



***CITY OF MONTPELIER
MONTPELIER, VERMONT***

Agenda for City Council Meeting

City Council Chambers, City Hall
Wednesday, August 13, 2014
6:30 P.M.

- 1) Call to Order by the Mayor
- 2) 14-186. General Business and Appearances
- 3) 14-187. Consideration of the Consent Agenda:
 - a) Approve Minutes from the July 30, 2014 Special City Council Meeting. 
 - b) Approve and execute the Municipality Certificate as to Municipal Bonds for Series 2014-4 Refunding Bonds for the purpose of providing debt service reductions for the City's 2006 Series 1 Bonds. The voters authorized the borrowing of \$865,000 for improvements to City Hall, the Department of Public Works facilities, city bridges and to recast the Water Fund loan in 2005. This bond currently has a balance of \$550,000. By refunding this bond at a lower interest rate, there will be a \$24,844 saving in interest payments over the next 13 years. J. Paul Giuliani, the City's bond counsel, recommends that the Council approve and sign the Municipality Certificate as to Municipal Bond document to authorize the refinancing of this loan to take advantage of the interest savings. 
 - c) Approve request from Montpelier Alive, seeking a waiver of all vendor fees that may apply to the September 6th Anniversary Party on State Street. July 3rd vendors have been invited to return to participate in the event from 5:00 – 9:00 P.M. To date, six vendors would like to participate. Although this is labeled as a 15th Anniversary Party for Montpelier Alive, and will no doubt have less attendance, it is a gesture to make up for the early cancellation of the July 3rd celebration. 
 - d) Payroll and Bills

- 4) 14-188. Appointments to Montpelier's Community Fund Board. 
- a) When the board was appointed by Council on August 22, 2012, the terms were staggered (1, 2 and 3 years) with the understanding that when the terms expire, they would all become 3-year terms. Bernie Lambek and Warren Vail had the 2-year terms.
 - b) Staff advertised and received e-mails from Bernie and Warren who are both seeking reappointment; Nancy Sherman, Susan Ritz, Ron Wild and John Van Deren are interested in becoming a new member of the board.
 - c) It is anticipated that City Council will enter into Executive Session in accordance with Title I, §313, Executive Sessions, (3) *The appointment or employment or evaluation of a public officer or employee.*
 - d) Recommendation: Following an opportunity to meet and ask questions of the candidates, enter into Executive Session; return to public session and announce appointments to fill the two, 3-year terms on the Montpelier Community Fund Board.
- 5) 14-189. Appointment(s) to the Design Review Committee. 
- a) Kate Coffey, who held a 3-year term set to expire in September of this year, recently stepped down, effective immediately.
 - b) Staff advertised and received two responses: one e-mail from Seth Mitchell who is currently an Alternate on the DRC and would like to be considered to fill the regular seat; the other from Elinor Bacon who is willing to be considered for the Alternate seat, if vacated by Seth.
 - d) Recommendation: Opportunity for Council to ask questions of Seth and Elinor; appointment to fill the unexpired regular seat through September of 2017, and possibly appoint Elinor for the 3-year Alternate position.
- 6) 14-190. Appointment to Montpelier's Development Review Board. 
- a) The 3-year term of James LaMonda expires this month. Staff advertised and received just one e-mail from James who is seeking reappointment.
 - b) Recommendation: Opportunity for Council to ask questions of James; reappoint him to another 3-year term on the DRC.

- 7) 14-191. Appointments to Montpelier's Planning Commission. 
- a) Four, 2-year terms expire this month; staff advertised and received e-mails from Eileen Simpson, Kimberly Cheney, and Alan Goldman who would all like to be reappointed. Jesse Moorman's is the fourth vacant seat; he has chosen to step down at this point.
 - b) Staff also received e-mails from John E. Adams and Leslie Welts who would like to be considered for one of these vacancies as well.
 - c) It is anticipated that City Council will enter into Executive Session in accordance with Title I, §313, Executive Sessions, (3) *The appointment or employment or evaluation of a public officer or employee.*
 - d) Recommendation: Following an opportunity to meet and ask questions of the candidates, enter into Executive Session; return to public session and announce appointments to fill the four, 2-year terms on the Montpelier Planning Commission.
- 8) 14-192. Storm Water Overview 
- a) One of the City Council Goals for 2014-2015 is: **“Identify needs and opportunities for storm water management.”**
 - b) The steps Council Members listed to accomplish this include:
 - 1) Educate Council on requirements such as the new TMDL (Total Maximum Daily Load)
 - 2) Create citywide storm water plan to minimize demand on city systems and protect public and private property during major rain events
 - 3) Receive recommendations for implementation of the plan
 - c) Recommendation: Public Works Director Todd Law will brief the Council on the current and expected storm water permits and what the requirement of the City will be, followed by a discussion of storm water Best Management Practices (BMP's) for controlling storm water and protecting public and private property. The application by the Planning and Public Works Department for an Ecosystem Restoration Program (ERP) grant for a storm water master plan should also be included in this discussion.

- 9) 14-193. Consideration of the Penalty for Delinquent Taxes. 
- a) As requested by City Council, staff has researched the cost of reducing the late penalty from 8% to 5% on late property taxes and utility bills that are paid within 5 business days of the due date (see attached memo).
 - b) The cost of this change is relatively small and at the same time, about 1 in 5 late payers would see their penalty reduced. This change could also encourage late payers to make payments quickly and not wait the 30 days before the next interest charge.
 - c) A City Ordinance revision would be required for the change in the property tax late penalty; a Water and Sewer Rate Resolution revision would be necessary for the water and sewer penalty reduction.
 - d) Recommendation: Reduce the 8% late penalty to a 5% late penalty for property taxes, water fees and sewer fees on payments made within 5 business days of the due date.
- 10) 14-194. Consideration of Changing (lowering or eliminating) the Late Filing Penalty for Homestead Declaration. 
- a) This year, for the first time, the City of Montpelier's homestead property (education) tax rate is higher than the non-residential property (education) tax rate. With this change comes an increase in the late filing fee for Homestead Declaration for our residents from the previous 3% to 8% of the education taxes. This means that Montpelier residents who miss the April 15th deadline for filing a Homestead Declaration with the State of Vermont will see an 8% penalty on their education taxes added to their tax bill, instead of the previous 3%. For the average homestead property, this would mean an increase in penalty from \$110 to \$294.
 - b) These funds are collected and retained by the City. The City Council has the option to adjust the penalty (from 0% to 8%) annually.
 - c) Recommendation: Following discussion, direction to staff.
- 11) 14-195. Open Meeting Law Briefing 
- a) The State of Vermont passed amendments to the Open Meeting Law, and Council recently indicated that they would like to review and discuss these updates with staff. (A summary is attached.)

b) Recommendation: Following a “walk-through” by the City Manager, there will be an opportunity for discussion.

- 12) 14-196. Reports by City Council
- 13) 14-197. Mayor’s Report
- 14) 14-198. Report by City Clerk
- 15) 14-199. Status Reports by the City Manager

Adjournment

Minutes of the Montpelier City Council Meeting
July 30, 2014
Montpelier City Hall Council Chambers

In attendance: Mayor John Hollar (presiding), City Councilors Tom Golonka, Anne Watson, Thierry Guerlain. Councilor Dona Bate arrived after the meeting was called to order. City Manager William Fraser served as Secretary of the meeting.

The Mayor called the meeting to order at 5:30 PM.

14-181. Councilor Golonka moved to approve the consent agenda, Councilor Watson seconded. Vote was 4-0 in favor (with Mayor Hollar voting in the absence of a fourth council vote)

14-182. The Council discussed the request to extend the “Truck Stop” event dates. Councilor Golonka noted that the city leases the lot for public use and that in a similar situation we charge rent to the Farmers Market for the time that their lot is in private use. Council agreed that this was an important issue but that this was a trial run for this event. If continued in the future, rent would be considered. Councilor Golonka also raised issue of notice to adjacent businesses and was assured by the Mayor and City Manager that notice had been provided.

Councilor Guerlain moved to grant the extension. Councilor Watson seconded, and the motion carried with a vote of 4-0 in favor (with Mayor voting).

14-181. Fred Bashara asked to speak about the State St closures which were on the consent agenda. He raised concerns about traffic control, signage and alternate parking. Ashley Witzemberger and City Manager said that they would incorporate his suggestions into the event planning.

14-183. The City Manager explained how the proposed District Heat rates were determined (Councilor Bate arrived during the discussion). Steve Everett asked a couple of technical questions. Councilor Guerlain asked about the status of construction work. Mayor Hollar asked if all was ready to go for the heating season.

Councilor Guerlain moved to approve the rates as presented. Councilor Watson seconded. Motion carried 4-0 (with Mayor not voting).

14-185. The Council discussed appointments to Planning Commission, Development Review Board and Design Review Committee. Issues of longevity, term limits, introducing new people to the process, attendance, quorums and selection criteria were discussed. Council concluded that their goal was to appoint the best possible candidate for each position when weighing all factors.

Councilor Guerlain moved to adjourn at 6:05 PM, Councilor Golonka seconded. Vote was 4-0 in favor.



Office of the City Manager
City Hall - 39 Main Street, Montpelier, VT 05602
Telephone: (802) 223-9502
Fax: (802) 223-9519
E-Mail: wfraser@montpelier-vt.org

July 11, 2014

The Times-Argus
Att: Classifieds

Please insert the following with City of Montpelier notices on Monday, July 21st, and Thursday, July 31st, 2014. Thank you!

CITY OF MONTPELIER
Development Review Board Vacancy

The Montpelier City Council is seeking individuals interested in filling a 3-year term on the City's Development Review Board. Letters of interest and/or resumes should be submitted to the Office of the City Manager, City Hall - 39 Main Street, Montpelier, on or by Thursday, August 7th. E-mails are also acceptable to: spitonyak@montpelier-vt.org. The City Council will make this appointment at their Wednesday, August 13th meeting; applicants 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. Further information may also be obtained by contacting the Planning and Development Office at 223-9506.

William J. Fraser
City Manager

Sandy Pitonyak

From: Home [jlamonda@comcast.net]
Sent: Wednesday, July 16, 2014 1:13 PM
To: Sandy Pitonyak
Cc: Phil Zalinger; Kevin D. O'Connell; rcc59@comcast.net; John M. Lindley III; drichardson@tgrvt.com; Josh O'Hara; Kate McCarthy; Michael Sherman
Subject: Re: DRB Vacancy

Yes, I would be happy to serve another term.

Thank you,
James

Sent from my iPhone

On Jul 16, 2014, at 10:51 AM, Sandy Pitonyak <SPitonyak@montpelier-vt.org> wrote:

<image001.gif>

See attached ad; this is Jim's term that is expiring in August. Just an fyi for the rest of you. If you'd like to be considered for reappointment, Jim, please just send me an e-mail to that effect.

Thank you ...

Sandy Pitonyak

Administrative Assistant to the City Manager
City Hall - 39 Main Street
Montpelier, VT 05602
Telephone: (802) 223-9502
FAX: (802) 223-9519
spitonyak@montpelier-vt.org

<Ad -DRB Vacancies 2013.doc>



*Office of the City Manager
City Hall - 39 Main Street, Montpelier, VT 05602
Telephone: (802) 223-9502
Fax: (802) 223-9519
E-Mail: wfraser@montpelier-vt.org*

July 16, 2014

The Times-Argus
Att: Mandy

Please insert the following with City of Montpelier notices on: Monday, July 21st and Thursday, July 31st. Thank you!

CITY OF MONTPELIER
Design Review Committee Vacancy

The Montpelier City Council is seeking citizens interested in filling a vacant seat on the City's Design Review Committee; said term is an unexpired 3-year term which is scheduled to expire in September, 2014. 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) on or by August 7th. City Council will make this appointment at their August 13th meeting; applicants will be notified and 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. Further information may also be obtained by contacting the City Manager's Office at 223-9502.

William J. Fraser
City Manager

Sandy Pitonyak

From: Dina Bookmyer-Baker
Sent: Wednesday, July 16, 2014 12:48 PM
To: 'Kate Coffey'; Sandy Pitonyak
Subject: RE: Design Review Committee member resignation

Hi Kate and Sandy,

Kate, as I said, I am sorry to see you go, but I understand. I see nothing in the DRC Rules of Procedure that says a member cannot resign, effective immediately. Thank you very much for your service and I hope to see you around soon.

Sandy, I think the rest is in your hands, now. Thanks for your help. Let me know if you need anything else from me.

—Dina

Dina Bookmyer-Baker, Assistant ZA
CITY of MONTPELIER
Planning & Community Development Department
City Hall, 39 Main Street, Montpelier, VT 05602-2950
802-262-6270 (ofc), 802-262-6080 (fax)
dbookmyer-baker@montpelier-vt.org
<http://www.montpelier-vt.org>
Office hours: Tues. & Thurs. 9:30a-4:30p, & Weds. 9:30a-2p.

From: Kate Coffey [<mailto:katec@blackriverdesign.com>]
Sent: Wednesday, July 16, 2014 8:03 AM
To: Dina Bookmyer-Baker
Subject: Design Review

Dina:

I'd like to withdraw from my position on Design Review if possible immediately instead of waiting until the end of my term which is sometime in September.

Please let me know if this is possible.

Kate



Katharine Jean Coffey, LEED AP BD+C, Architect
73 Main St. Montpelier, Vermont 05602
Phone: 802 223 2044 Fax: 802 223 1132

Sandy Pitonyak

From: Seth Mitchell [Seth@josepharchitects.com]
Sent: Wednesday, July 16, 2014 4:07 PM
To: Sandy Pitonyak
Subject: RE: DRC Vacancy

Sandy,

Yes, as a current DRC Alternate, I would be pleased to be considered for filling this newly opened, three year term, Design Review Committee vacancy.

Thank you,

Seth Mitchell
Joseph Architects, LLC
Project Designer
25 Crossroad
Waterbury, Vermont 05676

Tel. 802-244-5220 Ext. 226
Fax. 802-806-1010

This message is intended only for the use of the individual (s) or entity (ies) to whom it is addressed and may contain information that is privileged, confidential, and/or exempt from disclosure by applicable law or court order. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you hereby are notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by return e-mail, and delete the original message from your system. Thank you.

Sandy Pitonyak

From: elinor bacon [ebacon@ERBACONDEVELOPMENT.COM]
Sent: Wednesday, August 06, 2014 2:25 PM
To: Sandy Pitonyak
Subject: Re: Design Review Committee

I would be happy to be the alternate replacement for Seth, assuming he is appointed as a regular member.

From: Sandy Pitonyak <SPitonyak@montpelier-vt.org>
Date: Wednesday, August 6, 2014 1:20 PM
To: Elinor Bacon <ebacon@erbacondevelopment.com>
Subject: Design Review Committee

It's the Design Review Committee that has a regular 3-year term that is vacant. Seth Mitchell, a current Alternate, is asking to be appointed to fill this vacancy. I believe I said it was the DRB.

There is a vacancy on the Development Review Board; the current member is seeking reappointment.

Planning Commission has 4 vacancies; 3 are seeking reappointment.

Are you interested in any of these, Elinor?

