CITY OF MONTPELIER MONTPELIER, VERMONT

<u>Agenda for City Council Meeting</u>
Wednesday, March 27, 2013
06:30 P.M.

1) Call to Order by the Mayor

2) 13-085. General Business and Appearances

3) 13-086. Consideration of the Consent Agenda:

   a) Approve the Minutes from the March 13, 2013 Meeting.

   b) Recognition, and signing, of a Proclamation for "Mayors Day of Recognition for National Service", April 9, 2013.

   c) Approval of a "Declaration of Official Intent of the City of Montpelier to Reimburse Certain Expenditures from Proceeds of Indebtedness". City Attorney Paul Giuliani requests that this resolution be approved as part of the documents necessary for the public highway, sewer system and school building capital improvement bonds that will be issued this year.

   d) Authorize permission for the purchase of a 2013 Chevrolet Impala Police 4-door Sedan Model 1WS19 from Cody Chevrolet in the amount of $22,393 (Manufacturer's Suggested Retail Price with MPD specified options is $29,350). The vehicle requested is within the budgetary amount specified, $23,000.

   e) Consideration of becoming the Liquor Control Commission for the purpose of acting on the following:

      1. Annual renewal of Liquor Licenses (City Clerk will distribute list of

applications at the meeting.)

2. Annual renewal of Tobacco Licenses (City Clerk will distribute the list of applications at the meeting.)

f) Payroll and Bills

4) 13-087. Appointment to Montpelier's Planning Commission

a) John Bloch's 2-year term expires this month; staff advertised and only received one e-mail from John who is seeking reappointment.

b) Recommendation: Appoint John Bloch to another 2-year term on the Planning Commission.

5) 13-088. First Public Hearing for a proposed amendment to the City's Code of Ordinances, Chapter 10, Motor Vehicles and Traffic, Article VII. Parking and Parking Meter Zones, Sec. 10-716. PARKING PROHIBITED

a) The following is an excerpt from a memo from Montpelier's Traffic Committee: "Beginning in the fall of 2012 and continuing into the winter months, motorists have been parking along the west side of Hubbard Street on the one-way section southerly of East State Street. Parking too close to the intersection on this narrow section of street is deemed to be unsafe due to the limited sight distance (restricted visibility) caused in part by the steep grade. Furthermore, a vehicle parked on the side of the street near the intersection results in a physically challenging maneuver for a motorist attempting to enter the street with a left or right turn and to negotiate between the parked vehicle on one side of the street and a guardrail on the opposite side. The situation worsened in the early winter months due to inclement weather and accumulation of snow banks further restricting the usable travel lane."

b) Based on this information, the following amendment is proposed for Council consideration:

c) (o) Hubbard Street. Parking is hereby prohibited on the east side of Hubbard Street from East State Street to Marvin Street, and on the west side of Hubbard Street from the Park Avenue curb line southerly for a distance of 50 feet; and also on the westerly side for a distance of one hundred seventy-eight (178) feet northerly from the curb line intersection with East State Street, said point being sixty-six (66) feet northerly of the driveway to number 58 East State Street. Parking is also prohibited on the easterly side of Hubbard Street from its curb line intersection with Barre Street northerly for a distance of fifty (50) feet; and beginning at a point located two hundred twenty (220) feet from the curb line intersection of Barre Street and extending in a northeasterly direction for a distance of two hundred eighty (280) feet; and parking is prohibited on the westerly side of Hubbard Street from its curb line intersection with Barre Street northerly for a distance of ninety (90) feet; and on the westerly side from the curb line intersection of East State Street southerly for a distance of thirty three feet (33').

d) Recommendation: Conduct the First Public Hearing; possible direction to staff; set the date of the next Public Hearing for April 10, 2013.

6) 13-089. First Public Hearing for a proposed amendment to the City's Code of Ordinances, Chapter 4, Building Regulations, Article 11, Codes - §201-4. AMENDMENTS

a) A recent review of this section of the Building Regulations has brought to question some concerns with residential additions, and renovations. Additionally, problems with water supply in some areas have made sprinkler installations difficult and costly. Based on this recent review, the Fire Chief would like to propose the following amendments:

1. Exception No. 4: Residential additions which do not exceed 50% of the square footage of the previously existing building or, in any case, 1,000 square feet. Residential additions which do exceed 50%, or 1,000 square feet, may however file an alternate Fire Safety Compliance Plan approved by the Fire Chief.

2. Add: Exception No. 7: In areas where insufficient water supply would cause an undue hardship, an alternate Fire Safety Compliance Plan can be submitted to the Fire Chief for approval.

b) Recommendation: Conduct the First Public Hearing; possible direction to staff; set the date of the next Public Hearing for April 10, 2013.

7) 13-090. Discussion of 58 Barre Street Senior Meals Program and proposed partnership with Just Basics, Inc. for providing Meals on Wheels.

a) This item is included for consideration at the request of Janna Clar, Director of the Montpelier Senior Activity Center.

b) Recommendation: Discussion; possible direction to staff.

8) 13-091. Discussion of an RFP in which the City would solicit proposals for net-metered photovoltaic electricity generation on City property, at no cost to the City.

a) This item is included at the request of City Councilor Anne Watson.

b) Recommendation: Receive further information from members of the Energy Committee; discussion; possible motion to issue an RFP.

9) 13-092. Further discussion re: Committee Assignments.

a) At their March 13th meeting, Council reviewed the list of boards and commissions which City Councilors are liaisons to, or members of.

b) There were questions on the representation to the Kellogg-Hubbard Library, Montpelier Alive and the T.W. Wood Art Gallery; Council chose to have a follow-up discussion at this meeting.

c) Recommendation: Receive any follow-up information or comments; decide whether or not these three organizations should have Council representation.

10) 13-093. Begin updating Council's Goals/Priorities for 2013-14.

a) A list of the 2012-13 Goals is attached for review and status update.

b) Recommendation: Discussion.

11) 13-094. Council Reports

12) 13-095. Mayor's Report

13) 13-096. Report by the City Clerk

14) 13-097. Status Reports by the City Manager

15) 13-098. Agenda Reports by the City Manager

   a) Update on negotiations with the Carr Lot Project. It is anticipated that the entire substance of this update will be conducted in Executive Session under Title 1, V.S.A., §313, (a) (2) "The negotiating or securing of real estate purchase options."

16) Adjournment

Montpelier Police Department

Memo

To: City Manager William Fraser

From: Chief Anthony J. Facos

CC: Sandra Gallup

Date: March 22, 2013

Re: 2013 Cruiser purchase

I am requesting permission to order a 2013 Chevrolet Impala Police 4dr sedan model 1WS19 from Cody Chevrolet for the amount of **$22,393** (MSRP with MPD specified options is $29,350).

The State of Vermont bid price from Shearer Chevrolet for the same vehicle and options is $22,562. The vehicle requested is within the budgetary amount specified in POLICE 10-9400-83.02 which has listed $23,000 for a police cruiser.

COMMITTEES WITH COUNCIL/STAFF REPRESENTATIVES
(As of March, 2013)

Americans with Disabilities (ADA)	No Council Rep	Bill Fraser, City Manager Tom McArdle, Adm. Ass't. to DPW Director
Building Code Appeals Committee	Alan H. Weiss Tom Golonka Jeff A. Stetter ⇨	Bob Gowans, Fire Chief Bill Fraser, City Manager (Gossens Bachman Architects)
Capitol Complex Committee	No Council Rep	Paul Carnahan
Capital Projects Committee	Thierry Guerlain Anne Watson Jessica Edgerly Walsh Andy Hooper ON HOLD	Todd Law, DPW Director Tom McArdle, DPW Assistant Director Sandy Gallup, Finance Director Bill Fraser, City Manager Planning Commission Rep
Central Vermont Core Communities Regional Public Services Committee	Tom Golonka Alan H. Weiss	3 Representatives from each Community Bill Fraser, City Manager
CVRPC	No Council Rep	Tina Ruth, PC Member Kim Cheney, Alternate
CVRPC/TAC		Eileen Simpson (5-14-12)
Central Vermont Solid Waste	Andy Hooper, Alternate	Mia Moore
Charter Revision Committee	Alan H. Weiss	
Citizen Advisory Board for Community Justice Center	Anne Watson	Yvonne Byrd, CJC Director
EC Fiber	No Council Rep	John Bloch (Appointed 2/22/12) Dan Jones, Alternate (Appointed 3/28/12)
Energy Advisory Committee	Anne Watson	Gwen Hallsmith, Planning Director
GMTA/CCTA Advisory Board	No Council Rep	Harold Garabedian
Harry Sheridan Scholarship	Alan H. Weiss	
Housing Task Force	Jessica Edgerly Walsh	Kevin Casey, CD Specialist Gwen Hallsmith, Planning Director
Housing Trust Fund Committee	Tom Golonka	
Kellogg-Hubbard Library Board Rep	Thierry Guerlain ON HOLD	Suzanne Hechmer
Montpelier Alive Board Design Committee	ON HOLD	
Montpelier Senior Center Advisory Board	Thierry Guerlain	
Parking Committee	ON HOLD	
Pedestrian Committee	ON HOLD	
Recreation Board	Tom Golonka	
Regional Bike Path Committee	Jessica Edgerly Walsh	
Water Rate Study Committee	Tom Golonka Andy Hooper Thierry Guerlain	Sandy Gallup, Finance Director Todd Law, DPW Director Bill Fraser, City Manager
T.W. Wood Art Gallery Board	ON HOLD (By the TW Wood deed of gift of paintings, the Mayor is automatically a member of the board.)	

