



**CITY OF
MONTPELIER
MONTPELIER,
VERMONT**

Agenda for City
Council Meeting
Wednesday,
December 7, 2011
07:00 P.M.

- 1) Call to Order by the Mayor
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- 2) 11-296. General Business and Appearances
- 3) 11-297. Consideration of the Consent Agenda:
 - a) Consideration of Minutes from the November 9th and November 16th, 2011 Regular City Council Meetings.
 - b) Consideration of a "Declaration of Official Intent of City of Montpelier to Reimburse Certain Expenditures from Proceeds of Indebtedness" for the District Heat Project. City Attorney Paul Giuliani suggests that a reimbursement resolution be in place before any project costs are paid.
 - c) Consideration of quotes received for the printing of the City's Annual Report. Of the five "invitations to bid" sent out, only two companies responded: Accura Printing - \$6,795; and L. Brown & Son - \$6,825. Staff has experienced excellent service from both companies.
 - d) Consideration of becoming the Liquor Control Commission for the

purpose of acting on the following:

1. Ratification of the issuance of a Catering Permit to Yebba, Inc., d/b/a The Abbey Pub & Restaurant, for an "Afternoon Reception" scheduled to have been held on Monday, November 28th, from 3:00 to 7:00 P.M. at the State House.
2. Ratification of the issuance of a Special Event Permit to John and Katherine McCann, d/b/a North Branch Vineyards, in order to participate in the "Touch of Vermont Holiday Gift Market" being held in the City Hall Auditorium on Saturday, December 10th, from 9:00 A.M. to 4:30 P.M.
3. Application for a Catering Permit from Langdon Street Pub Company, d/b/a McGillicuddy's Irish Pub, for a 40th Wedding Anniversary Party scheduled to be held on Sunday, December 18th, from 1:00 to 9:00 P.M. at the Vermont College of Fine Arts' Gymnasium.

e) Payroll and Bills

- 4) 11-298. Setting of "approximate times" for the following agenda items.
- 5) 11-299. Consideration of appointing a City rep to the Kellogg-Hubbard Library's Board of Trustees.
 - a) City Councilor Tom Golonka recently notified John Page, President, and Jim Clemons, Vice President of the Board, that he will be stepping down. In his e-mail he stated, "Given my increased commitments with the VT State Pension Board, the City Council and my kids' commitments, I find it increasingly difficult to attend and participate at the level I feel I should."
 - b) Councilor Golonka requested that this item be included on an upcoming agenda for discussion.
 - c) Recommendation: Discussion; possible direction to staff.
- 6) 11-300. Introduction and discussion regarding the City's FY 2012-13 Budget.

- 7) 11-301. Complete review of Operating Budgets for Department of Public Works, Capital Improvement Plan and Equipment Plan.
- 8) 11-302. Discussion of the findings from the "Reapportionment Committee".
 - a) This committee was formed by the City Council as one of the "Summer Study Committees", under Good Governance. The Council rep and chair of this group is Alan H. Weiss.
 - b) The committee's charge was to "analyze census data and begin district reapportionment, as appropriate".
 - c) Recommendation: Presentation from Committee; discussion; Council needs to decide what their next steps will be.
- 9) 11-303. Reports by City Council
- 10) 11-304. Mayor's Report
- 11) 11-305. Report by the City Clerk-Treasurer
- 12) 11-306. Status Reports by the City Manager
- 13) 11-307. Agenda Reports by the City Manager

Adjournment



*From the Office of the
City Assessor . . .*

TO: William Fraser, City Manager
FROM: Jane Aldrighetti, Annual Report Coordinator
DATE: December 2, 2011
SUBJECT: Printing Quotes – 2012 Annual Report

Our request for bids to print the annual report was mailed on November 16, 2011, to five (5) companies. We received the following responses:

Accura Printing	\$6,795
L. Brown & Son	\$6,825
Leahy Press	None received
Repro Digital	Unable to bid this size job
Stillwater Graphics	None received

Accura Printing was selected to print the 2011 report. L. Brown & Sons has printed our report for several years as well. Both are excellent firms to do business with.

