

Chief Tony Facos

From: Tom McArdle
Sent: Wednesday, July 06, 2016 3:11 PM
To: Sandy Pitonyak; Anthony Facos
Cc: ROBERT GOWANS; James Quinn; Jessie C. Baker; Brian Tuttle
Subject: RE: Street Closure Request

This should be a consent agenda item for an upcoming meeting prior to the 8/27 event date. I don't believe the closure permit form is ready quite yet but their letter should be fine for this because they seem to be covering all the bases.

tom



CITY COUNCIL Agenda Item #16-200(b)

Date: July 13, 2016

Consent x Discussion **Time Sensitive x
(outlined below)**

SUBJECT: Truck #3 Dump Body, Plow and Hitch

SUBMITTING DEPARTMENT: Department of Public Works, Equipment Division

RECOMMENDED ACTION: Approval of Purchase Order to H. P. Fairfield,
for body and plow for Truck #3.

RELATED COUNCIL GOAL/PRIOR ACTION: Steady State – Equipment (Goal G)

EXPENDITURE REQUIRED: \$22,450.00

SOURCE OF FUNDS: FY2017 Budget (\$55,000 in Capital Equipment Plan for complete truck, minus \$30,048 previously approved Purchase Order for cab and chassis, leaving a balance of \$24,952 for truck body and plow).

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: On Tuesday, June 28, 2016, two bids were received for the purchase of a dump body and plow for Truck #3. The low bid was submitted by H. P. Fairfield of Morrisville. Delivery is expected in 8-10 weeks from the order date. The truck is to be completed in no more than 120 days after receiving the chassis.

SUPPORTING DOCUMENTS: Bid tabulation attached

INTERESTED PARTIES: Department of Public Works

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Jeffman", written over the City Manager's Approval line.



CITY COUNCIL Agenda Item #16-200(c)

Date: July 13, 2016

Consent x **Discussion** **Time Sensitive** x
(outlined below)

SUBJECT: Truck #4 Dump Body, Plow, Hitch, Spreader & Hydraulics

SUBMITTING DEPARTMENT: Department of Public Works, Equipment Division

RECOMMENDED ACTION: Approval of Purchase Order to H. P. Fairfield, for body, plow, hitch spreader and hydraulics for Truck #4.

RELATED COUNCIL GOAL/PRIOR ACTION: Steady State – Equipment (Goal G)

EXPENDITURE REQUIRED: \$41,260.00

SOURCE OF FUNDS: : FY2017 Budget (\$110,000 in Capital Equipment Plan for complete truck, minus \$54,343 previously approved Purchase Order for cab and chassis, leaving a balance of \$55,657 for truck body and equipment).

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: On Tuesday, June 28, 2016 three bids were received for the purchase of a dump body and plow for Truck #4. The high bid was submitted by H. P. Fairfield of Morrisville (\$41,260). The two lower bidders, Viking-Cives (\$39,600) and Tenco (\$39,939), are estimating 6 months or more to complete the assembly of this truck. H. P. Fairfield will complete the truck in no more than 120 days. Since there is only \$1,660 between the low and the high bid, and this truck replaces a front line plow truck used in the Barre Street to Main Street area, we recommend acceptance of the higher bid out of necessity in order to take delivery of the truck before winter starts. The combined purchase prices to build the complete truck will be under budget by approximately \$14,000.

SUPPORTING DOCUMENTS: Bid tabulation attached

INTERESTED PARTIES: Department of Public Works

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. J. [unclear]", written over a white rectangular background.

[illegible]



CITY COUNCIL Agenda Item #16-200(d)

Date: July 5, 2016

Consent: x **Discussion** **Time Sensitive** x
(outlined below)

SUBJECT: Truck #27 Dump Body, Plow and Hitch

SUBMITTING DEPARTMENT: Department of Public Works, Equipment Division

RECOMMENDED ACTION: Approval of Purchase Order to H. P. Fairfield,
for body and plow for Truck #27.

RELATED COUNCIL GOAL/PRIOR ACTION: Steady State – Equipment (Goal G)

EXPENDITURE REQUIRED: \$19,860.00

SOURCE OF FUNDS: FY2017 Budget (\$63,000 in Water and Sewer Funds for complete truck, minus \$22,368 for approved Purchase Order for cab and chassis, leaving a balance of \$40,632 for truck body and plow).

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: On Tuesday, June 28, 2016 two bids were received for the purchase of a dump body, plow and hitch for Truck #27. The low bid was submitted by H. P. Fairfield of Morrisville. Delivery is expected in 8-10 weeks from the order date.

SUPPORTING DOCUMENTS: Bid tabulation attached

INTERESTED PARTIES: Department of Public Works

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", is written over a white rectangular box.



CITY COUNCIL Agenda Item #: 16-212

Date: July 13, 2016

Consent ___ Discussion x___

SUBJECT: Second Reading: Amendment to Code of Ordinances, Chapter 10, Article VII. PARKING & PARKING METER ZONES, Sect. 10-716. Parking Prohibited.
Chapman Road & Terrace Street (Bailey Ave – Chapman Rd)

SUBMITTING DEPARTMENT: Public Works & Police as supported by Fire Dept.

RECOMMENDED ACTION: Remove item from the “table” for further discussion; receive staff introduction of proposed revised ordinance wording, open & conduct public hearing to receive testimony, consider recommended amendments & approve second reading.

RELATED COUNCIL GOAL/PRIOR ACTION: C: Maintain a safe community

EXPENDITURE REQUIRED: < \$500

SOURCE OF FUNDS: DPW Operating Budget

LEGAL REQUIREMENTS: §702 of City Charter : Ordinance Adoption (24 V.S.A. §1972)

BACKGROUND INFORMATION: Revised ordinance wording for both streets is presented for the Second Reading. The revisions are the result of discussions with residents who raised concerns about the extent of the restrictions and parking impacts as originally proposed and presented. These concerns have been considered and, to the best of staff’s knowledge, the revised ordinance wording is generally agreed upon by the residents while retaining the intent & effectiveness of the original recommendation.

SUPPORTING DOCUMENTS: Attached staff memorandum, letter of notice mailed (July 7th) or delivered to all known owners / residents within the affected area.

CITY MANAGER’S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", is written over a light gray rectangular background.

City of Montpelier
Department of Public Works
Memorandum

To: Montpelier City Council

From: Thomas McArdle, Director of Public Works
Robert Gowans, Fire Chief

Copy: William Fraser, City Manager
Anthony Facos, Chief of Police

Date: July 6, 2016

Subject: Chapman Road & Terrace Street Parking Ordinances
Proposed Amendments for Second Reading Consideration

This memorandum is presented to convey amended wording of the proposed ordinances for further consideration by City Council. The amendments described below reflect modifications to the recommended parking restrictions considered at the first public hearing. The revised ordinance wording is the result of discussions with residents who raised concerns about the extent of the restrictions and parking impacts as originally proposed and presented. These concerns have been considered and, to the best of our knowledge, the revised ordinance wording is generally agreed upon.

Upon review of the dimensions of the street and other factors affecting the capacity and ability of the streets to support on-street parking, we have concluded that amendments to the City's code of ordinances should be recommended to the City Council as follows:

CHAPTER 10, ARTICLE VII. PARKING and PARKING METER ZONES

Section 10-716. PARKING PROHIBITED

New Section:

Amended wording (in red text) for second reading:

This amendment responds to a resident request to consider the least possible restriction that would provide sufficient room on the street for single unit service trucks & emergency vehicles to pass through while allowing on street parking where possible. As amended, the proposal will allow approximately three vehicles to park along the side easterly of the street.

(uuu) Chapman Road: Parking is prohibited on the northerly / westerly sides of Chapman Road for its entire length and on the southerly / easterly side of Chapman Road from its intersection with Terrace Street northerly for a distance of one hundred and three (103') feet to the northerly side of a driveway serving #5 Terrace Street and from a point one hundred seventy two (172') feet from Terrace St thence proceeding northerly to Richardson Street.

Revise Existing Section:

Amended wording (in red text) for second reading:

This amendment responds to a resident concern (see written comments) that parking restrictions proposed easterly of a driveway would leave room for 2-3 cars to park on the street but the on-street parking could unduly impede safe & convenient access from the property. This concern is primarily related to the width of the street whereby on-street parking limits vehicular travel to the shared use of a street that is only wide enough to support alternating one way traffic. Under this circumstance, optimal sight distance is necessary to ensure safe travel which would not be available if on-street parking is not appropriately restricted.

(ccc) Terrace Street: Parking is prohibited on the westerly side of Terrace Street from its intersection with Bailey Avenue northerly for a distance of seven hundred sixty (760') feet to the driveway serving #26 Terrace Street ("Redstone" property) and on the easterly side northerly to Redstone Avenue. **Parking is also prohibited on the southerly side of Terrace Street from Bailey Avenue easterly for a distance of fifty five (55') feet and beginning at a point located one hundred seventy (170') feet easterly of Bailey Avenue and extending easterly for a distance of one hundred fifty (150') feet.** Parking is also prohibited on the northerly side of Terrace Street beginning at Bailey Avenue easterly to Hopkins Street.



America's Small Town Capital

DEPARTMENT OF PUBLIC WORKS, City Hall, 39 Main Street, Montpelier, VT 05602
Thomas J. McArdle, Director tmcardle@montpelier-vt.org
Kurt S. Motyka, PE, City Engineer kmotyka@montpelier-vt.org

July 7, 2016

Residents of the Terrace Street, Chapman Road,
Mather Terrace & Richardson Street Neighborhood:

Enclosed please find a memo addressed to the City Manager concerning parking in your neighborhood. This is a new, follow-up memo to convey an amended recommendation for the wording of parking ordinances affecting Terrace Street (between Bailey Avenue and Hopkins Street) and Chapman Road. The Montpelier City Council, during their meeting of June 8th, tabled the required second reading of the ordinance to provide an opportunity for staff to discuss concerns raised by neighborhood residents. Your additional input is welcome.

To enact an ordinance, the City Council must hold two warned public hearings. Revisions to the original recommendation as requested by residents and supported are summarized as:

Terrace Street: extend proposed parking restriction on the southerly side to the driveway serving #14 Terrace Street because of verified concerns about the insufficient sight distance.

Chapman Road: Revision to allow up to three vehicles to park along the easterly side northerly of the Chapman Road driveway serving #5 Terrace St. Said permitted parking will not be detrimental to large vehicle access, including emergency service vehicles.

The City Council is scheduled to resume consideration of the second reading of the ordinance at their meeting of July 13th. The amended wording as printed in the attached memorandum or as further amended at the public hearing will be read for the ordinance. If you have questions or comments you'd like to offer in advance, you may direct them to this office, the City Manager's office, or to the Police Chief at afacos@montpelier-vt.org.

Respectfully,

Thomas McArdle
Director of Public Works

C: Anthony Facos, Chief of Police
Robert Gowans, Fire Chief
Corey Line, DPW Project Manager



CITY COUNCIL Agenda Item #16-200(m)

Date: July 13, 2016

Consent x Discussion **Time Sensitive
(outlined below)**

SUBJECT: Amendment to the “Agreement on Sewage Treatment & Collection Between City of Montpelier & the Town of Berlin” for the Berlin Town Route 12 Commercial Zoning District – CG”

SUBMITTING DEPARTMENT: Public Works

RECOMMENDED ACTION: Approval of the Agreement Amendment and designation of the City Manager as the duly authorized agent to execute the agreement on behalf of the City Council.

RELATED COUNCIL GOAL/PRIOR ACTION: Goal “A”: Affordability (new revenue) / amend existing partnership agreement for waste water treatment

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Amendment to binding agreement reviewed and approved by attorneys for both towns

BACKGROUND INFORMATION: In March of this year, the Berlin Sewer Commission formally requested an allocation of 50,000 gpd of waste water treatment capacity for the Rte. 12 section of Berlin which is not presently served with a sewer system. This request follows approximately 5 years of review and consideration of a means to service the area which includes a mix of businesses and a residential mobile home park which sustained significant damages as a result of flooding. Additionally, the State of Vermont was awarded a Federal “earmark” to redevelop the Green Mountain Transit Authority (GMTA) building. The GMTA project has served as the catalyst to achieve sewer service for the area and DPW staff attended the Commission’s regular meeting on February 1st to learn more about the project. At the meeting, a development plan was presented by Ellery Packard for the mobile home park together with a cost estimate for the construction of a waste water collection system and pump station with a proposed connection to the Montpelier sewer transmission main located on Northfield Street. The State of Vermont is now in final negotiations with Mr. Packard for a funding/connection agreement to provide waste water service via a new system that will be owned and operated by the Town of Berlin. Other property owners in the area may also wish to connect.