Sandy Pitonyak

Administrative Assistant to the City Manager
City Hall - 39 Main Street
Montpelier, VT 05602
Telephone: (802) 223-9502
FAX: (802) 223-9519
spitonyak@montpelier-vt.org



City of Montpelier, Vermont

"The Smallest Capital City in the United States"

TO: City Council Members
William J. Fraser, City Manager
Beverlee Hill, Delinquent Tax Collector

FROM: Sandy Gallup, Finance Director

DATE: July 18, 2014

SUBJECT: Increase in Late Filing Penalty for Homestead Declaration

This year, for the first time, the City of Montpelier's homestead property (education) tax rate is higher than the non-residential property (education) tax rate. With this change comes an increase in the late filing fee for Homestead Declaration for our residents from the previous 3% to 8% of the education taxes. This rate is set by Vermont Statute and the new law is attached. This means that Montpelier residents who miss the April 15th deadline for filing a Homestead Declaration with the State of Vermont will see an 8% penalty on their education taxes added to their tax bill, instead of the previous 3%. For the average homestead property, this would mean an increase in penalty from \$110 to \$294.

These funds are collected and retained by the City. The City Council has the option to adjust the penalty (from 0% - 8%) annually. In the past, the City Council has not made any adjustments to the penalties set in the Vermont Statutes.

At our August meeting, when we discuss the possibility of lowering the late payment fees for property taxes at the August meeting, we may want to think about this late filing fee penalty as well.

Let me know if have questions regarding this increase in the late filing penalty.

8/6/2014
New Info:

Last year

79 late filers paid 3% penalty of \$8,089
[Note: If it was an 8% penalty, the charges would be \$21,570]

This year
so far

17 late filers charged 8% penalty of \$5,275.03



City of Montpelier, Vermont

"The Smallest Capital City in the United States"

DATE: July 23, 2014

TO: William Fraser, City Manager
City Council Members

FROM: Sandra J. Gallup, Finance Director
Beverlee Pembroke-Hill, Delinquent Tax Collector

SUBJECT: Recommendation to reduce the 8% late penalty to a 5% late penalty for property taxes, water fees and sewer fees on payments made within 5 business days of the due date.

As requested at the June 25th City Council meeting, we researched the cost of reducing the late penalty from 8% to 5% on late property taxes and utility bills that are paid within 5 business days of the due date. For our data we used late payments in the four quarters of FY14 on property taxes, water bills and sewer bills.

The cost of reducing the penalty would have been:

Property Taxes (General Fund) \$4,588 loss of revenue

- Of the 858 total late payments, 143 late payments (16%) would benefit from this reduction.
- Of the \$724,083 taxes that were late, \$152,920 (21%) came in within 5 days and would get the reduced penalty.
-

Water Bills (Water fund) \$1,052 loss of revenue

- Of the 1,312 total late payments, 231 late payments (18%) would benefit from this reduction.
- Of the \$182,661 water fees that were late, \$35,066 (19%) came in within 5 days and would get the reduced penalty.

Sewer Bills (Sewer fund) \$735 loss of revenue

- Of the 1244 total late payments, 227 late payments (18%) would benefit from this reduction.
- Of the \$174,537 sewer fees that were late, \$35,114 (20%) came in within 5 days and would get the reduced penalty

This reduction in the penalty was proposed by the City Council. The cost of this change is relatively small and at the same time, about 1 in 5 late payers would see their penalty reduced. This change could also encourage late payers to make payments quickly and not wait the 30 days before the next interest charge.

For the change in the property tax late penalty we would have to revise a City Ordinance. For the water and sewer penalty reduction, we would have to revise the Water and Sewer Rate Resolution.

Dear City Council,

Montpelier Alive would like to request that City Council waive all vendor fees that may apply to the September 6th Anniversary party on State Street. July 3rd vendors have been invited to return to participate in the event from 5-9 pm. To date, six vendors would like to participate. Although this is labeled as a 15th Anniversary party for Montpelier Alive, and will no doubt have less attendance, it is a gesture to make up for the early cancellation of July 3rd celebrations.

Thanks in advance for your kind consideration.
Montpelier Alive

Ashley Witzenberger
Executive Director
Montpelier Alive

39 Main Street | Montpelier, VT 05602 | @MontpelierAlive
(802) 223-9604 | (917) 886-8512



Proudly serving downtown Montpelier since 1999

Member of the Vermont Downtown Program | Accredited by the National Main Streets Center ®



City of Montpelier, Vermont
"The Smallest Capital City in the United States"

Mayor John Hollar

City Council:

Tom Golonka, President
Jessica Edgerly Walsh
Alan H. Weiss
Anne Watson
Thierry Guerlain
T. Andrew Hooper, Parliamentarian

William J. Fraser
City Manager
wfraser@montpelier-vt.org

Beverlee Pembroke Hill,
Assistant City Manager

July 11, 2014

The Times-Argus
Att: Classifieds

Please insert the following with City of Montpelier notices on Monday, July 21st and Thursday, July 31st. Thank you!

CITY OF MONTPELIER

Montpelier Community Fund Board Vacancies

The Montpelier City Council is seeking individuals interested in filling two expired, 3-year, terms on the Montpelier Community Fund Board. Letters of interest and/or resumes should be submitted to the Office of the City Manager, City Hall - 39 Main Street, Montpelier (or sent by e-mail to spitonyak@montpelier-vt.org) on or by Thursday, August 7th. The City Council will make these appointments at their August 13th meeting. Applicants 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. Further information may also be obtained by contacting the City Manager's Office at 223-9502.

William J. Fraser
City Manager

Sandy Pitonyak

From: Bernie Lambek [BLambek@zclpc.com]
Sent: Wednesday, July 16, 2014 11:25 AM
To: Sandy Pitonyak; baboutin@comcast.net; Eliza Leeper; Julie Hendrickson; Warren Vail
Subject: RE: Montpelier Community Fund Board

Hello Sandy and all,

I would like to be considered for reappointment. Thank you in advance for submitting my name.

A minor point about the ad attached to your email: according to the City Council policy adopted on 10/10/12, after the initial terms, board terms are for 3 years (not 2).

Very best wishes,
Bernie

From: Sandy Pitonyak [<mailto:SPitonyak@montpelier-vt.org>]
Sent: Wednesday, July 16, 2014 10:44 AM
To: baboutin@comcast.net; Eliza Leeper; Julie Hendrickson; Bernie Lambek; Warren Vail
Subject: Montpelier Community Fund Board

See attached ad; the two terms expiring are Bernie's and Warren's. This is just an fyi for the rest of you.

Note to Bernie and Warren: If you'd like to be considered for reappointment, all I need is an e-mail to that effect. Thank you!

Sandy Pitonyak

Administrative Assistant to the City Manager
City Hall - 39 Main Street
Montpelier, VT 05602
Telephone: (802) 223-9502
FAX: (802) 223-9519
spitonyak@montpelier-vt.org

Sandy Pitonyak

From: WVAIL3@aol.com
Sent: Wednesday, July 16, 2014 11:45 AM
To: Sandy Pitonyak; baboutin@comcast.net; eliza.dodd@gmail.com; juliehendrickson@gmail.com; BLambek@zclpc.com
Cc: wvail3@aol.com
Subject: Re: Montpelier Community Fund Board

Hi Sandy,

I too would like to continue working with the group going forward. Thanks for reminding us. Bests, Warren

In a message dated 7/16/2014 10:44:26 A.M. Eastern Daylight Time, SPitonyak@montpelier-vt.org writes:

See attached ad; the two terms expiring are Bernie's and Warren's. This is just an fyi for the rest of you.

Note to Bernie and Warren: If you'd like to be considered for reappointment, all I need is an e-mail to that effect. Thank you!

Sandy Pitonyak

Administrative Assistant to the City Manager

City Hall - 39 Main Street

Montpelier, VT 05602

Telephone: (802) 223-9502

FAX: (802) 223-9519

spitonyak@montpelier-vt.org

20 College Street
Montpelier VT 05602
August 1, 2014

Bill Fraser, City Manager
39 Main Street
Montpelier VT

Dear Bill and Members of the City Council;

I am interested in being considered for appointment to the City's Community Fund Board. I have relevant and long term experience serving the city in several capacities. I represented District 2 on the Council for six terms; I chaired committees that presented recommended action on the Taylor Street Bridge restoration, Barriers to Housing, and City Charter revisions. I participated collaboratively in numerous additional appointments, representing the city on the Kellogg Hubbard Library Board, Central Vermont Solid Waste District Board, Green Mountain Transit Board, and the Central Vermont Regional Planning Commission's Transportation Advisory Committee.

During my 10 years as director of an AmeriCorps program, I had extensive experience preparing grant proposals, evaluating requests for services and funding, and assessing outcomes at the completion of a grant cycle. I would be pleased to join the Community Fund Board and work with them on the distribution of the city's budgeted funds for community service organizations and in support of culture and the arts in the city.

Respectfully submitted,

Nancy Sherman

Nancy Sherman
20 College Street, Montpelier VT 05602
(802) 223-2632 nsherman44@gmail.com cell 802 461 7437

Vermont Campaign for Health Care Security Education Fund

February 2014 –

2 Spring Street, Montpelier VT 05602

I do outreach for Vt. Health Connect, Vermont's health care exchange, setting up information tables at a variety of locations in Washington County and offering information to assist eligible individuals enroll in health care plans, as provided under the Affordable Care Act.

Neighbor to Neighbor AmeriCorps Program Director

July 2002 – August 2012

Central Vermont Council on Aging

58 N. Main St., Barre VT 05641

I administered this National Service Program that enrolled 18 members for a year of service with seniors and adults with disabilities, promoting independent living and healthy aging. I supervised 4 regional coordinators who were the site supervisors for teams of N2N members hosted at 4 of the Vermont Agencies on Aging. I did member training and performance evaluations for the key activities: performing direct services in senior's homes; engaging seniors in exercise programs at senior centers; volunteer recruitment, and capacity building with community organizations that support older Vermonters. Administrative duties included grant writing; meeting federal and state requirements; directing the member training program and team building; preparing financial and progress reports. Every year, this community service learning program had a significant impact on the quality of life of thousands of seniors as well as the 18 AmeriCorps members enrolled in the program.

Lead Teacher Coordinator/Director of Volunteers

January 1999 – June 2002

Central Vermont Adult Basic Education

46 Washington Street, Barre VT 05641

I worked with adult students in the Barre area who were building basic reading and math skills, pursuing a GED, or improving their ability to speak and understand English. I coordinated communications, recruitment, and management for approximately 400 volunteer tutors who also worked one-on-one with adult students in Washington, Orange, and Lamoille counties. Additional responsibilities included creating outreach publications and a quarterly newsletter; planning volunteer trainings; administering grants from Vt. Council on the Humanities and the Barre Danforth Committee to promote literacy and lifelong learning. I also supervised two AmeriCorps*VISTA members serving at CVABE.

Policy and Program Analyst

October 1991 – December 1998

Vt. Department of Public Service

112 State Street, Montpelier VT 05620

My chief responsibility was coordinating the preparation of long range plans, required by state statute, for meeting the state's projected energy and telecommunications needs. Planning documents I worked on are: *Fueling Vermont's Future: Comprehensive Energy Plan and Greenhouse Gas Action Plan* (1998), *Vermont Telecommunications Plan* (1996), and the *Vermont Electric Plan* (1994). I was staff assistant to a Governor-appointed commission on electric restructuring. I prepared and regularly updated the DPS's Act 200 Plan, working with Regional and Municipal Planning Commissions on energy issues.

Contract Writer for the Court Administrator

May – August 1991

Court Administrator's Office

111 State Street, Montpelier VT 05609-0701

I was under contract to write pamphlets for the Probate Court, explaining procedures established in newly passed legislation in language that was clear and readily comprehensible.

Technician, Robert Spring & Associates
Barre VT 05641

September 1990 – April 1991

I conducted lighting and energy surveys, gathering data on buildings, equipment, and energy use for technical analysis. The IBM complex at Essex was one of my assignments.

Committee Assistant, Legislative Council

1991 Legislative Session

State House, Montpelier VT

I served as a Committee Assistant for the House Judiciary Committee and the House Health and Welfare Committee, handling a variety of responsibilities to support the committee chair and gather information needed in the preparation of new legislation.

7th Grade Interdisciplinary Program Aide and Substitute Teacher

1989 - 90 school year

U-32 Junior - Senior High School, Montpelier VT

I worked with the 7th grade teaching team in a program that integrated science, social studies, reading and writing. I also completed over 20 graduate credits and became certifiable in high school science and math.

Business Analyst, Corporate Project Management Division

November 1986 – February 1989

National Life Insurance Co., Montpelier VT 05602

I was a systems analyst, working with the premium billing and accounting area and other client services on the development of a new customer information system as well as maintenance of current systems.

Lead Management Analyst, Madison Gas and Electric Co.

April 1981 – April 1986

PO Box 1231, Madison WI 53701

I supervised a team of three analysts, working with managers in the Customer Services Division on projects to improve service and information, particularly in Energy Conservation and Customer Assistance areas.

Community Service

Montpelier Senior Activity Center

August 2013 – December 2013

Assisted with the start up of the senior meals program.

Montpelier Charter Revision Committee

October 2012 – August 2013

I applied and was appointed to serve on this 6 member committee, and I was elected chair. I led weekly meetings as we reviewed each subchapter in the Montpelier City Charter, inviting input from individuals with charter expertise as we carried out the committee's charge "to analyze the contents of the City's Charter regarding anachronisms and items to be deleted, amended or added." I managed the development of the working draft which had the unanimous support of committee members when it was presented to the Montpelier City Council on schedule at an August 2013 meeting and again in November.

Montpelier City Council

March 2000 – February 2012

I was elected and served 6 terms. During these 12 years, I also served as the Montpelier representative on the Transportation Advisory Committee, Green Mountain Transit Board, and Central Vermont Solid Waste District. I led the Taylor Street Bridge Study Committee, and our recommendation to rehabilitate the historic truss bridge has been implemented. I served on study groups focused on bringing housing to Sabin's Pasture while preserving open space, and I participated in the Barriers to Housing study group.

Education

Vermont Leadership Institute, Snelling Center for Government, UVM

1997 - 98

University of Vermont, Continuing Ed., Teacher Certification credits

1988 - 90

University of Chicago, Graduate School of Business, MBA

1973 - 75

Roosevelt University, Chicago, MA in Education

1968 - 71

University of Chicago, the College, BA in Social Sciences

1964 - 67

Wellesley College

1962 -64

Sandy Pitonyak

From: Susan Ritz [szritz@together.net]
Sent: Monday, August 04, 2014 9:53 AM
To: Sandy Pitonyak
Subject: Community Fund Board

Dear Sandy Pitonyak:

I am writing to express my interest in joining the Montpelier Community Fund Board. I have been impressed with the way the current board has distributed our city tax dollars to worthy organizations since its inception three years ago and would like to be part of the decision making process.

I have lived in Montpelier for 25 years and have worked with several local and state wide non-profits during that time. These include:

Montpelier Waldorf Child's Garden, Board Chair and member 1991-1996
Green Mountain Film Festival Board Member 2000-2011, President 2006-2010, Operations Committee 2000-2007
Central Vermont Community Land Trust Outreach and "Fun" Raising Committee 2003-2008
Vermont Women's Fund Council Member 2004-2010, Chair 2006-2009
Vermont Natural Resources Committee Board Member 2008-2011, Chair of 50th Anniversary event 2012
Graywolf Press National Council Member, Minneapolis and New York, 2008-present
The Larsen Fund Grants Chair 2005-20013, Vice-President 2013-present, Director 1995-present

Serving on these boards and committees has given me much insight into both their financial operations and fund raising efforts. I believe that experience could be useful on the Community Fund Board. My years as a grant maker with the Vermont Women's Fund and the Larsen Fund have taught me how to make tough decisions when need is great and funds are limited, another skill I feel would make me a thoughtful and useful member of the group.

I will attend the City Council meeting on August 13. Please let me know if you have other questions or need more information.

Thank you for your consideration.

