



**CITY OF
MONTPELIER
MONTPELIER,
VERMONT**

Agenda for City
Council Meeting
Wednesday, July 18,
2012
06:30 P.M.

- 1) Call to Order by the Mayor
- 2) 12-175. General Business and Appearances
- 3) 12-176. Consideration of the Consent Agenda:
 - a) Approve Minutes from the June 27th Regular City Council Meeting and the July 6th, 2012 Special City Council Meeting.
 - b) Approve the new proposed rules/application form for Outdoor Seating Permits (on public sidewalks).
 - c) Approve a request from Julie Smart and Steve Pitonyak, Meadow Neighborhood Party Committee, for permission to close Summer Street (from Spring to Winter) for their "25th Annual Block Party" scheduled to be held on Saturday, July 28th, 2012, from 3:00 to 10:00 P.M. Their rain date would be Saturday, August 4th.
 - d) Approve a request from Sandy Vitzthum for permission to close Loomis Street (Park Avenue to Liberty Street) for her "9th Annual Block Party" scheduled to be held on Saturday, August 18th, from 4:00 to 8:00 P.M.; rain date would be Sunday, August 19th, from 2:00 to 6:00 P.M.
 - e) Approve request from Sandy Vitzthum for a waiver of the City's Noise Ordinance in order to have a live band play from 4:00 to 8:00 P.M. at the event described in (e) above.

- f) Approve a Resolution, as prepared by City Attorney Paul Giuliani, for \$750,000 loan with VEDA for the District Heat Project; this includes 1% interest and a deferred repayment schedule reflecting semi-annual amortizing debt service payments outlined in the attached VEDA Commitment dated June 19, 2012.
 - 1) Each of the loan documents needs to be signed by the appropriate officials as indicated. The City seal should be affixed over the Treasurer's signature on the Capital Improvement Note.
- g) Consideration of adopting the revised Water and Sewer Rate Resolution as recommended by the Water and Sewer Rate Committee.
- h) Approve and authorize Montpelier Senior Activity Center staff to sign a 60-month lease with IKON for a Ricoh MFP device for an approximate annual cost of \$5,200.
- i) Approve a Planning Grant Application to the Vermont Community Development Program for a Planning Grant of \$30,000 to help support the cost of pre-development activities at 46 Barre Street by C.A.L.M. (Center for Arts, Learning & Music), a partnership of T.W. Wood Gallery and Arts Center; River Rock School; and Monteverdi Music School.
- j) Consideration of the becoming the Liquor Control Commission for the purpose of acting on the following:
 - 1. Approve a technical amendment to the Three Penny Taproom's Liquor License due to the recent expansion of their business into what was Miller Sports at 106 Main Street; they've installed a full kitchen and a 26-seat dining room. Both areas will be serviced using the existing bar at 108 Main Street with a fully DLC trained service staff.
- k) Ratification of a poll vote taken on July 10th when Council approved a request from Theo Exploration for a waiver of the City's Noise Ordinance for the playing of live music from 6:00 to 10:00 P.M. on Friday, July 13th, at 260 Elm Street.
- l) Payroll and Bills

4) 12-177. Appointment of Alternate to the EC Fiber Board

- a) On March 28th, 2012, Dan Jones was appointed as the City's Alternate to the EC Fiber Board.
- b) Staff has received an e-mail from Mr. Jones stating, "My problem is that the Fiber meeting is on the second Tuesday which is also the Montpelier Energy Committee." Since Dan is the Chair of the Energy Committee, the decision was made for him to step down from the EC Fiber Board seat.
- c) In the meantime, staff received an e-mail from Rob Chapman, Executive Director of ORCA, indicating that he would be interested in filling this position.
- d) Council tabled this item from the June 27th agenda and requested that staff advertise. An ad was placed in the July 2nd publication of the Times-Argus, as well as the City's website; no one else has applied.
- e) Recommendation: Appoint Rob Chapman as Alternate to the EC Fiber Board.

5) 12-178. Appointments to the Development Review Board

- a) Staff advertised for two 3-year terms which expire this month (Phil Zalinger's and Roger Cranse's) and one 3-year unexpired term which will expire in July, 2013 (Brian Lane-Karnas's; Brian has moved out of Montpelier). Since the ad was placed, Liz Koenig has also resigned (she accepted an offer of admission to the London School of Economics). Her term is a 3-year term which expires in August of 2014.
- b) Staff advertised and received e-mails from:
 - i. Phil Zalinger and Roger Cranse who would both like to be reappointed.
 - ii. James LaMonda, who currently serves as an Alternate, would like to sit as a full member of the DRB.

- iii. Two new individuals applied: Harvey Golubock, 92 College Street; and Joshua O'Hara, Esq., 115 Barre Street - Apt. #4.
 - c) Meet applicants; discussion of these appointments may be eligible for Executive Session under Title I, §313, Executive Sessions, (3) The appointment or employment or evaluation of a public officer or employee.
 - d) Recommendation: Appointments to fill the two, 3-year expired terms; the two 3-year unexpired terms; and, if necessary, possibly appoint another Alternate for a 1-year term.
- 6) 12-179. Presentation from Montpelier Alive regarding "parklets"
- a) Director Phayvanh Luekhamhan has requested this item as there is some discussion on the idea in different parts of the downtown community.
 - b) This is intended to be a broad informational power point presentation that Architect Greg Gossens will present. Likely, it will also include some ideas of how parklets might work in Montpelier.
 - c) Recommendation: Receive presentation; discussion; possible direction to staff.
- 7) 12-180. Discussion with Montpelier Alive staff regarding "First Night"
- a) Mayor Hollar requested that this item be on this agenda due to Montpelier Alive's intent not to hold First Night this year.
 - b) Recommendation: Discussion.
- 8) 12-181. Hebert Road Transmission
- a) Some Hebert Road residents have raised concerns about radiation from the sewer pump station transmission system in their neighborhood.
 - b) Public Works Director Todd Law, Fire Chief/Health Officer Bob Gowans and Council Members Timpone and Weiss have been meeting

with the residents.

- c) The Vermont Department of Health provided their expert on these matters to meet with the residents and to test the transmitter. The report and the City Manager's letter to residents have been provided to the Council. Staff has asked for cost estimates for alternative ways of transferring this data if necessary.
 - d) This item was tabled from the June 13th agenda in order to give the committee additional time to review the report.
 - e) Recommendation: Review the committee's report and recommendation; discussion with residents; direction to staff.
- 9) 12-182. First public hearing to consider an amendment to the City's Code of Ordinances, Chapter 10, Motor Vehicles and Traffic, Article VII, Parking and Parking Meter Zones.
- 1) Police Chief Tony Facos has proposed the following amendment:
 - (a) Sec. 10-718. SPECIAL DISABLED PERSON PARKING.
 - (b) The City Council may, at its discretion, establish certain selected parking spaces in the City of Montpelier for those disabled persons whose vehicles shall display a distinguishing decal or metal tag on the registration plate approved and issued by the State Department of Motor Vehicles in accordance with Title 23, Section 304a, of the Vermont Statutes Annotated.
 - (c) No person shall park a motor vehicle in a space designated as parking for the disabled without displaying a special disability plate or card issued by the Vermont Department of Motor Vehicles, or as otherwise provided by law of the state in which the vehicle is registered. Any person found in violation of this section shall be fined one hundred dollars (\$100.00) the amount established in the Schedule of Fines for Title 23 Vermont Statutes Annotated, §304a(e) and be subject to costs for the vehicle's removal under Section 10-720. For purposes of this subsection, "space designated as parking for the disabled" means any space designated as parking under Title 23, Section 1025, of the Vermont Statutes Annotated, or Subsection (a) of this section.
 - 2) Recommendation: Conduct the first public hearing; direct staff with any

further amendment(s); set the second public hearing for August 8th, 2012.

10) 12-183. Consideration of a policy regarding services to non-residents.

- a) Mayor Hollar drafted the following policy: "City agencies and non-profit entities that provide services to residents of Montpelier and surrounding towns shall, as a condition of receiving funds from the City of Montpelier, ensure that per capita costs of services are reasonably apportioned between the City of Montpelier and Montpelier participants, and other communities and non-resident participants."
- b) Recommendation: Approve the policy, with or without further amendment(s).

11) 12-184. Further consideration of a draft policy for the formation of a Montpelier Community Fund; this concept would help relieve the challenges that the City has dealt with when funding non-profit agencies.

- a) At their June 13th meeting, Council discussed this proposal as drafted by Mayor Hollar.
- b) The motion was made by City Councilor Weiss "that the Mayor appoint a three person council committee to review and make recommendation on the proposal before us and to do so no later than the second meeting in August." Mayor Hollar and Councilors Hooper and Weiss agreed to serve on the committee.
- c) The committee is prepared to make recommendations.
- d) Recommendation: Review and discuss the committee's recommendations; approve; possible direction to staff.

12) 12-185. Discussion regarding District Heat

- a) The City Manager will provide an update on this project.
- b) This discussion may be eligible for an Executive Session under Title I, §313, Executive Sessions, (a)(1).

13) 12-186. Update on Fire Union Negotiations

- a) The City Manager will provide an update.
- b) This discussion may be eligible for an Executive Session under Title I, §313, Executive Sessions, (a)(1).

14) 12-187. Reports by City Council

15) 12-188. Mayor's Report

16) 12-189. Report by the City Clerk

17) 12-190. Status Reports by the City Manager

18) 12-191. Agenda Reports by the City Manager

Adjournment

To whom it may concern-

Three Penny Taproom has expanded next door, into what was Miller Sports at 106 Main St.. We have installed a full kitchen, and a 26 seat dining room. Both areas will be serviced using the existing bar at 108 Main St., with a fully DLC trained service staff. We request that our liquor license be updated to make note that we are now occupying next door. We will still be receiving our mail at 108 Main St., as there is no more 106 Main St.

Thank you,
Scott Kerner

Approved by the Montpelier City Council, acting as the local Liquor Board:

Total Members of board: _____

City Clerk

Date

June 27, 2012

Montpelier City Council
39 Main Street
Montpelier, Vermont 05602

Care of: Kevin Casey, Montpelier Planning & Community Development

Subject: Vermont Community Development Program
Planning Grant Application for a Community Facility at 46 Barre Street

Dear Montpelier City Council:

The T.W. Wood Gallery & Arts Center, Monteverdi Music School and River Rock School have joined forces to purchase and renovate the property at 46 Barre Street as a community facility for education and the arts. We are referring to our partnership and the future facility, for the time being, as the Center for Arts and Learning in Montpelier, or CALM. As a group, we have negotiated an agreement with St Augustine's Catholic Church to continue leasing the building for at least one year.

We request that the Montpelier City Council consider submission of an application to the Vermont Community Development Program for a Planning Grant in the amount of \$30,000 to help support the cost of pre-development activities in furtherance of our project. To this end, we would appreciate an opportunity to address the Council at its meeting on Wednesday, July 11th.

Pre-development activities will include, but not limited to: preliminary design plans and scope of work; an initial third party cost estimate; a property survey; an historic review; testing for hazardous materials including asbestos containing materials and lead paint; an energy audit; preparation of a development budget; preparation of an application to USDA Rural Development; preparation of an application for an Implementation Grant for creating accessibility for persons with restricted mobility; and, identification of additional potential sources of funding.

We are confident that our proposed facility for arts and education will provide a complementary neighbor to the Senior Center next door and the Recreation Center across the street. We look forward to contributing to the City's plans for the continued renaissance of lower Barre Street. Please let us know if you have any questions or require additional information. Thank you in advance for your consideration of our request.

Sincerely,



Stephen M. Falbel
President, 46 Barre Street, Inc.
Treasurer, Monteverdi Music School

Cc: Kevin Casey, Planning & Community Development

OUTLINE of the PLANNING GRANT APPLICATION—Application questions are in blue.