The Rte. 12 section of Berlin will be in addition to the allocation afforded the Town of Berlin as described in the existing Treatment & Collection Agreement. The State of Vermont and Mr. Packard are also very interested in pursuing an extension of the Montpelier water system into this part of Berlin. City Attorney J. Paul Giuliani suggests that a “special assessment district”

could be created to allow the municipal water system to service an area beyond our corporate limits. This matter will be pursued separately through the governing bodies of both towns when more is known about state and private financing for an extension.

SUPPORTING DOCUMENTS (4):

- Agreement Amendment – For City Council Approval
- Letter: State of Vermont Highway Division to Director of Public Works dated March 7, 2016
- Letter: Town of Berlin Sewer Commission to Director of Public Works dated March 22, 2016
- Response letter to Berlin Sewer Commission from Director of Public Works dated April 1, 2016

INTERESTED PARTIES: Town of Berlin Sewer Commission and Selectboard; Rte. 12 (Northfield Road) residents and businesses; Ellery Packard; and State of Vermont

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read 'W. J. Fran', is written over the City Manager's Approval line.



TOWN OF BERLIN, VERMONT

Washington County

JUN 27 2016

Board of Sewer Commissioners:

*Rob Allen, Chair
Henry LaGue, Jr.
Wayne Lamberton
Dana Marineau*

*Municipal Office Building
108 Shed Road
Berlin, Vermont 05602*

*Telephone: 802.223-4405, Opt 7
Fax: 802.229-9530
E-Mail: sewer@berlinvt.org
Web : www.berlinvt.org*

Assistant: Mary Wissell

AGREEMENT AMENDMENT

“Agreement on Sewage Treatment and Collection
Between the City of Montpelier Vermont and the Town of Berlin, Vermont”

Pursuant to Article B, Capital Improvements, Section II Sewage Collection System, part 4.e. of the Agreement, the City of Montpelier and the Town of Berlin hereby amend the volume of sewage flow specified as the Town’s designated capacity of the sewage collection system.

This amendment applies to and is limited by the geographical boundaries of that part of the Town of Berlin known as “Berlin Town Route 12 Commercial Zoning District – CG” herein referred to as the “Route 12 District” and as shown in red/pink shading on attachment “A” bearing the same district title and dated February, 2016.

This amendment hereby specified and conveys an allocation of designated sewage treatment capacity in the amount of 50,000 gpd (0.05mgd) for the Route 12 District. Said allocation is intended to be in addition to that amount specified in part 4.e. of the agreement designated as the Town’s designated capacity as amended by agreement on January 26, 1990. In consideration for the purchase of said additional capacity, the Town shall pay to the City the one time sum of Nine Thousand, Eight Hundred Fifty Six Dollars (\$ 9,856.00), and in addition shall pay to the City those system operating costs identified in Article D (III) of said Agreement.

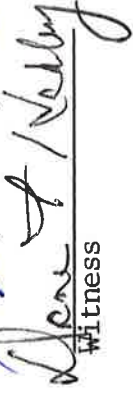
IN WITNESS WHEREOF this Agreement is executed at the place and on the date noted for each party.

Agreement Amendment
Page 2
June 2016

DATED at the Town of Berlin, County of Washington, State of Vermont this ____ day of June, 2016.

IN THE PRESENCE OF:


Witness (as to both)


Witness

TOWN OF BERLIN

By: 
Co Chair, Berlin Sewer Commission

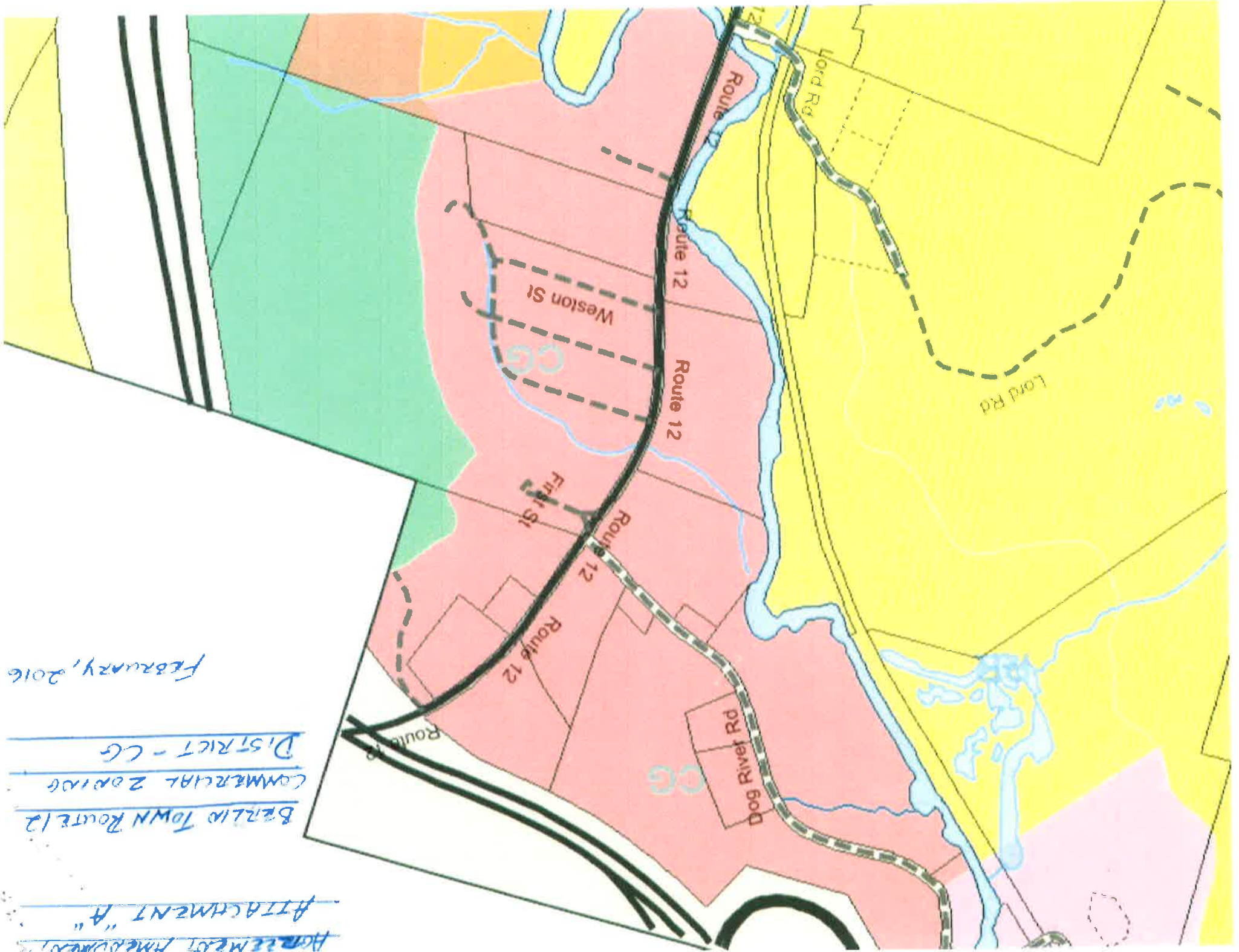
By: 
Chair, Berlin Selectboard

Dated at the City of Montpelier, County of Washington, State of Vermont this ____ day of June, 2016.

IN THE PRESENCE OF:

Witness

By: _____
City Manager, City of Montpelier, Vt





America's Small Town Capital

DEPARTMENT OF PUBLIC WORKS, City Hall, 39 Main Street, Montpelier, VT 05602

Thomas J. McArdle, Director tmcardle@montpelier-vt.org
Kurt S. Motyka, PE, City Engineer kmotyka@montpelier-vt.org

April 1, 2016

Mary S. Wissell, Administrative Assistant
Board of Sewer Commissioners
Town of Berlin
Municipal Office Building
108 Shed Road
Berlin, Vermont 05602

RE: Amendment to "Agreement on Sewage Treatment and Collection"
Route 12 District

Dear Mary,

I am in receipt of your letter dated March 22nd concerning the above-referenced matter which includes some helpful background information. Please extend my regrets to the Commission for not responding in time for further consideration at their most recent regularly scheduled meeting. In light of your notice of a request to increase the allocation beyond the 50,000 gallons per day (gpd) as offered to the Commission, further review was required which we were not able to complete and reach conclusion prior to their meeting.

In response to the additional allocation of 34,000 gpd for the Route 12 District, we are concerned about over-committing our capacity at this early juncture in the development of the area. While we are supportive of the state's GMTA project and recognize Mr. Packard's immediate needs for a reliable waste water disposal system, as well as the desires of others, we must remain vigilant and cautious about over-extending our reserve capacity at this time. This includes consideration of wet weather flows reaching the treatment facility due to the existence of combined sewer systems and ground water infiltration, which the state will soon be regulating under a new CSO rule. We also need to be cognizant about the new TMDL which will dictate phosphorus limits from the treatment plant. The capabilities will be better understood following the planned upgrade in 2018. .

I wish to make it clear that we have no intention of denying additional capacity absent reasonable cause in this or any other areas. To the contrary; we suggest revising the proposed amendment wording such that additional capacity up to the requested 84,000 gpd may be allocated to the District once the original

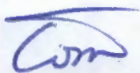
50,000 gpd is nearing exhaustion as evidenced by detailed connection requests. Per Tina Bohl's letter to you dated March 28th, they need 2,000 gpd but I don't recall being informed about Packard's estimated flows or the Morse's. Therefore, there may already be sufficient reserve to allow for other potential users.

With regard to the Commission's request for a project budget and design, please be aware that the city is allowing for the connection of the Route 12 District sewer system to the Northfield Street sewer main, but we are not participating in the cost of design or construction of the new system. Further, the City anticipates that the Town of Berlin or its duly authorized agent will own and operate the Route 12 sewer system in accordance with the terms of the existing agreement between the City of Montpelier and the Town of Berlin.

Attached, please find the revised draft of the agreement amendment with the section concerning the City's code of ordinances and use of public sewers deleted in deference to the Town of Berlin's similar ordinance.

Let us know if we should proceed with the additional allocation allowance as described above. Otherwise, please contact me with any questions, comments or concerns.

Respectfully,



Thomas J. McArdle
Director of Public Works

Attachment

C: William J. Fraser, City Manager
Kurt Motyka, P.E., City Engineer / Assistant Director

Agreement Amendment

"Agreement on Sewage Treatment and Collection Between the City of Montpelier,
Vermont and the Town of Berlin, Vermont"

Pursuant to Article B, Capital Improvements, Section II Sewage Collection System, part 4.e. of the Agreement, the City of Montpelier and the Town of Berlin hereby amend the volume of sewage flow specified as the Town's designated capacity of the sewage collection system and incorporates Ordinances, by direct reference to ensure proper sewer system protections.

This amendment applies to and is limited by the geographical boundaries of that part of the Town of Berlin known as "Berlin Town Route 12 Commercial Zoning District - CG" herein referred to as the "Route 12 District" and as shown in red/pink shading on attachment "A" bearing the same District title and dated February, 2016.

This amendment hereby specifies and conveys an allocation of designated sewage treatment capacity in the amount of 50,000 gpd (0.05 mgd) for the Route 12 District. Said allocation is intended to be in addition to that amount specified in part 4.e. of the agreement designated as the Town's designated capacity as amended by agreement on January 26, 1990. In consideration for the purchase of said additional capacity, the Town shall pay to the City the one time sum of \$_____, and in addition shall pay to the City those system operating costs identified in Article D(III) of said Agreement.

Done at Montpelier, Vermont, this _____ day of _____, 2016.