atts

Jane Aldrighetti

From: Accura [info@accuraprinting.com]
Sent: Tuesday, November 22, 2011 2:27 PM
To: Jane Aldrighetti
Subject: Quote for Annual Report

Good afternoon Jane,
Thank you for the opportunity to quote your annual report again this year. This quote is based on the following specs:

8.5x11
perfect bound
roughly 148 pages + cover
black ink throughout text
cover prints on 80# cover, color photo, black on inside covers
we will do layout
we will have ready no later than Feb. 19, 2012 (pick up by the World)

3900 = \$6795.00

Feel free to call with any questions or concerns. We look forward to hearing from you soon.

Thank you!

Beth Bresett, Owner

Accura Printing
662 South Barre Road
South Barre, VT 05670
P: (802) 476-4429
F: 1-888-634-9366
info@accuraprinting.com

11/22/2011

L. Brown

& SONS PRINTING, INC.

DESIGN® PRINT® MAIL

"A QUALITY VERMONT COMPANY"

14-20 Jefferson St.
Barre VT 05641
Toll: 800-486-1947
Phone: 802-476-3164

City of Montpelier
Jane Aldrighetti
39 Main Street Suite 10
Montpelier, VT 05602
802-223-9504
jaldrigh@montpelier-vt.org

QUOTE NO.: ES-11-4921
DATE SUBMITTED: Monday, November 21, 2011

Thank you for your inquiry regarding the 2011 Annual Report. Below are the details and pricing for your project. If you have any questions or comments please contact us. We look forward to earning and retaining your business.

JOB DESCRIPTION 2011 Annual Report

PAGES 4 Pages Cover, 148 Pages Text

FLAT SIZE 17.24 " x 11 "
FINISHED SIZE 8 1/2 " x 11 "

PRINTING Cover 4/1 color CMYK/Black
 Text 1/1 color Black/Black

PAPER Cover 80# Flo Dull Cover
 Text 50# Husky Opaque Offset

PROOFING Contract Color Proof Dylux,
FINISHING Fold, Perfect Bind

Quantity	Price	Price Per Unit
3,900	\$6,825.00	\$1.75

Please contact Jim Brown for questions or comments.

The above prices are based on current material cost and the above specification, and are subject to acceptance within thirty (30) days. Any delivery date is subject to change if delay is caused by customer, difficulty in securing supplies needed to produce the work, or any other delay beyond our control. This quotation made subject to normal variations in standards of color, finish, weight, etc. of materials, and is subject to changes or any extra costs that might be brought about by Federal or state rules or regulations, or the imposition of taxes applicable to the items covered by this quotation



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On Wednesday evening, November 9, 2011, the City Council Members met in the Council Chamber.

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

Call to Order by the Mayor.

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

11-270. General Business and Appearances

Mayor Hooper said City Clerk and Treasurer Hoyt had announced that she would be retiring next year. She thanked Charlotte Hoyt for her service to the city.

11-271. Consideration of the Consent Agenda:

- a) Consideration of Minutes from the October 26th, 2011 City Council Meeting (following the Community Dinner/Town Hall Meeting).
- b) Ratification of 2011-2014 Police Union Contract.
- c) Consideration of authorizing the purchase of an Automated emergency notification system to alert residents and business owners of emergency situations in Montpelier. Police, Fire/EMS, the Planning Department and *“Montpelier Alive”* were involved in the selection process. Recommendation: Based on the City’s criteria, product demonstration and cost, staff believes **Blackboard Connect** is the best choice for this service. The annual cost of their services is \$6,687.13.
- d) Approval and signing of a “Municipal Electronic Funds Transfer Agreement” with the Merchants Bank. The Merchants Bank Government Banking Department annually requests a review of their documents by Attorney Paul Giuliani. As part of the review, the Electronics Fund Transfer (EFT) Agreement is included. The EFT document relates to their on-line banking product and more specifically, the capability of sending and receiving files by means of the Automated Clearing House (ACH). An ACH activity is an extension of credit, a recommendation has been made to have that reflected in the documents. As with traditional loan documents, the Merchants Bank is

now requesting that the majority of the Council and the Treasurer of the municipality sign the agreement.

