



**CITY OF
MONTPELIER
MONTPELIER,
VERMONT**

Agenda for City
Council Meeting
Wednesday,
February 22, 2012
07:00 P.M.

- 1) Call to Order by the Mayor
- 2) 12-054. General Business and Appearances
- 3) 12-055. Consideration of the Consent Agenda:
 - a) Consideration of the Minutes from the February 8th, City Council Meeting and February 14th, 2012 City Council Work Session.
 - b) Ratification of the City Manager's Employment Agreement for 2012-2014.
 - c) Formal approval of the Mediated Settlement Agreement with National Life.
 - d) Consideration of approval of a Vermont Agency of Transportation (VTrans), Town Highway Structures Program grant reimbursement request identified as claim form "#TA 65", for the now completed Towne Hill Road Culvert Reconstruction Project. Public Works Department staff secured the grant funding in 2010 in the amount of 90% of the project costs and completed the project during the 2011 construction season. In accordance with the terms of the grant agreement, VTrans requires that the municipality, through its select board or City Council, certify as to the accuracy of the reimbursement claim. Documentation of project expenditures are on file and available for review. Due to unforeseen circumstances, project expenditures exceeded the original cost estimate. A grant amendment to assist with these additional costs was requested, recommended by the District Transportation Administrator,

and approved by the VTrans Program Manager. The TA65 form herein presented for City Council certification reflects the amended grant amount of \$81,357.75, representing 90% of the total project cost (\$90,379.50). A majority of the City Council must indicate approval by signing the TA 65 form in the space indicated.

- e) Consideration of an "Application for Permit for Conduit Locations" submitted by Sovernet Fiber Corporation to obtain a license to construct buried conduits within two municipal highway rights-of-way (Gov. Davis Avenue & National Life Drive). Sovernet is currently in the process of expanding throughout many areas of town by attaching their systems to existing utility poles through agreements with Fair Point, and as authorized by the PSB. The attachment of fiber optic cables will, in some cases, require additional pole anchoring to support the added stresses. Most anchoring requirements will be accomplished through the use of existing ground anchors while a handful of others will require new ground anchors. The existing aerial systems are licensed by the City. To construct and maintain new underground conduit systems, Sovernet (through their right-of-way agent, NorthLand Right of Way Services, LLC.) has requested permission from the municipal authority to occupy the public highway right-of-way. The subject systems will provide communication services for the state Capitol Complex and the State offices in the National Life facility (see attached plan). The Public Works Department has reviewed the petition and is prepared to issue a "Construction & Access" Permit for the projects and will enforce applicable road & utility construction activities, and require payment of the permit fee upon approval of the utility petition. If approved, a majority of the City Council must sign the petition in the space provided and the City Clerk will record the document in the land records.
- f) Consideration of a request for the closure of State Street (from Main to Elm) on Saturday, June 2nd, 2012, between the hours of 7:00 A.M. and 4:00 P.M. for the Annual "Montpelier Fashion Show". The Fire Chief, Police Chief and Public Works Director have all approved this request.
- g) Consideration of revoking the October 22, 2008 approval of the "RESOLUTION AUTHORIZING AGREEMENTS AND THE EXECUTION AND DELIVERY THEREOF FOR THE MAKING OF CERTAIN CAPITAL IMPROVEMENTS THROUGH THE ISSUANCE OF NOT TO EXCEED \$106,000,000 EAST CENTRAL VERMONT COMMUNITY FIBER CERTIFICATES OF PARTICIPATION SERIES 2008". On October 22, 2008, the City authorized East Central Vermont Community Fiber (ECF) to issue certificates of participation (master lease) not to exceed \$106,000,000 for

the purposes of making certain capital improvements for the delivery of communication services. Due to significant changes in the capital markets, ECF does not intend to finance the project with the certificates of participation.

- h) Consideration of the becoming the Liquor Control Commission for the purpose of acting on the following:
 - 1. Ratification of the issuance of two Catering Permits from Yebba, Inc., d/b/a The Abbey Pub & Restaurant, for Wine Receptions scheduled to be held from 3:00 to 7:00 P.M. at the State House: one on Tuesday, February 14th; the other on Wednesday, February 22nd, 2012.
 - 2. Ratification of the issuance of a Catering Permit to Vermont Hospitality Management, d/b/a New England Culinary Institute, for a "Welcome Reception" scheduled to be held on Wednesday, February 15th, from 6:00 to 8:00 P.M. at the National Life Guest House.
 - 3. Application for a 2011 First Class Liquor License/Restaurant License from Clean Slate Café & Company, d/b/a Clean Slate Café, for their new business which will be opening at the old Thrush Tavern location. These licenses are required to be renewed each year by May 1st. Because these applicants hope to open by then, they are applying for their 2011 Licenses; they will need to reapply for their 2012.
 - 4. Application for a Catering Permit from Vermont Hospitality Management, d/b/a New England Culinary Institute, for a State House Reception scheduled to be held on Thursday, February 23rd, from 4:30 to 6:30 P.M. at the State House.
 - 5. Application for Special Event Permit from Go America Go Beverages for a "Taste of Vermont 2012" Legislative Reception scheduled to be held on Tuesday, March 13th, from 5:00 to 7:00 P.M. at the Capitol Plaza.
 - 6. Application for a Catering Permit from Langdon Street Pub Company, d/b/a McGillicuddy's Irish Pub, for a Legislative Open House scheduled to be held on Thursday, March 15th, from 4:00

P.M. to midnight at the offices of MacLean, Meehan & Rice, 9 Court Street.

- i) Payroll and Bills
- 3) 12-055. Consideration of the Consent Agenda:
- 4) 12-056. Setting of "approximate times" for the following agenda items.
- 5) 12-057. Appointments to form a "Reapportionment Committee".
 - a) At the Council's December 7th, 2011 meeting, the committee which was formed earlier in the year to "analyze census data and begin district reapportionment, as appropriate" reported its findings to Council.
 - b) As Council rep and chair of this group, Alan H. Weiss reviewed the highlights of the report and outlined the options that evening. The motion was made and seconded to direct staff to advertise for people to serve on a Reapportionment Committee.
 - c) Staff advertised and has received responses from the following: Frederick H. Skeels, 103 Freedom Drive; John Bloch, 6 Winter Street; Esther Farnsworth, 171 Westview Meadows; Nick Marro, 305 State Street; Mary Alice Bisbee, 3 Prospect Street; Steve Hingtgen, 7 West Street; and Barney Bloom, 25 Summer Street.
 - d) Recommendation: Opportunity to meet applicants; Council may choose to enter into an Executive Session in accordance with Title I, §313, Executive Sessions, (3) The appointment or employment or evaluation of a public officer or employee to review and discuss the applicants; appointments to form the "Reapportionment Committee", outlining their charge and timetable.
- 6) 12-058. Consideration of Montpelier's rep to the EC Fiber Board.
 - a) Staff recently learned that Peter Timpone is resigning as the City's rep to this governing board.
 - b) Given that he has served as the alternate for four years, John Bloch has

expressed interest in being appointed as the full-time rep.

c) Recommendation: Appoint John Bloch or direct staff to advertise.

7) 12-059. Conduct the second Public Hearing to consider proposed amendments to the City's Charter.

a) The first Public Hearing was held on January 26th; the following articles are being considered for inclusion on the Warning for the City Meeting scheduled to be held on March 6, 2012.

b) ARTICLE 10. Shall the city amend Title XII - Section 2 of the city charter to allow for the assessment of a 1% local sales tax as per amendment language filed with the City Clerk on January 4, 2012? 20% of revenues received will be dedicated for business development and/or business promotion. 80% of all revenues received will be dedicated to offset property tax revenue. (Requested by the City Council)

c) ARTICLE 11. Shall the city amend Title XII - Section 2 of the city charter to allow for the assessment of 1% local rooms, meals and alcohol taxes as per amendment language filed with the City Clerk on January 4, 2012? 100% of revenues received will be dedicated for infrastructure improvements and maintenance. (Requested by the City Council)

d) ARTICLE 12. Shall the city amend Title V - Sections 1 and 3 and adding a new section 4 of the city charter (and renumber remaining sections accordingly) to change the signature requirement for legally binding petitions from 5% of registered voters to 10% of registered voters as per amendment language filed with the City Clerk on January 4, 2012? (Requested by the City Council)

e) Recommendation: Conduct the second Public Hearing.

8) 12-060. Conduct the second Public Hearing to consider the following Article and its inclusion on the Warning for the City's March 6th Annual Meeting.

a) ARTICLE 9. Shall the voters authorize the City Council to borrow a sum not to exceed \$870,000 for infrastructure improvements and equipment purchase? If approved, bonds for these capital items would be issued for a term of 20 years. With a 20 year bond, approximately \$23,500 would be

required for the first year interest payment and approximately \$74,300 for the second year principal and interest payment and future payments declining each year as the principal is repaid. (Requested by the City Council)

b) Recommendation: Conduct the Public Hearing.

9) 12-061. Discussion of oversight of the Recreation Department

a) Recommended Action: Direction to staff and possible vote.

10) 12-062. Council Reports

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11) 12-063. Mayor's Report

12) 12-064. Report by the City Clerk-Treasurer

12) 12-064. Report by the City Clerk-Treasurer

13) 12-065. Status Reports by the City Manager

14) 12-066. Agenda Reports by the City Manager

Adjournment

Sandy Pitonyak

From: Sandy Pitonyak
Sent: Monday, February 13, 2012 12:11 PM
To: L-Council
Subject: Two Catering Permit Applications

Follow Up Flag: Follow up
Flag Status: Flagged

Yebba, Inc., d/b/a the Abbey Pub & Restaurant, has applied for two Catering Permits. Both are for Wine Receptions to be held from 3:00 to 7:00 P.M. at the State House: one is scheduled for Tuesday, February 14th; the other Wednesday, February 22nd, 2012.

From: Tom Golonka [tomgolonka@comcast.net]
Sent: Tuesday, February 14, 2012 12:48 PM
To: Sandy Pitonyak
Cc: L-Council
Subject: Re: Two Catering Permit Applications

Ok with me.
Tom

From: Timothy Andrew Hooper
Sent: Monday, February 13, 2012 12:52 PM
To: Tom Golonka-Comcast
Cc: Sandy Pitonyak; L-Council
Subject: Re: Two Catering Permit Applications

Ayup. Fine with me.

From: Angela Timpone [angelatimpone@gmail.com]
Sent: Monday, February 13, 2012 1:19 PM
To: Sandy Pitonyak
Cc: L-Council
Subject: Re: Two Catering Permit Applications

Fine with me.

From: Sarah Jarvis
Sent: Monday, February 13, 2012 2:27 PM
To: Sandy Pitonyak
Cc: L-Council
Subject: Re: Two Catering Permit Applications

I approve of both.
~ Sarah

From: Nancy Sherman [nshearn@cvcoa.org]
Sent: Monday, February 13, 2012 4:07 PM
To: Sandy Pitonyak; L-Council
Subject: RE: Two Catering Permit Applications

If you still need another positive response, I'm on board.

**Request to Cater Malt and
Vinous Beverages &
Spirituuous Liquors**

Caterer's Permit Number 2019-01

APPROVED

DISAPPROVED

Date:

Reason: _____

(for department use only)

To: Board of Selectmen/Alderman at catered location and Vermont Liquor Control Board.

From: Licensee name: Yehida Inc.

d/b/a: The Abbey Pub & Restaurant

Street: 6212 VT Rt. 105 Town/City: Enosburg Falls, VT

Contact name and phone number: Jenn Carey 802-933-4747

Email or Fax # jenn@abbeygroup.net

BE SURE TO READ INSTRUCTIONS BELOW, BEFORE COMPLETING APPLICATION.

(Each catered affair must have a recommendation from the local Board of Selectman or Alderman acting in their capacity as local control commissioners and must have the approval of the State Liquor Control Board.)

Please answer the following questions:

1. Describe type of party to be catered: wine reception

2. Location of catered party (street, town or city; if no address, describe location): _____

Statehouse, 115 State St. Montpelier, VT 05633

3. Date of catered party (not more than five days, unless specifically authorized): 2-14-12

4. Hours of operation: Beginning 1500 hrs. Ending 1900 hrs. No. of Persons 100

Signed: Jennifer Carey (caterer) Date: 2-8-12

We recommend: _____ approval _____ disapproved

If you recommend disapproval, please state reason(s): _____

Town/City Clerk's signature
Of CATERED location.

Town/City
Fax Number or email address: _____

Date

SUBMIT AT LEAST 5 DAYS PRIOR TO DATE OF FUNCTION

Submit to Town/City Clerk for recommendation.

Town/City Clerk will email, fax or mail to Vermont Liquor Control Board, 13 Green Mountain Drive, Montpelier, VT 05602 email address: { HYPERLINK "mailto:DLC-Licensing@state.vt.us" } Fax number is 802-828-1031

LIQUOR CONTROL BOARD'S PROCEDURAL REQUIREMENTS FOR CATERER'S PERMIT HOLDERS:

1. All liquor control laws and regulations that apply to 1st and 3rd class licenses also apply to caterer's permits.
2. Before a catered event is approved in any open area, the following requirements must be fulfilled:
 - a) A defined area, for serving and consumption of alcohol beverages, designated with physical barriers.
 - b) Separate toilet and lavatory facilities available for both men and women.

**Request to Cater Malt and
Vinous Beverages &
Spirituos Liquors**

Caterer's Permit Number 2019-01

APPROVED

DISAPPROVED

Date:

Reason: _____

(for department use only)

To: Board of Selectmen/Alderman at catered location and Vermont Liquor Control Board.

From: Licensee name: Yerba Inc.

d/b/a: The Abbey Pub & Restaurant

Street: 6212 VT Rt. 105 Town/City: Enosburg Falls, VT

Contact name and phone number: Jenn Carey 802-933-4342

Email or Fax # jenn@abbeygroup.net

BE SURE TO READ INSTRUCTIONS BELOW, BEFORE COMPLETING APPLICATION.

(Each catered affair must have a recommendation from the local Board of Selectman or Alderman acting in their capacity as local control commissioners and must have the approval of the State Liquor Control Board.)