Susan Z. Ritz

--

Susan Ritz
7 Clarendon Ave
Montpelier, VT 05602
802-223-0122

Sandy Pitonyak

From: Ron Wild [ronhwmail@gmail.com]
Sent: Monday, August 04, 2014 3:38 PM
To: Sandy Pitonyak
Subject: Community Loan Fund Vacancy
Attachments: resume summary 8.14- rhw.pdf

8/4/14

William Fraser
Montpelier City Manager

Dear Bill,

I'm writing to submit my name for consideration to fill one of the two openings on Montpelier's Community Fund Board

As a long-term resident, home owner, and career non-profit administrator, I have particular insights into the vitality and unique nature of Montpelier's community-based organizations.

Over the years, I have both solicited as well as dispersed grant funds. I therefore appreciate the need to host an open and fair process for distributing the city's designated tax dollars.

My resume is attached.

Please let me know if you require any additional information.

Sincerely,
Ron Wild

Recent professional experience

- 2014- Committee Staff, VT Legislative Council
- 2010-2013 Program assistant; Everybody Wins! Vermont
- 2009-2010 Volunteer coordinator; The Nature Conservancy (AmeriCorps), Montpelier, VT
- 2007- 2009 Sales & service, Sun & Ski Sports, Austin, TX
- 2004-2006 Coordinator; Aging Services Council, Austin, TX
- 1996-2003 Marketing & public relations manager; Wheels Transportation, Montpelier, VT
- 1995-1999 Grants administrator; Vermont State Employees Association's Child & Elder Care Committee, Montpelier, VT
- 1993-1996 Director; Vermont Alliance for Arts Education, Montpelier, VT
- 1986-1995 Director; Kids'fest, Montpelier, VT
- 1987-1991 Manager; Barre Opera House, Barre, VT

Other activities of note

- 2013 - Justice of the Peace, and member Board of Civil Authority; Montpelier, VT
- 2007 Site manager; VITA Tax Assistance Program, Austin, TX
- 2006 Elections trainer; Travis County, TX
- 2004 Volunteer voter registrar; Travis County, TX
- 1998-2002 Justice of the Peace; Montpelier, VT
- 1996-2000 Coordinator; Montpelier community bike program and representative to Central Vermont bike path committee
- 1993-1994 Co-founder and director; Montpelier First Night New Year's Eve celebration.
- 1991-1994 Field representative; Arts in Education, Vermont Arts Council, Montpelier, VT
- 1991 Producer; Vermont bicentennial celebration, Montpelier, VT
- 1989-1995 Co-chair; family and young audience programming, Green Mountain Consortium for the performing Arts, VT
- 1988 Instructor; "Job Scholar", a course on work issues and experience, Goddard College
- 1985 Director; international volunteer program providing recreational services to Ethiopian

Resume summary Ron Wild

(512) 342-1824
ronhwmail@gmail.com

Education

Goddard College

MA, Community Organization

Master's Thesis - *Volunteers in Action:
A Case Study for Private Initiative in Public
Issues*

Georgia State University

BA, Anthropology

Minors in Education & Philosophy

Professional training & certification

Transit Ambassador

Graduate of customer service training
program

University of Massachusetts, Amherst

Graduate of Institute for Arts
Management

Vermont

Community Emergency Response Team

League of American Bicyclists

Certified cycling instructor

Computer skills

Microsoft Word, Publisher, Excel and Adobe
Photoshop. Experience with Microsoft
Access, Power Point, Adobe In-Design and
Illustrator

Awards & citations

Governor's Commission on Volunteers
Vermont Arts Council
Vermont Alliance for Arts Education

Sandy Pitonyak

From: John Van Deren [johnvanderer@comcast.net]
Sent: Monday, August 04, 2014 10:03 AM
To: Sandy Pitonyak
Cc: Julie Hendrickson
Subject: Montpelier Community Fund Board Letter of Interest

Hi Sandy,

Julie Hendrickson spoke to me about applying to fill one of the Montpelier Community Fund 3 year Board vacancies. This email is my Letter of Interest.

Last December I retired from my position as Grant Writer at the Family Center of Washington County. While there, I successfully applied for MCF grants for my organization for the past two years. I worked in that position for 5 years and previously worked for 7 years as a program coordinator at the Family Center. I think my grant writing experience will be an asset to the Montpelier Community Fund in providing a critical eye while reviewing applications for future funding. As a retiree, I now have the time and interest to give back to the City and would like to help the Montpelier Community Fund in any way I am able. As a note, I am a past member of the Montpelier Tree Board and would once again like to contribute my time and experience to the City.

If you require any further information, please let me know.