- e) Approval of a “Sales Order” from ACS to re-index the City’s Land Records starting on December 31, 1992, and working back in time to bring thee records onto the 20/20 system and making the index and images available on the computer. The City Clerk-Treasurer would like to use \$40,000 from the Records Restoration Fund to bring those land record documents online. Recommendation: Approval of the expenditure of this project and authorization for the City Manager to sign the Sales Order Agreement.
- f) Consideration of becoming the Liquor Control Commission for the purpose of acting on the following:
 - 1) Application for a Special Event Permit from Mark Simakaski, d/b/a Aresano, LLC of Groton, for *the “Touch of Vermont Holiday Gift Market”* scheduled to be held on Saturday, December 10, 2011 from 7:00 A.M. to 5:00 P.M. in the City Hall Auditorium. Their beverages will be served within a 10-foot space in the vending area of the market.
- g) Payroll and Bills.

General Fund Warrant dated October 19, 2011, in the amount of \$18,437.00 and \$644,153.66.

Payroll Warrant dated October 27, 2011, in the amount of \$25,700.34 and \$124,881.56.

Payroll Warrant dated November 10, 2011, in the amount of \$4,649.02, \$32,445.16, \$25,409.32 and \$122,272.79.

Council Member Weiss said he would like to remove b) and f) 1) from the consent agenda.

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

- 11-271(a) Approval and signing of a “Municipal Electronic Funds Transfer Agreement” with the Merchants Bank. The Merchants Bank Government Banking Department annually requests a review of their documents by Attorney Paul Giuliani. As part of the review, the Electronics Fund Transfer (EFT) Agreement

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Council Member Weiss inquired if Attorney Giuliani was representing the City or the Merchants Bank. City Manager Fraser replied he is representing the City.

- 11-271(b) Consideration of becoming the Liquor Control Commission for the purpose of acting on the following:

Application for a Special Event Permit from Mark Simakaski, d/b/a Aresano, LLC of Groton, for *the “Touch of Vermont Holiday Gift Market”* scheduled to be held on Saturday, December 10, 2011 from 7:00 A.M. to 5:00 P.M. in the City Hall Auditorium. Their beverages will be served within a 10-foot space in the vending area of the market.

Council Member Weiss said he thinks what the application is for people to taste wine. Why are we letting them in there at 7:00 A.M, because there are state laws which prevent them from sale and giveaway of liquors. He wonders if the 7:00 A.M. should be changed to a later time. Council changed the hours to 8:00 A.M.

Motion was made by Council Member Weiss, seconded by Council Member Hooper to approve the items regarding the Municipal Electronic Funds Transfer Agreement and the application for a Special Events Permits, acting as the Montpelier Liquor Control Commission. The vote was 6-0, motion carried unanimously.

- 11-272. “SETTING OF TIMES” by City Council for the evening ...

Council Members apportioned amount of times for each item on the agenda.

- 11-273. Update from The Basement Teen Center.

- a) Teen Center staff member Casey Willard contacted the City Manager’s Office in October, asking if they could provide an update to the Council at one of their upcoming meetings.

- b) As part of their presentation, Casey said they will be showing a short documentary; this is something that the teens have put together which focuses on teens having an active part in the community.
- c) Recommendation: Receive the update and presentation of the documentary; opportunity for discussion.

Nick Connor, Program Coordinator of the Basement Teen Center, and AmeriCorps members introduced themselves to the Council. Mr. Connor explained the Teen Center is a drop-in center in City Hall and opened every day from 3:00 to 6:00 P.M. and 3:00 to 10:00 P.M. on Fridays and serve youth 13 to 18. Last year they had close to 3,000 visits from teens in Washington County, primarily from Montpelier. On any day they would see 5 to 33 kids and there were 36 volunteers last year. They served 375 meals last year on Friday nights. About 75 percent of all visits result in youth making a snack or a meal for themselves. They saw 258 teens last year and found out that the enrollment at Montpelier High School is about 327 now. Eighty-five percent of the youth they serve come from Montpelier.