Please answer the following questions:

1. Describe type of party to be catered: wine reception
2. Location of catered party (street, town or city; if no address, describe location):
State house, 115 State St Montpelier, VT 05633
3. Date of catered party (not more than five days, unless specifically authorized: 2-22-12
4. Hours of operation: Beginning 1500 hrs. Ending 1900 hrs. No. of Persons 100

Signed: Jennifer Carey Date: 2-8-12
(caterer)

We recommend: approval ☐ disapproved ☐

If you recommend disapproval, please state reason(s): _____

Town/City Clerk's signature
Of CATERED location.

Town/City
Fax Number or email address: _____

Date _____

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Request to Cater Malt and

Vinous Beverages &

Spirituuous Liquors

Caterer's Permit Number 1488.005 catr 01

APPROVED

DISAPPROVED

Date: _____

Reason: _____

(for department use only)

To: Board of Selectmen/Alderman at catered location and Vermont Liquor Control Board.

From: Licensee name: Vermont Hospitality Management

d/b/a: New England Culinary Institute

Street: 56 College Street Town/City: Montpelier

Contact name and phone number: Fawn Wells Maxfield 802-279-6317

Email or Fax # fawn.wells@neci.edu

BE SURE TO READ INSTRUCTIONS BELOW, BEFORE COMPLETING APPLICATION.

(Each catered affair must have a recommendation from the local Board of Selectman or Alderman acting in their capacity as local control commissioners and must have the approval of the State Liquor Control Board.)

Please answer the following questions:

1. Describe type of party to be catered: STATE HOUSE RECEPTION
 2. Location of catered party (street, town or city; if no address, describe location): THE STATE HOUSE - 115 STATE STREET MONTPELIER, VT
 3. Date of catered party (not more than five days, unless specifically authorized: 2/23/12
 4. Hours of operation: Beginning 4:30pm hrs. Ending 6:30pm hrs. No. of Persons 125
- Signed: Emily A. Leonard (caterer) Date: 2.16.12

We recommend: approval disapproved

If you recommend disapproval, please state reason(s): _____

Town/City Clerk's signature
Of CATERED location.

Town/City
Fax Number or email address: _____

Date

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Sandy Pitonyak

To: L-Council
Subject: Catering Permt Application

... has been received from Vermont Hospitality Management, d/b/a New England Culinary Institute, for a "Welcome Reception" scheduled to be held on Wednesday, February 15th, from 6:00 to 8:00 P.M. at the National Life Guest House.

From: Angela Timpone [angelatimpone@gmail.com]
Sent: Tuesday, February 14, 2012 11:26 AM
To: Sandy Pitonyak
Cc: L-Council
Subject: Re: Catering Permt Application

Fine with me. Angela

From: Sarah Jarvis
Sent: Tuesday, February 14, 2012 11:29 AM
To: Sandy Pitonyak
Cc: L-Council
Subject: Re: Catering Permt Application

I approve.
~ Sarah

From: Timothy Andrew Hooper
Sent: Tuesday, February 14, 2012 11:31 AM
To: Sarah Jarvis
Cc: Sandy Pitonyak; L-Council
Subject: Re: Catering Permt Application

Yup.

From: Nancy Sherman [nsherman@cvcoa.org]
Sent: Tuesday, February 14, 2012 11:34 AM
To: Sandy Pitonyak
Subject: RE: Catering Permt Application

I support this request
nancy

From: Tom Golonka [tomgolonka@comcast.net]
Sent: Tuesday, February 14, 2012 11:59 AM
To: Sandy Pitonyak; L-Council
Subject: Re: Catering Permt Application

Ok with me.
Tom

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Email or Fax # fawn.wells@neci.edu

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(Each catered affair must have a recommendation from the local Board of Selectman or Alderman acting in their capacity as local control commissioners and must have the approval of the State Liquor Control Board.)

Please answer the following questions:

1. Describe type of party to be catered: Welcome Reception

2. Location of catered party (street, town or city; if no address, describe location): _____

National Life Guest House, 1 NW Drive

3. Date of catered party (not more than five days, unless specifically authorized: 2/15/12

4. Hours of operation: Beginning 6pm hrs. Ending 8pm hrs. No. of Persons 30 ppl

Signed: [Signature] (caterer) Date: 2/14/12

We recommend: _____ approval _____ disapproved _____

If you recommend disapproval, please state reason(s): _____

Town/City Clerk's signature
Of CATERED location.

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SUBMIT AT LEAST 5 DAYS PRIOR TO DATE OF FUNCTION

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 - e) Recommendation: Conduct the second Public Hearing.
- 8) 12-060. Conduct the second Public Hearing to consider the following Article and its inclusion on the Warning for the City's March 6th Annual Meeting.
 - a) **ARTICLE 9.** Shall the voters authorize the City Council to borrow a sum not to exceed \$870,000 for *infrastructure improvements and equipment purchase*? If approved, bonds for these capital items would be issued for a term of 20 years. With a 20 year bond, approximately \$23,500 would be required for the first year interest payment and approximately \$74,300 for the second year principal and interest payment and future payments declining each year as the principal is repaid. (Requested by the City Council)
 - b) Recommendation: Conduct the Public Hearing.
- 9) 12-061. Discussion of oversight of the Recreation Department 
 - a) Recommended Action: Direction to staff and possible vote.

- 10) 12-062. Council Reports
- 11) 12-063. Mayor's Report
- 12) 12-064. Report by the City Clerk-Treasurer
- 13) 12-065. Status Reports by the City Manager
- 14) 12-066. Agenda Reports by the City Manager

Adjournment

On Wednesday evening, February 8, 2012, the City Council Members met in the Council Chamber.

Present: Mayor Hooper; Council Members Golonka, Hooper, Jarvis, Sherman, Tmpone and Weiss; also City Manager Fraser.

Call to Order by the Mayor

Mayor Hooper called the meeting to order at 7:00 P.M.

12-041. General Business and Appearances

None.

12-042. Consideration of the Consent Agenda

- a) Consideration of the Minutes from the January 4th, January 11th, and January 26th, 2012 City Council Meetings.
- b) Consideration of making application to the U. S. Forest Service for a grant that would provide evaluation and design services to potential customers to the district heat system.
 - 1) The U.S. Forest Service has a grant solicitation for greater use of forest resource for using low-value woody biomass material to create renewable energy.
 - 2) Grant funds would be used to further the planning of such facilities by funding the engineering services necessary for final design and cost analysis for the connection of customers to the district heat system. There is a 20% match requirement. This would be met by requesting a contribution from the entities receiving the service and an in-kind contribution by the city.
- c) Summary Budget Report by Department for General Fund and Detailed Budget Status Reports for General Fund, Water Fund, Sewer Fund, Cemetery Fund, Parks Fund, Parking Fund and Senior Center Fund for a six-month period beginning July 1, 2011 and ending December 31, 2011.
- d) Consideration of the becoming the Liquor Control Commission for the purpose of acting on the following:

1. Ratification of the issuance of Catering Permits to Yebba, Inc., d/b/a The Abbey Pub & Restaurant, for ...

Two Wine Receptions scheduled to be held from 3:00 to 6:00 P.M. at the State House. One scheduled for Tuesday, January 24th; the other on Thursday, January 26th.

Two more Wine Receptions at the State House from 4:00 to 7:00 P.M. One scheduled for January 31st; the second held on February 1st.

2. Ratification of the issuance of Catering Permits to Valley Bowl, Inc., from Randolph. One for a Graduation held on Friday, February 3rd, from 8:00 P.M. to 1:30 A.M. at Noble Hall; the other for a Legislative Reception on Tuesday, February 7th, from 3:30 to 7:00 P.M. at the Vermont State Employees Association Office, 155 State Street.
3. Ratification of the issuance of a Catering Permit to The Skinny Pancake for a Legislative Reception (beer and wine) held on Thursday, February 2nd, from 5:00 to 7:00 P.M. at City Center, 89 Main Street.

e) Payroll and Bills

General Fund Electronic Payment dated January 10, 2012 in the amount of \$202,179.22.

General Fund Warrant dated January 25, 2012 in the amount of \$496,924.27 and \$51,791.00

Payroll Warrant dated February 2, 2012 in the amount of \$123,757.32 and \$28,703.65.

Council Member Weiss pulled the application to the U.S. Forest Service for a grant from the consent agenda to be considered separately.

Motion was made by Council Member Jarvis, seconded by Council Member Timpone to approve the remainder of the consent agenda. The vote was 6-0, motion carried unanimously.

- 12-042(a) Consideration of making application to the U. S. Forest Service for a grant that would provide evaluation and design services to potential customers to the district heat system.

The U.S. Forest Service has a grant solicitation for greater use of forest resource for using low-value woody biomass material to create renewable energy.

Grant funds would be used to further the planning of such facilities by funding the engineering services necessary for final design and cost analysis for the connection of customers to the district heat system. There is a 20% match requirement. This would be met by requesting a contribution from the entities receiving the service and an in-kind contribution by the city.

Council Member Weiss felt it was wrong to place a major application on the consent agenda because it deprives the public from having a discussion. It says grant funds would be used to further the planning. If he assumes that grant funds are federal funds the U.S. Forest Service funding grant is also federal, in this context can you use federal funds for support of a federal project?

Harold Garabedian, Project Manager, replied this is a grant opportunity they recently learned of. It has a March 1 application date. The Forest Service grant is to design planning and financial analysis to enhance the use of wood for biomass fuel. The concept of this grant application would be to seek these funds to assist potential customers to the system. This would not be used for any of the existing work that is ongoing but used to go out to entities along the route and do an assessment of cost benefit of them connecting to the system. They need to do some engineering to make that connection and that is what these funds would be used for. With the Council's concurrence they would reach out to folks along the way for them to make the match because there is a 20 percent match requirement. Since they would be deriving the benefit it would seem reasonable to ask them to make the match.

Council Member Weiss asked if the 20 percent match would include federal dollars.

Mr. Garabedian replied no.

Motion was made by Council Members Sherman, seconded by Council Member Jarvis to approve making an application to the U.S. Forest Service for a grant that would provide evaluation and design services to potential customers to the district heat system. The vote was 6-0, motion carried unanimously.

12-043. Setting of "approximate times" for the following agenda items.

Council Members set approximate times for discussion on agenda items.

12-044. Presentation of the City's Audit Report for fiscal year July 1, 2010 – June 30, 2011.

- a) Steve Love of Love, Cody & Company, CPA's, will present the Audit Report to the Council.
- b) Recommendation: Receive report; opportunity for discussion; acceptance of the City's FY 11 Audit Report.

Finance Director Sandy Gallup said the audit presentation is a big event for the Finance Department and the Treasurer's Office. They have a performance measure that is a favorable opinion by the annual auditors that the city's financial statements are free of material misstatement, including a review of the effectiveness of the city's internal controls. She said Fred Skeels, IT Manager, Sharon Blatchford, Payroll and Benefits Manager, and Ruth Dockter, the Senior Staff Accountant, were also present. The 2011 financial statement had been prepared by the city's finance staff for the first time this year. These documents are shown in the audit report and are the basis of the Love, Cody & Company's CPAs annual audit. There are not many Vermont cities or towns that prepare their financial statements internally. In the past we have paid CPA consultants to prepare these documents but find it is less expensive and more meaningful to prepare them themselves. They had planned to have a finalized audit report to the Council before Christmas. The financial complexity of the May 27th storm had a huge impact of over a million dollars. In the middle of that they had an added workload of the major grants and capital projects. They were district heat, 58 Barre Street, and the FEMA and Federal Highway aid relating to the two flooding events.

This is our second year of a three-year contract with Love, Cody & Company, CPAS, and Steve Love is present tonight to present the audit.

Steve Love affirmed there aren't many municipalities in Vermont that have the staff capable to prepare the financial reports. The report is that the financial statements which accompany the audit report are fairly stated in accordance with generally accepted accounting principles that apply to government. They have had no issues with respect to the internal control. He thinks the accuracy of the financial reports reflects to how folks have reacted to some of the issues that have arisen in the past.

He reviewed the statement of net assets with the council. The next statement is the statement of activities which is a full accrual basis. Exhibit C on page 13 is the balance sheet for the governmental funds. Exhibit G is all of the proprietary funds.

The footnotes provide detail for the accounting policies of the city. They also describe all of the cash balances, investment and debt balances and capital assets which support all of the statements preceding the footnotes.

Council Member Golonka said he had a question about EC Fiber. The Council has authorized it; they aren't going to use it. Should the Council revoke the authorization as a liability? It shows a \$106 million financial liability the city would participate in as an authorized activity of the city which they don't intend to participate in.

Mayor Hooper said she is curious about things they should be paying attention to in the future. She assumes we have a clean audit with no recommendations.

Mr. Love said it is largely keeping an eye on the condition of infrastructure and what those needs are going to be and how you are going to finance those. When we talked about the enterprise funds they are already doing a good job of covering the costs. You shouldn't defer maintenance on roads. There is a fear where people take what should be long term money and do short term projects.

Council Member Jarvis said at the end there is comment about our internal controls and her understanding of the conclusion is that we are doing what we say we should be doing in terms of compliance. He makes no comment on the effectiveness.

They feel comfortable that the internal controls are appropriate for the city. They do a significant amount of testing on the controls because they do it both at the financial statement level and then when they start looking at the federal projects they are also looking to see if there are correct controls.

Council Member Weiss moved that the Council receive the city's audit report for the fiscal year July 1, 2010 through June 30, 2011 with commendation. Council Member Hooper seconded the motion. The vote was 6-0, motion carried unanimously.

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City Manager Fraser thanked the Finance Department and their staff as well as all of the department managers for staying within the funds and watching for the grants.

12-045. Carr Lot Update

- a) Jeff Tucker from DuBois & King will provide this update to the City Council
- b) Recommendation: Receive update; opportunity for discussion.

Jeff Tucker handed out two exhibits. These are concepts. This is a status of where they were a few months ago. They are in the process of engineering and preliminary plans. The first sheet is Taylor Street and the little bit of blue is the edge of the Winooski River at the Carr Lot itself. The second sheet is over on Main Street. The blue in the upper left of the drawing is the North Branch and the one bridge to the southwest is the existing railroad bridge and the upper bridge is a new pedestrian bridge. Last October the city received its official categorical exclusion which is a federal document for the FEMA process. They submitted that document originally back in January of 2011. It was late November 2011 they finally received written approval of the document and authorization for the city to move into the next step which is right-of-way, property appraisals, etc. Bill and he attended several meetings with the FHWA and State VTrans officials on that. That happened back on November 14, 2011. What they requested was the opportunity to move into the next phase with the right-of-ways which is a very specific process they have to go through or it does jeopardize losing federal earmarks if they don't do it the correct way. They received that authorization from FHWA which was specific toward allowing the city to advance with property appraisals of the different properties that would be affected by this project. Once they are in hand they go back to the Vermont Agency of Transportation and they do an independent review of the appraisals, and then they will come back to the city and give us the dollar value numbers for each of the different parcels they are talking about acquiring. They will then provide a specific authorization to speak directly with the property owners.