Best regards,

John F. Van Deren
151 Chestnut Hill Rd.
Montpelier, VT 05602

~~~~~  
(H) 802-223-1494  
(C) 802-272-2600

## Open Meeting Law Frequently Asked Questions

Vermont's Open Meeting Law was significantly amended in 2014. The VLCT Municipal Assistance Center has written a primer on the law, with *recent changes to the law in italics*. The law casts a very broad net and, as you will see from reading this document, it generally applies whenever a majority of the members of a municipal board, council, commission, committee, or subcommittee have a conversation or make a decision about municipal business.

No. 143. An act relating to the open meeting law.

(H.497)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 1 V.S.A. § 310 is amended to read:

### § 310. DEFINITIONS

As used in this subchapter:

(1) "Deliberations" means weighing, examining, and discussing the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties.

(2) "Meeting" means a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action. "Meeting" shall not mean written correspondence or an electronic communication, including e-mail, telephone, or teleconferencing, between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that such a written correspondence or such an electronic communication that results in written or recorded information shall be available for inspection and copying under the Public Records Act as set forth in chapter 5, subchapter 3 of this title.

(3) "Public body" means any board, council, or commission of the ~~state~~ State or one or more of its political subdivisions, any board, council, or commission of any agency, authority, or instrumentality of the ~~state~~ State or one or more of its political subdivisions, or any committee of any of the foregoing boards, councils, or commissions, except that "public body" does not

VT LEG #301087 v.1

## TABLE OF CONTENTS

|                                                                       | Page |
|-----------------------------------------------------------------------|------|
| 1. Required Actions before July 1, 2014.....                          | 1    |
| <b>The Law</b>                                                        |      |
| 2. What is the Open Meeting Law?.....                                 | 1    |
| 3. Requirements of the Law .....                                      | 1    |
| 4. To Whom Does the Law Apply? What is a Public Body?.....            | 1    |
| 5. When Does the Law Apply? What is a Quorum? What is a Meeting?..... | 1    |
| <b>Use of Email and other Electronic Communication</b>                |      |
| 6. Use of Email .....                                                 | 2    |
| 7. Voting by Email or Proxy .....                                     | 2    |
| 8. Attending Meetings and Voting by Phone or Skype.....               | 2    |
| <b>Agendas</b>                                                        |      |
| 9. Agendas Required.....                                              | 3    |
| 10. Posting Agendas.....                                              | 3    |
| 11. Designated Public Places .....                                    | 3    |
| 12. Making Changes to Agendas .....                                   | 3    |
| 13. Announcing Meetings .....                                         | 3    |
| <b>Minutes</b>                                                        |      |
| 14. Requirements of Minutes .....                                     | 4    |
| <b>Exceptions to the Open Meeting Law</b>                             |      |
| 15. List of Exceptions to the Open Meeting Law .....                  | 4    |
| 16. Deliberative Session.....                                         | 4    |
| 17. Decisions Made in Deliberative Session.....                       | 4    |
| 18. Executive Session .....                                           | 4    |
| 19. Premature General Public Knowledge .....                          | 5    |
| 20. Discussion of Legal Matters .....                                 | 5    |
| 21. Logistics of Entering into Executive Session .....                | 5    |
| 22. Motion to Enter into Executive Session.....                       | 6    |
| <b>Violations</b>                                                     |      |
| 23. Penalty for Violating the Law .....                               | 7    |
| 24. Responding to a Complaint or Notice of Violation .....            | 7    |
| 25. Suing the Public Body for a Violation .....                       | 7    |
| 26. Attorneys' Fees for Violation .....                               | 7    |
| 27. Receipt of a Complaint or Notice of Violation .....               | 7    |
| 28. Curing the Inadvertent Violation .....                            | 8    |

## Actions to be taken before July 1, 2014

### 1. What do Vermont municipalities need to do before July 1, 2014, to comply with the law?

- a. Designate locations in your municipality where notices and agendas for meetings will be posted. (See #10 and #13 below.)
- b. Prepare your municipality's website, if there is one, so that you will be ready to post agendas before meetings (see #10) and minutes five days after those meetings occur. (See #14.) Otherwise, you should de-activate the website to avoid violating this requirement.

Contact the Municipal Assistance Center with any questions at 800-649-7915 or [info@vlct.org](mailto:info@vlct.org).

## The Law

### 2. What is the Open Meeting Law?

The Open Meeting Law provides that "[a]ll meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title [on executive sessions]." 1 V.S.A. § 312(a). The intent of the law is to create transparency in government by requiring advance public notice and an opportunity for public participation in governmental decisions. The law is found in 1 V.S.A. §§ 310-314. The amended sections of the law are found in the text of Act 143, which is archived at <http://www.leg.state.vt.us/DOCS/2014/ACTS/ACT143.PDF>.

### 3. What does the Open Meeting Law require?

The law requires that you:

- Publicly announce your meetings. 1 V.S.A. §§ 312(c), 310(4)
- *Prepare an agenda for regular and special meetings and post that agenda.* 1 V.S.A. § 312(d)
- Conduct the business of the municipality in open meetings (unless specifically exempted). 1 V.S.A. § 312(a)
- Allow for public comment at your meetings (subject to reasonable rules). 1 V.S.A. § 312(h)
- Take minutes at your meetings and make those minutes available *within 5 days, including on your website, if there is one.* 1 V.S.A. § 312(b)
- *Respond in a timely manner when there is a complaint/allegation of violation of the law.* 1 V.S.A. § 314(b)

### 4. To whom does the law apply?

Every "public body" of a municipality. A **public body is any board, council, commission, committee, or subcommittee of a municipality.** 1 V.S.A. § 310(3). This includes selectboards, prudential committees, planning commissions, conservation commissions, cemetery commissions, development review boards, boards of civil authority, boards of health, zoning boards of adjustment, etc., as well as subcommittees of those bodies. *It does not apply to community justice boards or community justice centers.* 24 V.S.A. § 1964(b).

### 5. When does the law apply?

The requirements of the law are triggered whenever a "quorum" of the body is "meeting." A **quorum** is a majority of the total number of members on the body. A **meeting** means a gathering of a quorum of the members of a public body for the purpose of discussing the business of the body or for the purpose of taking any action. 1 V.S.A. § 310(2).

**You don't all have to be in the same room at the same time for it to be considered a meeting; the law applies regardless of the physical location of the members.** Therefore a phone conversation can still be a meeting for purposes of the law. **Furthermore, time is not a factor.** Individual members may

make contributions to a collected conversation at different times and from different places. This means that a discussion by email may violate the law.

**Wait! We can't talk on the phone or discuss town business over coffee?!**

A majority of the members of a public body may never discuss or make decisions about the business of the municipality unless they are in a duly warned open meeting. What this means for a three-person selectboard is that no two selectboard members may ever discuss municipal business outside of an open meeting. On a five-person commission, no three of them may participate. However, any of the members of a public body may talk about routine administrative matters (such as scheduling meetings) without violating the law.

**Email, Phone, and Other Electronic Communication**

**6. Can we ever use email?**

Email may be used for distribution of information but should not be used for discussion (don't hit "Reply All"), except for the following administrative exemption. *Email may also be used for purely administrative matters such as scheduling a meeting or creating an agenda. However, that email must be available for copying and inspection as a public record.* 1 V.S.A. § 310(2). In addition, there is a very limited exception to this rule for a public body doing a quasi-judicial deliberation – for instance, a development review board in the midst of drafting its written decision on a permit application. 1 V.S.A. § 312(e). Before taking advantage of this exception, the public body must have conducted a quasi-judicial hearing in public session, and then entered into deliberative session to discuss the evidence and decide how to proceed. (See #15-17.)

**7. If we are unable to attend a meeting, can we vote by email or proxy?**

No, you may never vote by email or by proxy. *However, if you attend a meeting by electronic means (e.g., speaker phone or Skype), you may vote, so long as you adhere to the requirements listed in #8, below.* 1 V.S.A. § 312(a)(2).

**8. Can a member attend a meeting by phone or Skype?**

*Yes, you may attend a meeting by electronic means (e.g., speaker phone, Skype, etc.) as long as you identify yourself when the meeting is convened, and you are able to hear and be heard throughout the meeting. Whenever one or more members attend electronically, voting must be done by roll call.* 1 V.S.A. § 312(a)(2).

**What if a majority of us are not able to be physically present? Can we still have the meeting?**

*Yes. A quorum or more of a public body may participate electronically when there has been a prior public announcement of such arrangement and proper posting of such meeting that designates at least one physical location where a member of the public can attend and participate in the meeting. The public announcement and posting of the notice of such meeting must take place at least 24 hours in advance of such meeting, or as soon as practicable prior to an emergency meeting. At least one member of the body or at least one staff person or other designee must be present at that physical location. Each member that attends electronically must identify himself or herself when the meeting is convened, and must be able to hear and be heard throughout the meeting. Any voting must be done by roll call.* 1 V.S.A. § 312(a)(2).

**Agendas**

**9. Do we need to have an agenda for every meeting?**

*A written agenda must be created in advance of every regular or special meeting.* 1 V.S.A. § 312(d).

**10. Do we have to post the agenda?**

*Yes. At least 48 hours in advance of a regular meeting, and at least 24 hours in advance of a special meeting, an agenda must be posted in or near the municipal office and in at least two other designated public places in the municipality. 1 V.S.A. § 312(d). Every municipality should, before July 1, officially designate two or more public places in the municipality at which agendas will be posted. In addition, the municipality must post the agendas of regular and special meetings to an official website, if one exists that is maintained or has been designated as the official website. 1 V.S.A. § 312(d).*

**11. What are “designated places” for posting?**

*Every municipality should, before July 1, officially designate two or more public places in the municipality at which agendas of regular and special meetings will be posted (48 hours in advance) and where notices of special meetings will be posted (24 hours in advance). (See #10 and #13.) Our opinion is that the selectboard, council, or board of trustees can make this designation on behalf of all of the public bodies in the municipality, unless those bodies chose to do so independently.*

**12. Can we change an agenda after it is posted?**

*There are new limitations on when a meeting agenda may be modified: an item may only be added or removed from a meeting agenda as the first order of business at the meeting. 1 V.S.A. § 312(d)(3)(A). It is our opinion that this still allows you to table or otherwise postpone an action item when necessary, as in situations where additional information is needed before a decision may be made. Other adjustments to an agenda (e.g., changing the order of items) may be made at any time during the meeting. 1 V.S.A. § 312(d)(3)(B). Despite the above changes to the law, the standard for additions to an agenda generally remains the same – the body must give the public adequate notice and an opportunity to be heard. Weighed against those rights are the obligations of the public body to meet its deadlines and complete its legal requirements.*

**Posting, Noticing, and Announcing Meetings**

**13. What are the requirements for noticing and announcing a meeting?**

*Regular meetings of a public body (e.g., the planning commission meets every second Tuesday of the month) only need to be announced once: in a charter, local ordinance, or resolution. 1 V.S.A. § 312(c)(1). This is typically done in the public body’s annual organizational meeting (first meeting of the year). However, an agenda must be posted in advance of every regular meeting. 1 V.S.A. § 312(d). (See #10.)*

*Special meetings (meetings that occur outside of that regular schedule) must be publicly announced at least 24 hours in advance. 1 V.S.A. § 312(c)(2). A meeting is publicly announced when notice is given to all the members of the board; to an editor, publisher, or news director of a newspaper or radio station serving the area; and to any person who has requested notice of such meetings. 1 V.S.A. § 310(4). In addition, notices and agendas must be posted at the clerk’s office and in at least two other designated public places in the municipality at least 24 hours in advance. 1 V.S.A. § 312(c)(2).*

*Emergency meetings – which are held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body – may be held without posting, although some public notice must be given as soon as possible before the meeting. 1 V.S.A. § 312(c)(3).*

**Meeting Minutes**

**14. Do we have to take minutes at every meeting and provide them to the public?**

*Yes, minutes must be taken at every public meeting and must include at least the following information: members present, active participants at the meeting, motions made, and votes taken. 1 V.S.A. §*

312(b)(1). Minutes must be available for inspection five days after the meeting. 1 V.S.A. § 312(b)(2). *In addition, minutes must be posted no later than five days after the meeting to an official website, if one exists, that is maintained or has been designated as the official website.* 1 V.S.A. § 312(b)(2). While a person who fails to post minutes to the official town website “shall not be subject to prosecution for such violation ... in connection with any meeting that occurs before July 1, 2015,” we recommend complying with this requirement as soon as practicable. 2014 Vt. Acts and Resolves 143-6. Minutes need not be taken in executive session, but if they are, they are not subject to a public records request. 1 V.S.A. § 313(a).

## Exceptions to the Open Meeting Law

### 15 Can we ever meet behind closed doors?

There are exceptions to the Open Meeting Law. The requirements of that law are not imposed on municipal bodies in the following situations:

- **Site inspections** 1 V.S.A. § 312(g): e.g., assessing damage or making tax assessments or abatements;
- **Routine administrative matters** 1 V.S.A. § 310(2): e.g., scheduling meetings, updating listers’ cards;
- **Deliberative sessions within the context of a quasi-judicial proceeding** 1 V.S.A. § 312(e): e.g., hearings by a board of civil authority or zoning board, or employment termination (see #16 and #17); and
- **Executive sessions** 1 V.S.A. § 312(a): See #18-21.

### 16. What is a deliberative session?

A deliberative session occurs only in conjunction with a quasi-judicial proceeding. These are situations where a public body (such as a selectboard or development review board) is acting like a judge or jury in that it takes evidence or testimony, and then weighs, examines, and discusses the reasons for or against an act or decision based on that evidence. 1 V.S.A. § 310(5). Examples include tax appeal hearings before the board of civil authority, vicious dog hearings, employment termination hearings, and zoning and subdivision hearings before a planning commission, zoning board of adjustment, or development review board. The exception for deliberative session is limited to quasi-judicial proceedings and does not apply simply because the public body wants time to deliberate in private.

### 17. Do we have to come out of deliberative session to issue or adopt a decision?

Generally, no. The law allows a public body to make a decision in deliberative session so long as the decision is issued in writing and the writing is a public record. 1 V.S.A. § 312(f). This means that after the public body has heard all of the evidence in a hearing, it may adjourn the public portion of the meeting, privately discuss and determine the merits of the issue, and then circulate drafts of an opinion for comment and approval prior to issuing its formal written decision.

### 18. What about executive session? When can we use that exception?

Rarely. An executive session is a closed portion of a public meeting and is allowed only in certain limited situations. Those that apply to municipal bodies are as follows:

1. Negotiating or securing real estate purchase *or lease* options. 1 V.S.A. § 313(a)(2)
2. The appointment or employment or evaluation of a public officer or employee (**but** the public body must make a final decision to hire or appoint in an open meeting **and it must explain the reasons for its final decision**). 1 V.S.A. § 313(a)(3)
3. A disciplinary or dismissal action against a public officer or employee (**but** such officer or employee has the right to a public hearing if formal charges are brought). 1 V.S.A. § 313(a)(4)
4. A clear and imminent peril to the public safety. 1 V.S.A. § 313(a)(5)
5. Discussion or consideration of records or documents that are exempt from the public records laws (**but** that does not give authority to discuss the general subject to which the document pertains). 1 V.S.A. § 313(a)(6)

6. *Municipal or school security or emergency response measures, the disclosure of which could jeopardize public safety.* 1 V.S.A. § 313(a)(10)
  7. *When (and only when) the public body has made a specific finding that premature general public knowledge (see #19) would clearly place the state, municipality, other public body, or a person involved at a substantial disadvantage, it may go into executive session to discuss one of the following:*
    - A. *contracts;*
    - B. *labor relations agreements with employees;*
    - C. *arbitration or mediation;*
    - D. *grievances, other than tax grievances;*
    - E. *pending or probable civil litigation or a prosecution, to which the public body is or may be a party; or*
    - F. *confidential attorney-client communications made for the purpose of providing professional legal services to the body.*
- 1 V.S.A. § 313(a)(1)

**19. What is “premature general public knowledge” and how could that place someone at a substantial disadvantage?**

In order to go into executive session to discuss, for example, a contract, there must be a reason that the contract cannot be discussed in open session. For instance, if the municipality is in the midst of a contract negotiation, it would not want to discuss its proposed terms as that would give the other side an advantage at the bargaining table. On the other hand, if the body is dealing with a contract that has already been signed and therefore is already a public matter, it likely does not have legal grounds to go into executive session because there is no disadvantage that will be suffered by disclosing the information.