Council viewed a visual presentation and heard about the Teen Center from some of its members.

The Teen Center is also the base for the Washington County Youth Service Bureau's street outreach program for Montpelier. The outreach program is for the runaways and homeless youth program which include Country Roads, the shelter program, as well as a transitional living program. That serves youth from 11 to 22 who are homeless or at risk of running away. The Teen Center is also a Boys and Girls Club so they have programming for that as well.

11-274. Housing Barriers Committee Report.

- a) Four Council "Summer Study Committees" were formed in the spring; the Housing Barriers Committee was one of the four. Their charge was to **identify barriers to new housing in the city; select a date to convene a 'housing summit' to identify barriers and develop options for what the City can do to foster new housing.**
- b) Recommendation: Receive Report.

The Housing Barriers Committee which included Council Members Sherman and Timpone presented a report to the Council. Two law students from Vermont Law School, Nolan and Breanna, participated and did a large amount of research.

The charge was to identify barriers to new housing in the city. One of the biggest things that popped up was that we have a marketing problem. It relates to public relations and how the city is perceived as being unfriendly to development. They recommended having a marketing campaign. Infill housing and development came up over and over. One of the best things they are recommending is a housing design competition and Nolan or Breanna will speak to that.

Breanna said when she was doing research about how to increase housing development she stumbled across Portland, Oregon who had a living smart competition where they had a large number of 25 foot frontage lots they needed to develop. They designed a competition where different developers would design houses to fit on the lots and went through the whole approval process through the city.

Council Member Timpone said it came down to changing regulations. They are hearing from developers that the city is really hard to work with.

Jack McCullough said one of the biggest focuses of the committee was barriers to housing development. But they also talked about not just bringing new housing to the city but maintain the presence and quality of the housing we have. In the Master Plan there are some ideas that are already in place for preserving housing in the city. One of them is the consideration of adoption of the housing replacement ordinance so if housing units are converted from housing to another used the developer could do that but he would be required to replace that housing unit with another housing unit. They have seen over the last 30 years that there is a loss of housing units close to the downtown that could be easily accessible by pedestrians. The other recommendation addresses rental housing. The quality has not been maintained and people who have served on the Board of Civil Authority and Members of the Council have visited many rental units across the city and a lot have been allowed to become dilapidated. They also proposed to consider an apartment registration and inspection program. There is a health code that covers the entire state of Vermont. There are housing standards that should be upheld. These recommendations are included in the Master Plan.

Council Member Sherman reported it was interesting to hear from the realtors about why Montpelier is popular. The property taxes are high and you can get the same house somewhere else for less property taxes. Also, the realtors are quite aware that currently property taxes in Montpelier are less than one of our

neighboring cities. People are interested in Montpelier because it is unique and different. It doesn't have a suburban atmosphere like Burlington but quaint small high character neighborhoods and is walkable. The number one criteria they hear is schools closely followed by city services; police and fire were mentioned. The realtors also mentioned specific needs that people are looking for when they are looking for housing in Montpelier are smaller houses, compact and highly efficient. There is a group of older people who are looking for single floor housing and are having a hard time finding that except Westview Meadows and condos. There is a need for that kind of house as well as starter homes. There is a lot of interest in Montpelier and how to get the right package of information out so that available financing for people who need modest homes to afford those mortgages. Some of the resources are available but not well publicized. There is the possibility of having seminars for lenders, new buyers and realtors to go through what the resources are. It is hard to figure that out when you are on the verge of house shopping but planning and development could do that to open up some of those barriers so people could find what they are looking for. Montpelier is a very special place and more people would like to live here.

Council Member Timpone said the Council can give the Housing Task Force some direction. The Barriers Committee has been dissolved.

Polly Nichol said when they received the information from Breanna and Nolan, one thing which is encouraging is that Montpelier has some of the tools in place to implement some of these ideas. We have a Planning & Community Development Department; Housing Task Force; Housing Trust Fund and the infrastructure to expand on these.