Concurrently with that they have been authorized to begin preliminary engineering and preliminary plans and the engineers are advancing that piece right now. The survey was done last year so they have specific information so they are actually advancing the nuts and bolts of the design of the bike path as it would pick up from Taylor Street along the Carr Lot. There is an existing grade crossing on the railroad that shows up. That would be upgraded to current standards. They met with CCTA about a year ago and they gave us very specific bus turning, number of parking spaces and those types of engineering geometries. That is what they need to do for the multi-modal portion of the project to work.

The building itself is just a footprint. They will be bringing on an architect at some point and look at some of the detail. The bike path itself abuts right up next to the river. That is quite close to the top of the river bank so it travels along the shoreline. They show 30 parking spaces, and there is room to increase that as they get into the preliminary plans and discuss specifics about what to do with the property.

On the second sheet there are actually three properties involved. They would be looking to install a new two-way road that would access behind the buildings.

What doesn't show up well on the map is the existing M&M building. The intent is that those two buildings would come down and the vacant lot the city leases for parking would also be acquired and put into this package. There is the potential for a new building on the corner. There would be some nice green space and the bike path as well.

Council Member Golonka said it looks like the bike path is going over property owned by his family so at some point he should recuse himself.

City Manager Fraser said at this point they are just laying out a concept of a project and haven't gotten to acquisitions yet.

Council Member Sherman asked how they get to the 30 parking spaces next to the transit center.

Mr. Tucker said the Greyhound Bus have given them in writing their specific requirements. It will be their intent as they advance from this concept to preliminary to go back to them and confirm all the information.

Mayor Hooper referred to Main Street and Barre Street. She wonders about the congestion traffic flow. Clearly this is an improvement. Are there still outstanding concerns about what will be developing here?

Mr. Tucker replied there is the bigger picture of the whole intersection with Barre Street.

City Manager Fraser replied there are two issues. One is just the geometry of the intersection and the congestion and use.

Mr. Tucker said this particular project stops at the curb side of Main Street, but there are funding earmarks they anticipate.

Mayor Hooper said she is really pleased to see the proposal for an infill development at the back of the sidewalk. It is important for the entrance to our city to have buildings standing on the sidewalk and not parking lots. We are creating a streetscape that is complete and inviting.

Council Member Weiss said he thinks the conceptual design is a tip of the iceberg. When are they going to discuss the legal and economic ramifications of this project?

City Manager Fraser replied the schedule has permitting time in it and they have gone through a lot of the nuances by having gone through such an extensive environmental review process. We had most of the permits in place other than the actual designs. With regard to acquisition, as Jeff explained we can't do anything on acquisition until they have the VTrans approved appraisals. The appraisals are due to us by the end of this month. They go to VTrans for approval sometime in March. They will come back from VTrans saying this is fine and at that point they can begin negotiations with landowners and that is when they will be talking to the Council about how we go about that. If there is a need to consider eminent domain we would have to talk about that, otherwise they would for successful negotiations. They have told every property owner that we are considering this and interested in buying their property or some small sliver of it. Our financial prospective hasn't changed much since about a year and a half ago. We are pretty solid with the project.

Council Member Weiss said the economics also includes revenue from these projects and includes contracts with outside groups. He is hoping the Council will have an opportunity at the appropriate time to discuss that aspect as well. It is great to design a building but there are other ramifications that go with it.

City Manager Fraser said with the building there is an opportunity for upper floor development working with the private sector. The city isn't interested in developing it for itself but the landowner or someone else might be interested.

Council Member Hooper inquired if there would be enough parking for anything beyond the transit function.

City Manager Fraser replied it would depend upon who the possible tenant was and what their needs were. There are a couple of groups that might have some interest and feel they could make it work. We might need to talk to them about small amounts of infill parking. There are options. At some point in time they would like to have a public process for people to comment on the design. The site has its restrictions.

12-046. Flood Mitigation Update

- a) Jeff Tucker will also be providing this update.
- b) Recommendation: Receive update; opportunity for discussion.

Jeff Tucker said they have been advancing the flood mitigation project and have reached several important milestones over the past month or so. Engineering information has been pulled together and submitted to the different partners that the city is working with, notably Corell and the Army Corps of Engineers out of the New York District. They have been conducting a lot of the engineering on behalf of the city for the core in-kind services portion of the project and Correll has had everything they needed from us since last early December. They are well into their review and are expecting to get together later this month. The key project manager from 94 had been at a different duty for several months and is back on the job as of the 14th of February. She will be up in Vermont the week after and they hope to get together. The next milestone is sinking our teeth into what we are going to do. The New York District is doing the economics part of it.

They would expect that in 2012 at the years completion and they would have the different mitigation alternatives identified and evaluated from a detailed engineering point of view and a hydraulics point of view. They would be looking at the economics associated with that if an ice control structure is put into a certain location in the river we would know what it would cost, where it is going to go and where are the impacts going to be. What types of reduced flooding would they expect to see? That is what they are going to be working on April through June. This is the feasibility study. The whole purpose of that is to identify what would be the most appropriate mitigation measure to adopt – anywhere from doing nothing to build a controlled structure, increase a levy, etc. That would have the recommendations for selection with all of the economics and engineering to support that. He would imagine the Army Corps of Engineers would be up here with Correll and they will be making a presentation to the Council on the details of it. The Public Works Department would be involved. It is still years down the road.

Mayor Hooper said the feasibility study will tell us what our options are and what the essential costs are in a detailed way. Then there will be a design phase and figuring out more detail costs, and further down the pipe we will have the final design and start talking about bonding and construction. It is probably two to four years out before they would have to think about bonding.

Mr. Tucker said they are hoping to have the feasibility study done by the end of this year. Design could take until the end of 2015.

Council Member Sherman asked how large is a construction site going to be?

Mr. Tucker said the study area they are looking at extends all the way from the confluence with the Dog River well up to where the Winooski joins the Stevens Branch. The recommendation of the reconnaissance study back in the mid 1990's was ice jam piers and there would be three or four of them and that would be located up near the Prospect Street area. The actual construction footprint will be much smaller.

12-048. Receive Rec Department Report

- a) Following the Recreation Department Review Committee's meeting on February 2nd, City Councilor Angela Timpone requested that this item be place on this evening' agenda.
- b) Recommendation: Receive report; discussion.

Council Member Timpone wanted the Council Members to have an opportunity to comment if needed. What is needed for this process is for the Council to give some direction. This department needs some direction from the Council, whether it stays under the supervision of the School Board, whether it becomes a Recreation Commission or comes under the supervision of the City Council. City Manager Fraser sent a memo out to the Council laying out different scenarios and one was from the perspective of the oversight of the School Board. The Recreation Board and Arne McMullen came up with a charter change which would make the Recreation Board an elected body.

Council Member Golonka added the role of the committee was to come up with scenarios we could consider and to look at pros and cons of each to see where the Council wanted to go and how we want to address some of the issues that have come up over the past several years.

Sue Aldrich said from the School Board's perspective they feel like this is a healthy functioning entity that is in the black. It is very well run and they aren't sure why they are going through this whole process and the urgency around it. She thinks they should wait. Reading over the pros and cons she didn't see any enormous pros jump out. She thinks it would be very disruptive to the School District to

disentangle the relationship that is going on right now. It isn't really clear to them why. There is no problem. There is no huge reason why there is this sudden scrutiny, at least from their perspective. They aren't sure why the City Council wants to take them over.

Council Member Golonka replied this has been an ongoing process over the past four years. We have a charter requirement for oversight of shared responsibility. There are issues that have come up in terms of the MATRIX Report. They want to look at what is in the best interest of the city, and that is what the charter says is our responsibility. The Council has certain concerns and requirements in regards to the Council's oversight of the whole picture. They are trying to look at strategically what is in the best interest for the people of Montpelier – all 8,000 of them and not just the school age citizens. They want to look at the strategic direction of the Recreation Department in regards to capital improvements and potentially renovating the building. They have had a significant experience across the street. They want to have the opportunity to investigate. He has some issues in regards to some of the numbers that have been thrown out in regards to accounting and cross relationships between the School Board and the Recreation Board. It is about \$175,000. He wants to see that separated out in any scenario. He is just asking questions he thinks are in the best interest of the city of Montpelier. Where it ends up he thinks is a healthy discussion. They have been talking about this for four years and he doesn't think waiting simply because of a new Council is somewhat insulting to the existing Council.

Sue Aldrich said it seems like they seem to be rushing to get everything done before the election. They feel also insulted because the scrutiny suddenly coming against a well functioning department. Why is there so much concern that something is going on?

Mayor Hooper reported the City Council has not taken a position on this. She wants to be clear there is not a City Council position. The City Council's position was to pull together a group to look at it.

Council Member Timpone said they looked at everything else in the MATRIX Report. With a new Council and new Mayor we would have to start that process over again eventually.

Ken Jones said with regards to the MATRIX Report, there is a line on page 40 that says the city's expenditures and these two functions, which was the Senior Center, have historically been made with little control, input or requirement for justification or attainment of a specific level of service. If he were to take that statement as a

true observation he would agree with it wholeheartedly, but it is blatantly wrong. The Recreation Department has every year, and throughout the year, provided us with information with regards to the level of service and their budget is very closely aligned with that level of service. We provide them significant oversight. In terms of this section of this report there was no discussion. In this section about the Recreation Department there is no mention of the Recreation Board where they talk about there needs to be greater feedback mechanisms so the clients of these recreational services have a mechanism. That is what the Recreation Board does. With the MATRIX Report it is not clear if you look at some of their observations that aren't supported as to whether really there is a basis for the merger. That specific recommendation said to consolidate the Recreation Department and the Montpelier Senior Activity Center. In terms of their scenarios they didn't go there. It was just considered the Recreation Department governance structure under the School Board or City Council. Granted, the longer term talked about bringing those together.

Mayor Hooper said there are essentially three thoughts in front of the Council for possible governance structures of the Recreation Department. She presumes there was an agreement between the groups.

Ken Jones said they were asked to develop a scenario where the School Board took more of an oversight role. It isn't a recommendation on their part at all. It's an exercise and to look at the pros and cons. He would rather not go there and rather maintain the autonomy of the Recreation Board. They are doing a great job. They need to maintain their mechanism to provide input from their clients. At their next meeting they intend to take a vote of the School Board. The vote will be on whether they think the current arrangement is sufficient for their needs. They haven't had that vote yet.

Council Member Hooper asked if there was any discussion about the terms and methods that the Recreation Board uses to continue itself.

Recreation Department Director McMullen said they advertised for a position in The Bridge the other day. What they have typically done in past years after they advertise a position they get a few requests. They give their recommendation to the School Board and they would appoint the person. The terms are 1-year, 2-year or 3-year. They are an advisory board as opposed to an elected board.

Sue Aldrich said she thinks everyone in this room has the best interest of the Recreation Department at heart. They do such a great job. The way it is funded right now it is cheaper for the taxpayer. There are great synergies at the schools.

Recreation Department Director McMullen said right now there are shared services between the School District and the Recreation Board, largely with regards to the maintenance of facilities and property. The School District takes some of those responsibilities to help with the management of some of the recreation portion and the Recreation Department takes some of the school's. They may be able to quantify what the dollar value of that is. Right now those services are specifically allocated to either the Recreation Department or the School Department budget. When they had their audit he asked specifically of the auditor whether that was an appropriate mechanism and he was fine with it because he recognized there were shared services among many different city agencies. As long as they are in the budget and clearly allocated that is the sort of control mechanism they look for as auditors and applaud them for doing a good job.

Council Member Jarvis said the school budget is obviously separate.

Ken Jones said if the School District had to shoulder more of the specific costs for managing its facilities that would end up in the school budget which would increase their per pupil expenditure, and if they increase their per pupil expenditure that increases the tax rate. To the extent they can establish the sharing relationship and keep the school budget lower it saves taxpayers money.

City Manager Fraser said when they share services they track it and it all comes to the municipal taxpayer. When they share the water rates and sewer rates they are very clear because those are different rate payers than our taxpayers. It is a different mix of funding. It has always been told to him by superintendents that you got more bang for your buck in the school fund.

Council Member Timpone said she would like to see what kind of services are exchanged.

Council Member Golonka said his concern is at what point does the Education Department look at this as a unique situation in the state of Vermont and come back on the city of Montpelier and tell us we are doing this incorrectly and suddenly we have to cough up some education funding because it has been done incorrectly. We need to ask these questions because he doesn't want the Education Department coming back to the Council in terms of its oversight capacity. Is it better to be funded on the school budget or does the Recreation Department as an independent entity better off funded just independently? Or, do we have allocated expenses between the different departments and still have some cross sharing of services which can be maintained the exact same way and maybe have some increased relationship with the city. He wants to make sure going forward that we

have the answers so as a Council we can sign off on it and feel we are actually signing off on it. Right now he doesn't feel comfortable as a fiduciary of it for the past five years. It has nothing to do with management. Arne is doing a great job and the fact that the budget is staying the same is great.

Mayor Hooper said there is the question about the magnitude of the cost and who appropriately should be paying for it, the Recreation Department or the School Department. If it is appropriately paid for by the school what are the financial implications of that?

Arne McMullen said he thinks the \$180,000 is actually the value of the equipment that they use to take care of the fields. It isn't actually a maintenance number. For seasonal maintenance he only budgets \$35,000 to \$40,000.

Council Member Weiss said his observation is that the first two meetings of the committee have been excellent. There are two perspectives here. The first one is the short range which we are talking about now? He sincerely hopes that the Recreation Board will be enabled to continue for the next couple of years a series of systematic meetings in which we discuss areas of interest, concern and areas of mutual cooperation. He is asking the School Board when they make their decision to consider making it open ended so they can continue discussion. We need to consider a long range cooperative endeavor.