**20. When can we enter into executive session to discuss legal matters?**

*The amended law sets out two reasons to discuss legal issues in executive session once there has been a finding that premature general public knowledge would place a person or entity at a substantial disadvantage. First, you may discuss “pending or probable civil litigation or a prosecution, to which the public body may be a party.” Second, you may discuss “confidential attorney-client communications made for the purpose of providing professional legal services to the body.” 1 V.S.A. §§ 313(a)(1)(E) and (F). Municipalities also retain their ability under the law to have their attorney, among others, present during executive sessions [“Attendance in executive session shall be limited to members of the public body, and, in the discretion of the public body, its staff, clerical assistants and legal counsel, and persons who are subjects of the discussion or whose information is needed.” 1 V.S.A. § 313(b)] and to discuss correspondence from its attorney under 1 V.S.A. 317(c)(4). This provision of law exempts from the general rule of disclosure “records which, if made public ..., would cause the custodian to violate any statutory or common law privilege.” The attorney-client privilege falls within this exemption.*

**21. What are the logistics of entering into executive session?**

A motion to go into executive session must be made during the open portion of a meeting and must indicate the nature of the business to be discussed. 1 V.S.A. §§ 313(a). We recommend that you state the specific statutory provision that gives authority to enter into such session (“Title 1, Section 313, Subsection \_\_\_ of the Vermont Statutes”). We also recommend that you provide in your motion as much information as you can, without giving away the details that necessitate the executive session. The motion must get the vote of a majority of the members present. 1 V.S.A. §§ 313(a).

**22. How do we make a motion to enter into executive session?**

The contents of the motion to enter into executive session depend on the reason for entering the executive session. To enter into executive session for the reasons noted in 1 V.S.A. §§ 313(a)(2)-(a)(10),

(listed in #18, parts 1-6), the motion merely needs to identify the topic of discussion and the specific statutory provision that gives authority to enter into such session. We also recommend that you provide in your motion sufficient information without giving away the details that necessitate the executive session. For instance: “Because it is time for our annual evaluation of the town manager, I move that we go into executive session to discuss the evaluation of a public officer or employee under the provisions of Title 1, Section 313(a)(3) of the Vermont Statutes.”

*To enter into executive session for the reasons noted in 1 V.S.A. §§ 313(a)(1) (listed in #18, part 7), you must make a finding that premature general public knowledge would place the public body or a person involved at a substantial disadvantage.* 1 V.S.A. §§ 313(a)(1). Therefore, we recommend that you make **two separate motions**:

The **first motion** is to find that premature public discussion of the subject would cause the municipality (or a person) to suffer a substantial disadvantage. For instance, in the case of a contract under negotiation, the motion might be:

“I move to find that premature general public knowledge of the town’s contract with ABC Company would clearly place this selectboard at a substantial disadvantage, because the selectboard risks disclosing its negotiation strategy if it discusses the proposed contract terms in public.”

In this hypothetical situation, the “substantial disadvantage” is the risk of losing the competitive edge in the negotiations by talking about the specific terms in public. For instance, once ABC Company hears the selectboard talk about the maximum price it can afford to pay, ABC Company may refuse to take anything less than that amount.

The **second motion** follows from the first and should recite the specific statutory provision that gives authority to enter into such session. For instance:

“I move that we enter into executive session to discuss the town’s contract with ABC Company under the provisions of Title 1, Section 313(a)(1)(A) of the Vermont Statutes.”

It is important that the minutes show that there was a careful analysis of the need to enter into executive session before the first motion was made.

The amendment that requires a finding that “*premature general public knowledge would place the public body or a person involved*” is not actually a new requirement. Rather it is a reminder of the Vermont Supreme Court’s holding in *Trombley v. Bellows Falls Union High School Dist. No. 27*, 160 Vt. 101, (1993) and therefore something municipal public bodies should have been doing all along. The Court in that case held:

It is not unworkable for a public body to make a careful analysis of need before deciding to go into executive session. In fact, in the absence of a case-by-case determination, the legislative policy of openness would be frustrated by the impossibility of describing in categorical terms, without being over-inclusive, the permissible subjects of executive sessions. The exercise of judgment is inevitable. *Id.*

Given the Court’s opinion in *Trombley*, the first motion described above should only be made after a discussion (careful analysis) in general terms (otherwise the purpose of entering executive session would be defeated) of why “premature general public knowledge would clearly place the public body, or a person involved at a substantial disadvantage.”

## Violations of the Open Meeting Law

### 23. What is the penalty for a person who violates the law?

A person who knowingly and willfully violates the Open Meeting Law, or who knowingly and willfully violates the Open Meeting Law on behalf of or at the behest of a public body, or who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any relevant meeting may be guilty of a misdemeanor, punishable with a fine up to \$500. 1 V.S.A. § 314(a). *Prior to instituting such action, the Attorney General must provide the public body with written notice of the alleged violation. (See #24.)*

### 24. What must the public body do if it receives written notice of an alleged violation?

*Immediately contact your town attorney or the Municipal Assistance Center! A public body must respond publicly within seven days business days after receiving written notice alleging a violation. Logistically, this means that it must immediately call a special meeting and provide adequate notice and warning of that meeting, including an agenda. (See #13.) During the meeting, the body should publicly discuss the situation and determine whether there was an inadvertent violation of the law. Based on this determination, it should issue a statement that either denies the allegation and states that no cure is necessary, or acknowledges that there was an inadvertent violation that will be cured within 14 calendar days. The public body should not publicly acknowledge a violation that is anything other than inadvertent without specific legal advice to do so. Failure to respond to the allegation within seven business days is treated as a denial. 1 V.S.A. § 314(b). In the event that the public body is sued for a violation of the law (see #25), the court will assess attorneys' fees and costs based in part on whether there was a timely and response to a notice of violation. 1 V.S.A. § 314(d).*

### 25. Can someone sue the municipality for a violation of the law?

*Yes, but that person must give the public body a chance to respond to the allegation, as per #24. After the public body issues an acknowledgement or denial of the violation, and after allowing 14 calendar days for the body to cure the violation, either the Attorney General or any person aggrieved by the alleged violation may bring suit against the public body in Superior Court. Such a suit must be brought within one year of the alleged violation. 1 V.S.A. § 314(a).*

### 26. Is the public body liable for attorneys' fees if it is sued for a violation of the law?

*The law is unclear on this point. It states that a public body is not liable for attorneys' fees arising from litigation over an inadvertent violation of the law that is cured by the public body. 1 V.S.A. § 314(b)(1). However, the law also allows a court to assess attorneys' fees against a public body found to have violated the law. Before making this assessment, however, the court must consider whether the public body had a reasonable basis in fact and law for its position and that it acted in good faith, which includes responding to the notice of violation in a timely manner. 1 V.S.A. § 314(d).*

### 27. When does the clock start ticking? When has the public body "received" an allegation of violation?

*This issue is important because receipt of a complaint or allegation starts the seven business day timeline for response. Unfortunately, the statute does not define when the "receipt" takes place. We therefore advise that you take the most conservative approach and consider that the public body has received an allegation when any member of the public body, or any municipal official who acts in an administrative capacity for the public body, receives a written complaint or allegation of violation. At that point, the public body has seven business days in which to respond.*

**28. How does the public body “cure” the inadvertent violation?**

*An inadvertent violation is cured when there is either a ratification of the actions taken in violation of the law or a declaration that those actions are void. The public body must also adopt specific measures to prevent future violations of the law. 1 V.S.A. § 314(b)(4). Such measures should be geared toward addressing the particular violation and might include, for example, training regarding the requirements of the Open Meeting Law, or implementation of internal procedures to assist the public body in future Open Meeting Law compliance, such as VLCT’s “Revised Model Rules of Procedure,” which we will post on our website ([www.vlct.org](http://www.vlct.org)) by July 1, 2014.*

## **Sandy Pitonyak**

---

**From:** Kimberly Cheney [KCheney@cbs-law.com]  
**Sent:** Thursday, February 03, 2011 12:48 PM  
**To:** Sandy Pitonyak  
**Subject:** planning commission vacancy  
**Attachments:** Kim Resume, 2008.doc

Gentlepeople,

I would like to serve on the Planning Commission. I have returned to live in Montpelier (after a tour in Middlesex). Since I'm back home, I welcome the opportunity to participate the civic life here. I attach my resume. I understand that in public life there are many different points of view, which must be listened to respectfully before adopting policies that effect everyone. I have had experience in both. I have not had experience in land use planning, a deficit I hope to cure by study and listening to others.

Thank you for considering my application.

Mr. Kimberly B. Cheney, Esquire  
Cheney, Brock & Saudek, P.C.  
159 State Street  
Montpelier, VT 05602  
Tel: (802) 223-4000  
Fax: (802) 229-0370

**KIMBERLY B. CHENEY, ESQ.**

**Cheney, Brock & Saudek, P.C.**

**159 State Street**

**Montpelier, VT 05602**

**(802) 223-4000**

**[www.cbs-law.com](http://www.cbs-law.com)**

---

**Current Employment:**

Shareholder/partner in Cheney, Brock & Saudek, P.C. a law firm in Montpelier, Vermont, since 1977, engaging in general law practice, with emphasis on civil and criminal trials, and labor relations.

**Education:**

Yale University, New Haven, CT., BA 1957, Yale Law School, LLB, 1964 (Class Rank 21/166)

**Work History:**

1958 - 1961 U.S. Navy Lt., Operations Officer LST: Fleet Advisor Korean Navy.

1964 - 1967

Associate; Gumbart, Corbin, Tyler & Cooper, New Haven, CT.

1967 - 1968

Vermont Assistant Attorney General, General Counsel for Vermont Department of Education

1968 - 1972

Washington County State's Attorney

1972 - 1975

Vermont Attorney General.

1975 - 1977

Solo Practice of Law, Montpelier, Vt.

1977-Present

Partner, Cheney, Brock & Saudek, P.C.

**Other Activities**

1973 - 1978

Chairman, Committee to Advise Vermont Supreme Court on Rules of Criminal Procedure

1978-1986

Chairman, Vermont Labor Relations Board

1979-1982

Member, Montpelier School Board

1981-1986

Vermont Family Proceeding Advisory Committee (Divorce law reform)

1987

Chairman, Interim Advisory Committee to Vermont Supreme Court on Rules for Family Practice

1990-1996

Co-Chair, Vermont Adoption Reform Commission

1988-Present

Panelist New York Public Employment Relations Board. Arbitration and teacher mediation

|                |                                                                                                                   |
|----------------|-------------------------------------------------------------------------------------------------------------------|
| 1980-Present   | American Arbitration Association, Arbitrator<br>(Labor Relations)                                                 |
| 1981- 2007     | Member, Vermont Advisory Committee to United<br>States Civil Rights Commission. 1987-2007, Chair,<br>1996 to 2001 |
| 2002 - Present | Director, Vermont State Employees Credit Union                                                                    |
| 2004-Present   | Board of Directors, Washington Electric<br>Cooperative                                                            |

**Professional Associations:**

Vermont Bar Association  
Vermont Trial Lawyer's Association  
American Arbitration Association  
Vermont Employment Lawyers Association  
Vermont Criminal Defense Lawyers Association

**Publications:**

Safeguarding Legal Rights in Providing Protective  
Services. 13 Children 89 (1966)

A Public Employees Board for State Employees  
Rights Grievances - Excluding Private Arbitration.  
Why Not? Association of Labor Relations  
Agencies Proceedings. 1980

The 1986 Divorce Revolution, (With Trine C.  
Bech) Vermont Bar Journal, Aug 1966.

Family Law: Curtailing Judicial Discretion  
Vermont Bar Journal, Aug 1990

Author: Joint Custody: The Parents' Best Interests  
ARE the CHILD'S BEST INTERESTS, Vermont  
Bar Journal, Dec 2001

Author: Labor and Employment Law in Vermont,  
Butterworth Legal Publishers, 368 pages (1994);

Vermont Legislative bills including State Education  
Law, State Access to Public Documents Law,  
Criminal Code, Divorce, Child Support, Adoption.

Opinions, Vermont Labor Relations Board (Vols. 1  
to 9) 1978 - 1986 see [www.cbs-law.com](http://www.cbs-law.com)

Newspaper Column The Washington World Berlin  
Vt. collected at [www.CheneyColumn.com](http://www.CheneyColumn.com)

**Other:**

Elected Chairman, New England Attorney Generals  
Association 1974 (Rudman, New Hampshire;  
Killian, Connecticut; Isreal, Rhode Island)

Biography: Who's Who in America 1974-  
Present

Biography: The Best Lawyers in America (Labor  
Law) Woodward White, Inc. (1983)

American Arbitration Association, Whitney North  
Seymour, Sr. Medal (1988) Outstanding  
Contribution to use of Arbitration

**Admitted to Practice  
in the following Courts:**

|      |                                               |
|------|-----------------------------------------------|
| 1964 | Connecticut Supreme Court                     |
| 1965 | U.S. Court of Appeals 2 <sup>nd</sup> Circuit |
| 1967 | Vermont Supreme Court                         |
| 1971 | United States Supreme Court                   |
| 1974 | U.S. Court of Appeals D.C. Circuit            |
| 1974 | U.S. District Court, State of Vermont         |
| 1978 | U.S. Court of Military Review                 |

KIMBERLY B. CHENEY'S litigation practice includes Personal Injury, Family Law, Criminal Law, Civil Rights, and Professional Regulation. He advises individuals and corporations in the field of labor management relations.

Date: May 23, 2006

From: Alan Goldman  
1014 Terrace Street  
Montpelier, Vermont 05602

To: The City Council of Montpelier, Vermont

Dear City Council Members:

I respectfully request to be considered for the next opening to join and serve on our Planning Commission.

I have lived in Montpelier for almost 25 years and have participated in the planning process both as an applicant for a major project and as an involved citizen for 20 consecutive years. I truly love Montpelier and would enjoy tremendously in being able to give something back. Being a T-3 cancer survivor the most valuable thing I can give is my time and experience.

I feel I could be a worthy member since I have spent my entire adult life working with many Towns redeveloping old buildings, requiring that I be familiar with and understand many different sets of zoning regulations and master plans. I have worked in Plainfield, where I also served on the planning commission for two years, East Montpelier, Barre, Waitsfield, Montpelier, Middlesex and Marshfield.

I am also very familiar with most labor and industry codes and requirements, A.D.A. regulations, Act 250 regulations and I actively read and am quite familiar with Title 24, Chapter 117, Municipal and Regional Planning and Development, that entitles and governs all local bylaws that have been adopted by the Cities and Towns of Vermont.

Most importantly my continued involvement since 1987, actively reading and participating in the on going development of our Master Plan and the by-laws of our City, gives me a unique continuity and understanding of where have we been, where are we now and where are we going as a Community. I have learned much over the decades about local process, the concerns of our Citizens and the needs and challenges we face now and into the future.

If I am so lucky to receive your support, I would relish the opportunity to not just be a vocal face in the crowd; but to participate in creating the solutions that make our Community a better place to enjoy for all.

Thank you for your consideration.

Sincerely

Alan Goldman

**Sandy Pitonyak**


---

**From:** Clancy DeSmet  
**Sent:** Saturday, July 05, 2008 2:39 PM  
**To:** Gwendolyn Hallsmith; Sandy Pitonyak  
**Subject:** FW: Thanks for passing this along to the appropriate person(s)  
**Attachments:** Resume J. Moorman.pdf

I stopped in to print my itinerary and some directions. Here's a candidate for the Planning Commission. I know Jesse and would recommend him highly.

CD

---

**From:** Jesse Moorman [mailto:jmoorman@ppeclaw.com]  
**Sent:** Wednesday, July 02, 2008 4:11 PM  
**To:** Clancy DeSmet  
**Subject:** Thanks for passing this along to the appropriate person(s)

Dear Friends:

I write to express my interest in serving on the Montpelier Planning Commission and attach my resume for your consideration. As a land use lawyer, I grapple with state and local land use, planning and development issues nearly every day. I truly enjoy my work and would very much like to bring my enthusiasm and experience to bear for the betterment of our community, that is, for a sustainable and vibrant Montpelier. Thanks for your consideration.

Best regards,  
 Jesse

**Sandy Pitonyak**


---

**From:** Jesse Moorman [jmoorman@ppeclaw.com]  
**Sent:** Wednesday, July 16, 2008 12:13 PM  
**To:** Sandy Pitonyak  
**Subject:** RE: City Council Agenda for July 23rd ...

Sandy: My home address is 25 Liberty Street, Apartment 4, Montpelier, VT 05602. Feel free to use this address or my work address, below, for mailing purposes. Also, please let me know if my attendance at the 23 July City Council meeting is required or requested. Thanks. Best regards. Jesse

Jesse L. Moorman  
 Primmer Piper Eggleston & Cramer PC  
 100 East State Street  
 P.O. Box 1309  
 Montpelier, VT 05601  
 Tel: (802) 223-2102  
 Cell: (802) 371-8740  
 Fax: (802) 223-2628  
[jmoorman@ppeclaw.com](mailto:jmoorman@ppeclaw.com)

7/7/2008

# Jesse L. Moorman

25 Liberty Street, Apt. 4 • Montpelier, VT 05602 • (802) 371-8740 • Moorman.JL@gmail.com

---

## EXPERIENCE

### **PRIMMER PIPER EGGLESTON & CRAMER, Montpelier, VT**

*Associate, Environmental and Land Use Practice Group, Sept. 2007–Present*

- Advise corporate and individual clients in development permitting and environmental compliance matters, including Act 250, municipal land use permits and environmental permits administered by the Vermont Agency of Natural Resources and the Army Corps of Engineers. Represent clients before municipal panels, district environmental commissions, the Environmental Court and the Vermont Supreme Court.

### **SUPERIOR COURT OF MASSACHUSETTS, Boston, MA**

*Judicial Law Clerk, Sept. 2006–Aug. 2007*

- Assisted Justices in all phases of civil and criminal litigation. Prepared draft decisions, legal memoranda, and proposed jury instructions. Worked extensively on trials, hearings, and motion sessions.

### **LISMAN, WEBSTER, KIRKPATRICK & LECKERLING, Burlington, VT**

*Law Clerk, Summer 2005*

- Participated in litigation strategy and preparation, including discovery, for criminal and civil matters. Accompanied attorney to state and federal courts on numerous occasions.

### **THE HONORABLE DENISE R. JOHNSON, VERMONT SUPREME COURT, Montpelier, VT**

*Judicial Intern, Spring 2005*