CITY OF MONTPELIER, BOARD OF SEWER COMMISSIONERS – Duly Authorized:

By: _____

City Manager

State of Vermont, The above subscribed and sworn to before me at Montpelier,
Washington County ss in said county, this the ____ day of _____, 2016

Notary Public

TOWN OF BERLIN – Duly Authorized

By: _____

Chairman, Board of Selectmen

State of Vermont, The above subscribed and sworn to before me at Berlin, Washington
County ss in said county, this the ____ day of _____, 2016

Notary Public

DRAFT



TOWN OF BERLIN, VERMONT
Washington County

Board of Sewer Commissioners:

Rob Allen, Chair
James Hartson
Henry Lague, Jr.
Dana Murineau
Norb Rhinerson

Assistant: Mary Wissell

Municipal Office Building
108 Shed Road
Berlin, Vermont 05602

Telephone: 802.223-4405
Fax: 802.229-9530
E-Mail: sewer@berlinvt.org
Web: www.berlinvt.org

March 22, 2016

Thomas McArdle
Director of Public Works
City of Montpelier
39 Main Street
Montpelier VT 05602

At a regular meeting of the Sewer Commission on Monday January 11, 2016 the proposed sewer line on Route 12 was discussed. Representatives from GMTA, Weston's Mobile Home Park and Morse's Auto were in attendance.

History - In 2010 the Berlin Sewer Commission did grant allocation only to GMTA and stated all other details must be worked out with Montpelier, if Montpelier Public Works declined the request the project could not move forward. This decision was based on the fact that only one customer was requesting service.

At this time it appears that more people are interested in this project and many Berlin residents will be affected. In preparation for the next meeting of this group, the Commission has requested a preliminary budget be prepared and a design(s) be presented.

Based on the information relayed to the Commission from meetings with Montpelier Public Works, you are very interested in working with this group of residents and the Town of Berlin to serve this area with both sewer and water and have offered granting additional allocation if needed. This letter is to request 50,000 gpd of sewer allocation to be issued to the Town of Berlin for the sole use in this Route 12 section of Berlin.

Since this request the Commission has heard from more Berlin residents in the area who have expressed a desire to hook up to the proposed system. Therefore, the Commission wishes to increase the request for a special allotment of allocation from 50,000 gpd to 84,000 gpd. If this request is approved by MPW's, would you please amend the draft sewer agreement amendment to reflect the increase in gpd and the total cost to purchase this allocation.

Thank you for your continued cooperation and let us know if you need any further information.

Mary S Wissell
Administrative Assistant

cc: William Fraser



State of Vermont
Highway Division
One National Life Drive
Montpelier, VT 05633-5001
vtrans.vermont.gov

Agency of Transportation

[phone] 802-828-0177
[fax] 802-828-2637
[ttd] 800-253-0191

March 7, 2016

Thomas J. McArdle
Director of Public Works
39 Main Street - City Hall
Montpelier, Vermont 05602

**Re: State of Vermont – GMTA – Berlin, Vermont
Municipal Water and Sewer Connections**

Dear Tom,

Thank you for your assistance and continued involvement with the State of Vermont and the proposed municipal sewer and water infrastructure extensions project.

As per our prior discussions, the existing State of Vermont and GMTA facility is served by on-site sewer and water. The existing building has two separate on-site wastewater systems which serve both the domestic sewer and floor drain discharges. The existing system on the north side of the building handles the discharges from the bathroom use within the building. The system is in poor condition with both the pump station and the mound needing work. The GMTA staff recently had a pump failure and in evaluating the pump failure found several sink holes in the mound system itself and the pump station is in need of replacement. The State of Vermont and GMTA will need to evaluate the overall condition of this system and determine what repairs are necessary to continue using the system until a municipal connection is available.

The existing floor drains within the facility are connected to the existing wastewater system on the east side of the building. This connection has been in use for many years however the current UIC regulations prohibit this type of connection:

Floor Drains are prohibited in vehicle service areas unless they are approved by the Wastewater Management Division and the municipality for connection to municipal sewer. Floor drains connected to leachfields or dry wells present a high level of risk of contamination of ground water from even a small spill of oil, gasoline or solvents. For more information on the Underground Injection Control Program and Floor Drain Procedures contact: Cynthia Parks at: (802) 585-4913

The State of Vermont has received a temporary permit to discharge however, the permit is not expected to be renewed and for the building to continue to operate under current conditions a municipal sewer connection is required. Given these circumstances and condition of the two systems the State of Vermont and GMTA are seeking a municipal sewer connection as part of this project.



The GMTA facility currently gets its water from an on-site "public" well system on the property which is monitored and inspected regularly. The proposed changes which are being made to the building will require, per the 2012 Vermont fire and Building Safety Code, IBC Chapter 9, an NFPA 13 sprinkler system to be installed. Because the public well system does not have adequate pressure or volume required to support a fire sprinkler system for the building, an indoor fire pump must be installed to provide adequate pressure and flow to operate the fire suppression system and a 40,000-gallon storage tank specifically designated for fire suppression must be installed sub-grade in order to prevent freezing. The entire fire protection system must be powered by an emergency generator in case there is a lapse in primary power to the site or a diesel powered pump needs to be installed. The cost of such equipment will be approximately \$150,000.00 plus the cost of required testing and maintenance¹. A municipal water line of adequate pressure and flow would eliminate the need for the additional fire suppression equipment as described above. The extension and expansion of municipal water within this corridor will also provide additional fire protection and potable water to the residents within this corridor.

The State of Vermont has acquired a federal earmark for this project, which will cover the associated costs for the municipal sewer and water line extensions to serve the GMTA/State of Vermont Facility.

If you should have any questions or concerns regarding the proposed project, please feel free to contact me at 802-828-0177 or tina.bohl@vermont.gov.

Respectfully,



Tina M. Bohl
Project Manager



CITY COUNCIL Agenda Item #16-200(i) & (j)

Date: July 13, 2016

Consent x Discussion

SUBJECT: Request from Sandy Vitzthum for the closure of Loomis Street (from Park Avenue to Liberty Street) on Saturday, August 6th, from 5:00 to 8:00 P.M. for their Annual Block Party; rain date would be Sunday, Augusts 7th, from 3:00 to 6:00 P.M. She is also requesting a waiver of the City's Noise Ordinance for a live band to play until 8:00 P.M.

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Approve

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Requests for street closures require Council approval.

BACKGROUND INFORMATION: N/A

SUPPORTING DOCUMENTS: Letter from Ms. Vitzthum and copy of flyer she distributed

INTERESTED PARTIES: Loomis, Liberty and Park Avenue residents; Fire; Police and Public Works

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to be "W. J. [unclear]", written over a horizontal line.

14 Loomis Street
Montpelier, Vermont 05602

21 June 2016

Montpelier City Council
39 Main Street
Montpelier, Vermont 05602

Dear Members of the City Council,

Some friends and I would like to apply for a permit to have a block party Saturday, 6 August, from 5 pm until 8 pm. This will be the 12th pretty-much-annual block party for our neighborhood. It is essentially a private party for our family and neighbors; several Loomis Street families are organizing the event.

Since we plan to have a band play at the party, we would like to apply for a noise waiver. The band will start at 5 pm and play until 8 pm.

We would also be grateful if we could close the road from Park Avenue to Liberty Street from 4 pm until 8 pm. The signs might say something like "Closed to Through Traffic" so that cars could get to driveways on either side of the party. Front yards are not very big on Loomis Street, so it would be really nice to let the party spill out onto the street.

Because we were rained out in 2007, we would like to schedule a raindate of Sunday, 7 August, from 3 pm to 6 pm at the same location. If this happens, we'd like to be able to close off the road at that time.

I have circulated flyers to all residences that would be affected by this road closure, letting them know of this appearance asking for permission. One of the flyers is attached.

This family-oriented party will be a great neighborhood-building experience. We very much appreciate your support!

Sincerely yours,

Sandy Vitzthum
223-1806

8 July 2016

Dear Neighbor,

We wanted to let you know ahead of the invitations...

TWELTH ANNUAL BLOCK PARTY

Saturday, 6 August, from 5 pm - 8 pm

14 Loomis Street front lawn

(raindate: Sunday 8/7, 3-6 pm, same place)

We will be appearing before the City Council July 13 to ask for permission to close Loomis Street from Park Avenue to Liberty Street for the length of the party. We'd like to continue our tradition of kids' games in the street. Local traffic will be allowed through.

Any questions? Call Sandy Vitzthum, 223-1806



CITY COUNCIL Agenda Item #16-200(o)

Date: July 13, 2016

Consent x Discussion **Time Sensitive
(outlined below)**

SUBJECT: Septage, Municipal Sludge and Leachate Rates

SUBMITTING DEPARTMENT: Public Works

RECOMMENDED ACTION: Adopt the Septage, Municipal Sludge and Leachate Rates for FY 17 for waste materials received at the WRRF.

RELATED COUNCIL GOAL/PRIOR ACTION: Council Goal G: Achieve a steady state for infrastructure maintenance and improvements, facilities and equipment.

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: The City Council sets sewer rates.

BACKGROUND INFORMATION: The City Council has not formally adopted Septage, Municipal Sludge and Leachate Rates. These rates were initially set and have been maintained by the plant operators. In conjunction with the sewer user rates and the Sewer System Master Plan, the Council should formally adopt these rates.

SUPPORTING DOCUMENTS: Attached rate sheet

INTERESTED PARTIES: Sewer Users

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. J. [unclear]", is written over a light gray rectangular background.



America's Small Town Capital

**MONTPELIER WATER RESOURCE RECOVERY FACILITY
SEPTAGE, MUNICIPAL SLUDGE AND LEACHATE RATES
EFFECTIVE 7/1/16**

The following rates are proposed for solids handling at the WRRF for FY 17

FY17 Septage Rate: \$0.060/gallon

**FY 17 Municipal; Sludge Rate: \$710/dry ton. Minimum rate of \$0.072/gallon
for all sludge under 2.5% solids**

Percent Solids	Price per gallon at \$710/dry ton
3%	\$0.09
3.5%	\$0.10
4%	\$0.12
4.5%	\$0.13
5%	\$0.15
5.5%	\$0.16
6%	\$0.18
6.5%	\$0.19
7%	\$0.21
7.5%	\$0.22
8%	\$0.24
8.5%	\$0.25
9%	\$0.28
9.5%	\$0.28
10%	\$0.30

FY 17 Leachate Rates

0-2,000 mg/L BOD	\$0.0381 per gallon
2,001-5,000 mg/L BOD	\$0.0489 per gallon
5,001-10,000 mg/L BOD	\$0.0705 per gallon
10,001-20,000 mg/L BOD	\$0.1027 per gallon
20,001-30,000 mg/L BOD	\$0.1350 per gallon



CITY COUNCIL Agenda Item #: 16-200(n)

Date: July 13, 2016

Consent ☒ Discussion ☐

SUBJECT: Construction Contract Award
Spring Street Bridge Repairs (VT Rte. 12 – Bridge #73)

SUBMITTING DEPARTMENT: Public Works

RECOMMENDED ACTION: Approve award of contract to Blow & Cote, Inc. as recommended by the Director of Public Works and grant authorization for the City Manager to serve as the duly authorized agent.

RELATED COUNCIL GOAL/PRIOR ACTION: Goal “G”: Achieve a Steady State for Infrastructure

EXPENDITURE REQUIRED: \$132,265.50 (based on estimated unit price quantities)

SOURCE OF FUNDS: Local (City) Funds in the CIP Account: \$43,993.50
VTrans Grant (Town Highway Structures Program): \$88,272.00

LEGAL REQUIREMENTS: Compliance with requirements of Grant Agreement

BACKGROUND INFORMATION: DPW staff developed contract documents and specifications and invited bids from area contractors qualified to perform bridge repair work. Two bids were received and opened – tabulation attached. Blow & Cote, Inc submitted the lowest bid in the amount of \$132,265.50 which was found to be responsive and unqualified in compliance with the terms of bid requirements.

The project cost estimate prepared in 2015 was \$98,078. Following additional bridge deck condition analysis conducted this spring (deck core samples); the scope of work was modified accounting for a portion of the price difference between low bid and the original estimate. The remaining cost difference is attributable to the small contract size with minimal quantities and low production rates. Sufficient funds are available to complete the project and remain on schedule in advance of the planned resurfacing of VT Rte. 12 next summer.

SUPPORTING DOCUMENTS: Bid Tabulation

CITY MANAGER’S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over a horizontal line.



BID TABULATION

Project Name: FY17 Spring Street Bridge Repairs

Release Date: 6/6/2016

Bid Due Date/Time: 6/23/2016 @ 2:00 p.m.