CITY COUNCIL GOALS
For June 27, 2012 Meeting
2012 - 2013

Goal: ***Balance and control municipal budgeting, taxes and services relative to current population and grand list tax base***

Steps:

- Assemble a citizen's group to compile municipal tax rate information from comparable municipalities.
- Develop longer term budget projections
- Assure that all Matrix Report recommendations have been addressed
- Set a Budget target, focus budget discussions on policy and services, not line items.
- Complete five year plan to implement debt and fund balance policy.
- Establish a rational process for funding outside agencies

Goal: ***Maintain all city streets, bridges, sidewalks and other infrastructure (tennis courts, parks, rec paths, etc.) in (at minimum) fair or good condition as per appropriate rating indices.***

Steps:

- Capital improvements committee to recommend a funding plan to improve streets and sidewalks to a reasonable level within five years.
- Develop comprehensive inventory of infrastructure needs and associated costs.
- Take steps to remove all dual utility poles in Montpelier.

Goal: ***Provide sufficient parking throughout the city for shoppers, visitors, businesses and housing.***

Steps:

- engage in a city-wide analysis of parking issues including review of existing information.
- Initiate discussions with State on parking issues especially regarding parking near Statehouse.
- review and balance alternatives between adding parking and reducing parking demand.

Goal: ***Provide comprehensive, accessible and useful information to constituent groups about the City government and the community.***

Steps:

- Re-vamp city website to make it more user-friendly; provide clear and easy-to-find information for residents AND for potential residents and potential businesses
- Expand use of social media to communicate city's message while continuing traditional communications methods.
- Provide adequate staff and volunteer support to maintain communications efforts once they have started.
- Target appropriate information messages to specific audiences

Goal: ***Promote and encourage a mix of single and multi family residential growth.***

Steps:

- Create a Hospitable environment for residential growth
- Follow-through with recommendations of Barriers to Housing Committee
- Consider public investment in infrastructure to generate housing.
- Review impact of sprinkler ordinance on housing

Goal: ***Create an environment where businesses thrive throughout Montpelier.***

- Change narrative and present Montpelier as business friendly through brochures, communications and marketing.
- Maintain active role in Dickie Block redevelopment
- Establish Economic Development and Business Recruitment/retention a municipal priorities
- Maintain a viable and vibrant downtown
- Consider financial incentives

Goal: ***Become a nationally known bike and pedestrian friendly city.***

Steps:

- Repair sections of bike path and bridge
- Install additional bike racks downtown
- Make completing the bike path a priority project
- Convene a bike/pedestrian summit in conjunction with Parks Commission

- Create and publish a prioritized list of other sidewalks in need of repair or replacement
- Continue to work with Sidewalk Stewards to help monitor conditions

Goal: ***Make significant progress on three major outstanding capital projects: District Heat, Transit Center and Montpelier/Berlin Bike Path.***

MISCELLANEOUS:

The Director of Finance shall present an auditors approved process to the Council indicating a revised process for the authorization of payment of bills and warrants.

The Council shall appoint a Charter Review Commission. Its charge to analyze the contents of the Charter regarding anachronisms, items to be deleted, amended or added. The Commission shall report its findings no later than 11 December 2012.

The Council will consider appropriate means of volunteer appreciation and recognition.

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16) *Adjournment*

Minutes of the Montpelier City Council Meeting
March 13, 2013
Montpelier High School Library

In attendance: Mayor John Hollar (presiding), City Manager Bill Fraser, City Councilors Jessica Edgerly Walsh, Thierry Guerlain, Alan Weiss, Tom Golonka and Anne Watson (Councilor Andy Hooper arrived later). City Clerk John Odum acted as Secretary of the Meeting.

Mayor Hollar called the meeting to order to order at 6:34. City Manager Fraser took a moment to introduce recently-hired Assistant City Manager Jessie Baker, who is scheduled to start work in April.

13-069. The City Clerk administered the oaths of office to Councilors Golonka, Watson, and Walsh.

13-070. The Council appointed Councilor Golonka to the position of Council President, Councilor Guerlain to the position of Vice President, and Councilor Hooper to the position of Parliamentarian.

13-071. Councilor Golonka moved the re-adoption of the council ethics policy. Councilor Guerlain seconded the motion, which passed unanimously at 6:37.

13-072. Councilor Guerlain moved approval of the council's rules of procedure. Councilor Watson seconded. Upon a question from Councilor Weiss, the replacement of the word "hand-delivered" in item 10 was replaced by "Delivered" through a friendly amendment. There was a brief clarifying discussion of item 12, before the motion as amended was approved unanimously at 6:39.

12-073. The council took the following actions regarding committee assignments for councilors. The list was moved by Councilor Golonka, seconded by Councilor Walsh, and approved unanimously at 7:04.

- Building codes appeal committee – Councilor Golonka.
- Capital projects committee – Councilors Walsh, Watson and Guerlain (it was noted that Councilor Hooper was also interested, but no action was taken to appoint him).
- Central Vermont core communities regional public service committees – Councilor Golonka
- Central Vermont solid waste – Councilor Hooper (as an alternate).
- Citizen advisory: community justice – Councilor Watson
- Energy advisory – Councilor Watson
- Housing task force – Councilor Walsh
- Housing trust fund – Councilor Golonka
- Senior Center advisory board – Councilor Guerlain
- Recreation board – Councilor Golonka
- Regional bike path – Councilor Walsh
- Water rate study committee – Councilors Golonka, Hooper and Guerlain
- Harry Sheridan scholarship – Councilor Weiss (as liaison)
- Charter committee – Councilor Weiss (as liaison)

Other committees were left without a formal council appointment, either by direct intention, or with the intent of discussing them further at a later date.

Councilor Weiss asked for a master printout of committee membership. Councilor Guerlain suggested it be posted on the website. Mayor Hollar asked the list be included in next meeting's packet.

13-074. Thomas Weiss rose to speak about the audit reports in the city annual report. He characterized the library and school financial audits as "complete", while noting that the city audit was missing referenced portions. He felt that in the future, the full audit should be printed.

City Manager Fraser noted that the decision was made some years back to save space and money, noting that the policy could be changed. The mayor questioned whether it was necessary given the cost and the full audit's availability on the web. Weiss countered that it was a burden on those without web access.

13-075. Councilor Hooper arrived at 7:09 and moved approval of the consent agenda. Councilor Golonka recused himself from considering the approval of a liquor license for Bashara & company, and asked that item e be pulled for discussion. Councilor Weiss asked that items a, c and d be pulled for discussion. Councilor Hooper amended his motion accordingly, and it was seconded by Councilor Watson. The motion passed unanimously at 7:11.

13-076. Councilor Weiss moved that the Council authorize the City Manager to sign a Billing Agreement with Barre City Fire & Ambulance for the City of Montpelier's ambulance billing for a three-year period beginning April 1, 2013. Councilor Watson seconded. The City Manager gave some background in a brief discussion with Councilor Golonka. The motion carried unanimously at 7:14.

13-077. Jeffrey Tucker addressed the council on the status of the Bike Path project. The Mayor was hopeful that the path could be completed this year if the Carr lot sale was complete. Tucker and City Manager Fraser indicated that was unlikely.

Councilors Watson and Guerlain asked for clarification on the status of the buildings in the path area. Watson asked further about the impacts on the intersection over Main Street.

Mayor Hollar expressed frustration with the pace of the project. Tucker detailed the reasons for the delays, particularly the right-of-ways. Fraser noted the overall delay came when the railroad decided to reassert its right of way around the tracks.

Councilor Golonka moved to authorize continuing the path as "Montpelier only" given Berlin's removing itself from the project. Councilor Guerlain seconded. Councilor Weiss asked about the interaction with the citizens' bike committees. The motion carried unanimously at 7:46.

Tucker also reviewed the "ice jam study" on flood damage risk reduction, and what comes next in that process.

13-080. Councilor Hooper welcomed Councilor Walsh to the Council. Councilor Guerlain also welcomed Jessica. Councilor Weiss jovially advised Jessica to "get used to it."

Councilor Weiss also made note of a pending bill, H.450, which would grant sweeping administrative powers to regional planning committees. Weiss requested that – at some point – the council discuss it, and hear from the regional planning commission, expressing concerns about potential assessment powers over municipalities.

Councilor Golonka welcomed Councilor Walsh and thanked the voters of District 1.

Councilor Watson thanked voters of District 2 and welcomed Councilor Walsh. Watson noted that the energy fair was a success and thanked the organizers and participants. She also reported that the energy committee has been approached by commercial interests regarding the city installing photovoltaics at no cost, advised that details would be forthcoming.

Councilor Walsh thanked voters of District 3 and praised Councilor Watson and the energy committee for their work on the fair.

13-082. The City Clerk noted that water/sewer payments were coming due, and noted that the recent City Meeting went well.

13-083. The City Manger welcomed Councilor Walsh and soon-to-be Assistant City Manager Jessie Baker.

13-075a,c,d,e Councilor Weiss asked for clarification on item c from the consent agenda. Councilor Weiss moved approval of item c. Councilor Hooper seconded. The motion was unanimously approved at 8:05.