- Worked closely with Justice Johnson in all aspects of appellate litigation. Prepared bench memoranda and draft opinions in complex civil and criminal matters, involving areas of law such as zoning and governmental immunity for tort liability.

### **ZIMMERMAN, KUHN, DARLING, BOYD, TAYLOR & QUANDT, Traverse City, MI**

*Law Clerk, Summer 2004*

- Researched and summarized regulatory takings caselaw for inclusion in Michigan Environmental Law Deskbook. Conducted cost recovery analysis and corresponded with state environmental agency pursuant to a multi-party settlement agreement concerning a groundwater remediation project.

### **COMBINED JEWISH PHILANTHROPIES, Boston, MA**

*Administrative Assistant, July 2000–July 2003*

- Developed customer service and interpersonal skills while assisting development department in the cultivation and stewardship of long-term philanthropic relationships with individuals and families.

## EDUCATION

### **VERMONT LAW SCHOOL, South Royalton, VT**

*Juris Doctor, magna cum laude, May 2006*

- Note Editor, *Vermont Law Review*. Research Editor, *Journal of National Security Law & Policy*. Jessup International Moot Court Team Member. Lingnan Foundation Fellowship Recipient for Chinese-U.S. Collaborative Environmental Law Research.
- Co-authored, "Promoting and Strengthening Public Participation in China's Environmental Impact Assessment Process: Comparing China's EIA Law and U.S. NEPA," with Zhang Ge, *Vermont Journal of Environmental Law* (Spring 2007)

### **BOSTON UNIVERSITY, Boston, MA**

*Bachelor of Arts, cum laude, Marine Biology, May 1999*

- Co-authored "Nitrogen Loading to Green Pond, Falmouth MA: sources and evaluation of management options," Kroeger, J.D., et al., *Environment Cape Cod*, 2:15-26 (1999).
- Tropical ecology, Tiputini Biodiversity Station and Galapagos Islands, Ecuador, Jan. 1999–May 1999. Marine ecology, Marine Biological Laboratory, Woods Hole, MA, Aug. 1998–Dec. 1998.

## PROFESSIONAL ASSOCIATIONS

American Bar Association, Vermont Bar Association, Washington County Bar Association

## Sandy Pitonyak

---

**From:** Clancy DeSmet  
**Sent:** Wednesday, September 21, 2011 8:09 AM  
**To:** Gwendolyn Hallsmith  
**Cc:** William Fraser; Sandy Pitonyak; Audra Brown  
**Subject:** FW: Planning Commission Vacancy  
**Attachments:** E Simpson Vermont.doc

FYI

---

**From:** Eileen Simpson [<mailto:greenmtn95@gmail.com>]  
**Sent:** Tuesday, September 20, 2011 8:47 PM  
**To:** Clancy DeSmet  
**Subject:** Planning Commission Vacancy

Dear Mr. DeSmet,

I understand that a vacancy has arisen on the Montpelier Planning Commission and I would like to apply to fill it.

I have owned property in Montpelier since 2004 and am a full time resident of the City. I have no financial or professional stake any matters that are likely to arise before the Board and I am experienced in listening to a variety of views, forming policies through inclusive consultation, and drafting clear guidance. I have a keen interest in real estate, development, affordable housing, and historic preservation issues and I studied land use in the context of Oregon policy and law (my former state of residence). I am familiar with modern zoning concepts and have followed the City's recent changes to the Planning Commission and creation of the DRB. I believe these actions were wise. I am available to attend the normal meeting times and I believe my knowledge and experience would benefit the Commission and the residents of Montpelier. My resume is included with this message.

Sincerely,  
Eileen Simpson  
802-249-9228

## EILEEN SIMPSON

**Grant Writing and Administration, Project Design and Administration, Subject-Matter Expert**

|                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Education</b>                    | <b>MS International Relations</b> , University of Cambridge, Cambridge, England. 2004.<br>Oxford University, Oxford, England.<br><b>Juris Doctorate</b> , University of Oregon, Oregon, USA.<br><b>BA Political Science with Distinction</b> , Washington State University, Washington.<br>Continuing Education Courses: Labor and Employment Law, Real Estate Issues<br>Graduate Courses: International Human Rights, Comparative Criminal Procedure, 1999. |
| <b>Years of Experience</b>          | 10+ Years                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Citizenship</b>                  | United States                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Languages</b>                    | English, Farsi (spoken only), Bangla, some Albanian, some Indonesian                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Countries of Work Experience</b> | United States, Macedonia, Kosovo, Afghanistan, Indonesia, Bangladesh                                                                                                                                                                                                                                                                                                                                                                                         |

### Professional Summary

Ms. Simpson has been a resident of Vermont since 2004. She is a former attorney and senior development specialist with extensive domestic and international experience and is comfortable working at all levels of responsibility in government and business organizations. She is an experienced grant writer, administrator, and reporter. Domestically, she led organizational assessments and programmatic redesigns, was a senior prosecutor, senior public defender, a legal division branch manager for a quasi-public insurance company, and community organizer. She was a member of the American Society of Public Administrators. Internationally, she has over 10 years experience in developing and leading community-based programs in anti-corruption, public access to justice, and legal reform. Her broad technical knowledge includes institutional strengthening in the civil (continental) administrative system, rule of law, and anti-corruption as well as institutional assessment, formal and informal legal system assessment, and graduate level training in Shari'a. Ms. Simpson has a Top Secret clearance and is a member of the Oregon Bar.

### Administrative and Technical Training

- Certificate: USG financial management and procurement regulations, Washington, DC.
- Certificates: Program Design and Grant Proposal Writing, Humber College, Canada.
- Certificates in Money Laundering and Prevention, Financial Ethics (includes terrorist financing, data security, UK and Australian legal framework), SAI International.
- Certificates in Government Accounting Office (Yellow Book) Audit standards, Fraud Prevention and Control, RIA-Thompson Tax and Accounting.
- USAID Performance Management Workshop, Macedonia (Results Frameworks & PMP).
- Certificate: Results Based Management Training, UNDP.
- Continuing Professional Education in labor and employment law, real estate and real property issues (60 hours in last 5 years).
- ODIHR Training, International Election Standards and Principles of Election Monitoring.
- BRIDGES, Introduction to Electoral Administration Module.

## **Selected Work Experience**

**Afghanistan: Justice Advisor, INL/State, January – June 2011.** Provide mentoring to Afghan prosecutors and judges assigned to the Justice Center in Parwan, located adjacent to Bagram Air Base. Prepare prosecution manual for US and Afghan personnel. Assess legal framework for court complex.

**Bangladesh: SSTA, Fraud and Corruption Specialist, DAI.** Assist officials from the Office of Comptroller and Auditor General to develop training modules and a comprehensive training plan on ethics and investigation techniques in fraud and corruption cases, TOT programming and gender plan. Develop resource manual of essential information and sustainability plan. Make recommendations for follow-on projects.

**Bangladesh: Voluntary.** Prepare grant proposals for USAID and AUSAID. Review programmatic activities, local professional literature, legislation and laws related to the justice sector. Project evaluation, grant preparation and review, research and writing projects for leading NGOs in civil society and local government. Prepare gap analysis for existing projects and propose strengthened activities related to human trafficking, HIV-AIDS, improving local governance, human rights advocacy and civil society reform for leading NGOs, including RDRS and IGS (BRAC).

**Consultant, ARD Inc., Bangladesh, April 2010 – June 2010.** Project proposal support to USAID proposal on Strengthening Democratic Local Government in Bangladesh.

**Justice Advisor, UNDP, Bangladesh 6 month contract, July 2009 – January 2010.**

- In coordination with the Assistant Country Director (Governance) the Justice Adviser was responsible for providing policy advice to UNDP and government counterparts on programmatic options related to human rights, human security, justice and rule of law policies and trends particularly as relates to women and vulnerable groups.
- The Justice Adviser provided analysis for formulation of strategies and policy briefs and worked with Government counterparts to identify appropriate policy options.
- M&E: supervised the mid-term review of Access to Justice Project with Ministry of Law and advised on strategies to increase its production and relevance.

**State's Attorney's Office, Washington County, Vermont, February 2009 – May 2009.**

- Volunteer in state prosecutor's office. Prepare US federal grant proposal for Recovery Act funding of a \$1.4 million anti-fraud and financial crime program.

**Social Safeguards and Anti-Corruption Team Leader, Infrastructure Program Management, Post-Tsunami Infrastructure Reconstruction and Rehabilitation Program (World Bank project); Aceh, Indonesia, August 2007 – October 2008**

- Leadership and project management for programs and team projects related to corruption control and community input, including budgeting, prioritizing work and managing deadlines.
- Oversee Social Safeguards Field Unit to ensure women's and community input and protection of disadvantaged groups in infrastructure reconstruction project selection, site selection, and project implementation. Make program aware of community tensions and work to reduce tension.
- Hire, supervise, train, and directly manage a team of two local Anti-Corruption professionals to assist Indonesian client in implementation, management, and monitoring of a multi-disciplinary anti-

- corruption work plan.
- Assist independent Anti-Corruption Bureau to prepare grant proposals, develop office protocols, improve citizen reporting mechanisms, recommend improved internal control systems, review and revise public complaints procedure and track and resolve grievances reported by communities, recommend institutional accountability/checks and balances, and reporting to increase transparency.
- Review and edit Local Government Capacity Assessment and identify ways to address women's needs and improve relative status in local government institutional performance.
- Prepared programmatic monthly reports to the World Bank for the entire project.

**2007 Program: National Legal Training Center and Access to Justice Focal Point. International Development Law Organization (IDLO), Kabul, Afghanistan, May 2006 – April 2007.**

- Project lead: continue working with senior officials to create the National Legal Training Center (an inter-ministerial education and training institution for five Ministries) as a sustainable institution by developing its legal foundation, governing charter, management plan, usage plan, and building the capacity of its management team.
- Access to justice focal point: as member of UNAMA Working Group on legal aid and access to justice participate in developing strategies. Prepared workplans, goals and objectives and measurable indicators of success.
- Assess informal dispute resolution in Afghanistan and recommend integration into legal aid plan.
- Ensure consideration of the needs of women in legal aid delivery and reduce access barriers.

**2006 Program: Prosecution Program Manager and NLTC Focal Point.**

- Head of prosecution component with responsibility for supervising 4 international and 8 local staff; for preparing comprehensive criminal justice curricula in collaboration with Attorney General's Office, publication of course materials for 25 subjects plus seminars on financial crime and money laundering. Implemented training program for 275 provincial prosecutors;
- Build the capacity of the Attorney General's Office Cadre to provide post-graduate and continuing education courses for staff, including curriculum development and program management.
- Supervision and staff development of the translation unit and build capacity of a total of 21 local staff in conflict and post-conflict conditions.
- Secretary of the Afghan National Development Strategy Working Group responsible for overall development of professional education and training.
- Prepare comprehensive training proposals for the Afghan Independent Administration of Anti-Corruption and Bribery Department.

**Legal Education and Training Expert, Justice Sector Support Program (INL project), Kabul, Afghanistan, July 2005 – May 2006.**

- Assess professional education and development programs and proposals, make recommendations.
- Developed practical recommendations for establishing a future inter-ministerial National Legal Training Center in cooperation with senior members of the Afghan, Italian, and US governments.
- Prepared draft anti-corruption curriculum for judges, prosecutors, defense attorneys and government attorneys including learning objectives, policies, and codes of ethics.

**Justice Strategy Advisor to the highest UN Justice official in Kosovo, National Center for State Courts (USAID-funded) project, Pristina, Kosovo, November, 2003 – July 2005**

- Under the USAID-funded project for Kosovo was seconded to the United Nations Department of Justice Transition Unit as advisor to develop a Kosovan Ministry of Justice, related local institutions and the overall justice sector to ultimately replace the UN justice administration in Kosovo. Reported to the highest UN official in the UNMIK Department of Justice.
- Assessed existing legal framework for key institutions, development efforts and gaps, informal/traditional dispute resolution, helped create a gender-sensitive legal and institutional

framework for legal aid throughout Kosovo, recommended strategies to improve service delivery at the local level through formal and informal methods.

- Institutional assessment: Co-leader of a functional review of the international DoJ and a comprehensive needs assessment of new institution leading to proposed local staffing tables and operational protocols.
- Co-chair of the Legal Aid Working Group that developed a system of civil and criminal legal aid: developed a Legal Aid strategy that was viable with limited assets, prepared the draft Legal Aid Law, developed detailed workplan to bring the system online, assisted the formation of new local and provincial NGOs to deliver local legal aid services, created flexible forms of public access and assistance, and developed civic awareness of the system that reduced barriers faced by women.
- Drafted transition plans, prepared timelines for handover to local staff, wrote policies and procedures, and provided technical assistance to assure UN personnel cross-trained local staff and handed over to new institutions with competent personnel who were trained to be human rights compliant.
- Donor Coordination: Prepared project proposals, guided project development and provided guidance directly to donors and UN departments on how to focus and manage transition projects while complying with USAID, DFID and EU (ECHO) contractual and grant regulations. Developed broad training program concepts for donors. Helped address problems between UNMIK and donors especially by increasing responsiveness of UNMIK to donor concerns.
- **Voluntary:** Member of the Kosovo Independent Media Commission, chair of Hearings Board adjudicating complaints against media outlets for ethnic bias and incitement.

**Senior Criminal Law/Defense Advisor, OSCE Rule of Law Department, Pristina, Kosovo, June 2002 – November 2003.**

- Assist local professionals to develop and obtain grant funding for a professional organization for defense attorneys.
- Wrote The Advocacy Guide, a text for teaching criminal defense and ethics.
- Developed the capacity of local lawyers to provide case assistance to members of the local bar on complex criminal cases and to identify and address human rights issues. Particular emphasis on women advocates and crimes related to women.
- Lead expert on OSCE assessment of draft UNMIK Criminal Codes, participated in local and international working group assessments of the law and proposed revisions and the development of training programs for local experts. Assessed new investigation tools to combat organized crime, drug trafficking, money laundering, corruption and proposed programmatic responses. Coordinated with regional NGOs and criminal justice reform task forces on reform of criminal procedure and crime codes to improve human rights compliance and prosecutorial capacities of the criminal justice system. Author: *Advocacy Guide for the New Criminal Defense Lawyer. The Common Law Expert and the Civil Law System: An Approach to Training.* For OSCE, CDRC and KLC.
- Co-Author: *Judicial Independence/Judicial Ethics: Addressing Rule of Law Dilemmas in Post-Conflict Societies.*

**January 2002 – March 2002, ARD, Inc. Macedonia Judicial Reform assessment.**

- Helped prepare project proposal to address post-conflict judicial reform needs at all levels of the judiciary in Former Yugoslav Republic of Macedonia.

**Former Yugoslav Republic of Macedonia, August 2000 – December 2001: Human Dimensions Officer, OSCE.**

**Pre-conflict activities:**

- Lead officer responsible for monitoring and reporting on significant political, human rights, and legal developments in host country. Scope of assignment included civil society, civic education, all gender issues including women's electoral capacitation, law reform and human rights; responsibility for leading working groups and organizing workshops and trainings to increase women's political

participation, developing anti-trafficking NGOs and engaging with senior government officials to develop and implement a national anti-trafficking strategy, developing a national prosecutor association, forums on legal system reform, and conflict prevention and mediation groups.

- Extensive experience assisting groups to apply for US government grants and meet reporting and financial management obligations.
- Evaluate and report on programs related to minority rights, police reform, civil and criminal procedure reform, organized crime and corruption, judicial reform, criminal justice reform; and serve as police reform project assistant.
- Extensive work with senior officials and NGOs at the national and local level to increase transparency, awareness and responsiveness to the public on rule of law, corruption, non-discrimination and human rights issues, and quality of life issues.
- Key participant in designing community forums to discuss how local governments implement new competencies.
- Assessed community rights and political issues related to Islamic and ethnic minorities and coordinated with local partners to generate constructive institutional responses.
- Monitored human rights compliance of police at local and national levels, and addressed complaints related to inter-community violence, monitored trials raising issues of police abuse.
- OSCE election monitor.

**Conflict related activities:**

- Senior human rights monitor in the conflict area, directed and also conducted field investigations on alleged human and community rights abuses including war crimes, murder, police abuse, and organized criminal activity. Assessed causes, proposed reforms and responses, assessed implementation of mitigation strategies.
- Contribute to stabilization initiatives. Advised senior international officials on sensitive human rights and security concerns. Conflict management/resolution: participated in international working groups at the senior level. Prepared post-conflict reconstruction recommendations including strategies to address community reconciliation, missing persons, conflict-related property seizures and destruction.
- Extensive civil-military liaison. Extensive reporting to senior officials on sensitive issues.

**Skopje, Macedonia, August 1999 – August 2000: Liaison, American Bar Association Central and Eastern European Law Initiative (ABA-CEELI).**

- Extensive experience assisting groups to apply for US government grants and meet reporting and financial management obligations.
- Court Administration: facilitated development of court administration plan with senior judges, including court automation, pilot projects, and independent court budget law.