				Winterset, Inc.		Blow & Cote, Inc.		
Item #	Item	Unit	Quantity	Unit Price	Total Price	Unit Price	Total Price	
406.250	Bituminous Concrete Pavement	TN	75	\$275.00	\$20,625.00	\$225.00	\$16,875.00	
519.200	Sheet Membrane Waterproofing	SY	333	\$28.00	\$9,324.00	\$28.50	\$9,490.50	
529.100	Removal of Bridge Pavement	SY	440	\$25.00	\$11,000.00	\$13.75	\$6,050.00	
580.100	Repair Concrete Superstructure (Cls 1)	SY	25	\$625.00	\$15,625.00	\$511.00	\$12,775.00	
580.110	Repair Concrete Superstructure (Cls 2)	SY	75	\$850.00	\$63,750.00	\$615.00	\$46,125.00	
580.160	Surface Preparation for Membrane	SF	3,000	\$2.00	\$6,000.00	\$0.30	\$900.00	
616.400	Remove & Reset Granite Curb	LF	70	\$85.00	\$5,950.00	\$68.00	\$4,760.00	
618.100	PCC Sidewalk	SY	12	\$1,400.00	\$16,800.00	\$285.00	\$3,420.00	
630.150	Flaggers - Traffic Control	HR	200	\$36.00	\$7,200.00	\$46.50	\$9,300.00	
635.110	Mobilization / Demobilization, Misc	LS	1	\$52,000.00	\$52,000.00	\$8,760.00	\$8,760.00	
641.100	Traffic Control	LS	1	\$47,000.00	\$47,000.00	\$8,960.00	\$8,960.00	
641.150	Portable Changeable Message Sign	EA	2	\$4,500.00	\$9,000.00	\$2,425.00	\$4,850.00	
Total Bid Amount				\$264,274.00		\$132,265.50		

Bid Bond				Yes	Yes	
Addendum				n/a	n/a	

[illegible]



CITY COUNCIL Agenda Item #16-211

Date: July 13, 2016

Consent ☐ Discussion ☒

SUBJECT: Taxi Ordinance Amendments

SUBMITTING DEPARTMENT: City Clerk/Police Department

RECOMMENDED ACTION: Hold second public hearing, discuss, amend if necessary, approve.

RELATED COUNCIL GOAL/PRIOR ACTION: N/A

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: No legal requirements

BACKGROUND INFORMATION: Uber's operation in the city presents challenges under the current taxi and licensing ordinances, and in doing so highlights out-of-date language and unenforceable requirements within the taxi ordinance.

SUPPORTING DOCUMENTS: taxi ordinance changes-PROPOSED.docx

INTERESTED PARTIES: City Clerk, Police Department, Taxi services operating within Montpelier

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. J. [unclear]", written over the City Manager's Approval line.

Chapter 9

ARTICLE XIX. TAXICABS

Sec. 9-1900. LICENSE REQUIRED, TAXICAB.

No person, firm or corporation shall operate a taxicab within the city limits until a license has been obtained ~~for each vehicle~~ and unless there has been compliance with all other regulations in this article.

~~Sec. 9-1901. LICENSE REQUIRED, OPERATOR.~~

~~Each natural person who shall operate a taxicab within the city limits shall obtain a City of Montpelier Taxicab Operator's License.~~

~~Sec. 9-1902. DRIVER CONDUCT.~~

~~All operators of taxicabs shall be neat, clean and courteous at all times when operating a cab for hire. No taxicab operator shall drive about the streets or other public places seeking business, nor soliciting passengers with a loud voice or in a rude, rough, or boisterous manner.~~

Sec. 9-1903. DEFINITIONS.

(a) "Taxicab" is a motor vehicle used for transporting passengers for hire within the city of Montpelier but shall not include those vehicles operating on regularly scheduled routes and times in intertown and interstate transportation which are subject to states or federal regulation.

(b) "Operator" is the individual driver of a taxicab.

~~Sec. 9-1904. INSURANCE REQUIRED.~~

~~It shall be unlawful for any person to operate or drive a taxicab, or permit the same to be driven or operated on the streets of the city unless the owner or operator thereof shall have first procured and filed with the city clerk proof of purchase for the license year of a liability insurance policy which terms and conditions thereof shall be such as to provide protection for all persons suffering injury, loss or damage to person or to property by reason of the operation of such taxicab. Every such insurance policy shall be executed by an insurance company authorized to do business in the state and acceptable to the city council and shall be in the penal sum of ten thousand dollars (\$10,000.00) for injury or death to any one person, in the penal sum of twenty thousand dollars (\$20,000.00) for injury or death to all persons caused by any one accident, and in the penal sum of five thousand dollars (\$5,000.00) for damage to property resulting from any one accident, and each of such penal sums shall remain in full force and shall be undiminished during the license year. Every such insurance policy shall contain a provision whereby every company executing the same shall obligate itself to notify the City Clerk in writing at least thirty (30) days before any alteration, modification or cancellation of such policy is to become effective. No permit shall be issued to operate any taxicab unless and until evidence of purchase of such liability insurance policy is filed with the City Clerk, and failure of the owner or operator of such taxicab to procure and keep on file with the City Clerk at all times such evidence of purchase for the license year~~

~~of a liability insurance policy in the penal sums aforesaid shall be grounds for the revocation or suspension of the operator's permit for such taxicab.~~

Sec. 9-1905. APPLICATION FOR LICENSES.

~~The taxicab license may be granted by the City Council Clerk upon application for same, filed with the City Clerk. The application must be accompanied by the required fee and proof of insurance. The taxicab operator license application must be accompanied by the required fee. Application forms are supplied by the City Clerk's Office.~~

~~Sec. 9-1906. DISCRETIONARY GRANT OF LICENSES.~~

~~The City Council may refuse to grant a taxicab license if in its judgment there are already in operation within the City limits a sufficient number of licensed taxicabs to meet the needs of the inhabitants, subject to the approval of the Chief of Police.~~

Sec. 9-1907. LICENSE FEES.

~~The annual license fee for each individual taxicab vehicle shall be twenty five dollars (\$25.00). The license shall be required for each individual vehicle so operated with a capacity of not more than five passengers, and thirty five dollars (\$35.00) for vehicles with a capacity of more than five passengers. The annual fee for each individual operator of a taxicab taxi company shall be thirty-five dollars (\$35.00).~~

~~Sec. 9-1908. TEMPORARY LICENSES.~~

~~The City Clerk shall have the power to issue a temporary license to operate a taxicab after due application which shall be valid until the next regular meeting of the City Council, provided said application has been approved by the Mayor and the Chief of Police.~~

~~Sec. 9-1909. SALE OR TRANSFERENCE OF LICENSE.~~

~~A taxicab license may not be sold or assigned, but may be transferred to another vehicle of the same owner upon proper application therefor and approval of the City Council.~~

Sec. 9-1910. DISPLAY OF LICENSES.

~~Every taxicab operator shall at all times post a copy of his or her Drivers License. his license, the vehicle's license and a card which bears the name and address of the owner of such vehicle in the vehicle he is operating so that these are readily seen by any passenger seated in said vehicle. Said operator shall have his picture attached to his said posted license. Said picture shall be of date recent enough to identify the taxicab operator to whose license it is attached and The chief of police, if not satisfied with the likeness of any picture, may order any taxicab operator to attach to his license a picture which identifies said taxicab operator to the satisfaction of the chief of police.~~

~~Sec. 9-1911. VEHICLES MARKED.~~

~~Each and every taxicab operated in the city of Montpelier shall be clearly marked as such on the exterior of the vehicle.~~

~~Sec. 9-1912. RATES OF FARE.~~

~~Rates of fare to be charged by taxicab operators for the conveyance of passengers and baggage shall be set from time to time, upon due notice to all owners of licensed taxicabs, by the city council.~~

~~Sec. 9-1913. NOTICE OF RATES OF FARE.~~

~~All rates of fare applying to taxicabs shall be available upon any request by customers; copies of the current applicable rate schedules are available to the taxi operators in reasonable number from the city clerk.~~

~~Sec. 9-1914. OVERCHARGES.~~

~~No person shall charge or attempt to charge any passenger a greater rate of fare than that to which the operator is entitled.~~

~~Sec. 9-1915. DISPUTES.~~

~~All disputes as to the local rate of fare shall, upon request of either the operator or passenger, be determined by the police, either by the nearest officer or at the police station. Failure to comply with such determination by the police shall subject the offender to a charge of disorderly conduct.~~

~~Sec. 9-1916. SEATING CAPACITY.~~

~~No taxicab shall carry more adult passengers than its seating capacity is designed to permit.~~

~~Sec. 9-1917. NON-DISCRIMINATION.~~

~~No taxicab operator shall refuse service based on customers' race, creed (religion), color, national origin, marital status, sex, sexual orientation, disability, or gender identity.~~

~~Sec. 9-1918. REFUSAL TO PAY FARE.~~

~~A person who refuses to pay or attempts to avoid payment of fare shall be fined not more than ten dollars (\$10.00).~~

~~Sec. 9-1919. STOPS.~~

~~No taxicab operator shall allow his taxi to stop in a street or other public place, other than in places assigned as taxi stands, for more than fifteen (15) consecutive minutes.~~

~~Sec. 9-1920. OBEDIENCE TO POLICE OFFICERS.~~

A taxicab operator shall obey the direction of any police officer respecting the stand of his taxicab and his own position while waiting for passengers, and the route to be taken in going to and from the place of standing.

~~Sec. 9-1921. CONVEYANCE OF DISEASED PERSONS.~~

No taxicab operator shall receive or permit to be placed in a taxi, nor convey in or upon the same, a person ill with an infectious or contagious disease, or the body of a person deceased from such disease.

~~Sec. 9-1922. PROPERTY LEFT IN A TAXICAB.~~

A taxicab operator shall immediately after delivering a passenger, search his taxicab for property which may have been left therein, and if any be found, he shall return the same to the owner thereof if the owner be known; but if the owner be not known, he shall immediately deliver the property to the chief of police and take his receipt therefor; provided, however, that nothing herein shall relieve such operator of his duty under the law relating to lost property. The chief of police shall deliver such property to its rightful owner when ascertained.

~~Sec. 9-1923. INSPECTION OF VEHICLES.~~

It shall be the duty of the operator of each taxicab engaged and used in the transportation of persons for hire within the city, to submit such taxicab to the chief of police at the police station every three months beginning in March of each year and during June, September and December, for the purpose of having the currency of the State safety inspection sticker verified and the interior of the vehicle checked for cleanliness, lack of excessive wear to seats and other interior accouterment; check of the obvious safety defects and conditions which in the chief's opinion would probably endanger the safety, health or dignity of occupants; verification that licenses and notification as to ownership are prominently displayed; the foregoing shall not be construed to affect the liability of the owner and operator of the taxi towards passengers or the general public and shall not limit inspections to months indicated; the chief of police shall have the authority to stop a taxicab on the street any time to check for compliance with the requirements of this chapter.