Council Member Timpone said they had started that process. She thinks the Council has been trying to do that. It has been very interesting working with the School Board to determine if it is in the best interest of the public to keep the management of the Recreation Department under the schools or move it to the city. This Council and the School Board need to make a formal agreement on moving forward.

Mr. Murphy of the Recreation Board agreed with Alan's point about long term planning about how the City Council, School Board and Recreation Department all have something to add because it really involves all of them. They need to have that dialogue.

Council Member Timpone said on the other committees the Council appoints they do have a Council representative. Then they bring that information back to the full Council. Sue Aldrich agreed that made sense.

Council Member Jarvis said she has a governance question. It is hard for her to feel comfortable when there is no alignment between oversight and financial

responsibility when money is coming out of the budget that in theory the Council creates. From their perspective it is hard in the context of the budget discussions about services to not be able to have those prior conversations with this huge chunk of municipal funding. She doesn't want to micro manage but if they are contemplating whether they should go from a full-time fire department to a volunteer fire department or whether they should cut a position in the streets department to not to be able to have those same conversations about a real large chunk of the budget is hard. It has nothing to do with anyone's ability or how well there has been oversight. She thinks the Recreation Department is one of their core functions.

Mayor Hooper said there needs to be communication around financial issues, particularly during budget time.

Council Member Weiss said the Council has been discussing this interaction with one another and Mr. Jones has indicated that the School Board would like an opportunity to discuss it. He is asking there be a third meeting scheduled of this group after the School Board meeting so we can discuss this and find out if there is a consensus. That is the plan he is proposing.

Mayor Hooper said she is trying to capture what the issues are. It was mentioned about the future of the building on Barre Street which is an important piece and a discussion the Council needs to be part of from a charter standpoint. She understands the Recreation Department provides services to the School Department and she needs to understand if that relationship was not that close to the School Department what the consequence of that would be. Right now the city has a finance office that is undertaking a once in a lifetime transition with the Treasurer and totally reorganizing our financial systems to accommodate that. That is our most important duty right now.

- 12-047. Consideration of an ***“Our Town Grant”*** from the National Endowment of the Arts.
- a) Planning and Community Development staff drafted a concept paper and convened a meeting of stakeholders last week to discuss the grant application.
 - b) A draft of the application, which is due March 1st, will be available for the City Council's review.

- c) The grant program encourages communities to “create livable, sustainable neighborhoods with enhanced quality of life, increased creative activity, distinct identities, a sense of place, and vibrant local economies that capitalize on existing local assets.” Details can be found at: <http://www.nea.gov/grants/apply/OurTown/index.html>.
- d) Recommendation: Planning staff will further explain this application; opportunity for discussion; direction to staff.

Planning Director Gwen Hallsmith said there has been an increased interest in the city in economic development and economic development activities that would really move some of the initiatives forward which people are interested in. When you look at the city from an economic point of view one of the major industries we have here is the leading industry right now in the United States which employs more people than the manufacturing sector, and has since the mid 90's. That is the creative economy. Many of our leading institutions and leading job creators here are in the creative economy. We have NECI, the Vermont College of Fine Arts, a bustling restaurant sector, entertainment sector as well as a number of firms that think up things for a living. It doesn't have a narrow definition around the arts although the arts play an important part in its health and its vitality. When the grant came across our desk where the National Endowment of the Arts is specifically looking to get municipalities and their creative partners to work together to develop vibrant arts sectors and different types of art strategies to strengthen the creative economy it struck her as a particularly good fit for Montpelier. She started a conversation with several of the institutions around the community that are actively involved in the creative economy and received a lot of enthusiasm for the application. The application allows for a lot of different types of things. It allows for municipal planning activities, design activities, cultural events planning as well as an increased public engagement in the arts. Part of the rezoning efforts they have been looking at redevelopment of what they have been calling the River District as one of the mechanisms for advancing our economic vitality and advancing the job opportunities in the arts. The Master Plan which was passed last year actually identified increasing the jobs in the creative economy sector as the number one strategy under employment efforts the city is going to make. It is a timely application insofar as the growth of some of the institutions such as the College of the Fine Arts. They proposed that in a concept paper. Because it is a one-to-one match they needed to look at where the match comes from and what the match will cover to figure out what they will be eligible to apply for. Because one of the eligible activities under the grant is the development of a cultural district and they were looking at that as part of the rezoning initiative anyway the \$15,000 grant they recently received from the State of Vermont for

their rezoning effort could count as a match for this activity. She added that in as the match for the city in the cultural district design. The local art institutions could match some of that from their marketing funds and they have, including Lost Nation Theater. Another activity they had identified which would be good for the River District is the feasibility study and design of an arts incubator that would capitalize on the graduates of the Fine Arts School and others at NECI to create a space where start up enterprises could go in. Those three activities were the ones identified and they are still working on the match.

Council Member Weiss asked if the Mountaineers and athletics were considered to be eligible as an art. Are contributions in cash or are they in-kind?

Planning Director Hallsmith replied they could be both.

Council Member Weiss said on behalf of the Mountaineers they would certainly contribute in-kind and if you look at their advertising budget it would be substantial.

Council Member Jarvis said on the revenue side the local incubators funding would be a good use of the money. How would there be revenue?

Planning Director Hallsmith replied they would have to find a match.

Council Member Jarvis reported this issue is hard for her because she thinks they need to slow down. Free money is very tempting but she is very concerned about the use of the planning grant because there is still so much work to do with the rezoning. Is this one of the priorities we have set for ourselves? She would say no.

Planning Director Hallsmith said it is the top priority in the job creation part of the Master Plan. It was increasing the number of jobs in the creative economy and all of this would serve that strategy.

Council Member Weiss said the Council has in the past set a precedent in which they authorize the submission of a proposal with the understanding that if it is accepted that a final review is made by the Council. He would move that.

Council Member Sherman seconded the motion.

City Manager Fraser reported they put \$10,000 in the arts fund and some of that could serve as a match.

Planning Director Hallsmith said the River District starts at Stone Cutters Way and goes clear down the river. The idea is to look at it in much the same way that the City of Burlington looked at their South End as a place for redevelopment and where the arts could be a big piece of that redevelopment by establishing things like studio space and performance space. That is what they are contemplating as part of the rezoning. Because it is already part of the rezoning effort she is arguing the grant they just received to help with the zoning effort could be used as a match.

Mayor Hooper commented on how great Gwen is for going out and looking for opportunities for the city. She doesn't see this on the City Council's list of priorities. It is in the Master Plan. She reminded the Council Members how they have felt in the past about staying with priorities. She personally doesn't think that this notion of what they are calling the River District or the River Arts District really works. She has said that to the Planning Commission. In fact, if you look at River Street, which is a portion of that, that is principally a housing district and we keep trying to pretend it isn't. There are about a half dozen commercial uses and the rest of that street is houses and it connects with a residential neighborhood. Her main caution is they need to be specific and directed in the activities we want to see accomplished. It is incredibly important as Lost Nation Theater, Vermont College of the Fine Arts, and all of those incubators that are going on around the arts.

Council Member Weiss said they are approving the application. If accepted, then final approval will proceed. He thinks they deserve that opportunity.

City Manager Fraser said he thinks they should approve the application as well. Certainly, a discussion of economic development has been a prior goal. In many of our priority goals we are aligned about keeping the arts as an economic driver. It is certainly one of the things that makes Montpelier a niche. We should forward the proposal to do it, see if we get it and not commit ourselves until we receive it. In fact, we have an arts fund in our budget.

Mayor Hooper called for a vote on the motion. The vote was 4-2, with Council Members Jarvis and Hooper voting against the motion.

12-049. Council Reports

Council Member Weiss reminded everyone that the City Manager's Office has advertised for people who would like to serve on the Reapportionment Redistricting Committee. They are due shortly and hopefully appointments will be

made at the February 22nd Council Meeting.

Council Member Jarvis reported there continues to be a lot of activity on the Montpelier Alive Economic Development Committee. One of the concrete things the committee has done is assemble what they are calling a Business Mentors Committee which is a group of local business folks and consultants who are willing and able to meet with people who want to either relocate to Montpelier or start a business in Montpelier and help them through the permitting process or encourage them and give them energy.

12-050. Mayor's Report

Mayor Hooper said the state has been experiencing a lot of pressure with new employees who have been brought in as a result of the flooding. She had a conversation with the Central Vermont Land Trust about the development of a property in downtown Montpelier and the conversation was we need to figure out parking problems. We really need to get our arms around parking.

Council Member Hooper said he believes this shows the economy is improving because it is back on the radar.

Mayor Hooper said they kindly put the money in the current year's budget for a sign at City Hall. She wanted to have signs out front that say City Hall and provided information about what was going on in the building. What the Montpelier Alive Design Committee is going to recommend is just a very graceful lettering that is in the sign band of City Hall that says Montpelier City Hall. In the conversation there was a lot of talk about the signage on City Hall. There is a sign board for Lost Nation and the plaza, two placards that say Lost Nation and on the clock tower there is a banner that says Lost Nation. We need to talk about how we use the space and how it is represented.

12-051. Report by the City Clerk-Treasurer

Clerk-Treasurer Hoyt reported that absentee ballots will be available on Monday so people who will be away or would like to vote early can do so. Also property taxes are due next week on Wednesday, February 15th.

12-052. Status Reports by the City Manager

There is an Executive Session about the Berlin water. One issue that came up at the beginning of this meeting has to do with a legislative issue. First of all, we haven't really spent any time with legislative issues recently. One issue that has come up is the issue of the state taking over the collection of the education tax. We have felt historically that we could serve our citizens better by collecting the state tax. They are trying to address that with the League of Cities and Towns. It is becoming an issue and was revisited at the last board meeting. The Chair of Ways and Means seems to be supporting it but there are now other communities that are pushing back. The last time the Council as a whole took a position it was they supported the local collection of taxes. It is the principal position that it is a state tax they are collecting period. They set the state tax rate, set the funding formulas and it creates a connection between the state people and this tax. A lot of the towns, including Montpelier, raised the issue that the penalties and interest on those tax dollar revenues goes to the town so the bill as it is written says the state will bill and collect the taxes but then return all of the delinquencies over to the town to collect, but they get the revenue.

Assistant Manager Hill said there is one part of the statewide process that is a real negative on the Treasurer's Office. The way it is done the Treasurers constantly are getting corrections from the state for peoples' tax bills which requires new issuance of a new tax bill. They haven't found that the changes have been clear to the person to whose property they have been made. Despite those little quirks we feel it is harder for our residents and taxpayers to get the information they need from the Tax Department. People call and are very frustrated. She went on to explain how the Act 68 adjustments are made.

Mayor Hooper reported the committee took testimony on this today.

12-053. Agenda Reports by the City Manager

- a) Staff would like to provide Council with an update on water discussions with the Town of Berlin.
- b) Possible Executive Session in accordance with Title I, VSA §313, Executive Sessions, (a) (1) *“Contracts, labor relations agreements with employees, arbitration, mediation, grievances, civil actions, or prosecutions by the state, where premature general public knowledge would clearly place the state, municipality or other public body, or person involved at a substantial disadvantage.”*

Motion was made by Council Member Jarvis, seconded by Council Member Weiss to go into executive session at 10:05 P.M., in accordance with Title I Section 313(a)(1) to discuss an update on water discussions with the Town of Berlin, where premature general public knowledge would clearly place the municipality in a substantial disadvantage. The vote was 6-0, motion carried unanimously.

Present: Mayor Hooper; Council Members Hooper, Sherman, Weiss, Golonka, Jarvis and Timpone; also City Manager Fraser

After motion was duly made and seconded by Council Members Hooper and Weiss, the council came out of executive session at 10:26 P.M., in accordance with Title I, Section 313(a)(1). Motion carried unanimously.

Adjournment.

After motion was duly made and seconded by Council Members Hooper and Weiss, the council meeting was adjourned at 10:26 P.M.

Transcribed by: Joan Clack

Attest: _____
Charlotte L. Hoyt, City Clerk

The Montpelier City Council will be meeting on Tuesday, February 14, 2012, at 6:00 P.M. in the Police Department's Community Room to conduct the City Manager's Annual Review.

On Tuesday evening, February 14, 2012, the city council met in the Police Department's Community Room.

Present: Mayor Hooper; Council Members Sherman, Weiss, Golonka, Hooper, Jarvis and Timpone; also City Manager Fraser.

Mayor Hooper called the meeting to order at 6:20 P.M.

Conduct City Manager's Annual Review.

Possible Executive Session in accordance with Title I, §313, Executive Sessions, (3) *"The appointment or employment or evaluation of a public officer or employee; ..."*

Motion was made by Council Member Weiss, seconded by Council Member Sherman to go into executive session at 6:21 P.M., in accordance with Title I, Sec 313, Executive Session, (3) "The appointment or employment or evaluation of a public officer or employee.... The vote was 6-0, motion carried unanimously.

Present: Mayor Hooper; Council Members Timpone, Jarvis, Golonka, Weiss, Sherman and Hooper; also City Manager Fraser.

On motion duly made and seconded by Council Members Sherman and Weiss, the council came out of executive session at 8:25 P.M., in accordance with Title I, Sec. 313, Executive Sessions (3).... Motion carried unanimously.

By unanimous consent the Council added an executive session to discuss the National Life mediation.

Motion was made by Council Member Weiss, seconded by Council Member Hooper to go into executive session at 8:27 P.M, in accordance with Title I, VSA, Section 313, Executive Sessions, (a) (1) to discuss the National Life mediation, where premature general public knowledge would clearly place the state, municipality or other public body, or person involved at a substantial disadvantage. Motion carried.

Council Member Jarvis recused herself and left the meeting.

Present: Mayor Hooper; Council Member Golonka, Hooper, Weiss, Timpone and Sherman; also City Manager Fraser

Motion was made by Council Member Hooper, seconded by Council Member Weiss to come out of executive session at 8:44 P.M., in accordance with Title I, Section 313, Executive Session (a)(1) discussion of National Life mediation...

Motion carried unanimously.

Adjournment.

After motion was duly made by Council Member Weiss, seconded by Council Member Hooper, the council meeting adjourned at 8:45 P.M.

Notes provided by City Manager Fraser.