- Civil society strengthening: Helped create and secure funding for debate societies in 5 major cities to present civics training and discuss public issues, helped establish an NGO to present the Street Law program pending acceptance by the Ministry of Education. Managed related USAID grants.
- Developed Macedonia Prosecutor's Association and provided training on non-profit association management and fund raising/grant writing.
- Managed USAID reporting requirements, local budgets for projects and office.

**USA, January 1994 – June 1999, Senior Defender, Umpqua Valley Defense Services.**

- Criminal defense of cases including welfare fraud, embezzlement, white-collar crime and defense of forfeiture cases involving assets alleged to be the proceeds of criminal activity. Continuing legal education trainer on complex criminal cases.

**1985 – December 1993, Organizational Consulting and Private Practice, Eugene, Oregon.**

- General practice including criminal law, labor and personnel law, insurance contracts, residential and commercial real estate issues.

- **Organizational restructuring:** Prepared comprehensive performance audits and recommended management and administrative reforms of the Risk Management Departments of large public employers, implemented the restructuring, hiring, and creation of new departments, saved the entity over \$700,000 in reduced costs and refunded reserves, total savings over \$1 million.
- Training: Law school practicum leader. Law school trial practice instructor. Employer education trainer and author of *Re-employing the Injured Worker*. Claims examiner certification trainer. Wrote employee manuals, policies, and procedures for private and public employers.

**1981 – 1985, Special Assistant Attorney General, Oregon SAIL Corp (Insurance).**

- Lead Attorney of branch office. In-house trainer for lawyers and claim examiners.
- Caseload of injury claims, claim fraud, billing fraud, over-prescription.
- Member of branch management team that participated in designing and implementing the restructuring of a quasi-public corporation.
- Organizational management and Human Resources certificate from Lane Community College on the major theories of management of complex organizations.

**1975 – 1981, Criminal Prosecution, Lane County District Attorney, Eugene, Oregon**

- Prosecution of all crimes up to homicide; mentor prosecutor interns.
- Supervising attorney of Family Support and Violence Unit. Member Sexual Assault Unit.
- Continuing Legal Education trainer on ethics and evidence.

**Accomplishments**

- **World Bank Anti-Corruption Action Plan** evaluated as 95% implemented after 12 months.
- **Invited Expert, International Conference:** Chatham House (Royal Institute of International Affairs), London, "Remaking Regions", 30 March 2003. Panelist presenter on technical methods of assessing and addressing problems of regional reconstruction following conflict.
- Formed and led first Domestic Violence Unit in Oregon. Established appellate precedent for using excited utterances to prosecute domestic violence and use of prior bad acts in child abuse prosecutions. Supervising attorney of Child Support and Protection Unit, 3 professional and 6 support staff.
- Member of the Board of Womenspace shelter.



## City of Montpelier, Vermont

*"The Smallest Capital City in the United States"*

Mayor John Hollar

City Council:

Tom Golonka, President  
Jessica Edgerly Walsh  
Alan H. Weiss  
Anne Watson  
Thierry Guerlain  
T. Andrew Hooper, Parliamentarian

William J. Fraser  
City Manager  
[wfraser@montpelier-vt.org](mailto:wfraser@montpelier-vt.org)

Beverlee Pembroke Hill,  
Assistant City Manager

July 11, 2014

The Times-Argus

Att: Classifieds

Please insert the following with City of Montpelier notices on Monday, July 21<sup>st</sup> and Thursday, July 31<sup>st</sup>. Thank you!

### CITY OF MONTPELIER

#### Planning Commission Vacancies

The Montpelier City Council is seeking individuals interested in filling four expiring, 2-year, terms on the Montpelier Planning Commission. Letters of interest and/or resumes should be submitted to the Office of the City Manager, City Hall - 39 Main Street, Montpelier (or sent by e-mail to [spitonyak@montpelier-vt.org](mailto:spitonyak@montpelier-vt.org)) on or by Thursday, August 7<sup>th</sup>. The City Council will make these appointments at their August 13<sup>th</sup> meeting. Applicants 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. Further information may also be obtained by contacting the Planning and Development Office at 223-9506.

William J. Fraser  
City Manager

## **Sandy Pitonyak**

---

**From:** Eileen Simpson [greenmtn95@gmail.com]  
**Sent:** Wednesday, July 16, 2014 11:18 AM  
**To:** Sandy Pitonyak  
**Subject:** Re: 4 Vacancies on the Planning Commission

Hi Sandy. I'd like to be considered for re-appointment. Thank you for letting me know.

Eileen

On Wed, Jul 16, 2014 at 10:47 AM, Sandy Pitonyak <[SPitonyak@montpelier-vt.org](mailto:SPitonyak@montpelier-vt.org)> wrote:

See attached ad; the four terms expiring are those of Eileen, Kimberly, Alan and Jesse. If you'd like to be considered for reappointment, please send me an e-mail to that effect. Thank you ...

***Sandy Pitonyak***

**Administrative Assistant to the City Manager**

**City Hall - 39 Main Street**

**Montpelier, VT 05602**

**Telephone: (802) 223-9502**

**FAX: (802) 223-9519**

**[spitonyak@montpelier-vt.org](mailto:spitonyak@montpelier-vt.org)**

## Sandy Pitonyak

---

**From:** Kimberly Cheney [KCheney@csgvt-law.com]  
**Sent:** Wednesday, July 16, 2014 11:31 AM  
**To:** Sandy Pitonyak  
**Subject:** RE: 4 Vacancies on the Planning Commission

I would like to be reappointed – hopefully there is an ending by December 31, 2014 when we have a draft.

Mr. Kimberly B. Cheney, Esquire  
Cheney Saudek & Grayck PC  
159 State Street  
Montpelier, VT 05602  
Tel: (802) 223-4000  
Fax: (802) 229-0370

---

**From:** Sandy Pitonyak [<mailto:SPitonyak@montpelier-vt.org>]  
**Sent:** Wednesday, July 16, 2014 10:47 AM  
**To:** John Bloch; Jon Anderson; Eileen; Tina Ruth; Kimberly Cheney; Alan Goldman; Jesse L Moorman  
**Subject:** 4 Vacancies on the Planning Commission

See attached ad; the four terms expiring are those of Eileen, Kimberly, Alan and Jesse. If you'd like to be considered for reappointment, please send me an e-mail to that effect. Thank you ...

*Sandy Pitonyak*

Administrative Assistant to the City Manager  
City Hall - 39 Main Street  
Montpelier, VT 05602  
Telephone: (802) 223-9502  
FAX: (802) 223-9519  
[spitonyak@montpelier-vt.org](mailto:spitonyak@montpelier-vt.org)

## Sandy Pitonyak

---

**From:** Alan Goldman [goldiefun@msn.com]  
**Sent:** Friday, July 18, 2014 1:58 PM  
**To:** Sandy Pitonyak  
**Subject:** RE: 4 Vacancies on the Planning Commission

Dear Montpelier City Council,

Please consider me for reappointment to our Planning Commission. I would be honored and very excited to serve another term with this excellent team of people. We are close to completing a fantastic new set of Zoning Bylaws that we have worked hard and long on. I would love to help finish this process that I have been part of since the beginning and I hope our City Council will give me the opportunity once again to serve our Community as a Planning Commissioner. I am confident you will be pleased with our work. I am also excited to begin working on Montpelier's next Master Plan which will be the 6th consecutive one that I have actively participated in since 1990.

Planning and zoning have been my life for almost 30 years since I first had the opportunity to serve as a Planning Commissioner for the Town of Plainfield in 1986 and I would love the opportunity to continue serving for the City of Montpelier.

Thank you for your time and consideration.

Alan Goldman

---

From: [SPitonyak@montpelier-vt.org](mailto:SPitonyak@montpelier-vt.org)  
To: [john@bugleg.com](mailto:john@bugleg.com); [janderson@vtlaw1.com](mailto:janderson@vtlaw1.com); [greenmtn95@gmail.com](mailto:greenmtn95@gmail.com); [tinapruth@gmail.com](mailto:tinapruth@gmail.com);  
[KCheney@cbs-law.com](mailto:KCheney@cbs-law.com); [goldiefun@msn.com](mailto:goldiefun@msn.com); [moorman.jl@gmail.com](mailto:moorman.jl@gmail.com)  
Subject: 4 Vacancies on the Planning Commission  
Date: Wed, 16 Jul 2014 14:47:19 +0000

See attached ad; the four terms expiring are those of Eileen, Kimberly, Alan and Jesse. If you'd like to be considered for reappointment, please send me an e-mail to that effect. Thank you ...

***Sandy Pitonyak***

Administrative Assistant to the City Manager  
City Hall - 39 Main Street  
Montpelier, VT 05602  
Telephone: (802) 223-9502  
FAX: (802) 223-9519  
[spitonyak@montpelier-vt.org](mailto:spitonyak@montpelier-vt.org)

## Sandy Pitonyak

---

**From:** Adams, John E. [John.E.Adams@state.vt.us]  
**Sent:** Monday, July 07, 2014 5:13 PM  
**To:** Sandy Pitonyak  
**Subject:** RE: DRB vacancy

Hi Sandy,

I'd like to withdraw my name from being considered for one of DRB vacancies. It is my understanding that there are four vacancies on the Planning Commission up next month and I would like to put my name forward for the PC instead.

Thank you.

John

John E. Adams AICP | Planning Coordinator  
Agency of Commerce and Community Development  
Department of Housing and Community Development  
One National Life Drive North Building, 6th Floor  
Montpelier, VT 05620-0501  
Phone: (802) 828-0162  
Fax: (802) 828-3258

[Subscribe to the Strong Communities Quarterly Newsletter](#)

---

**From:** Adams, John E.  
**Sent:** Thursday, July 03, 2014 10:05 AM  
**To:** 'Sandy Pitonyak'  
**Subject:** RE: DRB vacancy

Thanks Sandy!

John E. Adams AICP | Planning Coordinator  
Agency of Commerce and Community Development  
Department of Housing and Community Development  
One National Life Drive North Building, 6th Floor  
Montpelier, VT 05620-0501  
Phone: (802) 828-0162  
Fax: (802) 828-3258

[Subscribe to the Strong Communities Quarterly Newsletter](#)

---

**From:** Sandy Pitonyak [<mailto:SPitonyak@montpelier-vt.org>]  
**Sent:** Thursday, July 03, 2014 10:03 AM  
**To:** Adams, John E.  
**Subject:** RE: DRB vacancy

Thank you, John! I'll send you the agenda by the end of the day ...

---

**From:** Adams, John E. [<mailto:John.E.Adams@state.vt.us>]  
**Sent:** Thursday, July 03, 2014 9:59 AM  
**To:** Sandy Pitonyak  
**Subject:** DRB vacancy

## **JOHN E. ADAMS, AICP**

15 Marvin Street  
Montpelier, Vermont 05602  
(802) 999-3973 john.e.adams@gmail.com

### **WORK EXPERIENCE**

---

#### **Planning Coordinator, July 2012-present**

State of Vermont, Agency of Commerce and Community Development,  
Department of Housing and Community Development, Montpelier, Vermont

*GENERAL RESPONSIBILITIES:* Provide professional assistance to regional planning commissions, local governments and downtown organizations; liaise with other state agencies, boards and the legislature; implement programs resulting from the Vermont Municipal and Regional Planning and Development Act (24 VSA 117) and Growth Centers Act (24 VSA § 2793)

#### *KEY ACHIEVEMENTS:*

- Successfully led review of state 'designation programs' resulting in passage of H.377, H.809 & H.823
- Authored Neighborhood Development Area design guidelines for compact/walkable residential neighborhoods
- Managed legislative assignment leading to the creation of the 'Act 59' report, including over 40 recommendations to help the state reach its land use goals

#### **DRB Administrator / Senior Planner, September 2007- July 2012**

Town of Shelburne, Shelburne, Vermont

*GENERAL RESPONSIBILITIES:* Provided primary staff support to Development Review Board (DRB) and other committees; managed project review for site plan, subdivision and conditional use applications for residential, commercial and industrial development; coordinated cross-departmental project review; drafted amendments to Town ordinances and policy documents for Planning Commission and other committees; served as bylaw enforcement officer; coordinated with contracted town attorneys on appeals and legal challenges

#### *KEY ACHIEVEMENTS:*

- Established the Town of Shelburne's first Development Review Board
- Prepared staff review and supported the DRB on over 100 development projects
- Led project review of one of the state's largest mixed use developments, including a wide variety of housing, commercial and recreation facilities

#### **Development Review Planner, September 2006- September 2007**

Town of Williston, Williston, Vermont

*GENERAL RESPONSIBILITIES:* Advised builders, developers and property owners about ordinance requirements; served as support staff to Development Review Board and Conservation Committee; prepared planning reports for special projects and served as the Department's primary GIS and mapping professional

#### *KEY ACHIEVEMENTS:*

- Produced research and supporting evidence for Vermont's first Growth Center Application. (Project received APA's Small Town and Rural Planning Initiative award)
- Assisted in complete overhaul of Williston's Development Bylaws

## **WORK EXPERIENCE (Continued)**

---

### **Planner/Lecturer, 2005 (May-August)**

Ministry of Land and Resources, Beijing, People's Republic of China

*GENERAL RESPONSIBILITIES:* Served as lecturer on North American Planning Practices

### **Research Assistant, 2005**

Queen's University, Beijing and Kingston, Ontario

*GENERAL RESPONSIBILITIES:* Field researcher for project on Public Participation and Land Use Planning in China

## **EDUCATION**

---

### **Masters of Planning – Queen's University, 2004 to 2006**

School of Urban and Regional Planning, Kingston, Ontario

- Final Report: Second Homes and Land Use Planning in Vermont
- Led Research Project on Health and Homelessness in Kingston
- Awarded Senator Carrel Fellowship and Queen's Graduate Award

### **Bachelor of Arts – McGill University, 2001 to 2004**

McGill School of Environment, Montreal, Quebec

- Major: Environment and Development
- Final Report: Evaluation of Impacts and Challenges in Building Deconstruction
- Graduated with Great Distinction Honors

### **Diploma of College Studies, 1999 - 2001**

Champlain College, Saint-Lambert, Quebec

- Major: Commerce
- Final Project: Environmental Impacts of International Trade Agreements

## **SELECT COMMUNITY ACTIVITIES AND OTHER EXPERIENCE**

---

### **University of Vermont, Fall 2014**

- Adjunct lecturer, Land Use Policy & Economics

### **Vermont Planners Association, 2006-present**

- Vice President (2011/12), Coordinated statewide planning conferences; involved in key statewide planning issues and legislation

### **American Institute of Certified Planners, 2010 - present**

- Certified Professional Planner

### **Rotary International Group Study Exchange, May 2011**

- Lectured on Planning and Development in various cities in Turkey

### **Ethics Review Board, Kingston, 2004-2006**

- Reviewed research from Queen's University's School of Urban & Regional Planning

REFERENCES UPON REQUEST

# LESLIE A. WELTS

242 Elm Street, Apt. 2, Montpelier, VT 05602 • (802) 498-3096 • [leslie.welts@state.vt.us](mailto:leslie.welts@state.vt.us)

---

Montpelier City Council  
Office of the City Manager  
City Hall - 39 Main Street  
Montpelier, VT 05602

August 7, 2014

Dear Mayor Hollar, City Manager Fraser, and City Councilors:

Please accept my application for a two-year term with the City of Montpelier Planning Commission. I submitted a letter of interest to you last year and I am pleased to have the opportunity to reaffirm my interest in serving the Montpelier community.

As a commissioner, I would bring my youthful energy, strong analytical skills and communication abilities. As a young resident of Montpelier, I will listen to fellow commissioners' concerns with a view to compromise and problem-solving. As a renter, I have a different perspective than landowners and will be able to represent a currently under-represented demographic. And as an environmental attorney with the State, I can alert the Commission to potential environmental issues—such as wetlands, flood protection, and water quality concerns—that warrant further study by the Conservation Commission.

I have long been interested in planning and land use issues and view responsible development as especially important in Vermont. As the state capital, Montpelier is distinct in Vermont because it is host to several governmental, corporate, nonprofit, and educational institutions. Its residents value preserving the City's historic features and enjoying its bountiful natural resources. In addition, Montpelier faces unique planning challenges in accommodating an expanded population during certain times of year.

I am drawn to serving on the Planning Commission because I love Montpelier and its unique nature. Since moving here for work in late 2012, I have immersed myself in the local community and am eager to be able to give back by serving at the municipal level.

Thank you for your time and consideration of my application.

Sincerely,



Leslie A. Welts

# LESLIE A. WELTS

242 Elm Street, Apt. 2, Montpelier, VT 05602 • (802) 498-3096 • leslie.welts@state.vt.us

## PROFESSIONAL EXPERIENCE

### **Vermont Department of Environmental Conservation, Montpelier, VT**

*Staff Attorney*, Nov. 2012-Present

- Represent the Agency in appeals before the Environmental Court, testify on behalf of the Department in the Vermont Legislature, and provide general legal support for the Department's Watershed Management Division.

### **McGill University School of Environment, Montreal, Canada**

*Teaching Assistant* (Knowledge, Ethics and Environment), Jan.-May 2012

- Led student discussion conferences, graded student essay exams, and held office hours.

### **Commission for Environmental Cooperation Secretariat, Montreal, Canada**

*Legal Consultant*, Nov.-Dec. 2010

- Conducted legal and technical research for the factual record assessing EPA's enforcement of the Clean Water Act against coal-fired power plants for mercury emissions.

### **Environmental & Natural Resources Law Clinic, Vermont Law School, South Royalton, VT**

*Student Clinician*, May-Aug. 2010

- Drafted legal documents for Clean Water Act cases challenging wastewater treatment plant discharge compliance and urban stormwater discharge compliance in Massachusetts and agricultural runoff prevention practices in Vermont.

### **Commission for Environmental Cooperation Secretariat, Montreal, Canada**

*Semester in Practice Legal Extern*, Jan.-May 2010

- Legal externship for academic credit focused on developing a factual record assessing EPA's enforcement of the Clean Water Act against coal-fired power plants for mercury emissions.

### **Law Office of Marc Chytilo, Santa Barbara, CA**

*Law Clerk*, June-Aug. 2009

- Drafted memoranda for California Environmental Quality Act matters for small environmental law firm.

### **National Center for Ecological Analysis & Synthesis, Santa Barbara, CA**

*Events Manager*, Feb. 2007-July 2008

*Program Assistant*, Dec. 2005-Feb. 2007

- Coordinated with scientists from hundreds of institutions world-wide and served as main point of contact for information on NCEAS programs. Analyzed and performed initial screening of research proposals.

### **Benjamin A. Barnes, P.C. Law Firm, Northampton, MA**

*Office Assistant*, Dec. 2004-Sept. 2005

- Provided litigation support and conducted non-legal research projects for small general practice law firm.

## SPEAKING ENGAGEMENTS

COLLOQUIUM ON ENVIRONMENTAL SCHOLARSHIP, "Form Over Substance: Procedural Hurdles to the NAAEC Citizen Submission Process," Vermont Law School, Oct. 2013

JOINT WORKSHOP ON SUSTAINABLE DEVELOPMENT, THE SUBMISSIONS PROCESS AND CROSS-BOUNDARY ENERGY ISSUES, "Statutory Interpretation in the NAAEC Citizen Submission Process," Secretariat of the Commission for Environmental Cooperation, June 2013

Leslie A. Welts

Page 1 of 2

PERSPECTIVES ON SHALE GAS DEVELOPMENT IN QUEBEC, "Comparisons with Other Global Jurisdictions: Canada, the United States, and China," McGill University, May 2012  
MCGILL GRADUATE LAW CONFERENCE, "Stemming the Phosphorus Tide: Quebec's Legal Restraints on Agricultural Runoff," McGill University, May 2012

## **PUBLICATIONS**

*Form Over Substance: Procedural Hurdles to the NAAEC Citizen Submission Process*, in NAFTA AND SUSTAINABLE DEVELOPMENT: THE HISTORY, EXPERIENCE AND PROSPECTS FOR IMPLEMENTATION (Hoi Kong & L. Kinvin Wroth, eds, University of Cambridge Press, forthcoming 2014).

*Ignorance is Risk: Scientific Uncertainty, Hydropower & Mercury*, 2 CHI.-KENT J. ENV. ENERGY L. 1 (2011-12).

## **COURT ADMISSIONS & PROFESSIONAL ASSOCIATIONS**

Vermont Supreme Court  
California Supreme Court  
Member, Vermont Bar Association, Environmental Division, Young Lawyers Division

## **EDUCATION**

### **McGill University Faculty of Law, Montreal, Canada**

Master of Laws, Environmental Law, 2013

Honors: Graduate Excellence Fellowship