Project Description

Provide a description of the project. Be sure to include the following:

- a) Activities that will be carried out. Be sure to describe the resulting work products.

The following is a summary of the project description—additional information about the various participants and their programs, needs, and benefits to the community (local and regional) are covered in other questions later in the application. Generally, they like a program description that is about 1 page—so this will get flushed out.

Four not-for-profit organizations have pooled resources to form an umbrella non-profit corporation to purchase and renovate property at 46 Barre Street, Montpelier. The participants are River Rock School for elementary school classrooms, administrative offices and accessory uses; Wood Art Gallery for displays, programs and administrative offices; Monteverdi Music School for rooms for instruction and practice of various musical instruments and administrative offices; and the Summit School for Traditional Music and Culture for instruction and practice of music. The Planning Grant will support pre-development activities necessary for the purchase and renovation of the property. The work products will include the following: a fair market appraisal of the property; preliminary architectural plans and scope of work; a preliminary cost estimate prepared by a third party cost estimator; historic Section 106 review; hazardous materials report from an environmental specialist; sources and uses budget with appropriate funding sources; and list of completed funding applications. The architectural scope of work and cost estimate will specifically identify modifications required to meet the requirements of the Americans with Disabilities Act and state regulations for accessibility.

- b) Where specifically within the municipality this project will take place.

- c) The service area for this project.

I am going to say that you all serve the Central Vermont region—primarily, but some participants (especially to the Wood) include visitors to the region and to the state.

- d) Attach a location map and site plans.

**CITY OF MONTPELIER
MONTPELIER, VERMONT**

Addendum to Agenda for City Council Meeting

July 18, 2012
6:30 P.M.

- 3) 12-176. Consideration of the Consent Agenda:
- m) Approve a request from Richard and Cindra Sheir, owners of the Quirky Pet, to create a piece of public art in front of their store at 5 State Street. Proposed is a 3-D optical illusion sidewalk mural that would cover three sidewalk slabs next to the window.



**CITY OF MONTPELIER
MONTPELIER, VERMONT**

Agenda for City Council Meeting

City Council Chambers, City Hall
Wednesday, July 18, 2012
6:30 P.M.

- 1) Call to Order by the Mayor
- 2) 12-175. General Business and Appearances
- 3) 12-176. Consideration of the Consent Agenda:
 - a) Approve Minutes from the June 27th Regular City Council Meeting and the July 6th, 2012 Special City Council Meeting. 
 - b) Approve the new proposed rules/application form for Outdoor Seating Permits (on public sidewalks). 
 - c) Approve a request from Julie Smart and Steve Pitonyak, *Meadow Neighborhood Party Committee*, for permission to close Summer Street (from Spring to Winter) for their “25th Annual Block Party” scheduled to be held on Saturday, July 28th, 2012, from 3:00 to 10:00 P.M. Their rain date would be Saturday, August 4th. 
 - d) Approve a request from Sandy Vitzthum for permission to close Loomis Street (Park Avenue to Liberty Street) for her “9th Annual Block Party” scheduled to be held on Saturday, August 18th, from 4:00 to 8:00 P.M.; rain date would be Sunday, August 19th, from 2:00 to 6:00 P.M. 
 - e) Approve request from Sandy Vitzthum for a waiver of the City’s Noise Ordinance in order to have a live band play from 4:00 to 8:00 P.M. at the event described in (e) above.

- f) Approve a Resolution, as prepared by City Attorney Paul Giuliani, for \$750,000 loan with VEDA for the District Heat Project; this includes 1% interest and a deferred repayment schedule reflecting semi-annual amortizing debt service payments outlined in the attached VEDA Commitment dated June 19, 2012. 
- 1) Each of the loan documents needs to be signed by the appropriate officials as indicated. The City seal should be affixed over the Treasurer's signature on the Capital Improvement Note.
- g) Consideration of adopting the revised Water and Sewer Rate Resolution as recommended by the Water and Sewer Rate Committee. 
- h) Approve and authorize Montpelier Senior Activity Center staff to sign a 60-month lease with IKON for a Ricoh MFP device for an approximate annual cost of \$5,200. 
- i) Approve a Planning Grant Application to the Vermont Community Development Program for a Planning Grant of \$30,000 to help support the cost of pre-development activities at 46 Barre Street by C.A.L.M. (Center for Arts, Learning & Music), a partnership of T.W. Wood Gallery and Arts Center; River Rock School; and Monteverdi Music School. 
- j) Consideration of the becoming the Liquor Control Commission for the purpose of acting on the following: 
 - 1. Approve a technical amendment to the Three Penny Taproom's Liquor License due to the recent expansion of their business into what was Miller Sports at 106 Main Street; they've installed a full kitchen and a 26-seat dining room. Both areas will be serviced using the existing bar at 108 Main Street with a fully DLC trained service staff.
- k) Ratification of a poll vote taken on July 10th when Council approved a request from Theo Exploration for a waiver of the City's Noise Ordinance for the playing of live music from 6:00 to 10:00 P.M. on Friday, July 13th, at 260 Elm Street.
- l) Payroll and Bills

- 4) 12-177. Appointment of Alternate to the EC Fiber Board 
- a) On March 28th, 2012, Dan Jones was appointed as the City's Alternate to the EC Fiber Board.
 - b) Staff has received an e-mail from Mr. Jones stating, "My problem is that the Fiber meeting is on the second Tuesday which is also the Montpelier Energy Committee." Since Dan is the Chair of the Energy Committee, the decision was made for him to step down from the EC Fiber Board seat.
 - c) In the meantime, staff received an e-mail from Rob Chapman, Executive Director of ORCA, indicating that he would be interested in filling this position.
 - d) Council tabled this item from the June 27th agenda and requested that staff advertise. An ad was placed in the July 2nd publication of the Times-Argus, as well as the City's website; no one else has applied.
 - e) Recommendation: Appoint Rob Chapman as Alternate to the EC Fiber Board.
- 5) 12-178. Appointments to the Development Review Board 
- a) Staff advertised for two 3-year terms which expire this month (Phil Zalinger's and Roger Cranse's) and one 3-year unexpired term which will expire in July, 2013 (Brian Lane-Karnas's; Brian has moved out of Montpelier). Since the ad was placed, Liz Koenig has also resigned (she accepted an offer of admission to the London School of Economics). Her term is a 3-year term which expires in August of 2014.
 - b) Staff advertised and received e-mails from:
 - i. Phil Zalinger and Roger Cranse who would both like to be reappointed.
 - ii. James LaMonda, who currently serves as an Alternate, would like to sit as a full member of the DRB.
 - iii. Two new individuals applied: Harvey Golubock, 92 College Street; and Joshua O'Hara, Esq., 115 Barre Street – Apt. #4.

- c) Meet applicants; discussion of these appointments may be eligible for Executive Session under Title I, §313, Executive Sessions, (3) *The appointment or employment or evaluation of a public officer or employee.*
 - d) Recommendation: Appointments to fill the two, 3-year *expired* terms; the two 3-year *unexpired* terms; and, if necessary, possibly appoint another Alternate for a 1-year term.
- 6) 12-179. Presentation from Montpelier Alive regarding “parklets”
 - a) Director Phayvanh Luekhamhan has requested this item as there is some discussion on the idea in different parts of the downtown community.
 - b) This is intended to be a broad informational power point presentation that Architect Greg Gossens will present. Likely, it will also include some ideas of how parklets might work in Montpelier.
 - c) Recommendation: Receive presentation; discussion; possible direction to staff.
- 7) 12-180. Discussion with Montpelier Alive staff regarding “First Night”
 - a) Mayor Hollar requested that this item be on this agenda due to Montpelier Alive’s intent not to hold First Night this year.
 - b) Recommendation: Discussion.
- 8) 12-181. Hebert Road Transmission 
 - a) Some Hebert Road residents have raised concerns about radiation from the sewer pump station transmission system in their neighborhood.
 - b) Public Works Director Todd Law, Fire Chief/Health Officer Bob Gowans and Council Members Timpone and Weiss have been meeting with the residents.
 - c) The Vermont Department of Health provided their expert on these matters to meet with the residents and to test the transmitter. The report and the City Manager’s letter to residents have been provided to the Council. Staff has asked for cost estimates for alternative ways of transferring this data if necessary.

- d) This item was tabled from the June 13th agenda in order to give the committee additional time to review the report.
 - e) Recommendation: Review the committee's report and recommendation; discussion with residents; direction to staff.
- 9) 12-182. First public hearing to consider an amendment to the City's Code of Ordinances, Chapter 10, Motor Vehicles and Traffic, Article VII, Parking and Parking Meter Zones.
 - 1) Police Chief Tony Facos has proposed the following amendment:
 - (a) Sec. 10-718. SPECIAL DISABLED PERSON PARKING.
 - (b) The City Council may, at its discretion, establish certain selected parking spaces in the City of Montpelier for those disabled persons whose vehicles shall display a distinguishing decal or metal tag on the registration plate approved and issued by the State Department of Motor Vehicles in accordance with Title 23, Section 304a, of the Vermont Statutes Annotated.
 - (c) No person shall park a motor vehicle in a space designated as parking for the disabled without displaying a special disability plate or card issued by the Vermont Department of Motor Vehicles, or as otherwise provided by law of the state in which the vehicle is registered. Any person found in violation of this section shall be fined ~~one hundred dollars (\$100.00)~~ **the amount established in the Schedule of Fines for Title 23 Vermont Statutes Annotated, §304a(e)** and be subject to costs for the vehicle's removal under Section 10-720. For purposes of this subsection, "space designated as parking for the disabled" means any space designated as parking under Title 23, Section 1025, of the Vermont Statutes Annotated, or Subsection (a) of this section.
 - 2) Recommendation: Conduct the first public hearing; direct staff with any further amendment(s); set the second public hearing for August 8th, 2012.
- 10) 12-183. Consideration of a policy regarding services to non-residents.

- a) Mayor Hollar drafted the following policy: ***“City agencies and non-profit entities that provide services to residents of Montpelier and surrounding towns shall, as a condition of receiving funds from the City of Montpelier, ensure that per capita costs of services are reasonably apportioned between the City of Montpelier and Montpelier participants, and other communities and non-resident participants.”***
 - b) Recommendation: Approve the policy, with or without further amendment(s).
- 11) 12-184. Further consideration of a draft policy for the formation of a Montpelier Community Fund; this concept would help relieve the challenges that the City has dealt with when funding non-profit agencies.
 - a) At their June 13th meeting, Council discussed this proposal as drafted by Mayor Hollar.
 - b) The motion was made by City Councilor Weiss “that the Mayor appoint a three person council committee to review and make recommendation on the proposal before us and to do so no later than the second meeting in August.” Mayor Hollar and Councilors Hooper and Weiss agreed to serve on the committee.
 - c) The committee is prepared to make recommendations.
 - d) Recommendation: Review and discuss the committee’s recommendations; approve; possible direction to staff.
- 12) 12-185. Discussion regarding District Heat
 - a) The City Manager will provide an update on this project.
 - b) This discussion may be eligible for an Executive Session under Title I, §313, Executive Sessions, (a)(1).
- 13) 12-186. Update on Fire Union Negotiations
 - a) The City Manager will provide an update.
 - b) This discussion may be eligible for an Executive Session under Title I, §313, Executive Sessions, (a)(1).