Attest _____
Charlotte L. Hoyt, City Clerk

EMPLOYMENT AGREEMENT

THIS AGREEMENT, entered into on the 23rd day of February, 2011, and amended on the 22nd day of February, 2012, by and between the City of Montpelier, State of Vermont, a municipal corporation, hereinafter called "Employer", as party of the first part, and William Fraser, hereinafter called "Employee", as party of the second part, both of whom understand as follows:

WITNESSETH

WHEREAS, Employer desires to employ the services of Employee as City Manager of the City of Montpelier, as provided by Title X of the Charter of the City of Montpelier; and

WHEREAS, it is the desire of the Governing Board, hereinafter called "Council," to provide certain benefits, establish certain conditions of employment and to set working conditions of said Employee; and

WHEREAS, it is the desire of the Council to (1) secure and retain the services of Employee and to provide inducement for him to remain in such employment, (2) to make possible full work productivity by assuring Employee's morale and peace of mind with respect to future security; (3) to act as a deterrent against malfeasance or dishonesty for personal gain on the part of the Employee, and (4) to provide a just means for terminating Employee's services at such time as he may be unable fully to discharge his duties due to age or disability or when Employer may otherwise desire to terminate his employ; and

WHEREAS, Employee desires to accept employment as City Manager of said City.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1. DUTIES.

Employer hereby agrees to employ William Fraser as City Manager of the City of Montpelier, Vermont, to perform the functions and duties specified in Title X of the City Charter and by said Title 24, V.S.A., Chapter 37, and to perform other legally permissible and proper duties and functions as the Council shall from time to time assign.

Section 2. TERM AND RENEWAL.

A. This agreement runs from March 13, 2011 through March 12, 2014. The Council and Employee shall determine on or before March 13, 2013 whether this agreement will be renewed, extended, or terminated beyond March 12, 2014. This agreement is a successor to a prior contract between the parties running from March 13, 2010 through March 12, 2013.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Council to terminate the services of Employee at any time, subject only to the provisions set forth in Section 4, paragraphs A and B, of this Agreement.

C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from his position with Employer, subject only to the provision set forth in Section 4, paragraph C, of this Agreement.

D. Employee agrees to remain in the exclusive employ of Employer until termination of this Agreement, and neither to accept other employment nor to become employed by any other employer until said termination date.

The term "employed" shall not be construed to include occasional teaching, writing, performance or military reserve service performed on Employee's time off.

Section 3. SUSPENSION.

Employer may suspend the Employee with full pay and benefits at any time during the term of this Agreement, but only if:

- 1) a majority of Council and Employee agree, or;
- 2) after a public hearing, a majority of Council votes to suspend Employee for just cause provided, however, that Employee shall have been given written notice setting forth any charges at least 10 days prior to such hearing by the Council members bringing such charges.

Section 4. TERMINATION AND SEVERANCE PAY.

A. In the event Employee is terminated by the Council, during such time that Employee is willing and able to perform his duties under this Agreement, Employer agrees to pay Employee a lump sum cash payment equal to five (5) months (defined as 22 weeks) plus one additional week per year of completed employment up to a maximum total of 52 weeks aggregate salary. In the event, however, that Employee is terminated because of a criminal charge of any illegal act involving personal gain to him, then, Employer shall withhold such payment pending the resolution of such charge; such payment shall be made together with interest at the legal rate upon such charge being dropped or Employee's acquittal of such charge. Upon conviction of

such charge Employer shall have no obligation to pay the aggregate severance sum designated in this paragraph.

During the term of this agreement, severance pay will be as follows:

Effective March 13, 2011	5 months plus 16 weeks
Effective March 13, 2012	5 months plus 17 weeks
Effective March 13, 2013	5 months plus 18 weeks

B. Employee may, at his option, be considered terminated and receive severance pay as per section 4.A in the event that:

(a) Employer, at any time during the term of this Agreement, reduces the Employee's salary or other financial benefits in a greater percentage than an applicable across-the-board reduction for unclassified Employees of the City of Montpelier, or;

(b) Employer refuses, following written notice, to comply with any other provision benefiting Employee herein, or;

(c) the Employee resigns at the Council's request.

C. In the event Employee voluntarily resigns his position with Employer, then Employee shall give Employer three months notice, unless the parties otherwise agree.

Section 5. DISABILITY.

If Employee is permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of four successive weeks beyond any accrued sick leave, or for twenty working days of a thirty working day period, Employer shall have the option to terminate this Agreement, subject to the severance pay requirements of Section 4, paragraph A. However, Employee shall be compensated for any accrued sick leave, vacation, holidays, compensatory time and other accrued benefits and shall be eligible for any and all disability insurance benefits provided to other city employees.

Section 6. SALARY.

A. Employer agrees to pay Employee an annual base salary of \$98,060 payable in installments at the same time as other employees of the Employer are paid. Employee may designate a portion of that base salary as deferred compensation and shall designate a portion under Section 12B below.

B. Effective March 13, 2012 Employer agrees to pay Employee an annual base salary of \$100,020 payable in installments at the same time as other employees of the Employer are paid. Employee may designate a portion of that base salary as deferred compensation and shall designate a portion under Section 12B below.

C. On or before March 13, 2013 employer agrees to consider adjustments to employee's salary based on employee's performance as evaluated through the terms defined in Section 7 of this agreement, In the event that adjustments are made, this agreement will be amended to reflect such changes.

Section 7. PERFORMANCE EVALUATION.

A. The Council shall formally review and evaluate the performance of Employee at least once annually in February of each year and more frequently if desired. This review and evaluation shall be in accordance with specific criteria developed jointly by Employer and Employee. These criteria may, from time to time, be amended by the Council in consultation with the Employee. Further, the Mayor shall provide Employee with a summary written statement of the findings of the Council and provide an adequate opportunity for Employee to discuss his evaluation with the Council.

B. Annually, the Council and Employee shall define such goals and performance objectives which they determine necessary for the proper operation of the City and attainment of the Council's policy objectives. These goals shall be written in priority order. They shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations provided.

Section 8. HOURS OF WORK.

It is recognized that Employee must devote a great deal of time outside of normal office hours to business of the Employer. Employee shall accrue vacation at the rate of two days per month, and will be allowed to take compensatory time off as time permits during said normal office hours. Such vacation time shall not exceed 30 days on November 1st of any year or the accrued time over 30 days will be lost. It is recognized that vacation may be accrued and taken together in a block, limited to four weeks.

Section 9. OUTSIDE ACTIVITIES.

Employee shall not spend more than 10 non-business hours per week in teaching, counseling or other non-Employer connected business without the prior approval of the Council.

Section 10. AUTOMOBILE.

The Employee will provide his own business and personal transportation. The Employer and Employee agree that the employee will be eligible for mileage reimbursement at the established IRS rate for professional use of his personal vehicle.

Section 11. HEALTH AND LIFE INSURANCE.

Employer agrees to put into force and to make required premium payments for Employee for insurance policies for life, accident, sickness, major medical and dependent's group insurance (as well as any other insurance or benefits which are now or in the future offered to unclassified employees of the Employer covering Employee) and his dependents equal to that which is provided all other employees of the Employer under the Personnel Plan. In the event that the Employee is terminated under the provisions of Section 4, the Employer shall also continue full medical insurance benefits to the Employee for the duration of the severance period defined in Section 4.

Section 12. PENSION & DEFERRED COMPENSATION

A. Employee will be a member of the Vermont Municipal Employees Retirement System Plan C (VMERS-C). Employer and Employee shall make contributions to the plan as specified by VMERS. Employee entered the VMERS plan with 7.75 years of credited service.

B. Employer agrees to maintain an ICMA 401 (a) deferred compensation plan upon request of Employee. Employer will contribute an amount equal to Nine Percent (9%) of Employee's salary to this plan.

Section 13. DUES AND SUBSCRIPTIONS.

Employer intends to budget and to pay for the professional dues and subscriptions of Employee necessary for his continuation and participation in approved associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the Employer, subject to financial constraints.

Section 14. PROFESSIONAL DEVELOPMENT.

A. Employer intends to budget for and to pay the dues, registration, travel and subsistence expenses of Employee, subject to financial constraints, for professional and office travel, meetings and occasions for professional development and to pursue necessary official and other functions for Employer. Professional development expenses include, but are not limited to, membership in and attendance at the annual conferences of the International City/County Management Association (ICMA), the Vermont League of Cities and Towns (VLCT), the Vermont Town and City Management Association (VTCMA), the National League of Cities (NLC) and such other national, regional, state and local governmental groups and committees of which the City or Employee are members.

B. Employer also intends to budget and to pay for registration, travel and subsistence expenses for Employee for short courses,

institutes and seminars for his professional development and to benefit the Employer, subject to financial constraints.

C. Employer agrees to sponsor Employee's attendance at the Senior Executives in State and Local Government program at the Harvard Kennedy School of Government during July of 2011 subject to the Employee's admittance into the program. Employee agrees that if he voluntarily resigns his position within four (4) years of completing the program he shall reimburse the city for the program tuition as per the following schedule based on the Employee's final work date:

August 1, 2011 through January 31, 2012	\$11,200
February 1, 2012 through July 31, 2012	\$9,800
August 1, 2012 through January 31, 2013	\$8,400
February 1, 2013 through July 31, 2013	\$7,000
August 1, 2013 through January 31, 2014	\$5,600
February 1, 2014 through July 31, 2014	\$4,200
August 1, 2014 through January 31, 2015	\$2,800
February 1, 2015 through July 31, 2015	\$1,400
After August 1, 2015	\$0

If the Employer terminates the Employee under the provisions of Section 4 before August 1, 2015, the Employee will not be responsible for any tuition reimbursement.

Section 15. GENERAL EXPENSES.

Employer recognizes that certain expenses of a non-personal and generally job-affiliated nature are incurred by Employee and hereby agrees to reimburse or to pay these general expenses up to the budgeted amount.

Section 16. CIVIC CLUB MEMBERSHIP.

Employer recognizes the desirability of representation in and before local civic and other organizations, and Employee is authorized to become a member of such civil civic clubs or organizations. Employer shall pay these expenses subject to financial constraints. Employee shall report to the Employer on each membership that he has taken out at Employer's expense.

Section 17. INDEMNIFICATION.

Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Manager. Employer will compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

Section 18. BONDING.

Employer shall bear the full cost of any fidelity or other bonds required of the Employee under any law or ordinance.

Section 19. OTHER TERMS AND CONDITIONS OF EMPLOYMENT.

A. The Employer, in consultation with the Employee, may establish such other terms and conditions of employment relating to the performance of Employee, provided such terms and conditions are consistent with or not in conflict with the provisions of this Agreement, the City Charter and the law.

B. In addition to terms provided for specifically in this agreement, the terms of Employer's Personnel Plan relating to sick leave, holidays and other fringe benefits and working conditions shall apply to Employee as they would to other unclassified employees of Employer.

Section 20. NO REDUCTION OF BENEFITS.

Employer shall not, at any time during the term of this Agreement, reduce the salary, compensation or other financial benefits of Employee, except to the degree of such a reduction across-the-board for unclassified employees of the Employer.

Section 21. NOTICES.

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, and addressed with return receipt requested to guarantee receipt.

Alternately, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of the return receipt's signature upon delivery.

Section 22. GENERAL PROVISIONS.

A. The text herein shall constitute the entire Agreement between the parties.

B. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.

C. This Agreement is effective commencing March 13, 2011 through March 12, 2014.

D. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Montpelier has caused this Agreement to be signed and executed in its behalf by its Mayor, and duly attested by its City Clerk, and the Employee has signed and executed this Agreement, both in duplicate, the day and year first above written.

Mayor of the City of Montpelier

ATTEST:

City Clerk

William J. Fraser

Date

20

FIRST/SECOND CLASS LIQUOR LICENSE AND TOBACCO APPLICATION

License Year: May 1st through April 30th of following year

Please file application in duplicate

Clean Slate Cafe & Co.
 Print Full Name of Person, Partnership, Corporation, Club or LLC
Clean Slate Cafe
 Doing Business As - Trade Name
107 State Street, Rear
 Street and street number of premises covered by this application
Montpelier, VT 05602
 Town or City & Zip Code
802-225-6166
 Telephone Number
 Mailing Address (if different from above)
 Email Address: cleanslatecafe@gmail.com

☒ FIRST CLASS ☐ SECOND CLASS ☐ TOBACCO

- ☒ RESTAURANT
☐ HOTEL
☐ CABARET
☐ CLUB

Fee for ANY FIRST class license paid to town/city \$100.00 /Fee to DLC \$100.00
 Fee for ANY SECOND class license paid to town/city \$50.00 /Fee to DLC \$50.00
 Fee for TOBACCO ONLY license paid to town/city \$10.00

TO THE CONTROL COMMISSIONERS OF THE TOWN/CITY OF Montpelier, VERMONT
 Application is hereby made for a license to sell malt and vinous beverages under and in accordance with Title 7, Vermont Statutes Annotated, as amended, and certify that all statements, information and answers to questions herein contained are true; and in consideration of such license being granted do promise and agree to comply with all local and state laws; and to comply with all regulations made and promulgated by the Liquor Control Board. Upon hearing, the Liquor Control Board may, in its discretion, suspend or revoke such license whenever it may determine that the law or any regulations of the Liquor Control Board have been violated, or that any statement, information or answers herein contained are false.

MISREPRESENTATION OF A MATERIAL FACT ON ANY LICENSE APPLICATION SHALL BE GROUNDS FOR SUSPENSION OR REVOCATION OF THE LICENSE, AFTER NOTICE AND HEARING.

If this premise was previously licensed, please indicate name Thrush Tavern

I/we are applying as:

- ☐ INDIVIDUAL ☐ LIMITED LIABILITY COMPANY
☐ PARTNERSHIP
☒ CORPORATION

Please fill in name, address, and place of birth of individual, partners, directors or members.

LEGAL NAME

STREET/CITY/STATE

Athene K. Cua 127 Trillium Hill, Montpelier, VT 05602

Are all of the above citizens of the UNITED STATES? ☒ Yes ☐ No
 (Note: Resident Alien is not considered a U.S. Citizen)

If naturalized citizen, please complete the following:

Name

Court where naturalized (City/State/Zip)

Date

CORPORATE INFORMATION:

If you have checked the box marked CORPORATION, please fill out this information for stockholders (attach sheet if necessary).

LEGAL NAME

STREET/CITY/STATE

Clean Slate Cafe & Co.