Council Member Weiss said the city has a Housing Trust Fund. Has that been involved?

Council Member Timpone replied yes.

Council Member Sherman said in the conclusion section there is a bare spot that should have additional steps and study in this area.

Council Member Hooper said zoning is coming up now and some of this should be included in that process. We don't want to say this is a great place for people to live if there is nowhere for people to live when they get here. Is there a best first steps?

Council Member Timpone replied that is the Housing Task Force's charge.

Mr. McCullough said the basic message they received from the Zoning Administrator is that for a small development of a couple of units there is not a lot of documentation required to apply. Because he can issue the permit himself it can be turned around very quickly.

Mayor Hooper said the design competition might play well with the marketing so she would focus some time on that. She would guess they are at least a year away with the implementation of a new zoning ordinance.

11-275. Update from the City's representative to the Central Vermont Solid Waste Management District.

- a) Mia Moore, the City's representative to the CVSWMD has asked for time on this evening's agenda to report to Council the activities of the CVSWMD during the past year.
- b) Recommendation: Receive update; discussion; possible direction to Ms. Moore.

Mia Moore said she wanted to provide the Council an update on how the fiscal year 2011 ended. She joined the Board because the district has a goal of getting to zero waste and she thinks that a really important thing to focus on for the sustainability of our community. There are a lot of great things they did this past year to get there. She provided an update on the school composting program as well as the new Zero Waste Schools Program that evolved out of the school composting program, the business organics program, the special collections and hazardous waste, and a little bit about what they have done to give back to the community.

They started the School Composting Program in 2004 and since then they have diverted over 500 tons of food scraps from the landfill. Right now they have 100 percent of the public schools within the district participating in this which is about 10,000 kids, teachers and staff, and is noted to be nationally one of the largest municipal districts in the country to have schools voluntarily diverting waste. In the 2010-2011 school year the Montpelier schools diverted more than 20 tons of food scraps in just one year alone. One big highlight was that the Union Elementary School students and from students from Montpelier High School held a pizza and salad party to enjoy some of the lettuce grown in the compost that was created from their food scraps. Their school composting program because they are now at 100 percent capacity they don't need to be doing a lot of outreach recruiting schools so they have evolved this into a zero

waste schools program. Glen Lyons Baker is our school coordinator and she works with schools to figure out how to reduce their overall waste. She does waste stream audits. She went to Montpelier High School this spring and just dumped the trash bags out onto big tarps in the gym and taught students what the trash that could have been recycled was and what could have been composted. She is also helping the elementary schools that serve milk to kids with their lunch program to switch from cartons which aren't recyclable to jugs which are recyclable. She is also on a mission to ban straws. She has also taught a lot of zero waste lessons within the classroom at the teachers' requests. They have also started zero waste grants for the schools in their district where students and teachers with cook waste reduction ideas can apply for small grants to get started. At Union Elementary School this year 5th grade students want to sell those lunchkins which are reusable snack or lunch bags to reduce the zip lock waste at their school.

The Business Organics Program is moving along. There are 63 businesses within Central Vermont that participate. In the last year they diverted over 2.5 million pounds of food scraps. Overall with composting they have diverted 10 million pounds of food scraps since 2004. Since food scraps are about a fifth of the waste stream of Vermonters that is a significant step towards achieving zero waste.

Regarding special collections and the hazardous waste collections there were about a dozen held this past season all over the district and the Montpelier hazardous waste was the biggest. There was a 70 percent increase in household participation from 2010 to 2011. With these collections they diverted about 100,000 pounds of either hazardous or unnecessary waste properly.

They have their Green Up Day grants so every town is eligible for \$500 to help fund any Green Up Day programs they have. This year they were able to find money in the budget to help residents and businesses within the district with clean up from the Memorial Day floods and Hurricane Irene. There were dozens of people who applied for and received a \$200 grant for themselves to help with the cost of removing their ruined possessions from their homes.