- 14) 12-187. Reports by City Council
- 15) 12-188. Mayor's Report
- 16) 12-189. Report by the City Clerk
- 17) 12-190. Status Reports by the City Manager
- 18) 12-191. Agenda Reports by the City Manager

Adjournment



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

June 19, 2012

The Times-Argus
Att: Classifieds

Please insert the following with City of Montpelier notices on: Thursday 6/21
Monday 6/25
Thursday, 6/28

CITY OF MONTPELIER

Development Review Board Vacancies

The Montpelier City Council is seeking individuals interested in filling three regular positions on the City's Development Review Board. Two of these seats are 3-year terms which will expire in July, 2015. The third vacancy is an unexpired 3-year term set to expire in July, 2013. 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 noon on Thursday, July 5th. E-mails are also acceptable to: spitonyak@montpelier-vt.org. The City Council will make these appointments at their Wednesday, July 11th meeting; applicants are encouraged to attend. All meeting rooms and facilities in City Hall are handicapped accessible. Further information may also be obtained by contacting the Planning and Development Office at 223-9506.

William J. Fraser
City Manager

Brian M. Lane-Karnas, E.I.

16 Mountainview Street • Montpelier, VT 05602 • lanekarnas@comcast.net • (802) 505-0049

June 4, 2012

Montpelier City Council
c/o Office of the City Manager
City Hall
39 Main Street
Montpelier, VT 05602

Dear Council Members,

Please accept this letter of resignation from my position on the Montpelier Development Review Board. My family and I are moving to Barre at the end of this month, and I will no longer be eligible to serve. I am happy to continue on the board until the end of the month.

I have truly enjoyed my time on the Development Review Board and thank the Council for this opportunity to put my skills to use in a service role.

Sincerely,

Brian M. Lane-Karnas

Sandy Pitonyak

From: Clancy DeSmet
Sent: Tuesday, July 03, 2012 8:08 AM
To: Sandy Pitonyak; William Fraser
Subject: FW: Montpelier DRB: Liz Koenig

Looks like we need two DRB members now.

From: Elizabeth Koenig [<mailto:lizk@blackriverdesign.com>]
Sent: Monday, July 02, 2012 5:58 PM
To: Clancy DeSmet
Subject: Montpelier DRB: Liz Koenig

Hi Clancy,

Late last week I accepted an offer of admission to the London School of Economics for this coming September 2012. Preparing for this move will require my full attention for the next two months and I will be unable to satisfy my responsibility and commitment to the Montpelier DRB. I apologize for the short notice and thank Montpelier for the opportunity to serve the City.

Yours,
Liz Koenig



Liz Koenig, Designer
73 Main St. Montpelier, Vermont 05602
Phone: 802 223 2044 Fax: 802 223 1132

PHILIP H. ZALINGER, JR.
12 Merrill Terrace
Montpelier, VT 05602

June 19, 2012

City Council
City of Montpelier
36 Main Street
Montpelier, VT 05602

RE: Development Review Board

Dear City Council Members:

I would be pleased to continue my service as Chair of the City's Development Review Board should the Council determine my reappointment is in the best interest of the City and the DRB.

Thank you for your consideration.

Very truly yours,



Philip H. Zalinger, Jr.

Roger Conant Cranse

One Summer Street
Montpelier, Vermont 05602
802 223-6997
802 279-7213 (mobile)
rcc59@comcast.net
June 19, 2012

William Frazier, City Manager
City Hall
39 Main Street
Montpelier, Vermont 05602

Dear Bill,

This is my application for a 3-year term on the Development Review Board.

I am completing my third 3-year term on the Board; I previously served as an alternate member. In nine years I've rarely missed a Board meeting.

As you've probably observed, my practice in deliberating applications to the Board is to stick closely to the Zoning and Subdivision Regulations. On those occasions where there is call for interpretation of the Regulations, I am guided by common sense, the Montpelier Master Plan, and the views of fellow Board members. I am also conscious of treating all applicants and others offering testimony at Board meetings courteously and respectfully.

I believe I have established good working relations with Board members and with the Chair and I look forward to continued service for the City.

Sincerely,

Roger Cranse

Sandy Pitonyak

From: Clancy DeSmet
Sent: Monday, July 09, 2012 8:15 AM
To: William Fraser; Sandy Pitonyak
Subject: FW: DRB

James currently sits as an alternate on the DRB. He's shown interest being a full member. Will this suffice as a letter of interest?

Clancy

From: jlamonda@comcast.net [<mailto:jlamonda@comcast.net>]
Sent: Saturday, July 07, 2012 9:55 PM
To: Clancy DeSmet
Subject: DRB

Clancy,

This is my email confirming that I am willing to sit as a full member of the DRB, instead of as an alternate. Please let me know if you, or the board, need anything else.

James LaMonda

Sandy Pitonyak

From: harvey golubock [harvey.golubock@yahoo.com]
Sent: Monday, July 02, 2012 5:02 PM
To: Sandy Pitonyak

I am writing to apply for a position on the Development Review Board.

I am a retired attorney, having practiced law for 36 years, including 6 years with the Vermont Attorney General's Office. As an attorney I have a great deal of experience learning to understand new fact patterns and analyzing whether proposed actions comply with relevant statutes and regulations. In addition, I have done a great deal of analytical writing and can write clearly and concisely.

While practicing law in New York, I served on the Attorney Disciplinary Committee. In that capacity, I presided over hearings involving attorneys who were charged with misconduct. I listened to each side in the case, questioned the parties, made a decision, and wrote a recommendation to the court explaining and justifying that decision.

I also served as the Executive Director of the Vermont Human Rights Commission for five years. In that capacity, I ran a state agency, interviewed parties and witnesses, decided whether alleged conduct constituted illegal discrimination, and wrote detailed Reports and Recommendations to the Commissioners laying out the facts, analyzing whether they constituted illegal discrimination, and recommending a decision.

I believe that my background and experience make me a good candidate for a position on the Development Review Board and hope that you agree.

I am available for an interview and to discuss the position and my application further. You can reach me by phone at 802-223-6986, cell 802-274-9828

Harvey Golubock

92 College Street

Sandy Pitonyak

From: Josh O'Hara [ohara.josh@gmail.com]
Sent: Thursday, July 05, 2012 12:58 PM
To: Sandy Pitonyak
Subject: DRB Vacancy
Attachments: Josh O'Hara - Resume.docx

Ms. Pitonyak,

I am pleased to submit my resume for consideration for the Development Review Board vacancy. Mr. Desmet encouraged me to apply. I have previously worked as a law clerk to the Hon. Thomas Durkin and Hon. Merideth Wright at the Vermont Environmental Court, and I currently serve as a staff attorney at the Vermont Defender General's Office. I would be happy to meet with you to discuss my application, and I would also be happy to provide references upon request.

Very truly yours,
Josh O'Hara

--

This email message may contain privileged and/or confidential information. If you are not the intended recipient(s), you are hereby notified that any dissemination, distribution, or copying of this email message is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete this email message from your computer.

JOSHUA S. O'HARA, ESQ.

115 BARRE ST. APT. 4, MONTPELIER, VERMONT 05602
PHONE: (802) 793-2112, EMAIL: OHARA.JOSH@GMAIL.COM

BAR ADMISSIONS

Admitted to Vermont Bar, November, 2007

EDUCATION

2004-2007 **Vermont Law School** South Royalton, VT

Juris Doctor, Cum Laude

- Law Review, 2006-07 Head Notes Editor
- Student Ambassador
- Men's Rugby Football Club

2001-2003 **Truman State University** Kirksville, MO

B.A., B.S. Sociology and Anthropology, cum laude. Minor: Psychology

- Vice President of Academic Affairs List, five of five semesters
- President, University Weightlifting Club

1999-2001 **University of Hawai'i at Mānoa** Honolulu, HI

- Dean's List, four of four semesters

EXPERIENCE

Office of the Defender General – Appellate Division, Montpelier, Vermont

- Appellate Staff Attorney, December, 2011 to present
- Represented indigent criminal defendants in direct appeals to the Vermont Supreme Court
- Provided trial counsel with litigation assistance upon request

Maguire Law Associates, PLC, Essex Junction, Vermont

- Litigation Associate, September, 2008 to December, 2011
- Represented criminal defendants in all stages of litigation, including trial and appeal
- Represented parents and children in all stages of CHINS and termination of parental rights cases, including trial and appeal

Vermont Environmental Court, Berlin, Vermont

- Law Clerk to the Honorable Thomas Durkin and the Honorable Merideth Wright, September, 2007 to August, 2008

PUBLICATIONS

- *Creating Civility: Using Reference Group Theory to Improve Inter-Lawyer Relations*, 31 VT. L. REV. 965 (2007)

Sandy Pitonyak

From: Robert Chapman [rob@orcamedia.net]
Sent: Monday, June 18, 2012 11:16 AM
To: Sandy Pitonyak
Subject: EC Fiber Alternate

Hi Sandy.

I understand that there is a Montpelier position on the EC Fiber Board as an alternate. I think I would be an excellent choice for this position and would like to place my name in as a candidate. I have worked in community media for 20 years and believe that it is important as well as imperative to understand how new technologies like fiber can be used to the benefit of our communities, particularly Montpelier, where I now reside with my family. Please let me know if you need any additional information.

Thanks,
Rob

Rob Chapman
Executive Director
Onion River Community Access Media (ORCA)
802 224-9901
rob@orcamedia.net
www.orcamedia.net

Sandy Pitonyak

From: Dan Jones [dan@siteprod.com]
Sent: Thursday, June 14, 2012 12:19 PM
To: Sandy Pitonyak
Subject: Re: EC Fiber Alternate

Hi Sandy

My problem is that the Fiber meeting is on the 2nd Tuesday which is also the Montpelier Energy committee. Since I am chair of the latter, I can't swing being in two places at once.

The decision was made for me.

What do I need to do?

Dan

On Jun 14, 2012, at 11:07 AM, Sandy Pitonyak wrote:

I just heard that you decided not to serve ... is that correct?

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

Dan Jones
(h) 802-225-6377
(c) 617-817-3638

We can no longer think in left or right.
Now it has become up or down.

- 6) 12-183. Consideration of a policy regarding services to non-residents.
- a) Mayor Hollar drafted the following policy: ***“City agencies and non-profit entities that provide services to residents of Montpelier and surrounding towns shall, as a condition of receiving funds from the City of Montpelier, ensure that per capita costs of services are reasonably apportioned between the City of Montpelier and Montpelier participants, and other communities and non-resident participants.”***
 - b) Recommendation: Approve the policy, with or without further amendment(s).

1. Statement of Purpose

As an alternative to organizations seeking funding using the annual city meeting ballot, the Montpelier City Council shall include within its annual budget a sum of money dedicated to awarding funds to eligible organizations. Eligibility shall be limited to organizations that are recognized as not-for-profit entities by the Internal Revenue Service.

2. Montpelier Community Fund Board

a. Board membership. The City Council shall appoint five members to serve as the board of directors (“Board”) of the MCF. Members shall be Montpelier residents. The Board shall review applications for grant awards and make recommendations to the City Council for approval.

b. Board terms. Two members shall be appointed to three-year terms, two members shall be appointed to two-year terms, and one member shall be appointed to a one-year term. With the exception of the member appointed to an initial one-year term, members shall not be eligible for immediate reappointment following the expiration of their terms. Members may not participate in the consideration of a grant application for an applicant for which the member or an immediate family member is employed or serves as a board member.

c. Conflict of interest. No member shall participate in the consideration of an application from an organization on which the member or his or her family member serves as a board member or for whom the member or his or her family member is employed.

3. Grant Award Criteria

The Board shall consider the following criteria in awarding funds:

- a. The extent to which the applicant will receive funds from the city in the next fiscal year through in-kind contributions and direct appropriations.
- b. Prior sums the applicant has received through ballot initiatives.
- c. The extent to which the amount received will complement services provided by Montpelier city government.
- d. The extent to which the grant will benefit Montpelier, its residents and the public good.