107 State Street, Rear
Montpelier, VT 05602

Date of incorporation 11/28/11 Is corporate charter now valid? Yes

Corporate Federal Identification Number 30-0710886

Have you registered your corporation and/or trade name with the Town/City Clerk? Yes as Secretary of State? Yes (as required by VSA Title 11 § 1621, 1623 & 1625).

ALL APPLICANTS

HAVE ANY OF THE APPLICANTS EVER BEEN CONVICTED OR PLED GUILTY TO A CRIMINAL OR MOTOR VEHICLE OFFENSE IN ANY COURT OF LAW (INCLUDING TRAFFIC VIOLATIONS BY MAIL)

☒ YES

☐ NO

If yes, please complete the following information: (attached sheet if necessary)

Name

Court/Traffic Bureau

Offense

Date

Athene K. Cua

Barre, VT

speeding

2000(?)

Do any of the applicants hold any elective or appointive state, county, city, village/town office in Vermont? (See VSA, T.7, Ch. 9, §223) ☐ YES ☒ NO If yes, please complete the following information:

Name

Office

Jurisdiction

Please give name, title and date attended of manager, director, partner or individual who has attended a Liquor Control Licensee Education Seminar, as required by Education Regulation No. 3:

NAME: Athene K. Cua

TITLE: owner

DATE: 10/12/11

(If you have not attended an Education Seminar prior to making application, please contact the Liquor Control Investigator in your area regarding this mandatory training.)

FOR ALL APPLICANTS: DESCRIPTION /LOCATION OF PREMISES (Section 4)

Description of the premises to be licensed: First floor & attached patio area in historic downtown building.

Does applicant own the premises described? No If not owned, does applicant lease the premises? _____

If leased, name and address of lessor who holds title to property: John D. Russell

31 Liberty Street
Montpelier, VT 05602

Are you making this application for the benefit of any other person? NO

FIRST CLASS APPLICANTS ONLY: License may be issued without the following information

HEALTH LICENSE #: Food _____ Lodging _____ (if licensed as a _____)

VERMONT TAX DEPARTMENT: Meals & Rooms Certificate/Business Account # _____

Business is devoted primarily to: (Circle one)

FOOD (restaurant)

ENTERTAINMENT (cabaret)

HOTEL

CLUB

If you are considering Outside Consumption service on decks, porches, cabanas, etc. you must complete an Outside Consumption Permit. Please request this form from your Town/City or from the Department of Liquor Control.

*Yes. Please see ~~attached~~ application under different cover
separate*

CABARET APPLICANTS ONLY:

Applicant hereby certifies that the sale of food shall be less in amount or volume than the sales of alcoholic beverages and the receipts from entertainment and dancing; if at any time this should not be the case, the applicant/licensee shall immediately notify the Department of Liquor Control of this fact.

Signature of Individual, Partner, authorized agent of Corporation or LLC member

ALL APPLICANTS MUST COMPLETE AND SIGN BELOW

The applicant(s) understands and agrees that the Liquor Control Board may obtain criminal history record information from State and Federal repositories prior to acting on this application.

I/We hereby certify, under pains and penalties of perjury, that I/We are in good standing with respect to or in full compliance with a plan approved by the Commissioner of Taxes to pay any and all taxes due the State of Vermont as of the date of this application. (VSA, Title 32, §3113).

In accordance with 21 VSA, §1378 (b) I/We certify, under pains and penalties of perjury, that I/We are in good standing with respect to or in full compliance with a plan to pay any and all contributions or payments in lieu of contributions due to the Department of Employment and Training.

If applicant is applying as an individual: I hereby certify that I/We are not under an obligation to pay child support or that I/We are in good standing with respect to child support or am in full compliance with a plan to pay any and all child support payable under a support order. (VSA, Title 15, §795).

Dated at Feb 8, 2012 ^{Montpelier} in the County of Washington and State of VT,
this 8th day of Feb, 2012

Corporations/Clubs: Signature of Authorized Agent Individuals/Partners: (All partners must sign)

(Title)

Upon being satisfied that the conditions precedent to the granting of this license as provided in Title 7 of the Vermont Statutes Annotated, as amended, have been fully met by the applicant, the commissioners will endorse their recommendation on the back of the applications and transmit both copies to the Liquor Control Board for suitable action thereon, before any license may be granted. For the information of the Liquor Control Board, all applications shall carry the signature of each individual commissioner registering either approval or disapproval. Lease or title must be recorded in town or city before issuance of license.

_____, Vermont, _____
Town/City Date

APPROVED

DISAPPROVED

Approved/Disapproved by Board of Control Commissioners of the City or Town (circle one) of _____

Total Membership _____ members present

Attest, _____
City or Town Clerk

TOWN OR CITY CLERK SHALL MAIL APPLICATION DIRECTLY TO THE DEPARTMENT OF LIQUOR CONTROL, 13 Green Mountain Drive, Montpelier, VT 05602. If application is disapproved, local control commissioners shall notify the applicant by letter.

No formal action taken by any agency or authority of any town board of selectmen or city board of aldermen on a first or second class application shall be considered binding except as taken or made at an open public meeting. VSA Title 1 §312.

NOTICE: After local action, all new applications are investigated by the Enforcement and Licensing Division prior to approval/disapproval of the license by the Liquor Control Board.

SECTION 5111 AND 5121 OF THE INTERNAL REVENUE CODE OF 1954 REQUIRE EVERY RETAIL DEALER IN ALCOHOLIC BEVERAGES TO FILE A FORM ANNUALLY AND PAY A SPECIAL TAX IN CONNECTION WITH SUCH SALES ACTIVITY. FOR FURTHER INFORMATION, CONTACT:

THE BUREAU OF ALCOHOL, TOBACCO & FIREARMS (TTB)
DEPARTMENT OF THE TREASURY
550 MAIN STREET, CINCINNATI, OH 45202

(513) 684-2979

Please complete and include with your liquor license application

Please fill in for Individual, Partners, or Directors

Applicant/s Personal Information

Legal Name: ATHENE KHAW CUA Address: 127 TRILLIUM HILL, MONTPELIER,
Date of Birth 02/07/'63 Place of Birth BOSTON, MA Sex F SS# 216-64-2574 VT

Legal Name: _____ Address: _____
Date of Birth _____ Place of Birth _____ Sex _____ SS# _____

Legal Name: _____ Address: _____
Date of Birth _____ Place of Birth _____ Sex _____ SS# _____

Legal Name: _____ Address: _____
Date of Birth _____ Place of Birth _____ Sex _____ SS# _____

Legal Name: _____ Address: _____
Date of Birth _____ Place of Birth _____ Sex _____ SS# _____

Legal Name: _____ Address: _____
Date of Birth _____ Place of Birth _____ Sex _____ SS# _____

Stockholder's Personal Information:

Legal Name: _____ Address: _____
Date of Birth _____ Place of Birth _____ Sex _____ SS# _____

Legal Name: _____ Address: _____
Date of Birth _____ Place of Birth _____ Sex _____ SS# _____

Legal Name: _____ Address: _____
Date of Birth _____ Place of Birth _____ Sex _____ SS# _____

Attach additional sheet if necessary

STATE OF VERMONT
DEPARTMENT OF LIQUOR CONTROL
13 Green Mountain Drive
Montpelier, VT 05602

APPLICATION FOR SPECIAL EVENT PERMIT

Fee: \$25.00

Check payable to Vermont Department of Liquor Control must accompany this application

Licensee name Go America Go Beverages

d/b/a _____

Address: 2139 Quiet Valley Rd

Town/City: Shoreham Zip 05770

Manufacturer's License No: VT 15006 Email: daniel@whistlepigrye.com

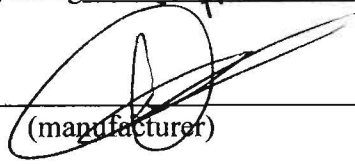
1. Describe the special event: Taste of VT 2012 Legislative Reception

2. Location (specify defined area, include address of event): _____

Capitol Plaza Hotel, State Street
Montpelier VT

3. Date of event: 03/13/2012

4. Hours of operation: Beginning 5 pm Ending 7 pm

Signed:  Date 02/01/12
(manufacturer)

(circle one)

APPROVED

DISAPPROVED

Town/City Clerk signature

Town/City

Date

Vermont Liquor Control Board:

APPROVED

DISAPPROVED

(authorized agent)

(date)

**Request to Cater Malt and
Vinous Beverages &
Spirituuous Liquors**

Caterer's Permit Number 2398-001

3 CAB-01

APPROVED

DISAPPROVED

Date: _____

Reason: _____

(for department use only)

To: Board of Selectmen/Alderman at catered location and Vermont Liquor Control Board.
From: Licensee name: Langdon St. Pub Co.
d/b/a: McBillorey's Irish Pub
Street: 14 Langdon St. Town/City: Montpelier, VT
Contact name and phone number: David Nelson (802) 279-0232
Email or Fax # Nelliepb@aol.com

BE SURE TO READ INSTRUCTIONS BELOW, BEFORE COMPLETING APPLICATION.

(Each catered affair must have a recommendation from the local Board of Selectman or Alderman acting in their capacity as local control commissioners and must have the approval of the State Liquor Control Board.)

Please answer the following questions:

1. Describe type of party to be catered: Legislative Open House
McClain, Mehan + Rice
 2. Location of catered party (street, town or city; if no address, describe location):
9 Cant St. Montpelier, VT 05602
 3. Date of catered party (not more than five days, unless specifically authorized): 3/15/2012
 4. Hours of operation: Beginning 4:00pm hrs. Ending 12: midnight hrs. No. of Persons 150+
- Signed: [Signature] Date: 3/14/15
(caterer)

We recommend: approval ☐ disapproved ☐

If you recommend disapproval, please state reason(s): _____

Town/City Clerk's signature
Of CATERED location.

Town/City
Fax Number or email address: _____

Date

SUBMIT AT LEAST 5 DAYS PRIOR TO DATE OF FUNCTION

Submit to Town/City Clerk for recommendation.

Town/City Clerk will email, fax or mail to Vermont Liquor Control Board, 13 Green Mountain Drive, Montpelier, VT 05602 email address: { [HYPERLINK "mailto:DLC-Licensing@state.vt.us"](mailto:DLC-Licensing@state.vt.us) } Fax number is 802-828-1031

LIQUOR CONTROL BOARD'S PROCEDURAL REQUIREMENTS FOR CATERER'S PERMIT HOLDERS:

1. All liquor control laws and regulations that apply to 1st and 3rd class licenses also apply to caterer's permits.
2. Before a catered event is approved in any open area, the following requirements must be fulfilled:
 - a) A defined area, for serving and consumption of alcohol beverages, designated with physical barriers.
 - b) Separate toilet and lavatory facilities available for both men and women.

Sandy Pitonyak

From: Anne-Marie Keppel [annemariekeppel@gmail.com]
Sent: Wednesday, January 25, 2012 10:18 AM
To: Anthony Facos; Todd Law; ROBERT GOWANS; James Quinn; William Fraser; PLuekhamhan1@montpelier-vt.org; Sandy Pitonyak
Subject: Montpelier Fashion Show June 2, 2012

Greetings All,

A quick check in to see if State Street in Montpelier is able to be closed for the **Montpelier Fashion Show on Saturday June 2nd between the hours of 7 am and 4 pm**. Of course this will go through the City Council process, but I wanted to check in with each of you before proceeding with the request to make sure there are no other scheduling conflicts for that date.

If I do not hear back from you I will assume that the date is okay and will continue with the road closure process. I will keep you updated with confirmed dates and times.

I wish you all a happy new year!

Thank you kindly for your time.

Anne-Marie Keppel
Montpelier Fashion Show Coordinator
(802) 279-5762

From: ROBERT GOWANS
Sent: Wednesday, January 25, 2012 10:36 AM
To: Anne-Marie Keppel; Anthony Facos; Todd Law; James Quinn; William Fraser; PLuekhamhan1@montpelier-vt.org; Sandy Pitonyak
Subject: RE: Montpelier Fashion Show June 2, 2012

I'm OK with this request.

Robert A Gowans

From: Todd Law
Sent: Wednesday, January 25, 2012 11:51 AM
To: Anne-Marie Keppel
Cc: Anthony Facos; ROBERT GOWANS; James Quinn; William Fraser; PLuekhamhan1@montpelier-vt.org; Sandy Pitonyak
Subject: Re: Montpelier Fashion Show June 2, 2012

Ok with me.

From: Anthony Facos
Sent: Wednesday, January 25, 2012 1:20 PM
To: Anne-Marie Keppel; Todd Law; ROBERT GOWANS; James Quinn; William Fraser; PLuekhamhan1@montpelier-vt.org; Sandy Pitonyak
Cc: Bonnie Hotchkiss; L-PD_SUPER
Subject: RE: Montpelier Fashion Show June 2, 2012

Hi Anne-Marie,

There are no parade permits or other events scheduled that day that we are aware of.

)
)
)
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)
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Washington Superior Court
Docket No. 63-1-11 Wncv

SETTLEMENT AGREEMENT

The parties have settled all claims at mediation on February 13, 2012 on the following terms:

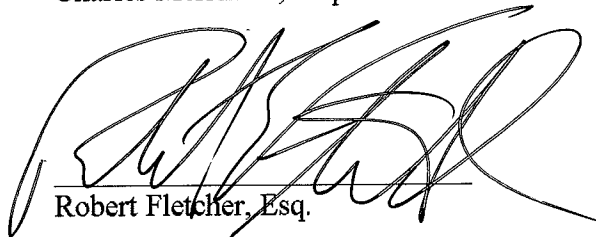
1. The subject property at issue in this tax appeal litigation shall be entered into the April, 2010 Grand List for the City of Montpelier at \$41,094,495.
2. Thereafter, the property valuation to be entered into the City of Montpelier Grand List for each of the Grand List years 2011 and 2012 shall be \$42,985,795.
3. For each tax year as set forth above, the valuation is based upon:
 - a. total rentable square footage of 478,000 square feet;
 - b. \$15.93/sq. foot rent;
 - c. a 5% vacancy rate;
 - d. CAM of \$5.75 per square foot on gross square footage of 517,000 square feet;
 - e. a capitalization rate of .1098;
 - f. tower leases valued at \$710,000;
 - g. excess land valuation at \$1,577,400.
 - h. (The sum of \$1,891,300 shall be added to the valuation in GL years 2011 and 2012)
4. Any tax funds previously paid by National Life Ins. Co. to the City of Montpelier will be paid back, as a credit against future real estate tax liability, in connection with the May, 2012 tax installment payment without any interest.
5. The parties shall cooperate to execute any additional papers necessary and appropriate to memorialize this agreement.
6. This agreement is intended to dispose of any and all claims that were or could have been raised in the subject litigation.
7. The parties shall bear their own costs and attorney fees.
8. This agreement shall become effective only upon ratification, on the terms as stated herein, by the Montpelier City Council which the City's representatives at mediation shall

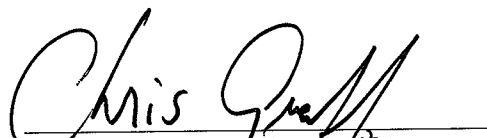
unanimously recommend to the Council.