Councilor Weiss received confirmation from the Clerk that media requests for information relating to City Council minutes were being honored within the time laid required under the state Open Records law. Councilor Golonka moved approval of item a from the consent agenda. Councilor Hooper seconded. The motion carried unanimously, also at 8:05.

Councilor Weiss asked for clarification on the timing of consent agenda item d. Councilor Weiss then moved its approval, and was seconded by Councilor Guerlain. The motion passed unanimously at 8:07.

Regarding consent agenda item e – Councilor Golonka asked about termination clauses. City Manager Fraser indicated that there were such clauses, but that he would double check on the particulars. Councilor Golonka then moved approval of the item, and was seconded by Councilor Hooper. The motion carried unanimously at 8:08.

Councilor Walsh moved that the council enter executive session to discuss District Heat negotiations. Councilor Watson seconded. The motion carried unanimously at 8:08.

At 8:50 PM Golonka moved to come out of executive session, Guerlain seconded. The motion was approved unanimously

Councilor Golonka moved to authorize the Mayor to finalize and sign an agreement with the State regarding District Heat with the key terms as follows:

1. The state will not be able to provide heat for October 1st but should have temporary boilers working at some point in October on or before the 31st. The permanent oil boiler is likely to be operational by mid-November and the Wood Chip boilers functional by December 31. We all understand that this will result in slightly higher heating costs until the wood chip boilers are up and running.

2. The city will handle the flood plan permitting as expeditiously as possible, ideally through administrative approval assuming that meets legal standard.

3. To address sections 5 (g) and (h) of the Procurement agreement, the city will contribute $408,000 toward current state heat plant cost overruns (defined in 4 below). This will be paid in two ways: The city, after completing the distribution system and reconciling all project costs, will pay at least 50% of any surplus project funds toward the $408,000 total. The city may, at its discretion, pay more than 50%. Any remaining unpaid balance will be added to the price of future capacity with the payment schedule in Attachment A of the Thermal Purchase and Sale Agreement adjusted accordingly.

4. The State and City agree that the current estimated cost of the Heat Plant is $18,360,208. This represents an estimated cost overrun of $3,312,883 from prior State estimates, as set forth in the Procurement Agreement between the parties. Of this amount $732,288 represents costs not related to the City. Of the remaining $2.5 million, the parties agree the City will reimburse the State for the cost of the thermal conversion unit (generally referred to as the "City Room") in the amount of $408,000. This reimbursement is the full City contribution towards the current estimated Heat Plant cost overruns and is not based on a percentage of project costs.

Councilor Watson seconded. The motion carried unanimously.

13-078/13-079. At 8:51 Weiss moved to go back into executive session to discuss Carr Lot Negotiations and the Firefighter Public Records litigation. Councilor Walsh seconded. The motion was unanimously approved.

At 9:37 PM, Councilor Guerlain moved to come out of executive session, Councilor Weiss seconded. The motion was unanimously carried.

At 9:38 PM Councilor Guerlain moved to adjourn, and was seconded by Councilor Weiss. The motion carried unanimously.

CITY OF MONTPELIER, VERMONT

- THE SMALLEST CAPITAL CITY IN THE UNITED STATES -

Mayor John Hollar

City Council Members:

Tom Golonka
Thierry Guerlain
Andy Hooper
Jessica Edgerly Walsh
Anne Watson
Alan Weiss

William Fraser,
City Manager

MEMORANDUM

To: Mayor Hollar & City Council Members

From: William Fraser, City Manager

Re: District Heat Update

Date: March 22, 2013

The following is a progress update on various aspects of the district heat project.

Status with state: The City Council approved an agreement regarding the state's cost overruns. The state is continuing to pursue additional funding for the project. I have sought clarification as to whether they are actively working on the plant while seeking funding.

Project schedule: I am seeking confirmation of the state's schedule. The city's distribution system project is scheduled to begin on April 17th. It is currently planned to be constructed in the sequence of the pipe itself. Starting at the heat plant to Taylor Street. Taylor to State. State to Elm. Elm to Langdon. Langdon to Main. At Main there will be a spur to NECI. There will be another leg going to East State. Then down East State into the parking area behind City Hall and connecting the city buildings. Another leg will go between City Center and Bethany Church, behind Fairpoint and come out on School St. It will possibly contain a spur to the Library and will continue down to the Elementary School. We are working with the contractor to develop some very preliminary dates for the various segments.

Public outreach: We will be partnering with Montpelier Alive on publicity. A number of methods will be used including brochures, a call in line with a regularly updated recorded message, web site/facebook/twitter/email, press releases, radio announcements and direct contact with adjacent businesses. The project will have a logo and a "brand" or name, similar to "We Dig Barre".

Project budget: The City's construction project remains within budget with a small but viable contingency. Details have not changed substantially since the most recent budget was shared with the Council and State on February 7th.

Signed customers: The current estimated city customer heat load is very close to the capacity we have purchased. We won't know for sure until the system is actually running and we get real information about heat use, load demand, etc. Committed public customers include: City (City Hall, Fire Station, Police Station), Union Elementary School, County (Courthouse and Sheriff's Building), Federal GSA Building (Post Office, etc.). The Library is a potential quasi public customer but we have not finalized arrangements with them. Committed private customers include: Vermont Mutual, Everett (26, 43, & 52 State St.), Hood/Ayer/Ribolini (17 State St.), Bethany Church, Christ Church (approved but contract not signed yet), Nick/NECI (118 Main St.), Nedde (City Center), Fairpoint (School St) and Beard (15 E. State St.). We remain in discussions with a couple more property owners.

Operating pro forma: Based on the construction budget needing a $1.8M bond, annual costs including bond payments, contracted state payments, reserve and city operating costs, the system will maintain a positive cash position. 4 to 5 years in the early going are expected to have annual costs exceed annual revenues but those will be covered by initial cash. We are looking at different ways of structuring the project finances to maintain a solid balance in the fund.

Third party option: We will be visiting Evergreen Energy in St. Paul in July to observe their operations and management requirements. This will include billing, collections, policies, maintenance, automation, budgeting customer relations and anything else. The purpose of this trip will be two fold – to better understand our needs and requirements in running the system and to undertake discussions with them about how a third party operation might work. We will be better able to make a recommendation after that.

City of Montpelier
Department of Public Works
Memorandum

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

From: **Montpelier Traffic Committee:**
Todd Law, Director of Public Works (Chairman)
Anthony Facos, Chief of Police
Robert Gowans, Fire Chief
Thomas McArdle, Assistant Director of Public Works

Date: **March 8, 2013**

Subject: **Hubbard Street Parking**
Ordinance Amendment to Prohibit Parking

Beginning in the fall of 2012 and continuing into the winter months, motorists have been parking along the west side of Hubbard Street on the one-way section southerly of East State Street. Parking too close to the intersection on this narrow section of street is deemed to be unsafe due to the limited sight distance (restricted visibility) caused in part by the steep grade. Furthermore, a vehicle parked on the side of the street near the intersection results in a physically challenging maneuver for a motorist attempting to enter the street with a left or right turn and to negotiate between the parked vehicle on one side of the street and a guardrail on the opposite side. The situation worsened in the early winter months due to inclement weather and accumulation of snow banks further restricting the usable travel lane.

In view of the urgency & severity of these concerns, the Police Department, under the authority of the Police Chief, asked DPW to install parking restriction signs to immediately prohibit parking in the interest of public safety and convenience. Due to the geometric constriction, a concern about potentially hindering emergency vehicle passage was also raised. Additionally, the crosswalk on East State Street at this intersection is a designated school crossing for K-8 students which was further cause for concern.

The recommended practice is to provide at least thirty three feet (33') of parking separation from the intersection to allow sufficient space for most vehicles to negotiate the intersection. The dimensional guidance applied in this case was developed by the American Association of State Highway & Transportation Officials (AASHTO) and the Institute of Transportation Engineers (ITE). The dimensional standard to permit on-street parking beyond the above described corner clearance area is satisfied with respect to the travel lane width required for a residential one-way street as follows:

Available road width:

✓ Hubbard St (East State – First Ave): 22' +/-

Standards / Guidelines:

- On-street parking space = 8' (not marked)
- One-Way Street Travel Lane = 10'–12'

Recommendation: Upon review of the dimensions of the streets and other factors affecting the operational efficiency of the intersection, the Traffic Committee has determined that on-street parking on Hubbard Street within the corner clearance area of the East State intersection is unduly hazardous and excessively inconvenient for the travelling public. The following amendment to the code of ordinances is recommended which will impose a permanent parking restriction:

Article VII. Parking and Parking Meter Zones
Sec. 10-716 PARKING PROHIBITED

(o) Hubbard Street. Parking is hereby prohibited on the east side of Hubbard Street from East State Street to Marvin Street, and on the west side of Hubbard Street from the Park Avenue curb line southerly for a distance of 50 feet; and also on the westerly side for a distance of one hundred seventy-eight (178) feet northerly from the curb line intersection with East State Street, said point being sixty-six (66) feet northerly of the driveway to number 58 East State Street. Parking is also prohibited on the easterly side of Hubbard Street from its curb line intersection with Barre Street northerly for a distance of fifty (50) feet; and beginning at a point located two hundred twenty (220) feet from the curb line intersection of Barre Street and extending in a northeasterly direction for a distance of two hundred eighty (280) feet; and parking is prohibited on the westerly side of Hubbard Street from its curb line intersection with Barre Street northerly for a distance of ninety (90) feet; ***and on the westerly side from the curb line intersection of East State Street southerly for a distance of thirty three feet (33').***

Photograph: Hubbard St southerly from East State Street

From: jpglaw@comcast.net [mailto:jpglaw@comcast.net]
Sent: Tuesday, March 19, 2013 10:20 AM
To: William Fraser
Subject: Re: Board appointments

No question that a conflict of interest exists. A person sitting on a legislative or governing board owes the organization his or her undivided loyalty. That standard of care is attenuated if the entities are non-profit organizations or municipal, corporations. This split allegiance issue becomes a real problem in the relationship between school districts and supervisory unions. That's because the school district is a governmental unit and the supervisor union is a quasi-public statutory creature which performs governmental functions. Is an elected school board member who happens to have been selected by his or her board to serve on the supervisory board bound to represent the interests of the school district, or is he/she free to take an action that's inconsistent with the interest of the school district?