4. Application

The Board shall prepare an application form for grant requests. The form shall require applicants to submit the following information: A list of board members; the geographic area served by the organization; a copy of the organization's by-laws; IRS designation; the organization's most recent annual budget; the number of Montpelier residents projected to be served by the award; the purpose for which the funding will be used; any direct or in-kind contributions received by the city; a certification from the applicant that it will not submit a petition for funding through a ballot initiative in the upcoming fiscal year; and such other information as the Board deems necessary to assist in evaluating the request. The applicant shall submit five copies of its request to the Board.

5. Grant Awards

The board shall submit its funding recommendations to the City Council 30 days after Town Meeting Day. The City Council shall consider the board's recommendations at its second meeting in April, and shall approve or deny the board's recommendations. Such recommendations shall not be subject to amendment by the City Council.

**Minutes of the Montpelier City Council Meeting
July 6, 2012
City Council Chambers, Montpelier City Hall**

In attendance: Mayor John Hollar (presiding), City Manager Bill Fraser, City Councilors Andy Hooper, Thierry Guerlain, Alan Weiss, Angela Timpone, Sarah Jarvis (via speakerphone) and Tom Golonka. City Clerk John Odum acted as Secretary of the Meeting.

At 9:07 AM the Mayor called the meeting to order. He took a brief moment to explain the agenda items that required the unusual 9:00 AM special meeting.

Councilor Weiss moved that Ann Watson be appointed to the Energy Advisory Committee, noting that she had done a lot of work for that committee. Councilor Hooper seconded the motion. Mayor Hollar noted her success as an Ultimate Frisbee coach at the Montpelier High School, where she is a science teacher. The motion passed unanimously at 9:09 AM.

12-170. The Council took up the Consent Agenda. Councilor Weiss moved passage of the Consent Agenda, seconded by Councilor Timpone. It was passed unanimously at 9:13.

12-171. The Council moved on to Item 3 – the annual tax rate. City Manager Fraser discussed the calculations used and indicated that the tax bills would hopefully be sent the next Monday. Councilor Timpone moved approval, with Councilor Guerlain seconding. The motion passed unanimously at 9:14 AM.

12-173. On Item 5 (regarding the Carr Lot project), the Mayor indicated that the appraisals of the lot had been approved, enabling the City to move forward on negotiations with Alan Carr. He noted the need to move carefully, and suggested that the Council name negotiators. He further indicated there would be more updates as the situation develops. The City Manager added that the appraisals were not yet available for three other involved properties, but that they were coming (Councilor Jarvis urged caution).

Councilor Golonka noted that, in the past, he had recused himself from Carr Lot discussions because of his family's interest in the property. He suggested he could continue to recuse himself if the Council saw fit, but could also participate since his father in law had no further interest in the property. Councilor Weiss and Mayor Hollar indicated they saw no conflict of interest issue.

Councilor Hooper indicated his desire for more information, and Mayor Hollar responded that it would be forthcoming, as discussions were only beginning. Hooper and Golonka asked further about whether the appraisal was firm, what deadlines were involved, and whether Senator Leahy's office was engaged.

John Russell rose to ask about the relationship of the recent work done and the appraisal in more detail. He probed in particular for details on the remediation work done on the site in an exchange with the City Manager, who indicated the results should ultimately become available to the public.

At 9:28 AM, Councilor Golonka moved that the Council authorize the Mayor and City Manager to begin negotiations with the owner of the Carr Lot and report back to the Council soon. Councilor Weiss seconded. Motion passed unanimously.

12-172. At 9:30 AM, the Mayor called a recess to print out a letter relating to agenda item 4. Keith Vance from the Times Argus asked if the letter was a public document that he could see, to which the City Manager indicated he was not yet certain.

At 9:42 AM, the Council returned from its recess. Mayor Hollar indicated that— after discussion with a representative from the state – he concluded that the letter was not a public document at this point, and the topics raised were appropriate for a Council Executive Session under statute. The letter represents a state negotiating position, and the Executive Session would be held to consider the City's Response.

Hollar added further that the state had been urging the city to move forward on the District Heat project, but that he felt there were still some issues that needed to be discussed. Councilor Guerlain moved that the Council enter into Executive Session and Councilor Hooper seconded. The motion passed unanimously at 9:45 AM.

At 10:25 AM, Councilor Weiss moved the Council leave Executive Session. Motion was seconded by Councilor Hooper, and passed unanimously. Councilor Timpone left the meeting due to conflict with another commitment.

Hollar offered that the City and State were not far apart, and that there were contractual interpretations at issue in respect to the purchase agreement.

Councilor Golonka suggested the City should warn a special meeting for Monday, because of July 9th deadline to commit to moving forward on the District Heat project put forward by the state. It was generally expected that the State would not hold the City to that deadline given the lingering questions and negotiations, but it was seen as a prudent move regardless.

Councilor Golonka moved that the Council direct the City Manager and Mayor to request the clarifications needed from the state, and call a tentative council meeting for Monday with respect to the outcome of those discussions, to draft a response, and to put the matter on the agenda for the 18th. Councilor Guerlain seconded. At 10:33 AM, the motion passed without objection.

John Russell rose to make a statement in support of the District Heat project, given the volatility of the oil industry.

- 12-174. Mayor Hollar called for the Council to go into Executive Session to discuss the potential purchase of water from the City by the town of Berlin. Golonka moved the Council go into Executive Session and include the Public Works Director. Councilor Hooper seconded. The motion passed unanimously at 10:35 AM.

At 10:51, Councilor Weiss moved that the Council close the Executive Session. Councilor Guerlain seconded. The motion passed unanimously.

At 10:52, Councilor Weiss moved for adjournment. Councilor Guerlain seconded. The motion passed unanimously.

MSAC Bids for MFP Device for 58 Barre Street							all leases include maintenance, service, toner, etc.		
All quoted prices are for 45 ppm BW/Color, with booklet maker (folds/staples), one click 11x17,									
REQUEST: Authorization to sign contract with IKON for Ricoh device below. I am currently still in communication with IKON, and they are trying to bring the lease price down to meet that of Kelley's, which I think will happen after my deadline to submit this for the agenda. If/when that happens, I will email updated information to Council members. Device will be used for all office printing, copying, faxing, scanning, and most importantly, the ability to bring our newsletter production in-house and do in color, along with production of our own brochures, postcards, etc., in color at a good cost.									
			LEASE		USAGE PRICES				
		Speed/min			B&W per	Color per	Projected		
Vendor	Device	BW/color	60 mo.		and projected		Monthly	Notes	
Kelley Office Systems	Xerox 7545	45 /45	\$155.40		\$0.0050	\$0.0500		2000 sheet stacker,	
	lease is sep.	add booklet maker	\$14.30		x2000	x5000		can back out after 3 mo.	
		total w/booklet	\$169.70		\$10.0000	\$250.0000	\$429.70	1140-5140 sheets possible	
							x12	110 sheet duplex auto feeder	
						annual	\$5,156.40		
Oce	Canon C5045	45/45	\$208.76		\$0.0074	\$0.0504			
	lease is sep.	to add booklet maker	\$0.00		x2000	x5000		1100 sheets in 2 drawers	
			\$208.76		\$14.8000	\$252.0000	\$475.56	extra \$18/mo. for extra 1100 in 2 more	
IKON	Ricoh MPC4502	45/45	\$227.00		\$0.0070	\$0.0450			
	single bill	to add booklet maker	\$0.00		x2000	x5000		2200 sheets in 4 drawers	
	for lease and service		\$227.00		\$14.0000	\$225.0000	\$466.00	100 sheet doc. Feeder	
							x12		
						annual	\$5,592.00		



Theo Exploration

William J. Fraser
Montpelier City Manager
City Hall
39 Main St
Montpelier, VT 05602

Date 7/11/12

Theo Exploration
260 Elm St
Montpelier VT 05602
T 802-223-5303
Cell 802-917-4647
theo_exploration@yahoo.com

Dear Mr. Fraser and the Board of Officers for the Montpelier City Management,

My name is Theo Exploration. I live in Montpelier at 260 Elm St, at the corner of Elm and Vine, on the west side of VT RT 12. I'm writing to you to let you know I'm planning a gathering of food, fellowship and music, on July 13th, 2012, and I'm seeking approval for noise ordinance permission between the hours of 6-10 pm (7/13/2012).

I am a singer and songwriter, as well as a small business owner in Montpelier. I've been investing time, and money within the Montpelier region to develop enough technical gear, and resources to begin an additional small business within a music career. As of late, our band, "Tiger Swami", and I have gathered resources, created some 30 original songs to perform, and have played out in the small cafes of Montpelier. Now all we need, is what anyone needs to be successful... a following of joyful creatures who will love and adore us, or if not, at least tolerate us, as we begin to spread our wings, and fly in the directions of our goals... to one day, hopefully, be loved and adored, I mean...become respectable musicians who can play songs that lift the people up.



Theo Exploration

Thank you for your consideration, as we look forward to welcoming our friends and neighbors into our residence for a summer evening in Montpelier. Let it be known, we have no intent of making this a regular happening. We have two rehearsal spaces in more secluded spaces. More so, we look to develop the confidence within this gathering to begin taking our show on the road, and to one day look back and say thank you to Montpelier for helping us find our start. Again, Thank you.

Sincerely yours,

Theo Exploration
260 Elm St
Montpelier VT 05602
T 802-223-5303
Cell 802-917-4647
theo_exploration@yahoo.com

Theo Exploration

CITY OF MONTPELIER
PERMIT FOR OUTDOOR SEATING WITHIN THE PUBLIC RIGHT-OF-WAY

Date of Application: _____

Permit Expiration Date: March 31, 20__

FEE: \$100

Permit Approved Date: _____

· CERTIFICATE OF INSURANCE MUST BE PROVIDED, BY THE PROPERTY OWNER, WHICH SPECIFICALLY DELINEATES LIABILITY COVERAGE EXTENDING OFF PRIVATE PROPERTY, INTO THE PUBLIC RIGHT-OF- WAY, AND SPECIFICALLY LISTS THE CITY OF MONTPELIER AS AN ADDITIONAL INSURED.

· ALL ADA (AMERICANS WITH DISABILITIES ACT) REQUIREMENTS MUST BE ADHERED TO, WITH A MINIMUM OF 6' CLEARANCE FOR PASSAGE IN SIDEWALK AREAS.

Owner's name	Mailing Address	City	State	Zip
Telephone No.	Fax No.	E-mail address		

for the purpose of OUTDOOR SEATING IN THE RIGHT-OF-WAY adjacent to:

Property Address: _____

REGULATIONS AND SPECIAL CONDITIONS FOR PERMIT TO ALLOW OUTDOOR SEATING WITHIN THE PUBLIC RIGHT-OF-WAY:

1. Any open and operating first floor commercial businesses or professional office will be permitted to have seating on the public sidewalk outside of their business.
2. Extending to a neighboring property's frontage is permitted, if the business obtains written permission to do so.
3. The consumption of alcoholic beverages within the outdoor seating area is subject to the receipt of an Outside Consumption Permit through the Vermont Department of Liquor Control.
4. Seating is only allowed where sidewalk width can accommodate standard widths for seating and pedestrian accessibility, allowing at least 6' for pedestrian accessibility.
5. City representatives will verify that minimum sidewalk widths are available before a permit is granted.
6. Only the following outdoor seating items shall be permitted to be placed on the public sidewalk in compliance with these other requirements: tables, chairs or other furniture or trash receptacles.
7. Only tables designed to seat two and four patrons will be allowed. Maximum occupancy for the outside seating area will be twelve patrons (using any configuration of 2-top and 4-top tables, so long as seating area conforms with other restrictions)
8. No tables, chairs or other furniture or trash receptacles can be anchored or attached physically in any manner to the public property.
9. All tables, chairs or other furniture, and trash receptacles must be brought in at the end of each business day, or no later than 10:00 p.m, whichever is sooner, or the same is subject to removal by the City.
10. All outdoor seating areas must provide a trash receptacle to be emptied or removed by the permitted business when full, or daily. Trash receptacles must be covered to prevent the wind from spreading trash around. Business owners are responsible for keeping the area clean of all debris, including, but not limited to paper, litter, food, beverage spills, etc.