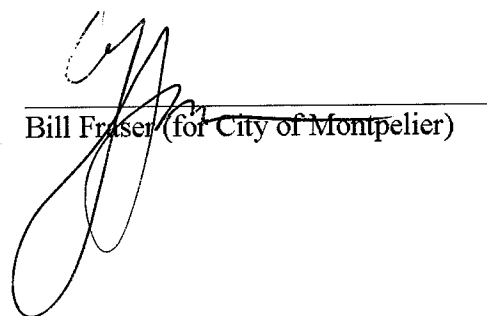
DATED: February 13, 2012

Approved as to form:


Charles Merriman, Esq.


Robert Fletcher, Esq.


Chris Graff (for National Life)


Bill Fraser (for City of Montpelier)

		National Life	Settlement	City
Rentable Square feet		478,000	478,000	495,300
Rental rate		\$14.50	\$15.93	\$13.93
Rental Income		\$6,931,000	\$7,614,540	\$6,899,529
Vacancy rate		0.93	0.95	0.975
Adj. Income		\$6,445,830	\$7,233,813	\$6,727,041
Gross sq feet		508,000	517,000	517,000
Expense:	5.75	\$2,921,000	\$2,972,750	\$2,803,175
Net Income		\$3,524,830	\$4,261,063	\$3,923,866
Cap rate		0.1098	0.1098	0.105
Capitalized Value		\$32,102,277	\$38,807,495	\$37,370,150
Land value		\$1,300,000	\$1,577,000	\$1,577,400
Land & Bldg		\$33,402,277	\$40,384,495	\$38,947,550
Cell tower value		\$710,000	\$710,000	\$983,000
		\$34,112,277	\$41,094,495	\$39,930,550
Other value (garage)		\$887,723	\$0	\$4,028,650
Total value		\$35,000,000	\$41,094,495	\$43,959,200
Post 2010 Value		\$1,891,300	\$1,891,300	\$1,891,300
Future Total		\$36,891,300	\$42,985,795	\$45,850,500

**For Immediate Release
Friday, February 17, 2012**

AGREEMENT REACHED ON NATIONAL LIFE PROPERTY VALUE

National Life Group and the City of Montpelier are pleased to announce that they have reached agreement on the assessed valuation of the company's buildings and property. In a joint statement, Chris Graff, vice president of corporate communications and government relations at National Life Group, and William Fraser, Montpelier City Manager, said that the tentative agreement was reached on Monday the 13th. The Montpelier City Council is expected to formally approve the agreement at its regular meeting on February 22nd. The new values will be set at \$41,094,495 for 2010 and \$42,985,795 for 2011 and 2012.

The City and National Life have a long history of mutual respect and have worked cooperatively on many occasions for the community's benefit. Both parties wished to resolve their dispute fairly and engaged the services of mediator James Spink to assist with the process.

Mr. Graff said, "National Life recognizes it must pay its fair share of property taxes and also respects the City's obligation to treat all taxpayers fairly, without favor. National Life's campus is a unique and difficult property to accurately assess. It is not surprising that we and the City had differing opinions of the property's value."

Mr. Fraser said, "The City respected National Life's right to challenge its assessment. The City, however, has an overarching obligation to all taxpayers to ensure that any final value is based on sound reason and appraisal facts."

The proposed agreement establishes factual criteria for square footage, rental rate, vacancy, building expenses, capitalization rate, cell tower lease values, additional land values and values for improvements made since 2010. The calculation of all agreed upon factors in the appraisal formula results in the final property value.

Mr. Fraser said, "The City feels the value is based on solid facts and is happy to have this issue resolved. We are pleased that we were able to work with National Life to achieve a fair result."

Mr. Graff said, "The process worked. We are happy to settle the dispute to the satisfaction of both parties."

The numbers:

The City's 2010 reappraisal established National Life's property value at \$44,194,000. The local Board of Civil Authority adjusted the assessment to \$43,959,200. National Life appealed the Board of Civil Authority decision to Superior Court with an appraisal that set the value at \$35,000,000.

National Life's total property taxes will be lowered by \$71,131 for FY11, \$68,836 for FY12 and an estimated \$70,185 for FY13 as a result of the new value. For FY12, \$29,177 represents municipal taxes and \$39,659 represents education taxes. The City will issue a credit of \$122,758 for National Life's fourth quarter tax bill in May of 2012. This represents money already paid by National Life on the higher value for FY11 and the first three quarters of FY12. National Life agreed to forego an estimated \$20,659 in interest to lessen the financial impact on the City. The City will seek reimbursement of \$81,931 from the State Education Fund for monies already credited to that fund.

Christopher Graff
National Life Group
CGraff@nationallife.com
229-3882

William Fraser
City of Montpelier
wfraser@montpelier-vt.org
223-9502

GL Year	Fiscal Year	Tax	Rate	Current	Adjusted	Change
	2010	FY11 Value		\$43,959,200	\$41,094,495	\$2,864,705
		Municipal	\$1.0074	\$442,845	\$413,986	\$28,859
		Education	\$1.4756	\$648,662	\$606,390	\$42,272
		Total	\$2.4830	\$1,091,507	\$1,020,376	\$71,131
	2011	FY12 Value		\$45,850,500	\$42,985,795	\$2,864,705
		Municipal	\$1.0185	\$466,987	\$437,810	\$29,177
		Education	\$1.3844	\$634,754	\$595,095	\$39,659
		Total	\$2.4029	\$1,101,742	\$1,032,906	\$68,836
	2012	FY13 Value		\$45,850,500	\$42,985,795	\$2,864,705
		Municipal-est.	\$1.0500	\$481,430	\$451,351	\$30,079
		Education-est.	\$1.4000	\$641,907	\$601,801	\$40,106
		Total - estimated	\$2.4500	\$1,123,337	\$1,053,152	\$70,185
				Municipal	Education	Total
	Credit due	FY11		\$28,859	\$42,272	\$71,131
		FY12 (3/4)	0.75	\$21,883	\$29,744	\$51,627
		Total		\$50,742	\$72,016	\$122,758
		TOTAL EDUCATION TAX PAID TO STATE FOR NATIONAL LIFE FY '11-'12				\$81,931

A proposal for Recreation Department Governance

The Board of Commissioners of the Montpelier School District, in response to concerns raised by the Montpelier City Council, proposes the following for the governance of the Montpelier Recreation Department:

The Montpelier School District Business Office maintains the management of financing for the Montpelier Recreation Department.

The recent audit once again shows that the school district Business Office carries out its financial management of school and recreation Department accounts in an exemplary fashion.

The Montpelier School District maintains the personnel management of the Recreation Department employees.

The staffing of the Recreation Department leads to the efficient and effective delivery of services. Furthermore, the staff of the Recreation Department works closely with employees of the School District in managing shared facilities and properties.

The Board of Commissioners should continue to review the annual budget submissions for the Montpelier Recreation Department.

The Recreation Department budget submissions over the past few years have had increases below the rate of inflation and the program services are increasing. The School Board also is reviewing other recreational opportunities developed for the school district and maintaining reporting on both sets of recreation opportunities is necessary to understand the physical education opportunities for our students. Furthermore, the maintenance of school facilities relies on sharing services with the Recreation Department. The recent addition of a full time facilities director overseen by the Superintendent will strengthen the ability to coordinate facilities management.

City Council should continue to maintain its responsibility in reviewing the budget submission for the Recreation Department.

The result of the School Department review of the Recreation Department is a recommendation to City Council for including the budget submission on the Ballot for Town Meeting Day. We encourage City Council to review the budget with the School Board, but acknowledging that the schedule for a joint meeting is difficult to coordinate, City Council can continue to hold budget hearings on the specifics of the Recreation Department budget.

The City should establish a Coordinating committee to investigate any possible areas for resource and facility development between all of the Departments under direct control of City Council, the Schools, and the Recreation Board.

The review process of the Recreation Department oversight ranged into discussions regarding the state of the current facilities managed by the Recreation Department and shared by various city departments and the schools. There is value for a coordinated effort to review additional opportunities for development of the Recreation Department's facilities that would benefit the city and schools. It is the opinion of the School Board that this coordination activity be managed so that the Coordinating committee only review specific opportunities brought to it from the School Board, City Council or Recreation Board. It is not the intent to establish another volunteer Board to brainstorm ideas. Any individual that has an idea will have to convince one of the Boards that the idea is worthy of the committee consideration.

Furthermore, the Montpelier School Board wishes to acknowledge the good work of the Montpelier Recreation Board in overseeing the detailed delivery of recreational services to the population of Montpelier residents.



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

Please include the following ad with City of Montpelier notices on Tuesday, January 24th; and Thursday, February 2nd, 2012. Thank you ...

**CITY OF MONTPELIER
Council Recruiting for a “Reapportionment” Committee**

The City Council, at their December 7th, 2012 meeting, voted to appoint a temporary committee to initiate a redistricting process, the goal being to determine the census population by voting district and possibly recommend new district boundaries. An approximate six-month time commitment is anticipated; some lead work has been done already. If you are a Montpelier citizen interested in becoming part of the committee, please submit a letter of interest by Thursday, February 16th, 2012 to the City Manager’s Office, 39 Main Street, Montpelier, Vermont 05602, or via e-mail to spitonyak@montpelier-vt.org. City Council hopes to appoint this committee at their February 22nd meeting. Applicants will be notified and encouraged to attend; all meeting rooms and facilities are accessible and all meetings are held in accordance with the public meeting and public records laws.

Office of the City Manager

SOVERNET FIBER CORP.

APPLICATION FOR PERMIT FOR CONDUIT LOCATIONS

Within the City of Montpelier

February 13, 2012.

In compliance with Vermont State Statutes, Title 30, Chapter 71; Paragraph 2501, 2502, and 2503, Sovernet Fiber Corp. ("Sovernet") is submitting an application for a permit by the proper authority of your town.

Sovernet hereby requests permission to install and maintain underground conduits, with the wires and cables therein, in or under, the hereinafter named highways or intersecting public highways in said municipality as said Company may deem necessary for the purpose of providing communications services.

The locations and descriptions of the conduit locations for which permission is sought are as follows:

Sovernet Fiber Corp. Project : Location National Life Drive and Gov. Davis Avenue, as depicted on attached plans.

APPROXIMATELY fifty (50) feet of conduit in the town right of way in and/or under Governor Davis Avenue . Direct Bore/Open Trench to begin at edge of pavement near utility Pole # 17309 and end at VT State Capital Building. APPROXIMATELY fifty (50) feet of conduit in the town right of way in and/or under National Life Drive. Direct Bore/Open Trench to begin at edge of pavement adjacent to private property on Mountainview Drive and end at the southerly side of the National Life Building garage driveway entrance.

Work prints with the specific details of each installation are enclosed. The Project Manager, Izzy Flores, can be reached at 802-460-9139 if you have any questions. Thank you in advance for consideration of this request.

SOVERNET FIBER CORPORATION

BY:



Agent for Sovernet Fiber Corp.

Karen L. Kotecki
NorthLand Right of Way Services, LLC,
313 Abigail Drive
Colchester, Vermont 05446
(802) 654-7955

DECISION AND PERMIT

Upon the foregoing petition and it appearing that the public good so requires, it is hereby decided:

That Sovernet Fiber Corporation be and hereby is allowed to install and maintain underground conduits and manholes, with the wires and cables therein, in or under, the surface of the highways covered by the said petition or intersecting public highways as said Company may deem necessary for the purpose of providing communications services.

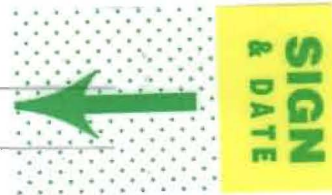
The approximate location of underground conduits is designated or defined as shown upon a plan marked Sovernet Fiber Corp. Job No's. 1 & 2 dated February 13, 2012 attached to and made a part of this order.

The foregoing decision is subject to the following conditions:

1. The conduits be constructed and maintained by Sovernet upon or under a highway, in such manner as not to interfere with repairs of such highway or the public convenience in traveling upon or using the same.
2. The conduits shall be of such material and construction and all work done in such manner as to be satisfactory to such municipal officers as may be appointed to the supervision of the work; and a plan showing the location of conduits constructed shall be filed with the Town when the work is completed.
3. Said Company shall indemnify and save the Town harmless against all damages, costs and expenses, whatsoever to which the Town may be subjected in consequence of the acts of neglect of said Company its agents or servants or in any manner arising from the rights and privileges granted it by the said Town.
4. Said Company shall comply with the requirements of existing by-laws and ordinances and such as may hereafter be adopted, governing the construction and maintenance of conduits and wires so far as the same are not inconsistent with the laws of the State of **VERMONT**.
5. This decision shall be recorded in the Town Clerk's office, and shall be final.