They updated their web site and it is much more user friendly. They just recently paid the municipal lease they had in order to buy their building and carry absolutely no debt. Their two most recent audits indicate they are in the black. Finally, they will be maintaining the per capita assessment at \$2 this year which means because they don't carry any debt any longer they can expand their programming to zero waste schools without actually raising the per capital assessment, which they are proud of.

11-276. Receive and discuss the Taser Committee's Final Report to the City Council.

- a) This committee has met regularly since the Council appointed them in May; two public hearings were held and now the Council has received their final report.
- b) Recommendation: Review and discuss the report with committee members; Council will make their decision on November 16th.

Mayor Hooper said they would be receiving the report from the committee tonight. It is not the intention for the Council to take testimony from members of the public. There will be an opportunity next week when they will have a further discussion towards making a decision around this issue.

Jeff Dworkin, Chair introduced members of the committee present Zachary Hughes, Marilyn Mode and Polly Ellerbee. Nick Marro was not present this evening. Six months ago the committee was appointed and they have spent 14 to 20 Tuesday evenings and read dozens and dozens of reports and studies on tasers. They received dozens of witnesses from the legal community, the mental health community and law enforcement as well as others. Over these months they have gathered not only a grounding on the issues themselves that pertain to the question of tasers but also the sense of this community and also the profound divide that exists in this community about whether or not this weapon should be acquired. When he says sense of community he means a sense of what is unique here and which is so true of this town and why so many of us live here. It is an environment they have found that people on both sides of this divide regarding tasers share a strong concern to try to preserve.

They approached their task exactly as charged. First, they sought to make an assessment of whether there is a need for tasers here. Secondly, they sought whether they found to be a need or whether the Council decided to buy this weapon in spite of their recommendation that there was a need to lay out some recommendations as to any limitations or regulations that would govern the use of tasers here.

For the assessment of need they weighed the known risks of the weapon against its potential utility here. They looked at all of the major national reports for the most intelligent and comprehensive rubric they could apply in trying to draw together the important criteria. They used the formula that the International Association of Chiefs of Police recommend when they say: "The appropriateness of any such weapon depends largely on the needs and desires of each police

department in the context of the community in which it operates and in accordance with the service demands and typical force scenarios faced by its police personnel.” A critical element of that decision making process is an assessment of the limitations of each device or technique and the potential for its abuse or failure. The notion on bearing down on the limitations of the device and our typical force scenario became key to their approach.

Inherent in this rubric, just as in the Council’s request that they assess need, is the implication that not all weapons are right for all communities. The decision has to be based on the needs of a particular community and the utility of a choice of weapon in that community. They scoured the national literature on tasers to understand the weapon but applied their own local actual circumstances. As to the dangers of the weapon they found that for years an alarm has been raised by some researchers and organizations about the numerous deaths and injuries that have been associated with tasers. After approximately two decades of fending off those concerns, starting in 2009 after the loss of a significant lawsuit, Taser International began at last to own up to some of the dangers of this weapon

We now know that this device is dangerous to certain vulnerable populations. It is dangerous in certain circumstances, and it is dangerous with regards to certain parts of the body. As to vulnerable populations against whom it should not be used except in the very most extreme circumstances includes the mentally ill, cognitively disabled, intoxicated, pregnant women, persons with cardiac conditions, spinal conditions, asthmatics, osteoporosis and many other health conditions, children, elderly, thin and frail to name some. Among the circumstances in which it should not be deployed included where a subject is running or in flight or operating a piece of machinery or around water or flammable liquids or gas. He was shocked at how many parts of the body are now recognized as being too dangerous to target with this weapon. They include the head, neck, chest, groin and the genitals. All of these limitations on the weapon is that it should not be used in the vast majority of actual cases that the police encounter in their street confrontations.

The real difficulty with this weapon is that an officer cannot know enough to know whether it is safe to deploy this weapon. He can’t know in a split second in the street whether this member is a member of the vulnerable population, has a pre-existing health condition or most of what you need to know to make a safe deployment. Police organizations are prone to say the answer to that is training, and of course training is essential and critical. Training is not a panacea for what cannot be known. It never has been nor never will be.