Vacated tables will be cleared of trash and dishes in a reasonably prompt manner.

11. All tables, chairs or other furniture or trash receptacles placed on the public sidewalk must be maintained in good working order and safe condition.
12. No tables, chairs or other furniture or trash receptacles can be placed outside from November 1st through March 31st annually, or on any day when snow is accumulating, or has accumulated on the sidewalk.
13. Serving of food and/or beverages will be permitted for these sidewalk-seating areas.
14. Doorways may not be blocked by any placement of the tables, chairs or other furniture or trash receptacles placed on the public sidewalk.
15. The outdoor seating area must be visible from inside the place of business, preferably from the serving counter and/or cash register area.
16. It is the responsibility of the business owner to regularly check on the placement of tables, chairs or other furniture or trash receptacles placed on the public sidewalk to comply with these requirements.
17. The placement of any item on the public sidewalk that is not in compliance with these regulations is subject to action by the City of Montpelier.
18. Music may be played if the volume is consistent with the City's Noise Ordinance.
19. Business owners are responsible to ensure that passing pedestrians are not subjected to inappropriate behavior from patrons, including lewd comments or vulgarity.
20. Special conditions unique to the applicant may apply (see below).
21. This use is only permitted between the hours of 6:00 A.M. until 10:00 P.M.
22. Any outdoor sidewalk seating permit is revocable in situations of noncompliance to the listed regulations.

Additional Special Conditions (if any): _____

Acceptance of this permit constitutes Owner's agreement that the occupation of the right-of-way covered by this permit shall be performed in strict accordance with all the above regulations. Owner also agrees to any special conditions listed hereon, and agrees to keep and save the City free and harmless from any damages or claims against it by reason of any failure, fault or neglect of the applicant, the applicant's agent, servants or employees in the execution of the work or exercise of the privilege for which such permit is granted.

ACCEPTANCE OF REGULATIONS AND/OR SPECIAL CONDITIONS FOR RIGHT-OF-WAY PERMIT

Receipt of the above regulations and/or special conditions for right-of-way permit is hereby accepted by:

Signature: _____ Title: _____ Date: _____

PERMIT APPROVED _____
City Clerk

MEMORANDUM

To: Montpelier City Council

From: Mayor John Hollar

Date: April 30, 2012

Re: Proposal for Outside Agency Funding

The question of how to fund outside agencies has presented the city with challenges for many years. I understand that the council has spent many hours addressing this issue.

In my view, there are many problems with the existing funding system, including:

- There were 27 funding items on this year's Town Meeting Day ballot for outside agencies.
- Voters do not have adequate information or time to evaluate each of these requests. Often voters are not aware of specific funding requests until they enter the voting booth.
- Voters do not have the opportunity or ability to weigh these proposals against other potential recipients of municipal funds.
- There is no process in place to audit the uses for which the appropriated funds are spent.

I am proposing that the council consider a new system that would create a more rational process for allocating municipal funds to non-profit organizations. Under this proposal, the city would create a separate fund, perhaps called the Montpelier Community Fund. This fund would be managed by a board of Montpelier residents that would be appointed by the council. In the first year, 2013, the city would appropriate to the fund the approximate amount that was placed on this year's ballot for outside agencies. (I believe this was about \$100,000). Citizens would be encouraged to make personal contributions to the fund.

The MCF board would solicit applications from non-profit organizations for grants from the fund. The council, or perhaps the MCF board, would set criteria for allocating grants. I would suggest that one consideration should be the amount the agency has received in the past from a ballot initiative.

The MCF board would be responsible for auditing the use of grant funds to ensure that they were used for the purposes for which they were approved.

Under our charter, non-profit entities would continue to have the right to place funding initiatives on the ballot. Non-profits may be less likely in the future to pursue ballot initiatives with the higher petition requirement. To ensure that the new MCF did not simply add a new mechanism to the existing process, I would propose the following:

- The MCF would only accept applications from organizations that agreed not to petition for funding through a ballot initiative for a period of two or three years;
- The council would communicate, either through the ballot or some other means, that funding is available through the Montpelier Community Fund and that the council does not recommend that the proposal be approved;
- The MCF would be reduced each year by the amount to which ballot items are approved.

I believe this process would be preferable to the current ballot initiative process in many ways:

- It would create a process by which funding requests are considered based on the overall amount that is available and the needs that are intended to be addressed.
- It would allow for an independent review of proposals to ensure that the funds are spent on appropriate purposes.
- It would allow for the subsequent review of grants to ensure that they were spent in a manner consistent with the application.
- It would relieve voters of making these decisions on an *ad hoc* basis through individual ballot items, which is not typically accompanied by adequate information to evaluate the requests.
- It would maintain the city's commitment to funding non-profit organizations.

I am submitting this proposal to you now in the hope that we can have a new system in place for the 2013 Town Meeting ballot. I would request the council's early consideration so that, if adopted, outside agencies could begin to plan for a new process for obtaining funding from the City of Montpelier.

Thank you for your consideration of this proposal.

7/16/12

Bill;

Cindra and I would like to appear before Council this Wednesday to get permission to do the sidewalk mural in front of 5 State Street.

R

Bill;

If you could pass this along with the two emails I am forwarding.

In a nutshell, we are proposing a piece of public art in front of The Quirky Pet on 5 State Street. Proposed is a 3-D optical illusion sidewalk mural that would cover 3 sidewalk slabs next to the window. Because the building to the immediate west juts out about two feet, about six inches of the sidewalk would possibly be used by people going east and west which leaves plenty of room for pedestrian traffic. Currently, the slabs host our dog water bowl, the quirky art dog (Arthur) and some sidewalk chalk. People use it only to get a better look in the window.

3-D sidewalk art is found in Europe and on the west coast. As far as we can tell, it isn't found in New England yet. The work on State Street would portray four year old Delia Boyce (daughter of Craig and Buffy Boyce) of Main Street and her dog Suki seemingly stuck in a hole. Delia would have a red ball in one hand and her other would be reaching up... the illusion would have it about a foot from the surface. The instinct would be to reach down and grab her forearm to pull her out. This is a piece of art... not advertising. Nowhere in the hole will there be a red quirky dog or a sheepdog--- both iconic of the store. The title of the work is 'Someone Left The Gate Open'.

A rough artists sketch in pencil is included. The work will be latex paint covered with a common sealant on top of a layer of masonry paint to seal the concrete. All paints are commonly sold at Sherwin-Williams on River Street. Their chemical composition has been submitted to the city manager along with the artist's sketch.

After we received the email from Bill that this is a council matter, as a matter of courtesy a phone call was placed to Steve Everett the chair of the Design Review Board to inform him in our interest in possibly pursuing the project if we could find an artist capable of pulling it off and non-toxic paints to use. After Council approval, we intend to attend the July 23rd Design Review Board meeting to further explain the project again as a courtesy.

It is important to us to have the piece completed by the last Saturday of the month for two reasons. It is our first anniversary and this, along with the presentation of monies to the Vermont Center for Independent Living to help provide a seeing eye dog to a Central Vermonter for free, would mark our anniversary with two special gifts. There is also a commercial reason for wanting to complete the project on schedule. A 17,300 square foot Petco opens in Berlin the following week. The Quirky is 674 sq feet; a human scale enterprise of Cindra, Aira, the two parakeets and the 'store husband'. We intend the unique rendering of Delia and Suki to be a declaration of a sorts to mark the store's place in *our* town; a town that is quirky with a small 'q'. It would happen just prior to possibly being awarded a first time Seven Days Daisie for 'Best Pet Store Outside of Chittenden County'. The three taken together push us into late summer on a strong note not only for tourists but for Vermonters who want another reason to experience downtown Montpelier shopping. The mural might be in front of 5 State but the entire downtown commerce benefits from it even though it is totally on the Quirky dime. That's the beauty of the project. The town gets cooler.

One more... again, as a matter of courtesy, we brought the project to Jesse Jacobs' attention because his family owns the 5 State Street property. His words were "It's a great idea. Anything we can do to bring more people downtown is great for Montpelier." Jesse's right. No merchant is getting rich doing business downtown. Anything we can do to bring more people downtown helps the merchants which ultimately helps the city.

The Quirky Pet has been called 'The Coolest Pet Store In New England And Possibly The World'. That's a high bar. We'd like Council to work with us not to achieve that status.... but to MAINTAIN that status. We are not asking for city funds for the project. This will be our first gift to the city this year. We've had a great first year and we see this as investing back part of what Montpelier residents have invested in us. Look for something special for the holiday seasons as well. That's what a values driven business does. It gives at the same time it takes. We have something very special in mind that will further brand us as the only pet store that matters.

Cindra & Aria... & Richard
The Quirky Pet

7/3/12

Hi Richard

I wanted to get back to you about your sidewalk art proposal. I am sorry for delay, I dropped the ball on this – all of our staff had responded to my inquiries pretty quickly. I failed to get back to you promptly.

We do not believe that this requires a zoning permit. The zoning ordinance exempts improvements to streets and sidewalks. There does not appear to be any independent regulation of public art projects like this. If no zoning permit is required then there would be no requirement to appear before any boards unless you wished to do so on a consult basis only.

With regard to DPW requirements, a concrete sidewalk is the design standard (DPW & Zoning / SD ordinance) and DPW would limit their review to this scope. DPW would not regulate the art on the sidewalk.

Permission for this type of ongoing use of the public sidewalk would need to come from the City Council. As you know, you can arrange an appearance on the Council agenda through my office.

Based on my conversations with DPW, I would recommend to the Council that permission be granted with the following conditions: that the walk surface be suitable for all weather conditions (not slippery when wet), is durable to withstand routine maintenance, and does not present a hazardous condition for and all sidewalk users. The standard calls for a light broom finish of the concrete to provide traction but we don't know what the surface texture tolerances are for a painted illusion. In the video you provided, it was noted that many people walked around the illusion. Therefore, I'd suggest that a clear section of sidewalk be maintained along the curb line a minimum of 6' in width. In order to maintain ADA compliance, we would want to be certain that a seeing eye dog is able to walk across the mural not be prompted to walk around it. That suggests that the mural be limited to the section closest to the street by the meters and not extend into the actual main walking path.

I'm sure we can work out the construction & access permit conditions (there is usually a \$15 / day fee for construction obstructions). The City and Department Public Works would not be liable for the degradation of the mural should there be any from maintenance, etc of the sidewalk sections.

I hope that this is helpful to you. Again, I am sorry for the delay in response to the detail you sent on 4/4/12.

Bill





RESOLUTION AND CERTIFICATE
(General Obligation)

WHEREAS, at a meeting of the City Council of the City of Montpelier (herein called the "Municipality") at which all or a majority of the members were present and voting, which meeting was duly noticed, called and held on May 13, 2011, as appears of record, it was unanimously found and determined that the public interest and necessity required certain public heating system improvements herein described by reference to Exhibit A attached, and it was further found and determined that the cost of making such public improvements, after application of available funds from the United States of America and/or the State of Vermont, would be too great to be paid out of ordinary annual income and revenue, and that a proposal for providing such improvements and the issuance of bonds, notes or other obligations of the Municipality to pay for its share of the cost of the same should be submitted to the legal voters at meetings thereof, and it was so ordered, all of which action is hereby ratified and confirmed; and

WHEREAS, pursuant to the foregoing action, a special meeting of the Municipality was warned and held on June 14, 2011 at the place and time appointed therefor, submitting an article of business to be voted upon by ballot between the hours stated in the Warning, all as appears by reference to Exhibit A attached hereto; and

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

WHEREAS, immediately upon closing of the polls and after counting of the ballots cast, the result of the vote on the proposition stated in Article 1, as set forth in Exhibit A hereto, was declared by the moderator, all as appears of record, and pursuant to which the Municipality is carrying forward the authorized improvements and pursuing the same diligently to completion; and

WHEREAS, pursuant to powers vested in them by law the said City Council is about to enter into an agreement on behalf of the Municipality with the Vermont Economic Development Authority (VEDA) respecting a Vermont Clean Energy Development Fund Loan in the amount of \$750,000, the substantive terms of which are set out in the VEDA Commitment to Finance Letter dated June 19, 2012, attached hereto as Exhibit B.