~~Sec. 9-1924. TAXISTANDS.~~

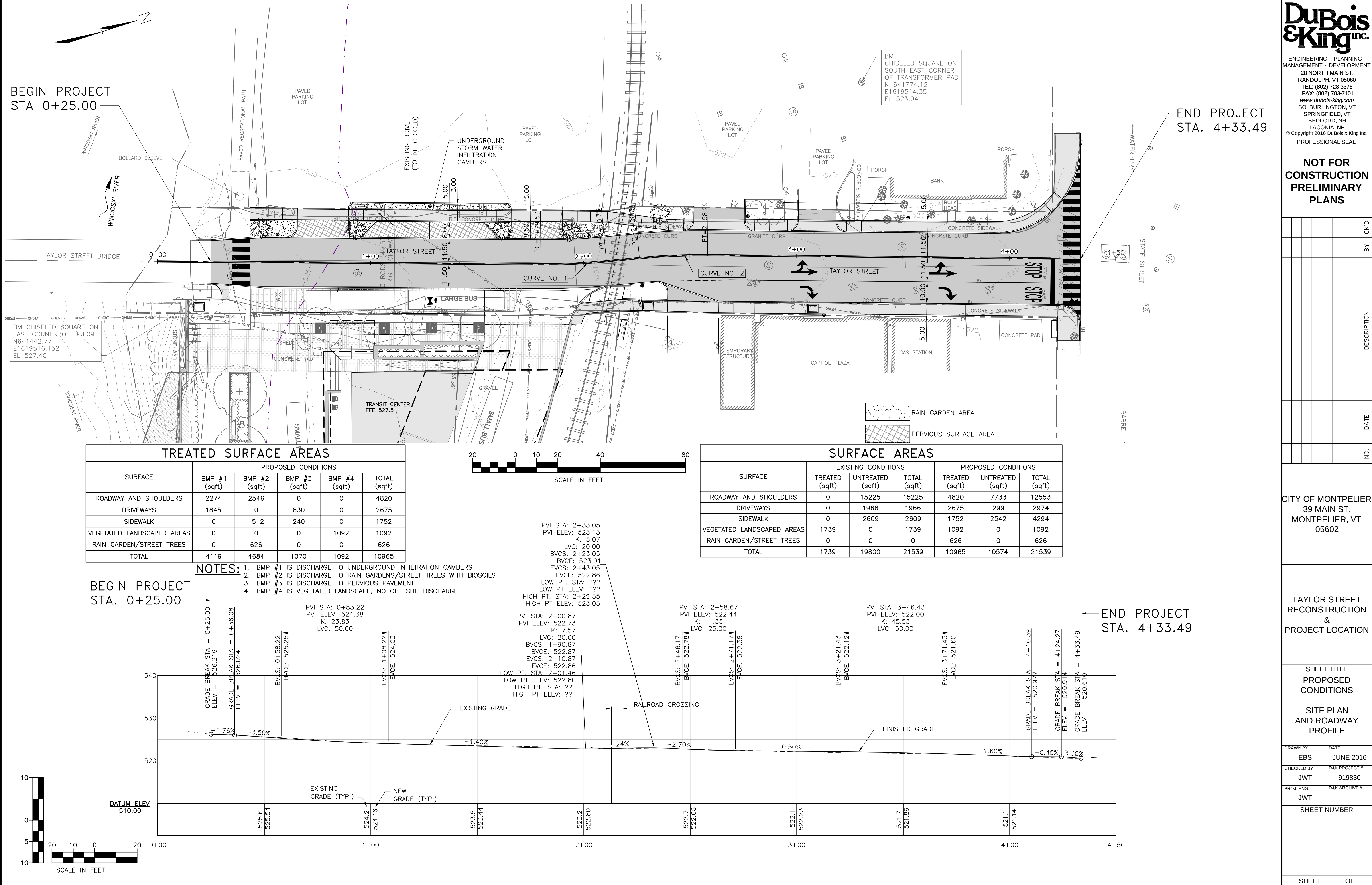
Application may be made in writing to the chief of police for a taxistand on the public street or right of way. The chief shall refer with recommendation such application to the city council who may designate said taxistand as to number of spaces and location; such designation is in the council's sole discretion and shall be subject to change at any time.

~~Sec. 9-1925. STANDING.~~

Each taxicab operator shall remain near his taxicab while it is unemployed upon a taxistand, unless he is necessarily absent therefrom in the course of his duty or business.

~~Sec. 9-1926. TAXISTAND FEE.~~

~~The fee for such taxistand on public property shall be one hundred dollars (\$100.00) per parking space for one vehicle. The fee shall be nonrefundable for any cause and shall be in lieu of parking meter fees.~~





CITY COUNCIL Agenda Item #16-209

Date:

Consent ___ **Discussion** **x** **Time Sensitive** **x**
(outlined below)

SUBJECT: Taylor Street Reconstruction Update

SUBMITTING DEPARTMENT: Public Works

RECOMMENDED ACTION: Approve proposed design for Taylor Street

RELATED COUNCIL GOAL/PRIOR ACTION: Goal F. Maintain a Vibrant downtown

Goal G. Achieve a steady state for infrastructure maintenance and improvements, facilities and equipment

EXPENDITURE REQUIRED: \$550,000

SOURCE OF FUNDS: Ecosystem Restoration Grant (\$250,000), Downtown Transportation Fund Grant (\$100,000), Bond proceeds (\$200,000).

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: For the past several months, DPW has been working with a consultant on a design for reconstructing Taylor Street from the Taylor Street Bridge to State Street. The proposed design considers aspects such as stormwater infrastructure, curbs and sidewalks, utility undergrounding, street trees, and street lighting.

SUPPORTING DOCUMENTS: DPW Memo, Site Plan (to be presented at the meeting)

INTERESTED PARTIES: Abutting property owners, Montpelier Alive, One Taylor Street Committee, VTrans Rail

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. J. [unclear]".



America's Small Town Capital

Memorandum

To: City Council
From: Corey Line, Project Management Director
Re: Taylor Street Reconstruction Update
Date: July 8, 2016

The City of Montpelier has received two state grants to be used for improvements on Taylor Street from the Taylor Street Bridge to State Street. In the fall of 2015 we received a grant through the Ecosystem Restoration Program to install green stormwater infrastructure on the street. The second grant was acquired in the spring 2016 through the Downtown Transportation Fund Program for improvements such as new curb and sidewalk, street trees, buried utilities, and street lighting. The basis for each grant was derived from recommendations made in the Greening Americas Capital study that was completed in 2015. The project also contemplates and integrates the One Taylor Transit Center and bike path in the design including utilities and transportation.

As the City proceeded with the design phase several key constraints needed to be considered:

- Existing land use along the street, including subsurface utilities is congested, with little opportunity for realignment
- Existing petroleum contaminated groundwater plume at the intersection with State Street.
- Washington County Railroad crossing
- Development of the One Taylor Street parcel
- Green Mountain Power main junction point

Due to these constraints, the City and its design consultant needed to apply creative measures to meet the project objectives as outlined below.

1. Treatment of stormwater runoff: The targeted goal in the grant application is to treat approximately 7,075 sf of surface runoff. The Vermont Department of Environmental Conservation required that no stormwater infiltration techniques be installed north of the railroad crossing due to the groundwater contamination plume in the area. Despite being limited to the area south of the rail crossing and by using a combination of underground infiltration basins, rain gardens, and pervious pavement the proposed design will treat approximately 10,965 sf of surface runoff.
2. Curb and Sidewalk: Currently on both sides of the street concrete sidewalk runs from State Street to the rail crossing which is not continuous to the bike path or the Taylor Street Bridge sidewalk. Sections of the sidewalk are deteriorated and the curb is a combination of concrete and granite. New concrete sidewalk and granite curb are being proposed throughout the entire length of the street on the west side and from State Street to the rail crossing on the east side. The schematic design of the 1 Taylor Street parcel includes sidewalk in front of the proposed



America's Small Town Capital

building. In order to assure continuity with the future development no sidewalk is being shown in that area but instead will be constructed with the One Taylor Street project.

3. **Street Trees:** Some street trees currently exist on the west side of the street toward State Street and the proposed design adds two more trees on the same side near the Taylor Street bridge end. The close proximity of the building on the east side of the street and the development of One Taylor Street did not allow for any new trees to be placed on the east side of the street. However, the schematic design of the 1 Taylor Street development shows trees to be placed between the road and the proposed building.
4. **Utility undergrounding:** Green Mountain power informed the City that this area acts as a main junction point that services Route 12 to Middlesex and as a transfer for much of the downtown. Cost estimates indicated that undergrounding GMP on Taylor Street would add approximately \$700,000 to the overall project cost and it was determined that a considerable amount of right of way would need to be obtained from the Capital Plaza property to house the transformer vaults necessary to accomplish this. Alternative solutions were discussed with GMP and the 5 telecom utilities that occupy space on the GMP poles. A plan was developed that would underground all of the telecom utilities and leave GMP overhead. This would reduce the number of poles on Taylor Street from 6 poles to 2 and eliminate overhead lines crossing the street. GMP also agreed to install higher poles that would move the few lines that would exist further out of view. The proposed utility plan also takes into account servicing the future One Taylor Street development with power and telecommunications.
5. **Street Lighting:** 7 new LED street lights are shown throughout Taylor Street. The lighting fixture being proposed closely matches the existing lights found on State Street and was used for a successful demonstration in the downtown over the winter months which was accepted by the DRC among others. New lighting locations were excluded from the plan in the 1 Taylor Street area. The lighting of that area is reflected in the One Taylor Street schematics. Despite the lack of new street lights in front of One Taylor Street the photometry plan does show adequate lighting levels using the current layout.

The City has obtained \$350,000 in grant funds (\$250,000 Ecosystem Restoration Grant; \$100,000 Downtown Transportation Fund) and approximately \$200,000 in bond proceeds have also been budgeted for this project equaling a total project budget of \$550,000 which matches the estimated cost of the project as it is being proposed.

The Department of Environmental Conservation, administrators of the Ecosystem Restoration Grant and the Department of Housing and Community Development, administrators of the Downtown Transportation Fund have approved the current plan and are in agreement that the scope of work has been properly adjusted given the site constraints. The effected telecom utilities are currently reviewing the utility plan. When they have approved the plan the City will acquire railroad crossing permits for the new conduit. The City will also pursue an easement for a push brace to support the remaining utility pole in front of the Capital Plaza property. The location of the brace does not



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interfere with parking on the capital plaza property or obstruct the Capital Plaza sign adjacent to Taylor Street but the design will require approval of the Bashara family (Capital Plaza).

The project is on schedule for bid letting later this summer with construction commencing this fall. Note this project is also being coordinated with the State Street paving project.



CITY COUNCIL Agenda Item #16-200(k)

Date: July 13, 2016

Consent x Discussion

SUBJECT: FY2017 Trash Barrel Maintenance

SUBMITTING DEPARTMENT: Department of Public Works

RECOMMENDED ACTION: Approval of Contract between City and Lloyd Franks

RELATED COUNCIL GOAL/PRIOR ACTION: Maintaining a Vibrant Downtown

EXPENDITURE REQUIRED: \$21,896.50 per year

SOURCE OF FUNDS: FY2017 Budget/General Fund

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: On Tuesday, June 21, 2016, two bids were received for Trash Barrel Maintenance for the Fiscal Year 2017. The low bid was submitted by Lloyd Franks of Plainfield, our current vendor, with whom we have an excellent working relationship. The bid price of \$21,896.50, which is based on estimated quantities, includes year-around weekly maintenance of trash barrels, recycling barrels and dog waste barrels, as well as dumping barrels after the Saturday Farmer's Market and upon special request. Approximately \$2,000 per year is transferred from Parks to the General Fund for the maintenance of 5 dog waste barrels located in Hubbard Park. Approximately \$20,000 is available for this line item in the General Fund (105100.56).

SUPPORTING DOCUMENTS: Bid tabulation attached

INTERESTED PARTIES: Department of Public Works

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Franks", written over the City Manager's Approval line.



CITY COUNCIL Agenda Item #16-200(1)

Date: July 13, 2016

Consent _x_ Discussion ___ **Time Sensitive ___
(outlined below)**

SUBJECT: Vermont State Revolving Loan documents regarding preliminary engineering on the Water Resource Recovery Plan upgrade

SUBMITTING DEPARTMENT: Finance Department - Please contact Sandy Gallup, Finance Director, if you have questions.

RECOMMENDED ACTION: Adopt and execute documents for the \$29,616 City of Montpelier Sewer System Improvement General Obligation Bond.

RELATED COUNCIL GOAL/PRIOR ACTION: Goal D: Create and maintain a healthy environment for housing and economic growth and Goal G: Achieve a steady state for infrastructure maintenance and improvements, facilities and equipment.

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Loan documents must be adopted and signed by the City Council. The City attorney has reviewed these documents.

BACKGROUND INFORMATION: In March, the voters approved borrowing up to \$180,000 for design and development costs for pollution control improvements to the Water Resource Recovery Facility. This \$29,616 loan is for the preliminary engineering for this project. It is a Vermont State Revolving Loan at 0% interest. This loan will be refunded and rolled into the permanent (construction) bond financing. There is an opportunity for up to 50% loan forgiveness for these engineering costs. Looking ahead, we have also applied for a loan from this same revolving loan program for the next step, design engineering, for this project.

SUPPORTING DOCUMENTS: Loan documents for signature

INTERESTED PARTIES: All city residents, businesses, government agencies, and the sewer system users. Vermont Clean Water Initiative.

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", written over the City Manager's Approval line.