Added to these limitations are the fact that this weapon by Taser International's own admission cannot be aimed accurately. This is not a precision aiming device. An officer standing 15 or 20 feet away from a subject he has to calculate that difference under perceptively quickly changing circumstances and he has to bear in mind that when those two probes leave the device on a vertical path from each other toward the subject the probes separate for 1 foot per 7 feet of travel, and they have to know about when that will hit the subject all the while making sure that he or she aims an imprecise weapon from a standpoint at the belly and the legs and only hitting those areas rather than any other parts of the body. It is simply expecting too much of any officer to know all of this and use it with an imprecise weapon like this.

They factored into the picture of risk the further findings and national studies that tasers actually don't do what is frequently presumed to be good about them. Tasers don't actually cause a reduction in the use of legal force. Statistical studies are not finding that the use of firearms goes down with the introduction of tasers. Tasers might facilitate a safer police force overall in the way they exercise force against individuals. The fact is tasers cause an earlier resort by the police to a higher level of force than they would otherwise use.

Lastly, the studies show there is a concerning use by the police of this weapon outside of accepted deployment standards. They find our actual typical force scenarios weigh against any finding for a need of tasers. There is relatively nonviolent crime in Montpelier. Almost all street encounters by the police are with members of the vulnerable populations against whom the device should not be used. Our police have successfully managed all difficult encounters with their current skills and weaponry with no more than scratches or abrasions to either party.

They also received records of assaults on officers for the last years and those records corroborated their findings regarding difficult force scenarios. All such assaults have been by members of vulnerable populations or in close in situations when there were sudden movements that could not be prevented by the use of a taser or anything else. None of the assault on officer cases produced any injuries on an officer more than a punch, an abrasion or a cut.

They investigated a third claim about tasers which is they will reduce workers' compensation claims. Workers' compensation records were provided by City Manager Fraser and they showed there is no bonafide likelihood that tasers would affect a relatively few and small workers' compensation claims.

They factored all of this with the findings that municipal liability is a growing risk for cities with tasers. In light of the fact that Tasers International has taken itself out of the picture as a co-defendant in excessive force, product liability or negligent warning cases. Cities are now virtually on their own as the primary targets for the use of tasers.

They have found that the true cost of this weapon has not been estimated. The committee agreed with Police Chief Facos on many items that with an improved approach with this weapon ought to be acquired or methods ought to be adopted to make this a safer weapon to use such as body cameras on officers and crisis intervention training. But when true costs are actually calculated, which has not been done, the \$11,400 request for the simple purchase of the initial hardware is probably exceeded by multiples when you factor in all of the true costs that the device would bring with it.

They found there is too little need for the weapon here, too much risk, too unknown a cost, too limited or potential utility of the weapon, too great a potential liability for the city, and there is too great a potential for erroneous deployment of the weapon. They were therefore against the acquisition of this weapon at this time. They found the police had not done their homework to prepare for this request. This criticism is not a criticism of the police force at large or Police Chief Facos. It is simply a criticism what they feel is a lack of real thorough preparation for their request. This is a fine police force and Police Chief Facos is a fine leader of it.

This police force has shown itself to be very competent in handling what goes on here with the skills and weapons in hand. There are things that would increase its competence and performance if the money were found. They have recommended crisis intervention training which is widely recognized as the most competent training in mental health identification and de-escalation techniques. Our own Police Academy trainer in the brief 6-hour course that the police get in Vermont in mental health issues acknowledges that course only scratches the surface. In contrast this course is a week-long and goes into much greater depth. It is a training that is meant to be used by a region rather than a particular police force or individual. It is meant to be a cooperative effort, a multi-agency or inter agency effort, but it is still regarded as training that individual officers will greatly benefit from. They have also suggested a new staff position on the police force of a police social worker who would be trained to respond immediately to the scenes of crises and engage in de-escalation techniques.