AND WHEREAS, the obligation to be given by the Municipality to VEDA at the time of receiving the proceeds of the Loan and as evidence thereof, shall be substantially in the form of a Capital Improvement Note (the "Note") attached hereto, as Exhibit C;

THEREFORE, be it resolved that the City Council, Mayor and City Treasurer proceed forthwith to cause the Note to be executed and delivered to VEDA upon the price and terms stated, and be registered as the law provides; and

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

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

BE IT FURTHER RESOLVED, that the Municipality expressly incorporates into this Resolution each and every term, provision, covenant and representation set forth at length in the above-described Commitment to Finance Letter, the Loan Application made by the Municipality to VEDA and the Vermont Clean Energy Development Fund, (Exhibit D), and the Tax Certificate (Exhibit E) to be delivered in connection with the issuance and sale of the Note, execution and delivery of each of which is hereby authorized, ratified and confirmed in all respects, and the covenants, representations and undertakings set forth at length in said Commitment to Finance Letter, Loan Application and Tax Certificate are incorporated herein by reference; and

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

BE IT FURTHER RESOLVED, that in connection with the pending sale of the Municipality's Note in the face amount of \$750,000 to VEDA, execution and delivery of the Note, Commitment to Finance Letter, this Resolution Certificate, Tax Certificate, and incidental documents, all attached hereto, are authorized; and

BE IT FURTHER RESOLVED, that J. Paul Giuliani, bond counsel to the Municipality, be authorized and empowered to take possession of said documents for delivery to VEDA, and to complete said documents by the inclusion of appropriate dates and ministerial changes at the direction of the City Council of said Municipality or its designated officer; and to acknowledge receipt of the proceeds of the Note on behalf of the Municipality; and

BE IT FURTHER RESOLVED, that the proceeds derived from the sale of the Note be delivered for deposit to _____. (A/C # _____) for disbursement in accordance with the Loan Agreement.

And we, the undersigned officers, as indicated, hereby certify that we as such officers have signed the Note dated as of August 1, 2012, payable as aforesaid, and reciting that it is issued under and pursuant to the vote hereinabove mentioned, Chapter 53 of Title 24, Vermont Statutes Annotated, No. 329 of the Acts of 1955, as amended, Sections 2(b)(21), 21(e) and 34a of No. 40 of the Acts of 2011, and No. M-6 of the Acts

of 2011, and we also certify that the Note is duly registered in the office of the City Treasurer of the Municipality as prescribed by law.

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

We also certify that there has been full and timely performance with all open meetings, public records access, and public procurement, solicitation and bidding laws, ordinances and regulations with respect to each of the transactions embodied in this resolution.

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

Dated: July 18, 2012

ATTEST:

CITY OF MONTPELIER

City Clerk/Assistant City Clerk

(Seal)

By: _____

All or a Majority of its City Council
and Mayor

No. R-1

UNITED STATES OF AMERICA
STATE OF VERMONT
CITY OF MONTPELIER
CAPITAL IMPROVEMENT NOTE

\$750,000

The CITY OF MONTPELIER (hereinafter called the "Municipality"), a body corporate and a political subdivision of the State of Vermont, promises to pay to the Vermont Economic Development Authority, or registered assigns, the sum of SEVEN HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$750,000) with interest at the rate of one percent (1.00%) per annum, accruing as of the date of each advance hereunder, payable in monthly installments, commencing and subject to conversion as provided in the terms of a certain Commitment to Finance Letter dated June 19, 2012 by and between the Municipality and the Vermont Economic Development Authority, which terms are incorporated herein by reference thereto.

This Note is payable in lawful money of the United States at the principal office of the Vermont Economic Development Authority in the City of Montpelier, State of Vermont. Final payment of this Note shall be made upon surrender of this Note for cancellation.

This Note is issued by the Municipality for the purpose of financing public heating district improvements under and by virtue of No. 329 of the Acts of 1955, as amended, Chapter 53 of Title 24, Vermont Statutes Annotated, Sections 2(b)(21), 21(e) and 34a of No. 40 of the Acts of 2011, and No. M-6 of the Acts of 2011, the vote of the legal voters of the Municipality duly passed on June 14, 2011, and resolutions of its City Council duly adopted.

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

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

IN TESTIMONY WHEREOF, the Municipality has caused this Note to be signed by its Mayor and its Treasurer and its seal to be affixed hereto as of August 1, 2012.

CITY OF MONTPELIER

By: _____
Its Mayor

And by: _____
Its Treasurer

(Seal)

No. R-1

CITY OF MONTPELIER \$750,000 GENERAL OBLIGATION
CAPITAL IMPROVEMENT NOTE DATED AUGUST 1, 2012

CERTIFICATE OF REGISTRATION

It is hereby certified that this Note is a registered Note, payable only to the holder of record as appears of record in the office of the Treasurer of the issuing Municipality. This Note may be transferred by presentation of the same with an assignment in writing signed by the registered holder. Presentation shall be made to the Treasurer of the Municipality at his/her office and he/she shall record such transfer in his/her records and on the Note. The name and address of the original registered owner of this Note is Vermont Economic Development Authority, 58 East State Street #5, Montpelier, VT 05602-3044.

Dated as of the 1st day of August, 2012.

City Treasurer/Assistant City Treasurer

TAX CERTIFICATE

(Under \$5 million)
(General Obligation)

We, the Treasurer and at least a majority of the City Council of the CITY OF MONTPELIER (the "Municipality"), HEREBY CERTIFY and reasonably expect with respect to the issuance of and the use of proceeds of the \$750,000 General Obligation Capital Improvement Note (the "Note") of the Municipality, dated August 1, 2012, as follows:

1. We are the officers of the Municipality duly charged and responsible for issuing the Note. The certifications and expectations set forth in this document are being given pursuant to Section 1.148-2(b)(2)(i) of the Treasury Regulations.
2. The dates, maturities, denominations and rates of interest of the Note are as shown and more fully described in Exhibit A-1, attached hereto. The Note is fully registered and its issuance has been reported to the Internal Revenue Service on IRS form 8038-G, a copy of which is attached as Schedule B.
3. The proceeds of the Note will be used to provide funds for the purpose of financing district heating capital improvements located in Montpelier, Vermont (the "Project"), as shown on Schedule C attached. There are no other funds available to the Municipality under the provisions and within the meaning of Regulation Section 1.148-6(d)(3), other appropriations, grants-in-aid and capital reserve funds of the Municipality dedicated to the Project. The weighted average maturity of the Note is less than 120% of the useful life of the Project.
4. The Municipality will use the proceeds of the Note within thirty (30) days of the date hereof to retire any obligations (the "Prior Obligation(s)") which originally financed the Project or to reimburse itself for the Project costs advanced under a duly adopted notice of official intent. The proceeds of the Note may be invested in the interim at a yield in excess of the yield on the Note. To the extent there remain any unspent proceeds of the Prior Obligation(s), any and all of such proceeds shall be invested at a yield not in excess of the yield on the Note.
5. The proceeds of the sale of the Note do not exceed the amount necessary to retire the Prior Obligation(s) and to complete the Project. The proceeds of the Note will not be used to effect a tax increment financing loan or a tax assessment loan under Regulation Section 1.141-5(c)(3) and (d).
6. The Municipality has entered into (or will enter into within six months from the date hereof) a binding commitment for the acquisition, construction or accomplishment of the Project, and the amount of such commitment(s) with respect to the Project exceeds an amount equal to five percent (5%) of the greater of the Note, the Prior Obligations, or the aggregate amount of obligations issued for the Project. Work on the acquisition, construction or accomplishment of the Project will proceed with due diligence to the completion thereof. The Note proceeds will be invested temporarily and expended in compliance with the non-arbitrage and rebate requirements of Section 148 of

the Code, so as to maintain the interest on the Note excludable from the gross income of the recipient thereof.

7. The total proceeds (including interest earnings therefrom) received from the sale of the Note and the Prior Obligations with respect to the Project do not exceed the total cost of the Project. All such Project funds will be maintained in a segregated fund and not commingled with amounts from other sources.

8. It is not expected that the Project will be sold or otherwise disposed of in whole or in part. Public use of the Project will continue for so long as the Note remains outstanding. In the event an unanticipated change in private use or disposition of the Project occurs, the Municipality will undertake remediation measures under Regulation Section 1.141-12 at the earliest opportunity so as to preserve the tax exempt character of the Note.

9. Principal of the Note will be paid from taxes and other revenues of the Municipality. There will be no private payments for the use of the Project other than payments made by members of the general public. The funds used to pay principal and interest on the Note, whether or not deposited into a segregated debt service fund, will be expended within thirteen (13) months of the date of deposit in such fund on the payment of debt service on the Note. Any amounts received from the investment of such fund will be used to pay debt service on the Note within one (1) year of the date of receipt. The debt service fund, if any, will be used to achieve a proper matching of revenues with principal and interest payments within each bond year and will be depleted at least once each bond year except for a reasonable carryover amount not to exceed the greater of (i) the earnings on the fund for the immediately preceding bond year or (ii) one-twelfth of principal and interest payments on the issue for the immediately preceding bond year. Amounts deposited into such a debt service fund, if any, may be invested at a yield in excess of the yield on the Note.

10. Except for the debt service fund described herein, if any, the Municipality has not created or established, and does not expect to create or establish, any sinking fund or other similar fund which the Municipality reasonably expects to use to pay principal on the Note, or from which there is a reasonable assurance that amounts therein will be available to pay debt service on the Note.

11. No portion of the proceeds of the Note will be invested, directly or indirectly, in federally insured deposits or accounts other than (a) investments of unexpended Note proceeds for an initial temporary period until the proceeds are needed for the Project; and (b) investment of moneys on deposit in a bona fide debt service fund. No portion of the proceeds of the Note will be loaned or otherwise made available to any private person, nor shall any of such proceeds be expended or invested in a manner which will result in the Note being classified as a "hedge bond" under Section 149(g) of the Code.

12. The Municipality is a political subdivision of the State of Vermont and is an entity with general taxing powers, the power to incur debt, the power of eminent domain, and the power to enact and enforce police power measures. The Note is not a "private activity bond" (as defined in Section 141 of the Code). At least 95% of the proceeds of the Note are to be used for local governmental activities of the Municipality. Neither the Municipality nor any agency, instrumentality or political subdivision of the Municipality

has issued or expects to issue any tax exempt bonds or notes during calendar year 2012 other than:

(i) the Note; (ii) short-term notes in an aggregate amount not to exceed the Municipality's maximum anticipated cumulative cash flow deficit, to be used in anticipation of the receipt of taxes and other revenues of the Municipality; (iii) current refunding bonds in an amount not to exceed the amount of bonds to be refunded; and (iv) short term notes issued in anticipation of receipt of federal or state capital improvement grants-in-aid. In the event the aggregate face amount of all tax-exempt obligations (including the Note) issued or to be issued by the Municipality (and all agencies, instrumentalities and other political subdivisions of the Municipality) during calendar year 2012 exceeds \$5,000,000, except for private activity bonds and additional obligations aggregating no more than \$10,000,000 or such lesser amount attributable to the financing of the construction of public school capital facilities, the proceeds of each issue of such obligations shall be invested temporarily and expended in compliance with the rebate requirements of Section 148(f)(2) and (3) and the Regulations thereunder, as applicable, so as to assure that the interest paid on such obligations remains excludable from the gross income of the recipient thereof. The Municipality will expend at least 85% of the Note proceeds, and all of the net income derived from the temporary investment thereof, within a three-year period calculated from the earlier of the date of issuance of the Note or date of issuance of the Prior Obligations. Proceeds not expended within three years shall be invested at a yield not in excess of the yield on the Note.