LOAN AGREEMENT

Vermont State Revolving Fund

Loan RF1-190-1

City of Montpelier, Vermont

This Agreement, dated as this 15th day of July, 2016 between the VERMONT MUNICIPAL BOND BANK, a body corporate and politic constituted as an instrumentality of the State of Vermont exercising public and essential governmental function (hereinafter referred to as the "Bank"), created pursuant to the provision of 24 V.S.A., Chapter 119, as amended, (hereinafter referred to as the "Act"), having its principal place of business at Winooski, Vermont, and the CITY OF MONTPELIER (hereinafter referred to as the "Municipality"):

W I T N E S S E T H

WHEREAS, pursuant to the Act, and the provisions of 10 V.S.A. §§1591-1627 and 24 V.S.A. §4751-4762, the Bank is authorized to make loans of money (hereinafter referred to as "Loan" or "Loans") to a municipality on behalf of the state; and

WHEREAS, the Municipality is a municipality as defined in the Act and pursuant to the Act is authorized to accept a Loan from the Bank on behalf of the State, to be evidenced by its Municipal Bond purchased by the Bank; and

WHEREAS, the Municipality is desirous of borrowing money from the EPA-Vermont Clean Water State Revolving Fund (the "Fund") and has applied to and has requested of the Bank a Loan and has duly authorized the issuance of general obligation bonds in the principal amount of \$29,616.00, a Municipal Bond in the amount of \$29,616.00, is evidence of the Loan in accordance with this Agreement, and shall be in substantially the form appended hereto by the Municipality as Exhibit C;

NOW, THEREFORE, the parties agree that upon receipt of at least \$29,616.00 in the Fund:

1. The Bank makes the Loan and the Municipality accepts the Loan in the amount of \$29,616.00 from the Fund, to be used for costs of the project described in the *Approval of Feasibility & Planning Loan Application* issued by the Department of Environmental Conservation, and the Vermont Municipal Bond Bank, the terms of which are incorporated herein, and is appended hereto as Exhibit A. As evidence of the Loan made to the Municipality and such money borrowed from the Fund by the Municipality, the Municipality hereby issues to the Bank on behalf of the state the Municipal Bond in the principal amount of \$29,616.00, which Municipal Bond replaces, refunds and consolidates all sums due under the Loan Agreement dated as of July 15, 2016 by and between the Municipality and the Bank. The Municipal Bond shall bear interest at the rate of zero percent (0%) and an administrative fee of zero percent (0%) per annum and shall be payable as provided in 24 V.S.A., Chapter 120, §4755(a)(3) and (4) and/or 10 V.S.A., Chapter 56, Section 1624(b)(2) and as established by the State Treasurer and/or the Secretary of the Agency of Administration.

2. The Municipality has duly adopted or will adopt all necessary resolutions and has taken or will take all proceedings required by law to enable it to enter into this Loan Agreement and issue its Municipal Bond to the Bank. The Municipality has or will expeditiously commence, continue and complete the planning and audit of the project covered by the Loan and any amendments thereto.

3. Pursuant to the provision of 24 V.S.A. §4756, the Municipality hereby certifies to the Bank that:

(a) It has secured all state and federal permits, licenses and approvals necessary to construct and operate the improvements to be financed by the Loan (the "Project");

(b) It has established, or covenants with the Bank to establish, by ordinance, rule or regulation, a rate charge or assessment schedule which will generate annually sufficient revenue to pay:

(i) Principal of the Municipal Bond, as the same becomes due; and

(ii) Reasonably anticipated cost of operating and maintaining the improvements to be financed by the Loan and the system of which is a part;

(c) It has duly established a fund under 24 V.S.A. §2804, or by other means permitted by law which, for so long as the Municipal Bond shall remain outstanding, shall be maintained and replenished from time to time, and used solely to repair, replace, improve and enlarge the improvement to be financed by the Loan.

4. The Municipality shall make funds sufficient to pay the principal as the same matures (based upon the maturity schedule appended hereto as Exhibit B) available to the Bank at least five (5) business days prior to each principal payment date.

5. The Bank and Municipality agree that Loan proceeds will be paid to the Municipality as Project costs are incurred and paid by the Municipality over the course of the Project, but in no event shall payments be made more often than monthly, and only on Municipality's certification, through its authorized representative, that such costs have been paid.

6. The Municipality is obligated to make the principal portion of the Municipal Bonds payments scheduled by the Bank on an annual basis. The Municipality may prepay the Loan at its option without penalty.

7. The Municipality shall be obligated to inform in writing the Bank, or such agent designated by the Bank, at least 30 days prior to each principal payment date of the name of the official to whom invoices for the payment of principal should be addressed.

8. Notwithstanding paragraph 15 hereof, prior to payment of the amount of the Loan, or any portion thereof, the Bank shall have the right to cancel all or any part of its obligations hereunder and after payment of any portion thereof to require a refund of amounts paid if:

(a) Any representation made by the Municipality to the Bank in connection with its application for a loan or additional loans shall be incorrect or incomplete in any material respect; or

(b) The Municipality has violated commitments made by it in its application and supporting documents or has violated any of the terms of this Loan Agreement.

9. The Municipality shall at all times comply with all applicable federal and state requirements pertaining to the Project, including but not limited to requirements of Federal Clean Water Act, 24 V.S.A., Chapter 120, and the list of Federal Laws and Authorities included as Exhibit D. The enumeration of the Federal Laws and Authorities in Exhibit C shall not be construed as a waiver by the Municipality of any exemption or exception, jurisdictional or otherwise.

10. If any provisions of this Loan Agreement shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such provision shall not affect any of the remaining provisions of this Loan Agreement and this Loan Agreement shall be construed and enforced as if such invalid or unenforceable provision had not been contained herein.

11. This Loan Agreement may be executed in one or more counterparts, any of which shall be regarded for all purposes as an original and all of which constitute but one and the same instrument. Each party agrees that it will execute any and all documents or other instruments, and take such other actions as are necessary, to give effect to the terms of this Loan Agreement.

12. No waiver by either party of any term or condition of the Loan Agreement shall be deemed or construed as a waiver of any other terms or conditions, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach, whether of the same or of a difference section, subsection, paragraph, clause, phrase, or other provision of this Loan Agreement. Any delay in exercising rights or requirements of the Loan Agreement does not constitute a waiver of such rights or requirements.

13. The Municipality agrees to indemnify and hold the Bank, the state, its officials, agents, and employees harmless from and against any and all claims, suits, actions, costs, and damages resulting from the negligent performance or non-performance by the Municipality or any of its officials, agents, or employees of the Municipality's obligations under this Agreement, as it may be amended or supplemented from time to time. It is further understood that such indemnity shall not be limited by an insurance coverage.

14. The Municipality agrees that the Loan will be adjusted upon final audit to an amount equal to or less than the project costs determined eligible by the Department of Environmental Conservation and recommended to the Bond Bank for loan participation.

15. The Municipality agrees that if actual final eligible costs are less than the amount paid under the Loan Agreement, repayment of the excess funds will be made within 60 days of request by the Department of Environmental Conservation.

16. Increases, amendments, or modifications to the project during construction will be processed for record keeping purposes only, except for the addition of major approved Project elements. The Loan Agreement will also be amended upon completion of the project based upon

final audited eligible costs, and any increases in the Loan will be made contingent upon availability of funds. All Project records will be retained by the Municipality and made available for state inspection upon request for three years after Project completion or until any audit questions have been resolved, whichever is later.

17. The Municipality will obtain flood insurance for any insurable portion of the Project.

18. The Municipality agrees to use the Loan proceeds solely for the Project for which the Loan is made and any approved amendments thereto. The Municipality further agrees to make prompt payment to the contractors and to apply any interest received to the Project.

19. The terms of this Loan Agreement shall be controlling over those of any prior Agreement with respect to this Loan Agreement. However, this Loan Agreement shall not otherwise supersede the terms of any other agreements between the Municipality and the state.

20. The Municipality agrees to furnish to the Bank such financial statements as the Bank may reasonably request, which statements and supporting records shall be prepared and maintained in accordance with generally accepted accounting principles.

21. This agreement may be funded in whole or in part by federal funds. These funds are being awarded in accord with the Federal Clean Water State Revolving Fund, CFDA number 66.458. For any year in which the Municipality expends Loan funds and \$750,000.00 or more in Federal Funds from all sources, the Municipality shall have an audit performed in accord with the Federal Single Audit Act and furnish a copy to the Facilities Engineering Division within 9 months of the end of Municipality's accounting period.

22. By acceptance of this Agreement, the Municipality agrees to complete a Subrecipient Annual Report. Prior to submitting the Subrecipient Annual Report, the Municipality must contact the Facilities Engineering Division to determine that actual amount of federal funds disbursed from the loan proceeds. The Subrecipient Annual Report must then be submitted to the State of Vermont Department of Finance within 45 days after its fiscal year end, informing the State whether or not a single audit is required for the prior fiscal year. If a single audit is required, the Municipality will submit a copy of the audit report to the Facilities Engineering Division within 9 months of its fiscal year end. If a single audit is not required, only the Subrecipient Annual Report to the State Department of Finance is required.

23. The Municipality understands that the provisions of the Davis-Bacon Act, which is codified at Subchapter IV of Chapter 31 of Title 40 of the United States Code and U.S. Department of Labor Memorandum No. 208 ("Memorandum 208"), apply to the Project, and the Municipality certifies and agrees that with respect to the Project, it has complied and will continue to comply with the requirements of the Davis-Bacon Act and Memorandum 208.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

Attest:

VERMONT MUNICIPAL BOND BANK



Secretary

By: 

Executive Director

Date

7/5/14

Attest:

CITY OF MONTPELIER



Town Clerk

city



By: _____

Chair, Selectboard

Mayor



And by:

Town Treasurer

city

EXHIBIT A

PROJECT ELEMENTS FOR THIS AGREEMENT

The project for which this agreement as described in the *Approval of Feasibility & Planning Loan Application*:

The project is described as preliminary engineering in anticipation of improvements to the sanitary and storm sewer systems for the City of Montpelier, located along East State Street that are separated until they reach the intersection of State and Main Street where the storm sewer connects back into the sanitary sewer. The project includes the evaluation of the existing storm sewer system in this area, exploring alternatives to separate the sewer systems and to determine the most cost-effective way to discharge the storm sewer to the Winooski River.

EXHIBIT B

Loan Payment Schedule

Loan Terms

Loan Amount: \$29,616.00
Loan Term Years: 5
Interest Rate: 0.00%
Admin Fee: 0.00%

Repayment Date	Payment Number	Principal Due	Principal Payment	Interest Payment	Admin. Fee	Total Payment	Date of Repayment
8/1/2021	1	\$29,616.00	\$5,923.20	\$0.00	\$0.00	\$5,923.20	
8/1/2022	2	\$23,692.80	\$5,923.20	\$0.00	\$0.00	\$5,923.20	
8/1/2023	3	\$17,769.60	\$5,923.20	\$0.00	\$0.00	\$5,923.20	
8/1/2024	4	\$11,846.40	\$5,923.20	\$0.00	\$0.00	\$5,923.20	
8/1/2025	5	\$5,923.20	\$5,923.20	\$0.00	\$0.00	\$5,923.20	
Payments			\$29,616.00	\$0.00	\$0.00	\$29,616.00	

EXHIBIT D

LIST OF FEDERAL LAWS AND AUTHORITIES

ENVIRONMENTAL:

- "American Iron and Steel" requirements of PL 113-76 Consolidated Appropriations Act of 2014
- Archeological and Historic Preservation Act of 1974, PL 93-291
- Clean Air Act, 42 U.S.C. 7506(c)
- Coastal Barrier Resources Act, 16 U.S.C. 3501, et seq.
- Coastal Zone Management Act of 1972, PL 92-583, as amended
- Davis-Bacon Act (40 CFR '31.36(i)(5))
- Davis Bacon and Related Acts Wage Rate Requirements (29 CFR 5.5)
- Endangered Species Act 16 U.S.C. 1531, et seq.
- Executive Order 11990, Protection of Wetlands
- Executive Order 11988, Floodplain Management
- Executive Order 12898, Environmental Justice
- Executive Order 15593, Protection and Enhancement of the Cultural Environment
- Farmland Protection Policy Act, 7 U.S.C. 4210, et seq.
- Fish and Wildlife Coordination Act, PL 85-624, as amended
- Magnuson-Stevens Fishery Conservation and Management Act – Essential Fish Habitat, 16 U.S.C. 1821 M-S Act § 201
- Migratory Bird Act 16 U.S.C. Chapter 7, Subchapter II: Migratory Bird Treaty
- National Historic Preservation Act of 1966, PL 89-665, as amended
- Safe Drinking Water Act, section 1424(e), PL 92-523, as amended
- Wild and Scenic Rivers Act, PL-942, as amended