The City-Library dichotomy is a bit different from the school-supervisory union example, although the same principles apply. Instead of a governmental unit to governmental unit relationship, we have a governmental unit to public benefit organization situation. Here we have an elected member of the City Council who fills an ex officio seat on the board of a non-governmental public benefit entity. The same government-to-government considerations are present when a Council member sits on the solid waste district board, or a City official sits on the regional planning commission.

How to deal with the conflict of interest that's bound to occur in any of these relationships: In my mind, there is a pecking order. An elected or appointed municipal official derives his or her authority from the law, not from the electorate, nor from the legislative body of which he or she is a member, nor from the body or official making the appointment. The law imposes a fiduciary standard of conduct on the governmental official. Conflicts of interest, self-dealing, and the like are prohibited, with consequences for those who depart from the standard of conduct. All doubt is to be resolved in favor disclosure, candor and independence. There is nothing discretionary about the fiduciary standard of conduct imposed on public officials. As a matter of law, they can act only with the best interests of the governmental unit in mind.

While membership on a non-governmental board certainly involves the application of fiduciary standards, the authority under which the board member acts is more consensual and contractual than an explicit grant from the General Assembly. Put another way, the board member is not acting as an agent of the state, but rater as a private citizen.

It seems to me that, in a situation where an individual has dual governance responsibilities, and the interests of the governmental unit aren't aligned with those of the non-governmental entity, that person has no choice but to act on the basis of what's in the best interest of the governmental unit. The municipality should not be deprived of the judgment and attention of one of its elected or appointed officials by virtue of that person also serving (ex officio or by election or appointment) on the board of a non-governmental public benefit organization.

In a situation where there are competing interests under consideration by both boards, the simplest expedient is for the person faced with duality of allegiance to recuse himself or herself from participating in any form in the matter under consideration. That certainly clears the air, but I question whether a complete recusal really is necessary. I think a compelling case can be made for the proposition that, as long as full disclosure of a potential conflict is made to the governmental board and the person has recused himself/herself from any action, deliberation or vote the non-governmental board related to the matter which creates the conflict, that person may continue to participate in governmental board deliberations and votes involving matters in which the non-governmental entity has an interest.

My rationale is that the governmental official's authority is derived from an explicit legislative grant, one that not only establishes the parameters of authority, but also affords the official some degree of governmental immunity. The same can't be said of officials of non-governmental organizations. In my pecking order, the law attaches more importance to the functions of governmental officials than it does to the responsibilities of non-governmental officials. If that's the case, it's an easy step to conclude that in a conflicts situation, the maintenance of a government official's independence takes precedence over all other competing interests.

J. Paul Giuliani
McKee Giuliani & Cleveland, PC
94 Main Street
P. O. Box 1455
Montpelier, VT 05601-1455
802-223-3479
802-223-0247(f)

From: "William Fraser" <WFraser@montpelier-vt.org>
To: jpglaw@comcast.net
Sent: Friday, March 15, 2013 11:47:58 AM
Subject: FW: Board appointments

Latest topic!!

The City Council has seats on various boards and committees. Most are city related so no big issue. But three of them are designated Council Member seats on other non-profit boards within the community. Specifically the Kellogg-Hubbard Library, Montpelier Alive and TW Wood Art Gallery.

The Mayor has raised the issue of possible divided loyalty. When a council member sits on a board, are they to represent the city's interests or the non-profit's interests. Obviously there is some benefit to having an open line of communication between the city and these organizations. But what happens when, say, the city council is saying NO budget increase and, say, the Library Board feels it needs to ask the city for a lot more money? Does the council member vote one way at the board meeting and another way at the council meeting? Do they vote the council position at the library board? Or do they recuse themselves for one or both of the votes?

The Mayor sent me the statute regarding standards for directors of non-profits. He is definitely concerned that this may set up an inherent conflict.

Others on the council are less concerned but they have agreed to hold a discussion about this at the next meeting on 3/27. I thought having some legal guidance might be helpful.

Thanks

William J. Fraser, ICMA-CM
City Manager
City of Montpelier
39 Main Street
Montpelier, Vermont 05602
Phone: (802) 223-9502
Fax: (802) 223-9519
www.montpelier-vt.org

From: John Hollar [mailto:jhollar@drm.com]
Sent: Thursday, March 14, 2013 3:52 PM
To: William Fraser
Subject: Board appointments

§ 8.30. General standards for directors

(a) A director shall discharge his or her duties as a director, including the director's duties as a member of a committee:

(1) in good faith;

(2) with the care an ordinarily prudent person in a like position would exercise under similar circumstances; and

(3) in a manner the director reasonably believes to be in the best interests of the corporation.

John H. Hollar | Downs Rachlin Martin PLLC
Director
52 State Street, PO Box 1072 | Montpelier, VT 05601-1072
Direct: 802-225-5505 | Mobile: 802-793-3176
jhollar@drm.com | www.drm.com

Montpelier Senior Activity Center
Senior Nutrition / Meals Partnership with Just Basics, Inc.

March 27, 2013 Proposal to City Council

Prepared by Janna Clar, MSAC Director

<u>Summary:</u> MSAC seeks from City Council:

1) Consent to establish comprehensive, new senior meals programming and contracts by July 2013, which will, to varying degrees, utilize MSAC staff and MSAC budgeted funds through a partnership with Just Basics, Inc.(JBI), the 501(c)3 non-profit that currently administers the Montpelier Home Delivered Meals program.

2) Authorization for the City Manager to sign a Memorandum of Understanding between the City and JBI.

<u>Contents of Proposal below:</u>

Frequently Asked Questions

Who? *The City of Montpelier (Montpelier Senior Activity Center - MSAC), Just Basics, Inc. (JBI), and local seniors.*

What? *A meal program for seniors! Formal establishment of a new partnership between the City's Senior Center and a local non-profit that already manages a home-delivered meal program for Montpelier seniors and people with disabilities!*

Why? *Quality nutrition, independence and socialization for seniors. It's time for MSAC to re-establish a senior congregate meals program, and it's time for JBI's Montpelier Home Delivery Program to find a new home/production site. It makes sense to do it together, and the City's "Senior Services Coordinating Committee" appointed two years ago to discuss MSAC's future recommended re-establishing the meals program as a priority.*

Where? *Meals will be produced at MSAC's new kitchen at 58 Barre St. Some will be served on site as congregate meals or take-out meals, and others will be "Meals on Wheels" and delivered to area senior homes.*

How? *We sign a Memorandum of Understanding. JBI contracts with a cook. We contract with JBI. Quality meals are made, served and delivered to seniors. See our Memorandum of Understanding below in page 3-5 for more detailed information.*

When? *We anticipate starting collaborative meal production in early July, 2013. The ultimate goals include congregate meals two days weekly, take-out meals at least one day weekly, and home delivered meals five days weekly.*

What's Just Basics, Inc.? *JBI is the parent organization of both the Montpelier Food Pantry and the Montpelier Home Delivery Program (Meals on Wheels). JBI brings together and structures programs that work with members of the greater Montpelier area to address their basic needs and confront cycles of injustice.*

How much will it cost the City taxpayers? *The budget that was approved at Town Meeting Day earlier this month covers MSAC's share of the new meals program, including expenditures budgeted for food expenses, propane, electric, water, and other overhead. Taxpayer revenue is only one of the Senior Center's many revenue streams. Donations and the privately invested Corry Fund will also be supporting the City's share of the expenses. We don't anticipate a future liability or significant increase in expenses in the coming year but have contingency plans. Furthermore, partnering with JBI is wise fiscally from a fundraising standpoint: JBI's non-profit status will allow our partnership-based meal programming to qualify for many funding streams (such as foundation grants and corporate giving)which are unavailable to us as a sole municipal entity.*

What about Berlin, don't they get Home Delivered Meals from JBI now? *Yes they do. JBI is covering the cost of meals provided to Berlin residents now. In FY 14, JBI will be using its own resources in the amount of $3,000 to cover all anticipated costs of feeding Berlin residents. JBI will seek town funding for Berlin for FY 15. More information about the Berlin situation is below in page 8-9.*

How can I get involved in helping with the kitchen/meals program? *There will be many ways for volunteers to get involved in the kitchen, such as food prep assistance, table set-up, serving, clean-up and home delivery driving. We will need volunteer leaders for some of these duties. If interested, contact Janna Clar or Kimberley Lashua and share your contact information and interests.*

When will the kitchen work be completed? *We expect that major equipment will be delivered by the end of this month and that installation and set-up will be completed in April. In later spring we will work toward having the kitchen inspected, licensed, etc. We expect that by early summer, the kitchen will be ready for full operations.*

Will the kitchen be available for other uses? *Yes. The proposed meals programming will not be a full-time venture. The kitchen will be available for cooking and nutrition classes for our senior audience and potentially beyond. Seasonal, local food may be processed in the kitchen. Groups who rent the facility will have access to the new contractor for catering, which will generate new revenue. We will also consider renting the kitchen out on a limited basis for private food production. But first things first. Let's get this senior meal programming up and running this summer!*

Thank you, City Council Representatives and Mayor Hollar, for your thoughtful consideration of this proposal. Our JBI partners and I will be happy to answer any questions you may have.