Date: _____, 2012

On behalf of the Select Board: City of Montpelier



Date: _____, 2012

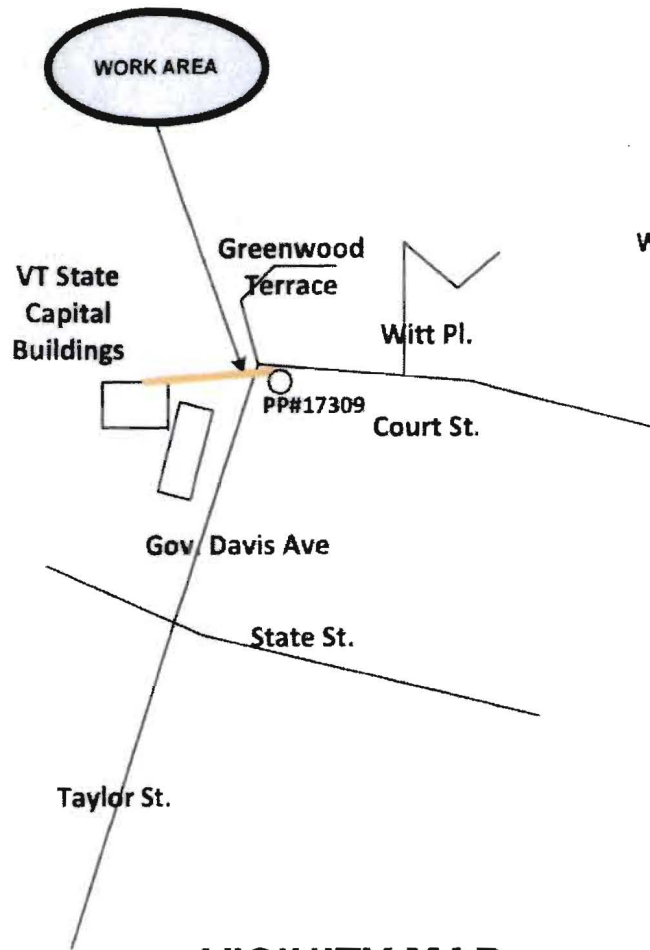
This decision is recorded with the Records of the City of Montpelier Book _____, Page _____.

Attest:

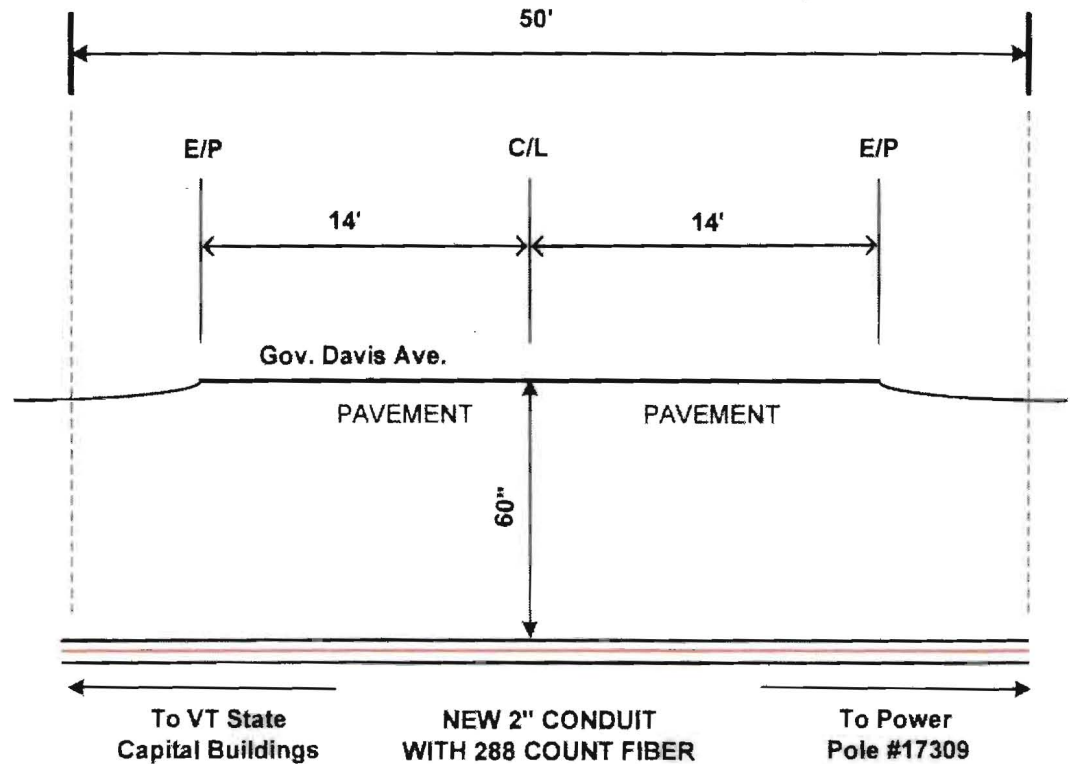
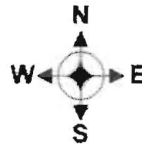
_____, Town Clerk

SFC 4G Job#1
2/13/12

PROFILE FOR PROPOSED BURIED 288 COUNT IN NEW 2" FIBER DUCT CROSSING UNDER Gov. Davis Ave.



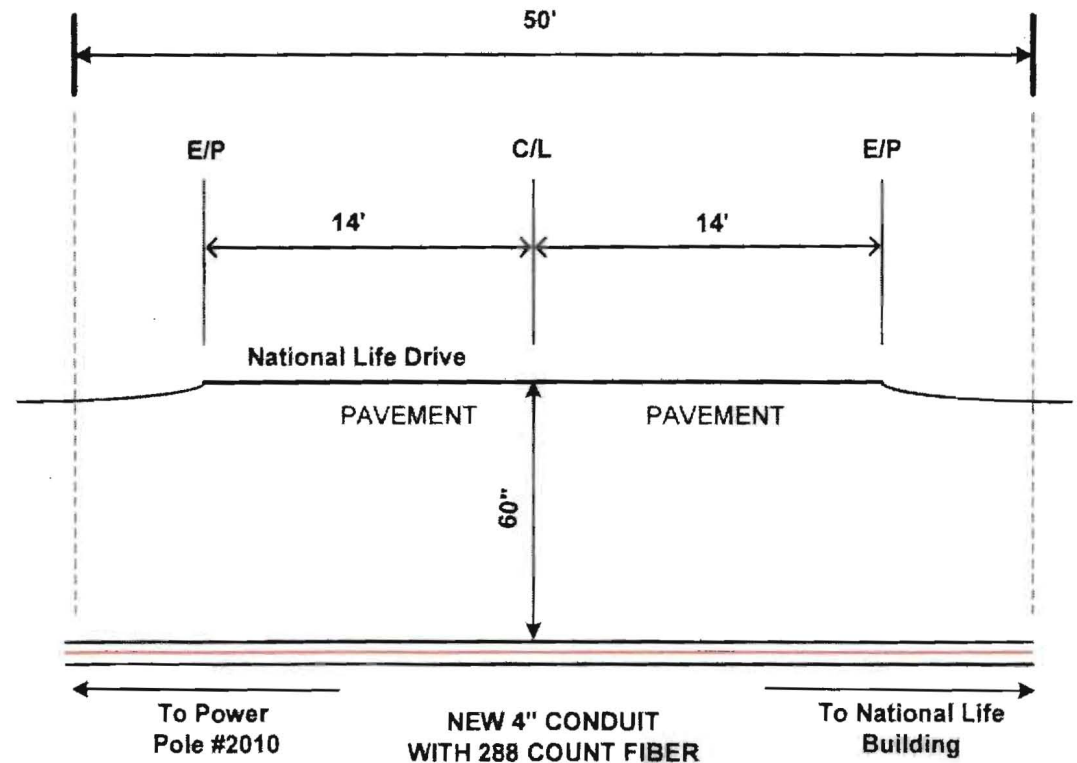
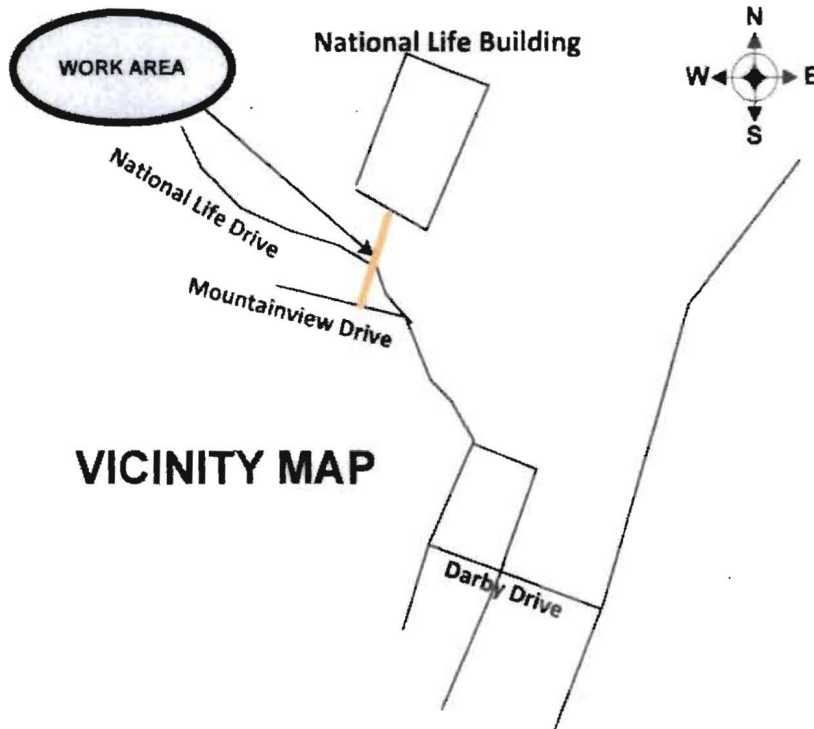
VICINITY MAP



LOOKING NORTH

SFC 46 JOB #2
2/13/12

**PROFILE FOR PROPOSED
BURIED 288 COUNT IN NEW
4" FIBER DUCT
CROSSING UNDER
NATIONAL LIFE DRIVE.**



LOOKING NORTHWEST

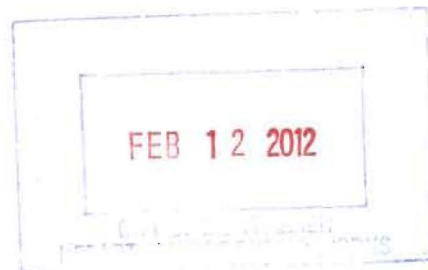


State of Vermont
Operations Division - District 6
186 Industrial Lane
Barre, Vermont 05641
tom.anderson@state.vt.us

Agency of Transportation

[phone] 802-828-2687
[fax] 802-828-3530
[ttd] 800-253-0

February 10, 2012



City of Montpelier
c/o Tom McArdle, Director of Public Works
City Hall, 39 Main St.
Montpelier, VT 05602

RE: Town Highway Structures Program

Dear Tom,

Enclosed please find a copy of the approved amendment (1) for the Towne Hill Road project THS 60011-308 BC1231.

Also enclosed is a copy of the Agency's TA-65 form for work performed on this project, for which the city is seeking reimbursement. This TA 65 includes the State funds awarded for the original grant as well as the State funds awarded in the amendment.

Please have the majority of the city council sign the form and return it to me as soon as possible. Within two to three weeks following our receipt of the completed document, the city should receive a check in the amount of \$81,357.75 and the project will be closed out at that time.

Should you have any questions, please feel free to contact me at 828-2687.

Respectfully,

A handwritten signature in black ink that reads "Tom Anderson".

Tom Anderson
District Project Manager
District 6

TGA/tga

Enclosure



STATE OF VERMONT
AGENCY OF TRANSPORTATION
TOWN HIGHWAY SPECIAL FUNDS
19 VSA SECTION 306 (e)

NAME OF TOWN/VILLAGE	DISTRICT NO.	APPLICATION NO.	TOWN NO.
Montpelier	6	THS 60010-304 BC1150	405
☒ FINAL CLAIM	☐ PARTIAL CLAIM	PERCENTAGE WORK COMPLETED	AMOUNT PREVIOUSLY PAID
		100%	\$0.00

NAME
AND
ADDRESS
OF
CLAIMANT

City of Montpelier
City Hall, 39 Main
St.
Montpelier, VT
05602

- ☐ EMERGENCY FUNDS
☒ STRUCTURES
☐ CLASS 2 ROADWAY
☐ OTHER

I (WE) SWEAR TO THE CORRECTNESS OF THE STATEMENTS MADE IN THIS CLAIM (AND THAT THE WORK HAS BEEN PERFORMED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS FURNISHED BY THE VERMONT AGENCY OF TRANSPORTATION) AND THAT THE TOWN HAS PAID FOR THE EXPENSES SHOWN, BOTH LABOR AND MATERIALS.

COST OF WORK AS PER EXPENSE
(ATTACHED HERETO)

\$90,379.50

LABOR AND EQUIPMENT

documents on file

MATERIAL

documents on file

TOTAL COST

\$90,379.50

MINUS PREVIOUS PAYMENTS OR DEDUCTIBLES

\$9,021.75

AMOUNT OF PAYMENT

\$81,357.75

payment includes original state funds of \$61,023.60
plus amendment (1) additional state funds of
\$20,334.15

DISTRICT TRANSPORTATION ADMINISTRATOR

APPROVED DATE: _____

Costs substantiated by Town records.

**AMENDMENT TO:
STATE OF VERMONT
STANDARD GRANT AGREEMENT**Contract # THS60011-308 BC1231
Change # one (1)

1. Parties: This is a Grant Amendment for services between the State of Vermont, Agency of Transportation (hereinafter called "State"), and the City of Montpelier, (hereinafter called "Subrecipient"), the Agreement dated June 21, 2010, shall be modified as follows:
2. Grant Term, is hereby modified by extending the term from _____, 20____ to _____, 20____, as indicated by the memo hereby attached and made a part of this Amendment.
3. Maximum Amount, is hereby modified by increasing the State funds by \$20,334.15 for a revised amount of \$81,357.75, as indicated by the memo hereby attached and made a part of this Amendment.
4. Scope of Work, is hereby modified as indicated by the letter dated January 20, 2012 from the Subrecipient hereby attached and made a part of this Amendment.

Except as modified by this or any existing Amendments, all other provisions of the original Agreement dated June 21, 2010, shall remain unchanged and in full force and effect.

Dated this 7 February
20th day of January, 2012

W.D. 2/8/12

FOR: TOM ANDERSON, DG PROJECT MANAGER
Wayne Gammell

Recommended for Approval -

TOM ANDERSON 6
Maintenance Transportation Administrator District

STATE OF VERMONT
AGENCY OF TRANSPORTATION

SUBRECIPIENT:
City of Montpelier

Signature: Brian R. Searles
Name: Brian R. Searles / Susan M. Minter
Title: [Deputy] Secretary of Transportation
Date: 2/7, 2012

Signature: Thomas M'Arde
Name: Thomas M'Arde
Title: Assistant Director of Public Works
Date: 01/20, 2012

APPROVED AS TO FORM:

DATE: 2/3/2012

[Signature]
ASSISTANT ATTORNEY GENERAL