EXHIBIT D - PAGE 2

ECONOMIC:

- Demonstration Cities & Metropolitan Development Act of 1966, PL 89-754 as amended
- Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans

SOCIAL LEGISLATION:

- Age Discrimination Act, PL 94-135
- Civil Rights Act of 1964, PL 88-352
- Disadvantaged Business Enterprise 49 U.S. Code § 47113 – Minority and Disadvantaged Business Participation.
- Executive Order 11264, Equal Employment Opportunity
- Executive Orders 11625 and 12138, Women's and Minority Business Enterprise
- Section 13 of PL 92-500; Prohibition against sex discrimination under the Federal Water Pollution Control Act
- Rehabilitation Act of 1973, PL 93-112 (including Executive Orders 11914 & 11250)

MISCELLANEOUS AUTHORITY:

- Executive Order 12549 - Debarment and Suspension
- Trafficking and Violence Protection Act of 2000 (P.L. 106-386)
- Uniform Relocation and Real Property Acquisition Policies Act of 1970, PL 91-646

R-1

UNITED STATES OF AMERICA \$29,616.00
 STATE OF VERMONT
 CITY OF MONTPELIER
 GENERAL OBLIGATION BOND

The City of Montpelier (hereinafter called the "Municipality"), a body corporate and a political subdivision of the State of Vermont, promises to pay to the Vermont Municipal Bond Bank, or registered assigns, the sum of TWENTY-NINE THOUSAND SIX HUNDRED SIXTEEN AND 00/100 DOLLARS (\$29,616.00) without interest and without an administrative fee per annum, on **August 1** of each year, as follows:

Loan Terms							
Loan Amount:		\$29,616.00					
Loan Term Years:		6					
Interest Rate:		0.00%					
Admin Fee:		0.00%					

Repayment Date	Payment Number	Principal Due	Principal Payment	Interest Payment	Admin. Fee	Total Payment	Date of Repayment
8/1/2021	1	\$29,616.00	\$5,923.20	\$0.00	\$0.00	\$5,923.20	
8/1/2022	2	\$23,692.80	\$5,923.20	\$0.00	\$0.00	\$5,923.20	
8/1/2023	3	\$17,769.60	\$5,923.20	\$0.00	\$0.00	\$5,923.20	
8/1/2024	4	\$11,846.40	\$5,923.20	\$0.00	\$0.00	\$5,923.20	
8/1/2025	5	\$5,923.20	\$5,923.20	\$0.00	\$0.00	\$5,923.20	
Payments			\$29,616.00	\$0.00	\$0.00	\$29,616.00	

This Bond is payable in lawful money of the United States at People's United Bank in the City of Burlington, State of Vermont. Final payment of this Bond shall be made upon surrender of this Bond for cancellation.

This Bond is issued by the Municipality for the purpose of financing sewer system improvements under and by virtue of Chapters 53, 89 and 120 of Title 24, Vermont Statutes annotated, and vote of the legislative body of the Municipality duly passed on June 15, 2016.

This Bond is transferable only upon presentation to the Treasurer of the Municipality with a written assignment duly acknowledged or proved. No transfer hereof shall be effectual unless made on the books of the Municipality kept by the Treasurer as transfer agent and noted hereon by the Treasurer with a record of payments as provided hereon.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the issuing of this Bond have been done, have happened, and have been performed in regular and due form, as required by such law and vote, and for the assessment, collection and payment hereon of a tax to pay the same when due the full faith and credit of the Municipality are hereby irrevocably pledged.

IN TESTIMONY WHEREOF, the Municipality has caused this Bond to be signed by its Treasurer, and a majority of its ~~Selectboard~~ *City Council* and its seal to be affixed hereto as of July 15, 2016.



CITY OF MONTPELIER

By: _____

Mayor

All of a Majority of its ~~Selectboard~~ *City Council*



Treasurer _____

Loan Agreement
Vermont EPA Clean Water State Revolving Fund

City of Montpelier, Vermont
Loan RF1-190-1
AWARD
Loan Payment Schedule
Prepared on June 27, 2016

Loan Terms

Loan Amount: **\$29,616.00**
Loan Term Years: **5**
Interest Rate: **0.00%**
Admin Fee: **0.00%**

Repayment Date	Payment Number	Principal Due	Principal Payment	Interest Payment	Admin. Fee	Total Payment	Date of Repayment
8/1/2021	1	\$29,616.00	\$5,923.20	\$0.00	\$0.00	\$5,923.20	
8/1/2022	2	\$23,692.80	\$5,923.20	\$0.00	\$0.00	\$5,923.20	
8/1/2023	3	\$17,769.60	\$6,923.20	\$0.00	\$0.00	\$5,923.20	
8/1/2024	4	\$11,846.40	\$5,923.20	\$0.00	\$0.00	\$5,923.20	
8/1/2025	5	\$5,923.20	\$5,923.20	\$0.00	\$0.00	\$5,923.20	
Payments			\$29,616.00	\$0.00	\$0.00	\$29,616.00	

The parties hereto agree to the Terms of Repayment Schedule for Loan RF1-190-1. When each party hereto has signed one copy of such counterparts, this Repayment Schedule shall be in effect.

✓ ATTEST:

By: _____
City Clerk

✓ Date: _____

✓ City of Montpelier

By: _____
~~Chairperson, Selectboard~~ Mayor

✓ Date: _____

VERMONT MUNICIPAL BOND BANK

By: _____
Executive Director

Date: 7/5/16

RESOLUTION AND CERTIFICATE

(General Obligation)

(Vermont Clean Water State Revolving Fund)

WHEREAS, at meetings of the Selectboard of the City of Montpelier (herein called the "Municipality") at each of which all or a majority of the members were present and voting, which meetings were duly noticed, called and held as appears of record, it was unanimously found and determined that the public interest and necessity required certain public wastewater system improvements herein described by reference to Exhibit A attached, and it was further found and determined that the cost of making such public improvements, after application of available funds from the United States of America and/or the State of Vermont, would be too great to be paid out of ordinary annual income and revenue, and that a proposal for providing such improvements and the issuance of bonds of the Municipality to pay for its share of the cost of the same should be submitted to the legal voters at meetings thereof, and it was so ordered, all of which action is hereby ratified and confirmed; and

WHEREAS, the said Warning was duly recorded, published and posted, and said meeting was duly convened and conducted, all as appears of record, and which proceedings are hereby ratified and confirmed in all respects; and

WHEREAS, the Municipality has applied for financial assistance in making the authorized improvements which application has been approved by the Department of Environmental Conservation and the Vermont Municipal Bond Bank, as evidenced by the *Approval of Feasibility & Planning Loan Application* attached hereto as Exhibit B, the terms of which are hereby incorporated herein; and

WHEREAS, pursuant to powers vested in them by law the said Selectboard is about to enter into a *Loan Agreement* (Exhibit C) on behalf of the Municipality with the Vermont Municipal Bond Bank respecting a Loan from said Bank in the amount of \$29,616.00, repayable with interest at the rate of zero percent (0%) per annum.

AND WHEREAS, the Bond to be given by the Municipality to the Vermont Municipal Bond Bank at the time of receiving the proceeds of said Loan shall be substantially in the form attached hereto, as Exhibit D;

THEREFORE, be it resolved that the Selectboard proceed forthwith to cause said Bond to be executed and delivered to the Vermont Municipal Bond Bank upon the price and terms stated, and be registered as the law provides; and

BE IT FURTHER RESOLVED, that the Bond when issued and delivered pursuant to law and this Resolution shall be the valid and binding obligation of the said Municipality, payable according to law and the terms and tenor thereof from unlimited ad valorem taxes on the grand list of taxable property of said Municipality as established, assessed, apportioned and provided by law; and

BE IT FURTHER RESOLVED, that in addition to all other taxes, there shall annually be assessed and collected in the manner provided by law each year until the Bond, or any bond or bonds issued to refund or replace the same, is fully paid, a tax, charge or assessment sufficient to pay the Bond or bonds as the same shall become due; and

BE IT FURTHER RESOLVED, that execution of the above-referenced Loan Agreement between the Municipality and the Vermont Municipal Bond Bank is hereby authorized, the Chair of the Selectboard and Treasurer of the Municipality being directed to execute said Loan Agreement on behalf of the Municipality and the legislative branch thereof; and

BE IT FURTHER RESOLVED, that the Municipality expressly incorporates into this Resolution each and every term, provision, covenant and representation set forth at length in the above-described Loan Agreement and Approval of Final Design Loan Application to be delivered in connection with the issuance and sale of the Bond, execution and delivery of each of which is hereby authorized, ratified and confirmed in all respects, and the covenants, representations and undertakings set forth at length in said Loan Agreement and Approval of Feasibility & Planning Loan Application are incorporated herein by reference; and

BE IT FURTHER RESOLVED, that all acts and things heretofore done by the lawfully constituted officers of the Municipality, and any and all acts or proceedings of the Municipality and of its Selectboard, in, about or concerning the improvements hereinabove described and of the issuance of evidence of debt in connection therewith, are hereby ratified and confirmed.

BE IT FURTHER RESOLVED, that in connection with the pending sale of the Bond in the face amount of \$29,616.00 to the Vermont Municipal Bond Bank, execution and delivery of the Bond, this Resolution Certificate, Loan Agreement and incidental documents, all attached hereto, are authorized; and

BE IT FURTHER RESOLVED, that People's United Bank in the City of Burlington, Vermont, is hereby designated the Municipality's paying agent with respect to the Bond and the Loan Agreement.

And we, the undersigned officers, as indicated, hereby certify that we as such officers have signed the Bond dated as of July 15, 2016 payable as aforesaid, and reciting that it is issued under and pursuant to the vote hereinabove mentioned, and we also certify that the Bond is duly registered in the office of the Treasurer of the Municipality as prescribed by law.

And we, the said officers of the Municipality, hereby certify that we are the duly chosen, qualified and acting officers of the Municipality as undersigned; that the Bond is issued pursuant to said authority; that no other proceedings relating thereto have been taken; and that no such authority or proceeding has been repealed or amended.

We further certify that no litigation is pending or threatened affecting the validity of the Bond nor the levy and collection of taxes, charges or assessments to pay it, nor the works of improvement financed by the proceeds of the Bond, and that neither the corporate existence of the Municipality nor the title of any of us to our respective offices is being questioned.

Dated: July 15, 2016



ATTEST:

City of Montpelier

Town Clerk

City



By:

All or a Majority of its Selectboard

City Council



And By:

Its Treasurer



CITY COUNCIL Agenda Item #16-207

Date: July 13, 2016

Consent ☐ **Discussion** ☒ **Time Sensitive** ☒

SUBJECT: Set the Water and Sewer Rates for FY17

SUBMITTING DEPARTMENT: Finance Department

RECOMMENDED ACTION: Adopt the Water and Sewer Rate Resolution as recommended by the Water and Sewer Rate Committee. The annual Fixed Charges for water and sewer users will increase to \$188. Water Usage Rates will be \$7.88 per 1000 gallons for the first 50,000 gallons per quarter; \$8.40 per 1000 gallons for the 50,000 to 250,000 gallons used per quarter; and \$13.32 for usage over 250,000 gallons per quarter. Sewer Usage Rate will be \$9.06 per 1000 gallons used.

RELATED COUNCIL GOAL/PRIOR ACTION: Council Goal G: Achieve a steady state for infrastructure maintenance and improvements, facilities and equipment.

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: The City Council sets Water and Sewer Rates annually by adopting a Resolution.