13. The Project 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, or an instrumentality thereof. In addition, the Municipality 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 or which confers special economic benefits or any private person. No private business use of the Project will be made without an opinion of nationally recognized Bond Counsel that such use will not have an adverse effect on the tax-exempt status of the Note.

14. Any reimbursement of an expenditure made prior to the issue date of the Note or earlier short term financing is pursuant to a declaration of intent. In addition, any declaration of official intent of the Municipality to reimburse itself out of such proceeds for Project expenditures incurred before the issuance of the Note or short term financing, if earlier, was adopted not later than 60 days after the date of original expenditure, and such expenditures being reimbursed out of Note proceeds are not more than three years old.

15. The Municipality will do and perform all acts and things necessary or desirable in order to assure that interest paid on the Note shall, for purposes of federal income taxation, be excludable from the gross income of the recipients thereof, or, if applicable, preserve the Note's tax advantages in the form of tax credits or interest payment subsidies.

16. In addition to the record-retention requirements of Section 6001 of the Code, and the Regulations not or hereafter promulgated thereunder, the Municipality hereby adopts and commits to implement the procedures set forth in Schedule D which are intended to provide the following:

- (a) Assignment of tax-exempt and tax credit bond, if applicable, compliance responsibilities to appropriate departments, officers, or employees.
- (b) Establishment and maintenance of books and records for each issue of obligation of the Municipality.

- (c) Establishment of Code Section 148 compliant procedures for the investment of gross proceeds for each issue of the Municipality's obligations.
- (d) Maintenance of records relating to all allocations of expenditures of proceeds of each issue of the Municipality's obligations.
- (e) Periodic monitoring of use of proceeds of each issue of the Municipality's obligations, the investment and reinvestment of proceeds from the temporary investments thereof and the use of property acquired or financed by the proceeds of such obligations.
- (f) Verification of the foregoing.

17. This certification has been delivered as part of the record of proceedings and accompanying certificates with respect to the issuance of the Note.

18. On the basis of the foregoing, it is not expected that the proceeds of the Note will be used in a manner which would cause the Note to be an "arbitrage bond" or "private activity bond" under Sections 103, 141 and 148 of the code and the Treasury Regulations promulgated thereunder. To the best of our knowledge and belief, there are no other facts, estimates or circumstances that would materially change the foregoing conclusions.

19. No other obligations of the Municipality are:

- (a) being sold within fifteen (15) days of the date of this Tax Certificate;
- (b) being sold pursuant to a common plan of financing as was employed in the sale of the Note; or
- (c) expected to be paid from substantially the same source of funds.

20. The Municipality acknowledges that the provisions of the Davis- Bacon Act, which is codified at Subchapter IV of Chapter 31 of Title 40 of the United States code and U.S. Department of Labor Memorandum No. 208, apply to the Project financed with the proceeds of the Note, and the Municipality certifies and agrees that with respect to such Project, it has complied and will continue to comply with the requirements of the Davis-Bacon Act as set out in said Memorandum attached hereto as Exhibit E.

IN WITNESS WHEREOF, we have hereto set our hands on behalf of the Municipality this 1st day of August, 2012.

CITY OF MONTPELIER

By: _____
Mayor

And by: _____
Treasurer

Schedule C

1. Title: \$750,000 City of Montpelier Public Heating District Improvement General Obligation Notes

Total Principal Amount: \$750,000

Maturity Date(s) Principal Amount(s) Interest Rate(s)

As per attached specimen note.

2. Title of Authorizing Resolution(s) or Ordinance(s)

Resolution and Warning May 13, 2011

Special City Meeting June 14, 2011

Resolution and Certificate of City Council December 7, 2011 and
July 18, 2012

- | | | | |
|----|----------------|---|---|
| 3. | <u>Project</u> | <u>Estimated Date
of Completion</u> | <u>Estimated Date
All Proceeds Expended</u> |
|----|----------------|---|---|

Heating
Distribution

4. Other Obligations of Issuer Issued This Calendar Year

Information Return for Tax-Exempt Governmental Obligations

► Under Internal Revenue Code section 149(e)

► See separate instructions.

Caution: If the issue price is under \$100,000, use Form 8038-GC.

OMB No. 1545-0720

Part I Reporting Authority		If Amended Return, check here ☐	
1 Issuer's name City of Montpelier		2 Issuer's employer identification number (EIN) 03-6000579	
3a Name of person (other than issuer) with whom the IRS may communicate about this return (see instructions)		3b Telephone number of other person shown on 3a	
4 Number and street (or P.O. box if mail is not delivered to street address) 39 Main Street	Room/suite	5 Report number (For IRS Use Only) 3	
6 City, town, or post office, state, and ZIP code Montpelier, VT 05602-2950		7 Date of issue 08/01/12	
8 Name of issue 2012 Series A Hearing District Improvement Note		9 CUSIP number None	
10a Name and title of officer or other employee of the issuer whom the IRS may call for more information (see instructions) John Odum, City Treasurer		10b Telephone number of officer or other employee shown on 10a 802-223-9500	

Part II Type of Issue (enter the issue price). See the instructions and attach schedule.	
11 Education	11
12 Health and hospital	12
13 Transportation	13
14 Public safety	14
15 Environment (including sewage bonds)	15
16 Housing	16
17 Utilities	17
18 Other. Describe ►	18 79000 00
19 If obligations are TANs or RANs, check only box 19a ☐	
If obligations are BANs, check only box 19b ☐	
20 If obligations are in the form of a lease or installment sale, check box ☐	

Part III Description of Obligations. Complete for the entire issue for which this form is being filed.				
(a) Final maturity date	(b) Issue price	(c) Stated redemption price at maturity	(d) Weighted average maturity	(e) Yield
21	\$ 750,000	\$ 750,000	years	1.00 %

Part IV Uses of Proceeds of Bond Issue (including underwriters' discount)				
22 Proceeds used for accrued interest	22	-0-		
23 Issue price of entire issue (enter amount from line 21, column (b))	23	750000	00	
24 Proceeds used for bond issuance costs (including underwriters' discount)	24	-0-		
25 Proceeds used for credit enhancement	25	-0-		
26 Proceeds allocated to reasonably required reserve or replacement fund	26	-0-		
27 Proceeds used to currently refund prior issues	27	-0-		
28 Proceeds used to advance refund prior issues	28	-0-		
29 Total (add lines 24 through 28)	29	0		
30 Nonrefunding proceeds of the issue (subtract line 29 from line 23 and enter amount here)	30	75,000	00	

Part V Description of Refunded Bonds. Complete this part only for refunding bonds.	
31 Enter the remaining weighted average maturity of the bonds to be currently refunded	N/A years
32 Enter the remaining weighted average maturity of the bonds to be advance refunded	N/A years
33 Enter the last date on which the refunded bonds will be called (MM/DD/YYYY)	N/A
34 Enter the date(s) the refunded bonds were issued (MM/DD/YYYY)	

For Paperwork Reduction Act Notice, see separate instructions.

Cat. No. 63773S

Form **8038-G** (Rev. 9-2011)

Part VI Miscellaneous

35	Enter the amount of the state volume cap allocated to the issue under section 141(b)(5)	35	N/A
36a	Enter the amount of gross proceeds invested or to be invested in a guaranteed investment contract (GIC) (see instructions)	36a	0
b	Enter the final maturity date of the GIC ▶ _____		
c	Enter the name of the GIC provider ▶ _____		
37	Pooled financings: Enter the amount of the proceeds of this issue that are to be used to make loans to other governmental units	37	0
38a	If this issue is a loan made from the proceeds of another tax-exempt issue, check box ☐ and enter the following information:		
b	Enter the date of the master pool obligation ▶ _____		
c	Enter the EIN of the issuer of the master pool obligation ▶ _____		
d	Enter the name of the issuer of the master pool obligation ▶ _____		
39	If the issuer has designated the issue under section 265(b)(3)(B)(i)(III) (small issuer exception), check box		☐
40	If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check box		☐
41a	If the issuer has identified a hedge, check here ☐ and enter the following information:		
b	Name of hedge provider ▶ _____		
c	Type of hedge ▶ _____		
d	Term of hedge ▶ _____		
42	If the issuer has superintegrated the hedge, check box		☐
43	If the issuer has established written procedures to ensure that all nonqualified bonds of this issue are remediated according to the requirements under the Code and Regulations (see instructions), check box		☒
44	If the issuer has established written procedures to monitor the requirements of section 148, check box		☒
45a	If some portion of the proceeds was used to reimburse expenditures, check here ☐ and enter the amount of reimbursement ▶ _____		
b	Enter the date the official intent was adopted ▶ _____		

Signature and Consent	Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that I consent to the IRS's disclosure of the issuer's return information, as necessary to process this return, to the person that I have authorized above.				
	Signature of issuer's authorized representative <u>08/01/12</u> Date		City Treasurer Type or print name and title		
Paid Preparer Use Only	Print/Type preparer's name	Preparer's signature	Date	Check ☐ if self-employed	PTIN
	J. Paul Giuliani	<i>J. Paul Giuliani</i>	08/01/12		
	Firm's name ▶ McKee, Giuliani & Cleveland	Firm's EIN ▶	03-0260031		
	Firm's address ▶ P. O. Box 1455, Montpelier, VT 05601-1455	Phone no.	802-223-3479		

14 Loomis Street
Montpelier, Vermont 05602

5 July 2012

Montpelier City Council
39 Main Street
Montpelier, Vermont 05602

Dear Members of the City Council,

Some friends and I would like to apply for a permit to have a block party Saturday, 18 August, from 4 pm until 8 pm. This will be the ninth annual block party for our neighborhood. It is essentially a private party for our family and neighbors; several Loomis Street families are organizing the event.

Since we plan to have a band play at the party, we would like to apply for a noise waiver. The band will start at 4 pm and play until 8 pm.

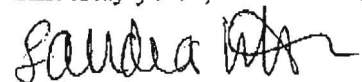
We would also be grateful if we could close the road from Park Avenue to Liberty Street from 4 pm until 8 pm. The signs might say something like "Closed to Through Traffic" so that cars could get to driveways on either side of the party. Front yards are not very big on Loomis Street, so it would be really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

Because we were rained out in 2007, we would like to schedule a raindate of Sunday, 19 August, from 2 pm to 6 pm at the same location. If this happens, we'd like to be able to close off the road at that time.

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

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

Sincerely yours,



Sandy Vitzthum
223-1806

5 July 2012

Dear Neighbor,

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

NINTH ANNUAL BLOCK PARTY

Saturday, 18 August, from 4 pm - 8 pm

14 Loomis Street front lawn

(raindate: Sunday 8/19, 2-6 pm, same place)

*We will be appearing before the City Council
July 18 to ask for permission to close Loomis
Street from Park Avenue to Liberty Street for
the length of the party. We'd like to continue
our tradition of kids' games in the street. Local
traffic will be allowed through.*

Any questions? Call Sandy Vitzthum, 223-1806

July 6, 2012
City of Montpelier Mayor and City Council Members
C/o William J. Fraser, City Manager
Montpelier City Hall
39 Main Street
Montpelier, Vermont 05602

Re: Permission to close Summer Street

Dear Mayor and City Council Members:

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

In the interest of safety, we are requesting permission from you to block off a portion of Summer Street during our activities on **Saturday, July 28, 2012, from 3:00 P.M. to 10:00 P.M.**, with a rain date of Saturday, August 4. We propose to close off Summer Street from Spring Street to Winter Street using DPW road work barriers.