~Janna Clar

Memorandum of Understanding

between

Just Basics, Inc

and

City of Montpelier

This is an agreement between Just Basics, Inc. ("JBI") and the City of Montpelier, Montpelier Senior Activity Center ("MSAC").

I. PURPOSE & SCOPE

The purpose of this Memorandum of Understanding ("MOU") is to identify clearly the roles and responsibilities of each party as they relate to meals for seniors and adults with disabilities in the Montpelier area community. Together, JBI & MSAC will work to provide both home delivered meals as well as congregate meals under the guidelines set forth by the Central Vermont Council on Aging ("CVCOA").

II. LOCATIONS

Meals will be made from the kitchen at 58 Barre Street, Montpelier, by a contractor. JBI will hold the contract with the contractor. MSAC will have input during the hiring process. City will be named as additional insured on JBI and Contractor insurance.

III. BACKGROUND

A. The Montpelier Home Delivery (MHDP), a program of Just Basics, delivers meals to homebound seniors and adults with disabilities in the Montpelier-Berlin area. We believe that every senior should have access to healthy & nutritious meals to function safely at home for as long as possible. Through the dedication of our volunteers, we provide the lifeline that many of these seniors need to maintain their independence by making hot and frozen meals available throughout the week.

B. MSAC is a municipal organization and part of the City of Montpelier. The mission of the Montpelier Senior Activity Center is to enhance the quality of life for older adults in Montpelier through opportunities that develop physical, mental, cultural, social, and economic well-being in a welcoming, flexible environment.

IV. RESPONSIBILITIES UNDER THIS MOU

A. JBI shall:

- Enter into a contract with a third party contractor to make meals under the nutritional requirements set forth by CVCOA.
- Provide all reporting for the meals program to CVCOA as required by the CVCOA contract with JBI.
- Enter into a contract with CVCOA for both home-delivered and congregate meals.
- Provide overall financial administration for program.
- Provide staff to administer program and volunteers to support contractor.

- Provide primary oversight of kitchen volunteers.
- Provide support, training and supervision for home delivery driver volunteers.
- Provide carrier containers for home deliveries.
- Provide shared management, registration and consumer support for all meal services.
- Provide primary responsibility with MSAC for promotion, outreach, fundraising, and strategic planning for meals program.
- Provide contractor with online meals ordering system developed for program.
- Provide financial support as detailed in mutually agreed upon budget through a contract with MSAC.

B. MSAC shall:

- Provide use of space for a temporary/portable office arrangement: part of this may include use of Resource Room at certain parts of the week, space in the Kitchen, use of Community Room, Lobby Space, or other MSAC space as needed, taking into consideration other facility.
- Provide Wi-fi internet throughout building & access to computer.
- Provide use of MSAC safe during MSAC business hours with MSAC staff responsible for putting meals money in and taking it out to give to meals personnel/volunteers.
- Provide use of copier for printing/photocopying.
- Provide space for volunteer training and use of equipment & supplies as needed for administration.
- Provide access to MSAC's kitchen and support kitchen for contractor and approved staff of JBI outside hours of normal operation.
- Provide space for food storage, pantry items & equipment for meals program.
- Provide shared responsibility for promotion, outreach, fundraising and strategic planning for meals program.
- Provide shared oversight of kitchen volunteers.
- Provide shared management, registration and consumer support for all meal services.
- Provide financial support as detailed in mutually agreed upon budget through a contract with JBI.

JBI and its Contractor selected under Sections II and IV (A) are independent contractors, and are not agents of the City for any purpose. This MOU shall not be construed as an employment agreement, nor a joint venture agreement, nor a contract of surety, indemnity or guaranty.

V. TERMS OF AGREEMENT

Either party may terminate this agreement by giving ninety (90) days notice to the other party.

VI. FUNDING

A. MSAC will pay JBI the full amount outlined in budget, as soon as practical after MSAC receives the funds for the applicable budget year. JBI shall use the funds solely for the provision of home-delivered and congregate meals as outlined in this Memorandum of Understanding **and shall furnish City an accounting of all funds received hereunder.**

B. In the event revenues exceed expenses for the meal program for a budget year, the amount of surplus shall be shared by JBI and MSAC in direct proportion to the amount of meals served in MHDP compared to congregate, and other onsite meals.JBI shall receive the amount proportionate to MHDP meals. MSAC shall receive the remaining amount. In the event expenses exceed revenues for the meal program for a budget year, the amount of deficit shall be absorbed by JBI and MSAC in direct proportion to the amount of meals served in MHDP compared to other meals under the same formula as if there was a surplus.

VII. OTHER TERMS & CONDITIONS

Meals production at 58 Barre Street is tentatively slated to begin on July 8th, 2013. Adjustments to this date may be made as deadline approaches.

VIII. EFFECTIVE DATE AND SIGNATURE

The provisions of this Memorandum of Understanding will be effective as of the date both parties have executed it and will continue and remain in full force and effect until June 30, 2014. The Memorandum of Understanding may not be modified in whole or in part by the parties except by mutual agreement in writing and duly executed by both parties. It is the hope of the parties to have a long-lasting relationship which extends beyond the effective dates of this Memorandum of Understanding, but the parties recognize there may need to be revisions to the Memorandum of Understanding in future years. Thus, the parties agree to meet prior to the expiration date of this Memorandum of Understanding to discuss any proposed revisions to the Memorandum of Understanding for a future term.

FOR JBI	FOR CITY OF MONTPELIER
______________________________	______________________________
Signature	Signature
______________________________	______________________________
Print Name	Print Name
______________________________	______________________________
Title	Title
______________________________	______________________________
Date	Date

Who is Just Basics?
Just Basics is the parent organization of both the **Montpelier Food Pantry and the Montpelier Home Delivery Program (Meals on Wheels).** Just Basics, Inc. brings together and structures programs that work with members of the greater Montpelier area to address their basic needs and confront cycles of injustice.

JUST BASICS
addressing basic needs & social justice in community

Background
At its inception, Just Basics, Inc. brought together two programs that have long worked to meet basic food needs in the greater Montpelier area. With the strength of their shared structure in Just Basics, Inc., these two programs are now stronger and better equipped to meet ever-changing needs in the community. This partnership was forged with the intention of creating a catalyst and providing the organization to support these and other initiatives with the common purposes of addressing short-term needs and confronting root causes of poverty and dependence through just and sustainable solutions.

Board of Directors
Rebecca Clark, President
Steve Stoufer, Vice President
Kerry DeMartino, Treasurer
Tim Noonan, Secretary
Joseph Kiefer
Victoria King
Kimberley Lashua, Executive Director

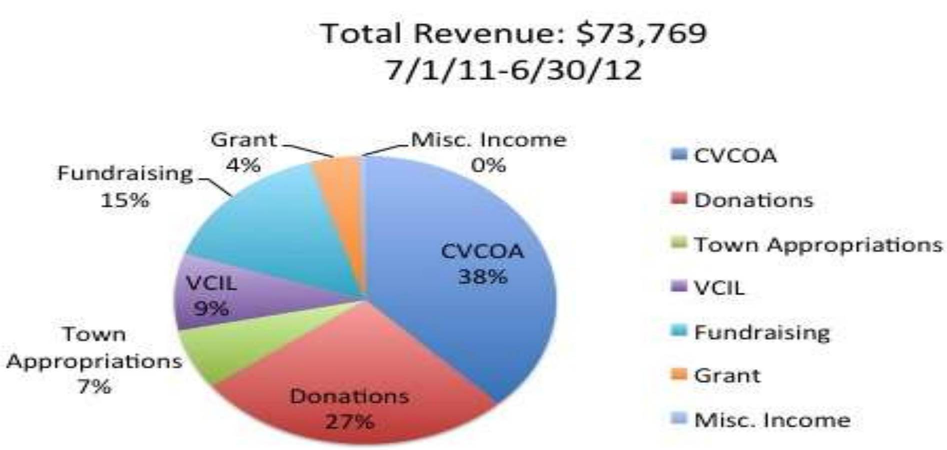
In FY 2012 Just Basics served a total of 87,732 meals to individuals and families in the greater Montpelier area.

Why is senior nutrition important to all of us?
As we know, eating well is critical to overall health – no matter what age. Eating well makes you feel better, both physically and emotionally. But as you grow older there may be barriers to healthy eating.