BACKGROUND INFORMATION: The CIP Committee has established a 50-year Steady State Plan for the Water and Sewer Funds. To achieve the target revenue for FY17, the Water and Sewer Rate Committee is recommending increasing the fixed rates by 10% and the usage rates by 2% (overall a 4.5% increase). These changes are noted in draft of the Resolution and shown on the attached Water Sewer Rate History spreadsheet. This will add \$36 a year to each average residential water user and \$36 a year to each average residential sewer user. Looking ahead, we are receiving \$7,500 in grant funds to study our water and sewer rate structure.

Time Sensitive because quarterly utility bills must be mailed out by July 31st and we should send a notice of the FY17 rates out with that mailing.

Note: In the proposed Resolution, I am recommending deleting the wording to reduce the 8% late penalty to 5% if paid within 5 days. Since enacting this penalty reduction, the processing of late payments has been overly complicated and it produces very small adjustments (average \$9 or less). The cost of the staff time required to research and make these adjustments far exceeds the benefits to the users.

SUPPORTING DOCUMENTS: Water Sewer Rate History spreadsheet with FY17 proposed rates; proposed Resolution.

INTERESTED PARTIES: Water and Sewer Users

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman", is written over a light blue rectangular background.

RESOLUTION

Water and Sewer Rates established by the City Council of the City of Montpelier.

WATER USE RATES

RESIDENTIAL:

Unless metered, each residential unit, including apartments, duplex, multi-family and similar type housing units which contain bathroom and kitchen facilities, shall be charged at the rate of \$975.00 per unit per year. No reduction in annual rates will occur due to the seasonal occupancy and/or extended discontinuance of service.

SEASONAL:

An annual seasonal flat rate of \$214.00 will apply to the following properties: Recreation Department-Hubbard Park Shelter; Cemetery-Lincoln Avenue property.

FIRE PROTECTION SPRINKLER SYSTEMS:

Fire protection sprinkler systems for commercial, industrial, and governmental units shall be charged at the rate of \$0.00 per year.

FIRE PROTECTION STANDBY CHARGE:

For fire protection for buildings that are located within the City water supply area, but are not connected to such water supply, or are connected to a private water supply in addition to the City water supply, a standby or capacity charge is set at \$0.

HYDRANT USE:

For the use of the hydrant at the DPW garage on Dog River Road, a hydrant use application and applicable fee shall be submitted prior to drawing water. The fee schedule shall be per truck and as follows:

\$100 up to 2,500 gallons, \$125 up to 5,000 gallons and \$150 up to 7,500 gallons.

METERED:

All Metered units shall be charged at the rate of ~~\$7.73~~\$7.88 per 1,000 gallons for the first 50,000 gallons, at the rate of ~~\$8.21~~\$8.40 per 1,000 gallons for usage between 50,000 and 250,000 gallons and at the rate of **\$13.32** per 1,000 gallons for usage over 250,000 gallons during a three-month billing period except for multi-unit elderly housing as defined in the Vermont State Statutes, Title 24, Section 4002 (11) for the fiscal year ~~2016~~2017.

In addition, a readiness-to-serve charge of ~~\$42.50~~\$47.00 per meter per billing period shall be imposed on each residential, commercial, industrial, and governmental metered premise to partially offset fixed costs of the water system.

ON/OFF FEES:

During regular working hours, a charge of \$20.00 shall be made for turning off water service, and a charge of \$20.00 shall be made for turning on water service at the City curb stop. During non-working hours, these fees will be \$75.00 respectively.

ON DEMAND WATER METER READING FEE:

During regular working hours, a charge of \$50.00 shall be made for individual meter readings requested outside the normal billing period.

SEWER USE RATES

RESIDENTIAL:

Unless metered, each residential unit, including apartments, duplex, multi-family and similar type housing units which contain bathroom and kitchen facilities, shall be charged at the rate of \$181.25 per quarter for the fiscal year ~~2015~~2017. No reduction in annual rates will occur due to seasonal occupancy and/or extended discontinuance of service.

METERED:

Metered residential, commercial, industrial, and governmental units shall be charged at the rate of ~~\$8.899~~06 per 1,000 gallons of water usage for the fiscal year 2016.

In addition, an administrative charge of \$ ~~42.50~~47.00 per meter per billing period shall be imposed on each residential, commercial, industrial, and governmental metered premise to fully offset fixed administrative costs of the sewage facilities.

Further, a credit may be granted toward the sewer bill of any business that diverts substantial amounts of metered water from the sanitary sewer system continually, such as a cooling tower or other similar structure. The Director of Public Works may grant a credit to any commercial or industrial user who installs a separate meter to measure the volume of water that is not discharged into the City's wastewater disposal system. The credit shall be equal to the sewer use charges for such volume of water.

NEW WATER CONNECTIONS

It is hereby resolved by the City Council of the City of Montpelier, acting as the Board of Water Commissioners, that all new service connections to the Montpelier water system will be made as outlined in Section 3-305 of the Montpelier City Ordinances.

SEWER CONNECTIONS

It is hereby resolved by the City Council of the City of Montpelier, acting as the Board of Sewer Commissioners, that an application/inspection fee of \$500 shall be charged for sanitary sewer connections and \$100 for storm water sewer connections. A new sewer service charge shall not pertain to properties already serviced by the system unless an indirect connection is proposed. An indirect connection is defined as any change in the structure currently or proposed to be served through an existing connection which will result in additional dwelling units, and for each unit to be served by a common new or existing service, or in the case of non-residential and tax exempt space, where such change will result in additional building square footage. All connections for sanitary lines shall be performed by the applicant under City inspection and all costs thereof shall be borne by the applicant. The applicant is responsible for obtaining all construction and access permits as necessary to make the connection.

WATER AND SEWER RATES - DELINQUENCIES

A penalty of eight percent (8%) shall attach to any rate charge for water and sewer service or connection if not paid when due. ~~If the rate charge is paid within five business days the penalty will be reduced to five percent (5%).~~ In addition, interest at the rate of one percent (1.0%) per month, or any part thereof, shall be charged for the first three months - and at a rate of one and one-half percent (1.5%) thereafter - on any unpaid balance from the due date of any water or sewer charge, or connection charge, until date of payment. Collection of all delinquent rate charges and service connections, together with penalty and interest and costs, shall be as provided by law.

WATER AND SEWER RATES - REFUNDS

It is the ultimate responsibility of the water and sewer user to verify the accuracy of their account and billing information. Water and sewer rates charged and collected in error shall be refundable up to one (1) year from the date billed.

WATER & SEWER UTILITY BILL ADJUSTMENT

In the event that a customer (per account) receives a utility bill that is based on consumption greater than 2.5 times the average of the last four (4) consecutive readings, within the same billing cycle (example fall cycles or spring cycles to account for seasonal variation), due to a water leak or other problems associated with the customer's plumbing, then said customer (per account) will be eligible for a one-time adjustment to their utility bill based on the following:

- Customer has made appropriate repairs to plumbing. Evidence of repair shall be in the form of receipt from a plumber or subsequent water readings indicating that the problem has been corrected;

- In applying for adjustment, the customer shall swear that he or she had no knowledge of the plumbing problem prior to incurring the charges;
- As an adjustment, the customer shall pay a sum equal to 2.5 times the average of the last four (4) consumption readings within the same billing cycle;

EFFECTIVE DATES

Water and Sewer Rates for Metered use and all other rates were made effective July 1,
 | ~~2015~~2016.

| Adopted this ____ day of ~~June~~July, ~~2015~~2016

SIGNED:

 John Hollar, Mayor

Council Members:

CITY SEAL:

 John Odum, City Clerk

CITY OF MONTPELIER
WATER SEWER RATES
HISTORY

Fiscal Year	WATER STEP 1 Metered Rate per 1,000 Gallons (First 50,000 per quarter)	STEP 1 % Increase (Decrease)	WATER STEP 2 Metered Rate per 1,000 Gallons (Between 50,000 and 250,00 gallons per quarter)	STEP 2 % Increase (Decrease)	WATER STEP 3 Metered Rate per 1,000 Gallons (Exceeding 250,000 per quarter)	STEP 3 % Increase (Decrease)	WATER FIXED COST ANNUAL	WATER FIXED COST % Increase (Decrease)	Annual Flat Rate SEWER (only 38 accounts)	SEWER (Metered Water) Rate per 1,000 Gallons	% Increase (Decrease)	SEWER FIXED COST ANNUAL	% Increase (Decrease)	Total Annual WATER & SEWER Fixed Costs	% Increase (Decrease)
Proposed Rates 2017	\$7.88	2%	\$8.40	2%	\$13.32	0%	\$188.00	10%	\$740.00	\$9.06	2%	\$188.00	10%	\$376.00	10%
2016	\$7.73	0%	\$8.21	0%	\$13.32	0%	\$170.00	8%	\$725.00	\$8.89	2%	\$170.00	4%	\$340.00	6%
2015	\$7.73	0%	\$8.21	0%	\$13.32	0%	\$158.00	5%	\$725.00	\$8.72	0%	\$164.00	31%	\$322.00	17%
2014	\$7.73	0%	\$8.21	0%	\$13.32	0%	\$150.00	4%	\$690.00	\$8.72	0%	\$125.00	1%	\$275.00	3%
2013	\$7.73	3%	\$8.21	3%	\$13.32	3%	\$144.00	3%	\$690.00	\$8.72	3%	\$124.00	3%	\$268.00	3%
2012	\$7.51	0%	\$7.97	0%	\$12.93	0%	\$140.00	40%	\$630.00	\$8.47	0%	\$120.00	0%	\$260.00	18%
2011	\$7.51	0%	\$7.97	0%	\$12.93	0%	\$100.00	0%	\$630.00	\$8.47	0%	\$120.00	0%	\$220.00	0%
2010	\$7.51	3%	\$7.97	3%	\$12.93	3%	\$100.00	22%	\$630.00	\$8.47	3%	\$120.00	15%	\$220.00	18%
2009	\$7.29	5%	\$7.74	5%	\$12.55	5%	\$82.00	5%	\$600.00	\$8.22	5%	\$104.00	5%	\$186.00	6%
2008	\$6.94	5%	\$7.37	5%	\$11.95	5%	\$78.00	0%	\$572.46	\$7.83	5%	\$98.00	0%	\$176.00	0%
2007	\$6.61	8%	\$7.02	8%	\$11.38	8%	\$78.00	0%	\$572.46	\$7.46	10%	\$98.00	0%	\$176.00	0%
2006	\$6.12	26%	\$6.50	26%	\$10.54	26%	\$78.00	11%	\$505.30	\$6.80	39%	\$98.00	9%	\$176.00	10%
2005	\$4.85	0%	\$5.15	0%	\$8.35	0%	\$70.00	0%	\$400.00	\$4.90	0%	\$89.56	0%	\$159.56	0%
2004	\$4.85	0%	\$5.15	0%	\$8.35	0%	\$70.00	0%	\$400.00	\$4.90	0%	\$89.56	0%	\$159.56	0%
2003	\$4.85	0%	\$5.15	-20%	\$8.35	0%	\$70.00	40%	\$400.00	\$4.90	16%	\$89.56	79%	\$159.56	60%
2002	\$4.85	0%	\$6.44	0%	\$8.35	0%	\$50.00	0%	\$350.00	\$4.22	0%	\$50.00	0%	\$100.00	0%
2001	\$4.85	0%	\$6.44	0%	\$8.35	0%	\$50.00	150%	\$350.00	\$4.22	15%	\$50.00	42%	\$100.00	81%
2000	\$4.85	16%	\$6.44	15%	\$8.35	15%	\$20.00	0%	\$350.00	\$3.67	21%	\$35.20	0%	\$55.20	0%
1999	\$4.19	25%	\$5.60	25%	\$7.26	25%	\$20.00	0%	\$292.60	\$3.03	4%	\$35.20	0%	\$55.20	0%
1998	\$3.35	10%	\$4.48	10%	\$5.81	10%	\$20.00	0%	\$280.00	\$2.90	4%	\$35.20	0%	\$55.20	0%
1997	\$3.04	0%	\$4.07	0%	\$5.28	0%	\$20.00	0%	\$271.43	\$2.80	5%	\$35.20	0%	\$55.20	0%
1996	\$3.04	10%	\$4.07	10%	\$5.28	10%	\$20.00	0%	\$246.75	\$2.67	5%	\$35.20	0%	\$55.20	0%
1995	\$2.76	0%	\$3.70	0%	\$4.80	0%	\$20.00	0%	\$235.00	\$2.54	0%	\$35.20	0%	\$55.20	0%