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

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

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Julie Smart". The signature is fluid and cursive, with the first name "Julie" and last name "Smart" clearly distinguishable.

Julie Smart & Steve Pitonyak
Meadow Neighborhood Party Committee

Meadow Noise Notice

Please be advised that the Meadow Neighborhood Committee is planning the Neighborhood Block Party for Saturday, July 28, 2012, from 3:30 PM to 10:00 PM at the Summer Street Park, featuring a slowest bike race, kids' parade, potluck dinner and dancing. Saturday, August 4th, will be the rain date.

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

Accordingly, we ask that you take the time to consider whether the music planned for the dance will be objectionable to you and your family after 9:00 PM. The purpose of the noise ordinance is to protect the public tranquility and peace. We make it a point to end the music sharply at 10:00 PM. If you do not wish us to play music in the park after 9:00 PM on July 28th, please notify the City Manager's Office at 223- 9502, Steve Pitonyak (30 Summer Street) at 229-4671, or Julie Smart (10 Summer Street) at 229-6847.

The Montpelier City Council will likely consider our request to close the street and grant a variance on Wednesday, July 11, 2011 at 7:00 PM.

For more information, contact Steve Pitonyak at 229-4671 or Julie Smart 229-6847.

Thank you for your time and continued support of our efforts to make the "Meadow" a safe, supportive and fun neighborhood for all of us to live in.



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

TO: City Council Members
William J. Fraser, City Manager

FROM: Sandy Gallup, Finance Director

DATE: July 13, 2012

SUBJECT: Recommended Utility Rates (Water & Sewer) for Fiscal Year 2013

Consideration of adopting the revised Water and Sewer Rate Resolution as recommended by the Water and Sewer Rate Committee.

Water and Sewer Rates:

At the May meeting the committee agreed to recommend a 3% increase in all rates (except for the Sewer Flat Rate users which will see a \$60 annual increase). These rates will be effective July 1, 2012 and will be used in calculating the water and sewer bills due December 15, 2012. Users will receive notice of the increases in the water and sewer bills that will be going out this month.

Two documents: rate history worksheet and draft of Water and Sewer Rate Resolution are attached.

WATER FUND:

Recommendation for Rates July 1, 2012

	<u>FY12 Rate</u>	<u>FY13 Proposed Rate (3%increase)</u>
Step 1 (first 50,000 gallons per qtr)	\$ 7.51	\$ 7.73
Step 2 (50,000-250,000 gallons per qtr)	7.97	8.21
Step 3 (over 250,000 gallons per qtr)	12.93	13.32

Fixed Cost Charge increases from \$140 to \$144 annually (up 3%).

Projected additional revenue: 3% Increase in all rates + \$70,000

Impact on Users: The impact of this rate increase on the average user (with 31,000 gallons usage) is \$10.82 in additional water charges per year (the quarterly bills will increase \$2.70).

SEWER FUND:

Recommendation for Rates for July 1, 2012:

Increase Metered Rates by 3% from \$8.47/1000 gallon to \$8.72/1000 gallon.

The Flat Rate (unmetered) will increase from \$157.50 to \$172.50 per quarter. There are 38 unmetered users.

Increase the Fixed Cost Charge 3% from \$120 to \$124 annually.

Projected additional revenue: 3% Increase in Sewer Rates +\$42,500 Flat Rate increase +\$2,280

Impact on Users: The impact of these rate increases on the average user is an additional \$7.75 per year or \$1.94 per quarter.

RESOLUTION

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

WATER USE RATES

RESIDENTIAL:

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

SEASONAL:

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

FIRE PROTECTION SPRINKLER SYSTEMS:

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

FIRE PROTECTION STANDBY CHARGE:

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

HYDRANT USE:

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

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

METERED:

All Metered units shall be charged at the rate of \$7.73 per 1,000 gallons for the first 50,000 gallons, at the rate of \$8.21 per 1,000 gallons for usage between 50,000 and 250,000 gallons and at the rate of \$13.32 per 1,000 gallons for usage over 250,000 gallons during a three-month billing period except for multi-unit elderly housing as defined in the Vermont State Statutes, Title 24, Section 4002 (11) for the fiscal year 2010.

Deleted: 7.51

Deleted: 7.97

Deleted: 12.93

In addition, a readiness-to-serve charge of \$36.00 per meter per billing period shall be imposed on each residential, commercial, industrial, and governmental metered premise to partially offset fixed costs of the water system.

Deleted: 35.00

ON/OFF FEES:

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

ON DEMAND WATER METER READING FEE:

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

SEWER USE RATES

RESIDENTIAL:

Unless metered, each residential unit, including apartments, duplex, multi-family and similar type housing units which contain bathroom and kitchen facilities, shall be charged at the rate of \$172.50 per quarter for the fiscal year 2010. No reduction in annual rates will occur due to seasonal occupancy and/or extended discontinuance of service.

Deleted: 157.50

METERED:

Metered residential, commercial, industrial, and governmental units shall be charged at the rate of \$8.72 per 1,000 gallons of water usage for the fiscal year 2010.

Deleted: 8.47

In addition, an administrative charge of \$31.00 per meter per billing period shall be imposed on each residential, commercial, industrial, and governmental metered premise to fully offset fixed administrative costs of the sewage facilities.

Deleted: 30.00

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

NEW WATER CONNECTIONS

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

SEWER CONNECTIONS

It is hereby resolved by the City Council of the City of Montpelier, acting as the Board of Sewer Commissioners, that an application/inspection fee of \$500 shall be charged for sanitary

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

WATER AND SEWER RATES - DELINQUENCIES

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

WATER AND SEWER RATES - REFUNDS

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

WATER & SEWER UTILITY BILL ADJUSTMENT

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

- Customer has made appropriate repairs to plumbing. Evidence of repair shall be in the form of receipt from a plumber or subsequent water readings indicating that the problem has been corrected;
- In applying for adjustment, the customer shall swear that he or she had no knowledge of the plumbing problem prior to incurring the charges;
- As an adjustment, the customer shall pay a sum equal to 2.5 times the average of the last four (4) consumption readings within the same billing cycle;

EFFECTIVE DATES

Water and Sewer Rates for Metered use and all other rates were made effective July 1, 2012.

Deleted: 2011

Adopted this ____ day of July, 2012

SIGNED:

John Hollar, Mayor

Council Members:

CITY SEAL:

John Odum, City Clerk

CITY OF MONTPELIER
WATER SEWER RATES
HISTORY

Fiscal Year	STEP 1 Metered Rate per 1,000 Gallons (First 50,000 per quarter)	STEP 1 % Increase (Decrease)	STEP 2 Metered Rate per 1,000 Gallons (Between 50,000 and 250,00 gallons per quarter)	STEP 2 % Increase (Decrease)	STEP 3 Metered Rate per 1,000 Gallons (Exceeding 250,000 per quarter)	STEP 3 % Increase (Decrease)	WATER FIXED COST ANNUAL	WATER FIXED COST % Increase (Decrease)	Annual Flat Rate Sewer	Sewer (Metered Water) Rate per 1,000 Gallons	% Increase (Decrease)	SEWER FIXED COST ANNUAL	% Increase (Decrease)	Total Annual Water & Sewer Fixed Costs	% Increase (Decrease)
Recommended 2013	\$7.73	3%	\$8.21	3%	\$13.32	3%	\$144.00	3%	\$690.00	\$8.72	3%	\$124.00	3%	\$268.00	3%
2012	\$7.51	0%	\$7.97	0%	\$12.93	0%	\$140.00	40%	\$630.00	\$8.47	0%	\$120.00	0%	\$260.00	18%
2011	\$7.51	0%	\$7.97	0%	\$12.93	0%	\$100.00	0%	\$630.00	\$8.47	0%	\$120.00	0%	\$220.00	0%
2010	\$7.51	3%	\$7.97	3%	\$12.93	3%	\$100.00	22%	\$630.00	\$8.47	3%	\$120.00	15%	\$220.00	18%
2009	\$7.29	5%	\$7.74	5%	\$12.55	5%	\$82.00	5%	\$600.00	\$8.22	5%	\$104.00	5%	\$186.00	6%
2008	\$6.94	5%	\$7.37	5%	\$11.95	5%	\$78.00	0%	\$572.46	\$7.83	5%	\$98.00	0%	\$176.00	0%
2007	\$6.61	8%	\$7.02	8%	\$11.38	8%	\$78.00	0%	\$572.46	\$7.46	10%	\$98.00	0%	\$176.00	0%
2006	\$6.12	26%	\$6.50	26%	\$10.54	26%	\$78.00	11%	\$505.30	\$6.80	39%	\$98.00	9%	\$176.00	10%
2005	\$4.85	0%	\$5.15	0%	\$8.35	0%	\$70.00	0%	\$400.00	\$4.90	0%	\$89.56	0%	\$159.56	0%
2004	\$4.85	0%	\$5.15	0%	\$8.35	0%	\$70.00	0%	\$400.00	\$4.90	0%	\$89.56	0%	\$159.56	0%
2003	\$4.85	0%	\$5.15	-20%	\$8.35	0%	\$70.00	40%	\$400.00	\$4.90	16%	\$89.56	79%	\$159.56	60%
2002	\$4.85	0%	\$6.44	0%	\$8.35	0%	\$50.00	0%	\$350.00	\$4.22	0%	\$50.00	0%	\$100.00	0%
2001	\$4.85	0%	\$6.44	0%	\$8.35	0%	\$50.00	150%	\$350.00	\$4.22	15%	\$50.00	42%	\$100.00	81%
2000	\$4.85	16%	\$6.44	15%	\$8.35	15%	\$20.00	0%	\$350.00	\$3.67	21%	\$35.20	0%	\$55.20	0%
1999	\$4.19	25%	\$5.60	25%	\$7.26	25%	\$20.00	0%	\$292.60	\$3.03	4%	\$35.20	0%	\$55.20	0%
1998	\$3.35	10%	\$4.48	10%	\$5.81	10%	\$20.00	0%	\$280.00	\$2.90	4%	\$35.20	0%	\$55.20	0%
1997	\$3.04	0%	\$4.07	0%	\$5.28	0%	\$20.00	0%	\$271.43	\$2.80	5%	\$35.20	0%	\$55.20	0%
1996	\$3.04	10%	\$4.07	10%	\$5.28	10%	\$20.00	0%	\$246.75	\$2.67	5%	\$35.20	0%	\$55.20	0%
1995	\$2.76	0%	\$3.70	0%	\$4.80	0%	\$20.00	0%	\$235.00	\$2.54	5%	\$35.20	0%	\$55.20	0%
1994	\$2.76	0%	\$3.70	-12%	\$4.80		\$20.00	0%	\$224.00	\$2.42	19%	\$35.20	0%	\$55.20	0%
1993	\$2.76	0%	\$4.20	0%			\$20.00	0%	\$188.00	\$2.03	6%	\$35.20		\$55.20	176%
1992	\$2.76	45%	\$4.20				\$20.00	-50%	\$177.00	\$1.91		\$0.00		\$20.00	-50%
1991	\$1.90	15%					\$40.00	100%	\$152.08	83% of water		\$0.00		\$40.00	100%
1990	\$1.65	14%					\$20.00	0%	\$111.01	73% of water		\$0.00		\$20.00	0%
1989	\$1.45	22%					\$20.00	100%	\$111.01	83 % of water		\$0.00		\$20.00	100%
1988	1.19	51%					\$10.00	0%	\$129.08	117% of water		\$0.00		\$10.00	0%
1987	0.79						\$10.00		\$129.08	176% of water		\$0.00		\$10.00	