There is a misconception that the Montpelier Home Delivery/Meals on Wheels is a charity program. Meal programs differ from food shelves and other low-income initiatives in that they are a community resource for all seniors over 60 as well as adults with disabilities. While home delivered meals are available at no cost for those in need, every client is given an opportunity to support the program through a donation. The program is really about quality nutrition and independence, and promoting wellness for Vermonters who live at home. The Montpelier Home Delivery Program delivers hot and frozen meals throughout the week to homebound seniors and adults with disabilities in the Montpelier-Berlin area. It is the dedication of our volunteers that provide the lifeline that many of these seniors need in order to maintain their independence.

Fiscal Year Highlights - 7/1/11-6/30/12

- Home delivered meals served to 63 clients
- Home delivered meals total: 9,378
- Home delivered senior meals to Berlin: 1,225 meals
- Home delivered senior meals to Montpelier: 7,201
- Home delivered meals to adults with disabilities: 951



Waiting List

The Montpelier Home Delivery Program implemented a waiting list four years ago due to the fact that the needs for our services exceeded our ability to help everyone who needed our support. Our waiting list has had as many as 6 people and generally averages 3 clients throughout the year. We currently have no waiting list.

NECI

For the last two decades, the New England Culinary Institute has prepared meals for the Montpelier Home Delivery Program. We pay them for meals being prepared on a per unit basis. Currently we have no contract with NECI and it is our understanding that they can no longer work with us to provide meals. They have agreed, though not in writing, to continue services until we have another plan in place.

Comparable

Provided by CVCOA, the following table outlines our reported expenses per meal compared to other sites in the area. One reason that we've been able to keep costs down is because of our partnership with NECI and their ability to purchase foods on a large-scale basis.

October 1, 2011- September 30, 2012	Total Meals Served	Reported Expense Per Meal
Barre Housing	36,836	$6.94
Chelsea	8,077	$7.06
Lamoille MOW	38,439	$8.01
Mad River Valley	5,728	$10.99
Montpelier Home Delivery	**8,888**	**$4.46**
Northfield	10,237	$12.06
Orange East	16,351	$8.75
Quintown	6,786	$11.28
Randolph	16,512	$10.31
S. Royalton	14,476	$10.17
Twin Valley	10,653	$9.43
WASCA	14,431	$11.38
Totals	187,414	$9.24

Breakdown of Montpelier/Berlin residents:

Both programs of Just Basics serve individuals and families beyond the Montpelier community. The Home Delivery Program serves all of Montpelier and most of the Berlin community. In FY 2012, we served 51 residents of Montpelier, 9 from Berlin and referred 2 clients from Montpelier to Waterbury.

Because we were already serving Berlin clients when the program was inherited, it made sense to have this territory added to the contracts. When contracts are renegotiated (October 2013) we have the option to discuss other possibilities for serving Berlin. Three possible options are:

1. Just Basics agrees to continue serving the Berlin clients that are already being served. CVCOA finds other sites to serve new referrals. A new contract is negotiated without Berlin.
2. Just Basics works with CVCOA to find other sites to serve existing clients and take no new referrals. A new contract is negotiated without Berlin.
3. Just Basics continues serving Berlin clients and seeks funding from the Berlin Community.

For FY 14, Just Basics will provide an additional $3,000 to cover meals and resources for Berlin residents that are served. MHDP will allocate an additional $2,000 for an “emergency” fund, to be used for extraordinary program expenses.

Federal Funding:

Through the Older Americans Act of 1965, Title III federal funds are provided to state agencies on aging . We receive these funds from the Central Vermont Council on Aging in Barre. Each year contracts are negotiated, based upon total meals served in the prior year. Meals are reimbursed on a monthly basis for those meals that are served up to the total number within the contract. There are no guarantees that meals will be reimbursed over the contract.

1. Eligibility:

    a. Home Delivered Meals - A person over-60 years of age is eligible for a Home Delivered Meal if he/she:
        i. Experiences "food insecurity," as described by the Urban Institute (1993 NASUA): getting enough to eat - when the home does not always have adequate food, when the individual cannot always afford to buy enough food, and/or cannot always get to markets and food-programs, or cannot prepare and gain access to the food available in the household.
        ii. and is eligible for the program due to a temporary or permanent incapacity, or hospital discharge, as noted on the Central Vermont Council on Aging Home Delivered Meals Registration Form

    b. Congregate Meals - A person is eligible for the congregate meal program if :
        i. The congregate meal program, by providing nutritious hot meals in a social setting, has a positive impact on the nutritional status of participants while creating varied social and volunteer opportunities appropriate to the talents and resources of participants and their community.
        ii. 60 years of age or older, or the spouse of a senior regardless of age.
        iii. Handicapped or disabled and living in a housing facility where a Title III congregate meal program is operated.
        iv. Handicapped or disabled and resides with or is in the care of a senior who is attending the meal.
        v. A non-senior volunteer performing essential duties for the operation of the meal program. However, volunteers should always be encouraged to make a private anonymous contribution toward the cost of the meal.

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

March 8, 2013

The Times-Argus
Att: Classifieds

Please insert the following with City of Montpelier notices on Tuesday, March 12th. Thank you!

CITY OF MONTPELIER

Planning Commission Vacancy

The Montpelier City Council is seeking individuals interested in filling an expired 2-year term 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) on or by Thursday, March 21st. The City Council will make this appointment at their March 27th 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: John Bloch [john@bugleg.com]
Sent: Tuesday, March 12, 2013 1:17 PM
To: Sandy Pitonyak
Subject: Re: Ad for PC Vacancy

Hi Sandy, I would like another term on Montpelier's Planning Commission. If you need additional info from me ,just let me know.
Thank you for your efforts,
Sincerely,
John Bloch
On Mar 8, 2013, at 12:58 PM, Sandy Pitonyak wrote:

John … your term expires this month so we have to advertise. If you'd like to be reappointed, just send me a note to that effect as a response to this e-mail. 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

CITY OF MONTPELIER

Capital City of the State of Vermont

PROCLAMATION

Mayors Day of Recognition for National Service

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and,

WHEREAS, the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and,

WHEREAS, AmeriCorps and Senior Corps address the most pressing challenges facing our cities and nation, from educating students for the jobs of the 21st century and supporting veterans and military families to preserving the environment and helping communities recover from natural disasters; and,

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and,

WHEREAS, national service participants serve in more than 70,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and,

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and,

WHEREAS, AmeriCorps members and Senior Corps volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and,

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with mayors across the country to support the **Mayors Day of Recognition for National Service** on April 9, 2013.

THEREFORE, BE IT RESOLVED that I, John Hollar, Mayor of Montpelier, do hereby proclaim April 9, 2013, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our city; to thank those who serve; and to find ways to give back to their communities.

Signed this 27th day of March, 2013

CITY SEAL:

John Hollar, Mayor

DECLARATION OF OFFICIAL INTENT
OF THE CITY OF MONTPELIER
TO REIMBURSE CERTAIN EXPENDITURES
FROM PROCEEDS OF INDEBTEDNESS

WHEREAS, the City of Montpelier, Vermont (the "Issuer") intends to construct certain public highway, sewer system and school building capital improvements described on Exhibit A (the "Project");

WHEREAS, the Issuer expects to pay certain capital expenditures (the "Reimbursement Expenditures") in connection with the Project prior to the issuance of indebtedness for the purpose of financing costs associated with the Project on a long-term basis;

WHEREAS, the Issuer reasonably expects that for that part of the Project consisting of design and construction costs, debt obligations in an amount not expected to exceed $3,680,000 will be issued and that certain of the proceeds of such debt obligations will be used to reimburse the Reimbursement Expenditures; and

WHEREAS, the Issuer declares its reasonable official intent to reimburse prior expenditures for the above-described part of the Project with proceeds of a subsequent borrowing:

NOW THEREFORE, the Issuer declares:

Section 1. The Issuer finds and determines that the foregoing recitals are true and correct, and that all of the capital expenditures covered by this Resolution were or will be made not earlier than 60 days prior to the date of this Resolution.

Section 2. This declaration is made solely for the purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations. This declaration does not bind the Issuer to make any expenditure, incur any indebtedness, or proceed with the Project.

Section 3. The Issuer hereby declares its official intent to use proceeds of indebtedness to reimburse itself for Reimbursement Expenditures, within 18 months of either the date of the first expenditure of funds by Issuer for such Project or the date that such Project is placed in service, whichever is later (but in no event more than three years after the date of the original expenditure of Issuer's funds for such Project), and to allocate an amount not to exceed $3,680,000 of the proceeds thereof to reimburse itself for its expenditures in connection with the Project.

Section 4. The Issuer's debt obligations for the aforementioned purpose will not be "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986.

Section 5. All prior actions of the officials and agents of Issuer that are in conformity with the purpose and intent of this Resolution and in furtherance of the Project shall be and the same hereby are in all respects ratified, approved and confirmed.

Section 6. All other resolutions of the legislative body of the Issuer, or parts of resolutions, inconsistent with this Resolution are hereby repealed to the extent of such inconsistency.

Section 7. It is hereby found that all discussions and deliberations of the legislative body of the Issuer leading to the adoption of this Resolution occurred at one or more meetings of the legislative body conducted pursuant to public notice and open to public attendance.

Section 8. This declaration shall take effect from and after its adoption.