Thesis: *The Failure and Future of Policy Instruments in Managing Harmful Algal Blooms*

Activities: School of Environment *Liber Ero* Chair Search Committee Graduate Student Representative, Environmental Law McGill Member, McGill Triathlon Club

### **Vermont Law School, South Royalton, VT**

Juris Doctor, *cum laude*, Certificate in International & Comparative Law, 2011

Honors: Vermont Law Review Chase Paper 2011 Competition Winner

Academic Excellence Awards for achieving the highest grade in *Frontier Issues in Environmental Law & Policy* and in *Trial Practice*

Activities: International Law Society Executive Board, Environmental Law Society Member, VLS Outdoors Club Member

### **University of Massachusetts Amherst, Amherst, MA**

Bachelor of Music, Music Performance, *cum laude*, 2007

Honors: University Chancellor's Talent Award Scholarship Recipient

Activities: University Orchestra, Wind Ensemble, Jazz Ensemble I, Double Reed Ensemble

## **PRO BONO & VOLUNTEER WORK**

### **Centre for International Sustainable Development Law, Montreal, Canada**

*Pro Bono Legal Researcher*, Oct. 2011-Oct. 2012

### **Naples Coalition, Santa Barbara, CA**

*Outreach Volunteer*, June-Aug. 2009

### **Environmental Defense Center, Santa Barbara, CA**

*Volunteer*, Feb.-July 2008

## **PERSONAL**

Interests include playing the bassoon, running, Ballet dancing, snowboarding, Nordic skiing, birding, and French language.

**CITY of MONTPELIER  
DEPARTMENT of PUBLIC WORKS**

**M E M O R A N D U M**

**TO:** William J. Fraser, City Manager

**FROM:** Todd C. Law, PE, Director

**DATE:** August 8, 2014

**SUBJECT:** Storm Water Management Discussion

---

Storm water has become a substantial emphasis of regulatory discussion in the last few years. The Department of Environmental Conservation (DEC) currently regulates Combined Sewer Overflows (CSO) with our wastewater permit, which pertains to the overflows of our sanitary sewer system into the storm sewer due to increased flows from spring runoff or significant rain events. We have also been informed that we will be included in a "mini-MS4" community permit that will regulate storm water management and reducing the contamination of the receiving waters by storm events and our storm sewer system. MS4 is a regulation that stands for "Municipal Separate Storm Sewer System" and has been enforced in the more urban areas of Vermont since 2003. Particularly in areas around Burlington which also included storm water impaired watershed basins. Also included in storm water management is implementing storm water "Best Management Practices" (BMP) to control storm water and reduce runoff and provide treatment through infiltration and other practices. We will do a brief overview of CSO and will focus more on the MS4 requirement and BMP's as they pertain to reducing the potential of damage from large storm events and spring runoff.

CSO eliminations has been a driving force for Public Works since the early 90's when we started our elimination projects that separated storm water from the sanitary sewer system. Public works has been evaluating the effects of these projects and has implemented additional projects to reduce the direct inflow and consequential sanitary sewer overflow to the storm system. We monitor the overflow locations seasonally to determine if we meet the following Nine Minimum Controls of CSOs:

1. Proper operation and regular maintenance programs for the sewer system and CSO outfalls
2. Maximum use of the collection system for storage
3. Review and modification of pretreatment requirements to ensure that CSO impacts are minimized
4. Maximization of flow to the treatment facility for treatment
5. Elimination of CSOs during dry weather
6. Control of solid and floatable materials in CSOs
7. Pollution prevention programs to reduce containments in CSOs
8. Public notification to ensure that the public receives adequate notification of CSO occurrences and CSO impacts
9. Monitoring to effectively characterize CSO impacts and the efficacy of CSO controls.

As part of this we are responsible for reporting the overflow occurrences to the public and the Wastewater Management Division and to remove additional direct inflow and infiltration that causes overflows without a sufficient contributing event.

There are also storm water discharge permits that are linked to construction of developments since the 70's and 80's which include annual inspections and maintenance to ensure the storm water systems are functioning as designed. These permits are administered through the DEC. There are less than 10 that include municipal involvement as much of the City was built prior to the requirement of permits or are smaller than the threshold requiring a permit. There are

also a few permits that are the responsibility of non-municipal organizations (homeowners associations) and are also administered through the DEC.

We have received informal notification on new and anticipated future requirements in Stormwater Regulations, which will cause a direct impact on staff and equipment resources of the City. We have started to prepare for the impacts of these regulations with an additional staff person to assist with the storm water requirements and by purchasing a high efficiency sweeper capable of performing catch basin cleaning. The new regulations will be implemented through a permit referred to as a MS4 permit that will add six minimum measures required of each designated municipality under the Rule. These measures are:

- (1) *Public Education and Outreach,*
- (2) *Public Participation/Involvement*
- (3) *Illicit Discharge Detection and Elimination*
- (4) *Construction Site Runoff Control*
- (5) *Post-Construction Runoff Control and*
- (6) *Pollution Prevention/Good Housekeeping*

We are uncertain when the City will be included in this permit, but are certain that additional resources will be necessary to come into compliance and perform the necessary operations and maintenance activities that are required by the permit. (See attached list of the *MS4 selected minimum controls* spreadsheet).

A portion of the MS4 permit and a major point of emphasis for the City is the implementation of storm water BMP's to reduce the volume of runoff which causes erosion of backyard ditches and swales. Due to the past methods of moving runoff into pipes and closed collection systems in many developments, storm water was moved very quickly and efficiently down gradient which has caused much damage to the public and private property.

New development reviews through State and local permitting require erosion control methods to be used to minimize construction runoff and best management practices be installed to control, retain and treat storm water. The City has applied for an Ecosystem Restoration Program Grant to hire a consultant to provide a storm water management plan. The estimated cost for a plan ranges from \$15,000 to \$80,000 depending on the amount of detail given. The upper end would provide a comprehensive plan for which the City can use to install BMP's that would improve storm water quality and decrease the initial flow volume of storm events to reduce the erosive capability of storm water.

Public Works also started an inventory and inspection of the catch basins in the City a few years ago, but the regulatory requirements for the sanitary sewer and water systems has delayed the completion. We are now working with the State Watershed Management Division as they are completing the inventory, which are a prerequisite to the Good Housekeeping measure in the MS4 permit and the storm water management plan. The plan will help to guide the City in installing the appropriate BMP in the areas needed. Examples of BMP's range from retention basins, infiltration trenches and rain gardens that slow, filter, and treat storm water. DPW has already identified the need for a retention structure on Isabelle Circle due to high levels of runoff and the need to replace the culvert crossing at the bottom of the road. Storms that impacted this caused the erosion and rechanneling of the off road drainage systems that flow to Taplin, Blackwell and Scribner Streets. The amount of flow and changes in drainage patterns lead to a great deal of damage as a result of past storms. Following these storms, channel stabilization projects were built in these areas alike the projects built in other areas from these storms and others.

Inspection and maintenance of storm structures are and will be necessary to ensure there are no issues that need to be addressed. Much of the storm damage repair work that was completed in the drainage systems was done on private property, but has a detrimental effect on the City infrastructure.

Storm water is and will be a major portion of the DPW work load and will require labor, equipment and a budget to sustain what is necessary to meet the regulatory and

infrastructure protection needs. We are expecting the need for consultant assistance in storm water planning and for meeting the requirements of the anticipated future permits. We will have to evaluate the future needs when the permits come to fruition and how that factors into the work load and staff capabilities.

VERMONT MUNICIPAL BOND BANK  
SERIES 2014-4 REFUNDING BONDS  
(2006-1)

Municipality Certificate as to Municipal Bond

We, the Treasurer and at least a majority of the City Council of the City of Montpelier (the "Municipality") **HEREBY CERTIFY** as follows:

1. Reference is made to the Tax Certificate or Arbitrage and Use of Proceeds Certificate, including Schedule A-2, and IRC Section 148 Certification (the "Prior Certificates") given in connection with a certain "Municipal Bond(s)" as defined in the Prior Certificates. The covenants, certifications, representations and warranties made in the Prior Certificates with respect to each Municipal Bond and the project financed by the proceeds thereof continue to be accurate and complete in all material respects and the Municipality expects to continue to comply with the covenants in the Prior Certificates.
2. As to expectations expressed in the Prior Certificates concerning events that were to occur prior to the date of this Certificate, such expectations have been fulfilled in all material respects. All of the proceeds and earnings on the proceeds of each Municipal Bond have been spent substantially in accordance with such expectations.
3. As to expectations in the Prior Certificates relating to periods that have not yet occurred, such expectations (and the representations and covenants on which such expectations were based) are hereby ratified and confirmed as of the date of this Certificate.
4. Also attached hereto is a new Internal Revenue Service Form 8038-G executed by the Treasurer of the Municipality. The information set forth in said Form is accurate and complete to the best of our knowledge. We have been instructed by the Vermont Municipal Bond Bank that each Municipal Bond is now treated as a "refunding bond" as of the date hereof for purposes of Form 8038-G.
5. With respect to each Loan Agreement between the Municipality and the Vermont Municipal Bond Bank (the "Bond Bank"), and all amendments thereto, under which each Municipal Bond was issued, within thirty (30) days following a request by the Bond Bank, the Municipality agrees to furnish the Bond Bank with its most recent financial statements, explanatory notes and other financial and operating information as the Bond Bank may request. In addition, the Municipality agrees to notify the Bond Bank immediately of any material event which has or may have an effect upon its financial condition or its ability to perform fully and timely any covenant, obligation or undertaking set forth in each Loan Agreement or each Municipal Bond. As used in this paragraph, a material event is any one of the following:
  - (a) Actual or anticipated delinquency or default of payment of principal or interest on each Municipal Bond or any other debt obligation of the Municipality;
  - (b) Any actual or anticipated default or breach on the part of the Municipality with respect to any term or provision of each Loan Agreement or like agreement to which the Municipality is a party; or

(c) Any release, substitution or sale of property securing repayment of each Municipal Bond.

6. No portion of the proceeds of each Municipal Bond have been or will be invested, directly or indirectly, in Federally insured deposits or accounts other than (A) investments of unexpended Municipal Bond proceeds for an initial temporary period until the proceeds are or were needed for the Project, and (B) investment of a debt service fund.

7. With respect to any amounts received from condemnation, insurance, or disposition of any part of the Project financed by each Municipal Bond or any other amounts set aside by the Municipality, which are or were pledged to, expected to be used or used for the payment of debt service on each Municipal Bond, the Municipality will so notify the Bond Bank and will either invest such amounts in obligations of the State of Vermont or other State or of any political subdivision thereof, the interest on which is exempt from Federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, invest such amounts in obligations having a yield that is less than the lesser of the Municipal Bond or the Bond Bank Bonds, or comply with the provisions of any Accounting Memorandum attached to the Prior Certificates, unless specifically advised in writing to the contrary by the Vermont Municipal Bond Bank.

8. The Project financed by each Municipal Bond is and will be owned by the Municipality and will not be leased to any person who is not a state or local government unit. The Municipality has not and will not enter into any contracts or other arrangements, including without limitation, management contracts, capacity guarantee contracts, take or pay contracts or put or pay contracts, pursuant to which such persons have a right to use or make use of the Project on a basis not available to members of the general public.

IN WITNESS WHEREOF, we have hereunto set our hands on behalf of the Municipality this \_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF MONTPELIER

By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All or a majority of its City Council

And By: \_\_\_\_\_  
Its Treasurer

**Vermont Municipal Bond Bank**  
**Series 2014-4: Underlying Loan Schedules**  
**Savings Adjustments**

*Loan Saving Schedule, City of Montpelier*

| Date                            | Principal  | Interest   | Principal and Interest | Annual Principal and Interest | Savings Allocation | Adjusted Loan Debt Service | Ann. Adjusted Loan Debt Service |
|---------------------------------|------------|------------|------------------------|-------------------------------|--------------------|----------------------------|---------------------------------|
| Total                           | 550,000.00 | 155,076.75 | 705,076.75             | 705,076.75                    | (24,843.57)        | 680,233.18                 | 680,233.18                      |
| Weighted Average Maturity (WAM) |            |            |                        |                               |                    |                            | 6.04                            |
| Net Interest Cost (NIC)*        |            |            |                        |                               |                    |                            | 4.671%                          |
| 11/15/14                        | 45,000.00  | 12,289.00  | 57,289.00              | 57,289.00                     | (752.84)           | 56,536.16                  | 56,536.16                       |
| 5/15/15                         | -          | 11,342.88  | 11,342.88              |                               |                    | 11,342.88                  |                                 |
| 11/15/15                        | 45,000.00  | 11,342.88  | 56,342.88              | 67,685.75                     | (5,484.94)         | 50,857.93                  | 62,200.81                       |
| 5/15/16                         | -          | 10,381.00  | 10,381.00              |                               |                    | 10,381.00                  |                                 |
| 11/15/16                        | 45,000.00  | 10,381.00  | 55,381.00              | 65,762.00                     | -                  | 55,381.00                  | 65,762.00                       |
| 5/15/17                         | -          | 9,407.88   | 9,407.88               |                               |                    | 9,407.88                   |                                 |
| 11/15/17                        | 45,000.00  | 9,407.88   | 54,407.88              | 63,815.75                     | (1,613.22)         | 52,794.66                  | 62,202.53                       |
| 5/15/18                         | -          | 8,421.25   | 8,421.25               |                               |                    | 8,421.25                   |                                 |
| 11/15/18                        | 45,000.00  | 8,421.25   | 53,421.25              | 61,842.50                     | (1,720.77)         | 51,700.48                  | 60,121.73                       |
| 5/15/19                         | -          | 7,423.38   | 7,423.38               |                               |                    | 7,423.38                   |                                 |
| 11/15/19                        | 45,000.00  | 7,423.38   | 52,423.38              | 59,846.75                     | (1,720.77)         | 50,702.61                  | 58,125.98                       |
| 5/15/20                         | -          | 6,416.50   | 6,416.50               |                               |                    | 6,416.50                   |                                 |
| 11/15/20                        | 45,000.00  | 6,416.50   | 51,416.50              | 57,833.00                     | (3,441.53)         | 47,974.97                  | 54,391.47                       |
| 5/15/21                         | -          | 5,400.63   | 5,400.63               |                               |                    | 5,400.63                   |                                 |
| 11/15/21                        | 45,000.00  | 5,400.63   | 50,400.63              | 55,801.25                     | (1,828.31)         | 48,572.31                  | 53,972.94                       |
| 5/15/22                         | -          | 4,378.00   | 4,378.00               |                               |                    | 4,378.00                   |                                 |
| 11/15/22                        | 45,000.00  | 4,378.00   | 49,378.00              | 53,756.00                     | (1,720.77)         | 47,657.23                  | 52,035.23                       |
| 5/15/23                         | -          | 3,348.63   | 3,348.63               |                               |                    | 3,348.63                   |                                 |
| 11/15/23                        | 40,000.00  | 3,348.63   | 43,348.63              | 46,697.25                     | (1,720.77)         | 41,627.86                  | 44,976.48                       |
| 5/15/24                         | -          | 2,431.63   | 2,431.63               |                               |                    | 2,431.63                   |                                 |
| 11/15/24                        | 35,000.00  | 2,431.63   | 37,431.63              | 39,863.25                     | (1,613.22)         | 35,818.41                  | 38,250.03                       |
| 5/15/25                         | -          | 1,625.75   | 1,625.75               |                               |                    | 1,625.75                   |                                 |
| 11/15/25                        | 35,000.00  | 1,625.75   | 36,625.75              | 38,251.50                     | (2,366.05)         | 34,259.70                  | 35,885.45                       |
| 5/15/26                         | -          | 816.38     | 816.38                 |                               |                    | 816.38                     |                                 |
| 11/15/26                        | 35,000.00  | 816.38     | 35,816.38              | 36,632.75                     | (860.38)           | 34,955.99                  | 35,772.37                       |
| 5/15/27                         | -          | -          | -                      |                               |                    | -                          |                                 |
| 11/15/27                        | -          | -          | -                      |                               |                    | -                          |                                 |

\*Illustrates NIC before Savings Allocation