The undersigned, City Clerk of the Issuer, hereby certifies that the foregoing is a full, true and correct copy of the declaration of the City Council of the Issuer duly made at a meeting thereof held on the date, specified below, and that this declaration has not been amended, modified or revoked.

____________________________ ________________________, 2013

City Clerk

REQUEST FOR PROPOSALS (RFP)
Development of Net-Metered Photovoltaic Electricity Generation on City Property
Issued by the City of Montpelier, Vermont

Responses Due: 4/26/2013, 5:00 PM

I INTRODUCTION/BACKGROUND

Green Mountain Power, Montpelier's electricity utility, is one of a growing number of electric utilities whose grid features 'Group net-metering'. This allows a customer to supply power (via, say, solar panels or wind turbines) to its grid at one location and designate one or more locations elsewhere on its grid to draw their power from the ongoing credit built by that supply.

A competitive marketplace has recently developed to take advantage of group-net-metering and current clean-energy tax incentives. This significantly and favorably changes the economics involved in a customer installing renewable energy sources.
The City of Montpelier, Vermont ("the City"), with the assistance of its Energy Advisory Committee, is seeking to take advantage of this new marketplace by proposing to dedicate one or more City parcels to the generation of photovoltaic energy for use by one or more City properties. To this end, the City is seeking an experienced firm to provide the needed components and construction, the connection to a net-metered power grid, and advice related to siting, financing, and other aspects involved in establishing of net-metered photovoltaic electricity generation for City consumption.

Montpelier seeks, through the fruition of this project, to take significant steps toward alternative electrical energy generation through this commitment to solar PV.

II PROJECT CONCEPT

- **The City would, through a competitive bidding process, choose from two or more programs being offered by solar energy providers to erect a set of solar panels on one or more City parcels to collect solar energy. Green Mountain Power would measure the power and credit it to any account/s the City chooses. The cost of the generated electric power would remain at or below current market prices.**

- **The purpose of this purchase is to provide Montpelier with solar electricity and some insurance against the possibility of higher electricity prices in the future.**

III PROJECT FUNDING

Although 3rd and/or 4th party financing may be employed for this project, it must have no net cost to the City of Montpelier.

IV PROJECT SCHEDULE

Action	Responsible Party	Estimated Date
Issue RFP	City Council	April 10, 2013
RFP Deadline	Bidders	May 10, 2013
Review RFP Responses	Montpelier Energy Advisory Committee, City Council, and Staff	May 22, 2013
Award Contract	City Council	June 12, 2013
Final Design complete	Consultant	July 10, 2013
Bid documents issued	City Council	August 14, 2013

V REQUIRED SCOPE OF WORK AND SERVICES

- **Identification of available 3rd/4th-party financial assistance.** See Appendix A
- **The use of group net metering, through which the energy being fed into the grid at "point A" can be measured and credited to A's account and/or any other points along the utility's grid designated by the panel/s owner/s.**
- **Identification of one or several potential ground-mount or roof-mount install sites:**
  - **Within Montpelier City boundaries**
  - **On land parcels owned by Montpelier and connectable to GMP's grid.**
  - **Land able to meet or exceed minimal required annual energy production**
  - **Owners willing to enter into public/private agreement**
- **Analysis of, and recommendation of, optimum qualifying sites for ground-mounted or roof-mounted solar panels:**
  - **Perform a shading analysis report for each proposed location (so City understands the potential system output at each proposed location)**
  - **Calculate minimum per-panel/array annual energy production (see energy production minimum in section**
- **Estimate of total possible energy production, per site and overall.**
- **Contracted Provider will take full responsibility for obtaining permits from the appropriate government agencies. This should include Certificates of Public Good, meeting all local building codes as well as the National Electrical Code®.**
- **Contracted Provider will obtain the interconnection agreement with the utility, including all drawings, schematics, and other required technical documentation.**
- **Contracted Provider will install all panels and other required equipment at selected site(s)**

- **Contracted Provider will connect all panels at selected site(s) to the local (GMP) electrical grid.**

- **The number of kilowatts generated by each site selected will remain below the 150 kilowatts threshold to streamline the permitting process.**

- **An option to purchase the array after an initial lease period**

- **The purchase must meet Montpelier's Environmental Purchasing Policy.**

- **The result of the project will enable the City to provide the solar electricity generated to be consumed by one or more City properties.**

VI PROJECT DELIVERABLES

- A schedule of project activities
- Reports showing results of site analysis
- One or more Certificates of Public Good
- All other needed permits

VII PROJECT CONSTRAINTS

- **Project must begin by 9/1/13 and end by 12/31/13**
- **No net cost to the City of Montpelier**
- **Sites must be accessible to GMP grid**
- **Any long-term fixed rate charged to the City for the electric energy generated from the installation(s) must not exceed the City's current per-kWh rate**

APPENDICES

APPENDIX A: Currently-available Incentives and Low-cost Financing:

- **PACE funding: $3 million fund. Up to $30k, or 15% of assessed property value, financed by municipal funds, with qtrly payback installments <= estimated $ savings from the energy project. This funding is not yet available.**
  http://www.leg.state.vt.us/docs/2010/Acts/ACT045.pdf

- **Green Mountain Power's 'Solar GMP' incentive: $0.06 per kWh (in addition to the 12-13¢/kWh net metering value); up to $300 reimbursement for required additional meter and disconnect switch. Net-metering GPG required.**
  http://www.greenmountainpower.com/solar_GMP.html

- **Business Tax Credit for Solar (commercial properties). Current expiration date 01/01/2011.** **http://publicservice.vermont.gov/energy/ee_files/cedf/SolarTaxCredit_Round2_Announcement.pdf**

- **New Generation Energy - Community Solar Lending Program.** **http://www.dsireusa.org/incentives/incentive.cfm?Incentive_Code=VT42F&re=1&ee=0**

- **Potential eligibility as a renewable energy facility through the Sustainably Priced Energy Enterprise Development (SPEED) Program. http://vermontspeed.com/standard-offer-program/**

- **Local Option - Property Tax Exemption: allows municipalities the option of offering an exemption from the municipal real and personal property taxes for certain renewable energy systems.** **http://www.dsireusa.org/incentives/incentive.cfm?Incentive_Code=VT02F&re=1&ee=0**

- **Renewable Energy Systems Sales Tax Exemption. Applies to systems up to 250 kilowatts (kW) in capacity.** **http://www.dsireusa.org/incentives/incentive.cfm?Incentive_Code=VT01F&re=1&ee=0** **authority:** **http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=32&Chapter=233&Section=09741**

- **Municipal Technical Assistance Grants (school and city properties only). 90% of project cost up to $5,000.** **http://www.dsireusa.org/incentives/incentive.cfm?Incentive_Code=VT48F&re=1&ee=0**

- **CEDF Loan Program. $50,000-750,000).** **http://www.dsireusa.org/incentives/incentive.cfm?Incentive_Code=VT30F&re=1&ee=0**

- **Vermont Small-Scale Renewable Energy Incentive Program. Per property, residential PV: $10,000, commercial PV: $110,000. Additional 2010 ARRA $5,275,000 funding.**

501 (c) (3) of the Internal Revenue Code of 1945, as amended, as approved by the Board of Trustees, to the State of Vermont to be used in such manner as in the judgment of a justice of the Supreme Court of the State of Vermont will best accomplish the general purposes for which this corporation was formed. Dissolution shall be effected only upon a three-fourths vote of the Board of Trustees.

4.4 Articles of Association

Trustees of the Wood Art Gallery
Articles of Association
Dated November 17, 1898 as amended December 13, 1988

No. 253 – AN ACT TO INCORORATE THE TRUSTEES OF THE THOMAS W. WOOD COLLETION IN THE GLLERY OF FINE ARTS IN THE CITY OF MONTPELIER AS TRUSTEES OF THE WOOD ART GALLERY IN MONTPELIER VERMONT.

Section:
1. Coporators; corporate name and powers
2. By-Laws; may hold property, without limit as to amount, which shall be exempt from taxation
3. Number of Incorporators may be increased and vacancies filled by majority of members
4. First Meeting
5. Subject to future legislation
6. Take effect from passage
7. Distribution of earning and limits on political campaigns and legislation
8. Dissolution of Corporation

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

Section 1, L. Bart Cross, Charles H. More, Joseph Upham and James C. Houghton, all of Montpelier, and Thomas E. Wood and John W. Burgess of New York, and their associates and successors, are hereby constituted a body corporate and public by the of the Trustees of the Wood Art Gallery, for the purpose of maintaining and managing, as trustees for the inhabitants of the state of Vermont, the gallery of art heretofore known as The Thomas W. Wood Collection in the Gallery of Fine Arts in the city of Montpelier, and its funds. And by that name may sue and be sued, may have a common seal and may alter the same at pleasure,

The corporation shall also have the power and purposes to bring Vermonters the benefits of the arts in all of its manifestations, to hold exhibits, both of its own collection and that of traveling shows. To teach, display, encourage and promote in every way the culture of art and artistic forms and sounds whether visual or performing.

Section 2. The said corporation may make such by-laws, rules and regulations as in may deem necessary for its own government and control, and for the government and control of said gallery and property, not repugnant to the constitution and laws of this state or the United States or to the purpose of its incorporation; and may take and hold by gift, grant, bequest, devise, purchase or otherwise, property, real, personal or mixed, without limit as to amount, which property, in so far as it shall consist of works of art and the building in which they may be kept, and in funds necessary to the maintenance of the same, shall be exempt from taxation by the state, the county and the municipality.

Sec. 3 The said corporation shall have power o perpetuate its existence by the election, by a majority of its members, of new members, to fill vacancies caused by death, resignation or other causes of its corporators or their successors, and to add to the numbers of the corporators as in their judgment occasion may require.

Sec 4. The first meeting of said corporation may be held at such time and place as may be designated by the three incorporators first mentioned in section 1 of this act, by their giving notice to the other incorporators, in writing, at least one week before the time appointed.

Sec 5. This act shall be under the control of any future legislature to alter, amend or repeal.

Sec 6. This act shall take effect from its passage.

Section 7. No part of the net earning of the corporation shall inure to the benefit if, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purpose set forth in Section 1,

1. EXECUTIVE COMMITTEE. to consist of the officers of the Corporation. It shall be the duty of this committee to act for the Board of Trustees when the Board is not in session, to audit, or arrange to have audited, the accounts of the Treasurer annually, and to direct the Treasurer in investing the funds of the Board. Three members of, this committee, including the President or Vice-President, shall constitute a quorum. The committee shall meet monthly.

2. DEVELOPMENT COMMITTEE to consist of the President, Vice-president, and other members appointed by the President. It shall be the duty of this committee to devise and apply means for the raising of funds for the operation of the Gallery, including the following:

A. to plan and encourage Corporate and Business patronships. The Vice President shall act as chairman.

B. to plan and encourage Individual Patron Memberships. The President shall act as Chairman.

3. CURATORIAL COMMITTEE. to consist of the Director/Curator (who serves as Chairman) and other members appointed by the President. This committee shall manage the permanent collection. Committee duties will include appraisal, registration, and documentation, exhibition, acquisitions, loan policies, and insurance.

4. VISUAL ARTS COMMITTEE. to consist of the Director/Curator and other members appointed by the President. It shall be the duty of this committee to select and schedule exhibitions of fine artistic quality, and to set policies and review contracts pertaining to exhibitions.

5. EDUCATION COMMITTEE. to consist of the Director/Curator and other members appointed by the President. It shall be the duty of this committee to develop educational programs which enhance the understanding and elevate the appreciation of art by Gallery visitors and volunteers who may assist Gallery visitors.

The Board of Trustees shall have the authority to appoint Special Committees as seem appropriate or desirable.

VIII. PATRONS. The Board of Trustees may classify future members and patrons of the Gallery at any time and designate the amount of contribution necessary to receive such designations as well as specify the privileges and rights of such patron membership. Nothing herein contained shall be construed to change the classification of any patron member who shall have previously been designated "Life Patron" or "Life Member of the Friends of the Wood Art Gallery" or any similar designation adopted in the future which specifically states that a membership is a life membership.

IX. FISCAL YEAR. The fiscal year shall follow the calendar year, from January 1 to December 31.

X. AMENDMENTS. Amendments to these By-Laws may be voted by the Board of Trustees after one month's notice of their contents shall have been transmitted in writing to each member of the Board by the Secretary.

XII. DISSOLUTION. Dissolution of the Wood Art Gallery may be effected under title 11, chapter 19 of the Vermont Statutes, provided that any plan of distribution of assets shall be in compliance with the provisions of the Internal Revenue Code and regulations thereunder. In particular, in any distribution of the Wood Art Gallery's assets, said assets are hereby dedicated to the exempt purposes stated in its Articles of Association. In the event of dissolution, all of the remaining assets and property of the corporation shall after payment of necessary expenses thereof be distributed to such organizations as shall qualify under section

III. TRUSTEE EMERITI. Trustee Emeriti are non-voting members who have given exemplary-service to the Wood Art Gallery and are invited to continue on the Board in an advisory capacity. The executive Committee may at its discretion submit to the Nominating Committee the name of any retiring or former Trustee for election as a Trustee Emeritus. Upon election through normal procedures, the Trustee Emeritus will be invited to all meetings and will remain on all mailing lists.

IV. OFFICERS. The officers of this Corporation shall be a President, a Vice-President, a Secretary, and a Treasurer, who shall be chosen from among the members of the Board. All officers shall be chosen at the annual meeting and shall hold office for one year, or until their successors shall be elected.

[redacted]

The Vice-President of Vermont College and the Mayor of the City of Montpelier shall be Trustees of the Wood Art Gallery by virtue of their office, with the understanding that the Vice-president of Vermont College would be an active member and would sit on the Executive Committee.

At least three representatives of Norwich University, including the Vice President of Vermont College, shall sit on the Board. The Vice President of Vermont College shall serve as a member of the Executive Committee and shall advance names of potential Norwich representatives, with their election following normal election procedures. Should nominees not be elected, the Vice-President of Vermont College shall submit other names.

V. DUTIES OF OFFICERS. It shall be the duty of the President to preside at the meetings of the Board, and at all the public and social functions held or given by the board, and to execute all of the resolutions and orders by the Board, when not otherwise specifically provided by the Board.

In the absence of the President or when he/she is unable to serve as such for any reason, the Vice-President shall succeed to all of the rights and duties of the President until such absence or inability to serve shall terminate.

It shall be the duty of the Secretary to keep the minutes of the meetings of the Board and to conduct its correspondence. The Secretary shall perform such other duties as may be assigned from time to time by the board.

It shall be the duty of the Treasurer to collect and disburse the funds of the Board and to render true account of the same as hereinafter provided. He/she shall keep the funds of the Board in such banks or trust companies as the Board shall direct. All the agreements and obligations of the Board shall be signed by any two of the following three officers: namely, the President, Vice-President, and Treasurer, under the direction of the Board, shall be valid. The Treasurer shall perform such other duties as may be assigned him/her from time to time by the Board.

VI. DIRECTOR/CURATOR. A Director/Curator shall be appointed by the Board. It shall be the duty of the Director/Curator to carry out the policies developed by the Board, and to preserve and safeguard the collections, to keep the Gallery in proper order for exhibitions, to open and exhibit the Gallery at the times ordered by the Board, and to arrange for and supervise such additional shows, exhibits, and hangings as shall be indicated, approved, or directed by the Board. A job description shall be written for this position.

VII. COMMITTEES. There shall be the following committees of the corporation:

furniture and effects of every nature and description that shall be in and about my aforesaid homestead dwelling-house at the time of my decease and all of removable contents of my studio which is situated near my said dwelling house, to be used or disposed of as they shall in their judgment deem best for the benefit of the aforesaid Wood Art Gallery.

All the rest and residue of my said estate, both real and personal, not herein otherwise disposed of I give, devise and bequeath to the aforesaid Trustees of the Wood Art Gallery and their successors for the benefit of said Wood Art Gallery.

4.3 By-Laws – The following By-Laws are the currently effective version.

BY-LAWS OF THE T. W. WOOD ART GALLERY

I. MEETINGS. The annual meeting of the Board of Trustees shall be held on a date selected by the Trustees at a meeting at least sixty days prior to the annual meeting. Regular meetings of the Board shall be held on a schedule chosen by the Board. Special meetings may be called at any time by the President, and the President must call a special meeting when requested to do so in writing by at least three members of the Board.

II. TRUSTEES. The Board of Trustees may set or change the number of Trustees by vote of majority of the Trustees present and voting at regular or special meeting of the Board after one month's notice of the proposed change shall have been transmitted in writing to each member of the Board by the Secretary. There shall be no fewer than nine Trustees, excluding Trustees ex-officio. A majority of the Trustees for the time being shall constitute a quorum. Any action consented to in writing by each and every Trustee shall be valid as if adopted by the Board at a duly warned and held meeting of the Board, provided such written consent is inserted in the minutes of the Board. Any action that is proper for a special meeting may be conducted by written ballot in lieu of a meeting.

Trustees are expected to attend all scheduled meetings of the board, to share actively in the work of the Wood Art Gallery, and to promote the success of the Wood Art Gallery. Trustees shall receive no compensation for their services.

Each Trustee shall be elected for a term of three years. Trustees shall be elected initially for terms of one, two, or three years, so that approximately one-third of the Trustees' terms shall expire each year. Thereafter, Trustees shall be elected to serve a three-year term. Trustees may be elected to succeed themselves. An election of Trustees shall be held at the annual meeting on the third Tuesday of December, and a majority vote of those present shall elect. To fill a vacancy, the Board may elect a Trustee at any regular or special meeting of the Board upon notice.

A Trustee may resign (1) by notice in writing to the President of the Gallery or (2) automatically by failure to attend any four of the six regular meetings of the Board of trustees in any year as provided by article I above. In each case of such automatic resignation, the president shall notify, in writing, the particular Trustee in order to determine if such Trustee desires to petition for reinstatement. If such Trustee's petition is received by the President within sixty days of the date of the President's notice in writing, then the Board may consider the petition and upon good and sufficient reason for such Trustee's non-attendance may grant reinstatement.

Trustees and members of any committee designated by the Board may participate in a meeting of such Board or committee through the use of any means of communications, including conference telephone calls, by which al Directors or committee's members participating may simultaneously hear each other during the meeting. A Director or committee member participating in a meeting by this means is deemed to be present in person at the meeting. Use of alternative telecommunications systems and devices, such as TTD devices or telephone relay services, for use by a person with a speech, hearing or other impairments shall also qualify under this Section.