Lastly, there are non-lethal weapons that this police arsenal does not have that would be beneficial. There is pepper foam which is used in addition to pepper

spray and this goes a long distance in removing some of the dangers of using pepper spray indoors. There are also some very intensive light weapons that have just come on the market that immobilize suspects and foam batons.

If the Council votes for this weapon, you have seen 26 limitations and regulations they highly suggest. Among the most important are body cameras which would record the street incidents of any use of a taser from the very beginning of an encounter with a suspect. It would show to all of the justification for the use of the weapon and put any suspects on notice that their actions are being recorded. They are recommending that if this weapon is adopted that it be placed on the use of force continuum just below firearms to recognize that they are the next most lethal weapon after firearms. They are recommending that the deployment standard be one of lethal force. There must be a risk of imminent serious bodily harm in order to use the weapon. They recommend defibrillators in all cruisers since there are serious concerns for people with heart conditions and complications when tasers are used against them. They are recommending a truly prudent clear transparent binding and highly protective written policy that is tailored for this community. They are recommending a citizen review board with sufficient resources and powers to review all use of force incidents. They are recommending a medical evaluation for everyone against whom a taser is used because you can't approach a mentally ill or intoxicated person. They are recommending rigorous training and incident reviews and thorough supervision by the officers who are certified to use the weapon.

They thanked the Council for creating this committee and taking a long hard look at this issue. It shows the wisdom on the part of the Council that has made Montpelier a model for cities and towns that are watching this issue and considering it, and it is also a model for how issues should be approached in seriously divided community with deep research and study. He especially wants to thank Police Chief Facos for his attendance at many of their meetings and his invaluable contributions to the process. That they came to a conclusion different from his takes nothing away from their respect for his leadership and respect for this well run and competent police force.

Zachary Hughes said one of the things the Council should keep in mind is the consideration that the community should be engaged more. Values of communication are important.

Council Member Golonka said the only interest he had that concerned him was the expansion of municipal liability exposure. Did the Committee find any case study or documentation to bear this out? Did they see an increasing level for awards against municipalities?

Mr. Dworkin replied they didn't. They had a teleconference and other communications with the plaintiff's attorney who won the two biggest awards against Taser International. He said the result of those verdicts against Taser International and now the publication of their serious warnings about the device have largely taken them out of the picture as a co-defendant and cities are standing alone now. Lawsuits are now getting filed regarding tasers at the rate of about one a week around the country.

Council Member Timpone asked if there were any lawsuits in Vermont regarding tasers.

Mr. Dworkin replied there was the lawsuit from the Brattleboro protest and there was one in St. Albans. There was one out of Fairlee that the Attorney General settled where a man who was believed to be a burglar in his own home and was having a seizure was tased. That involved the State Police.

Council Member Jarvis commended the committee for all of the hours. She is curious about the recommendation for a police social worker position because she understands that Montpelier has a very nice relationship with Washington County Mental Health and there are emergency screeners available at all times.

Mr. Dworkin said that wasn't their first choice. He would prefer to see the officers themselves have this good of training in crisis intervention. The police social work staff position is used in some locations. Barre and Burlington have one.

Council Member Jarvis said she has a hard time analyzing the numbers without a comparison with other devices.

Mr. Dworkin said if this weapon is going to be used at all it has to be used at almost the highest level of the continuum and with a legal standing.

Council Member Timpone asked if he had heard from any of our police officers.

Mr. Dworkin replied Police Chief Facos wanted them to hear from the Burlington and South Burlington police chiefs and deputies but he didn't ask the committee to talk to his individual officers. He didn't want to put officers in that position.

Mr. Hughes said Police Chief Facos wanted his officers to be able to retire without serious injury. He talked about this very passionately.

Council Member Sherman said she found the report very interesting and the comparison between the dissenting minority report and the majority report was very interesting in that both reports recommend a very strong and clear policy about use. That seems to be the key. If there is a clear and definitive policy about the use, then some of the risks and disadvantages of the device would be eliminated but we need to see policies that municipalities have or a revision to the one that was brought to the Council six months ago.

Council Member Hooper said the guidelines for use they suggest are basically for when you would use a gun.

Mr. Hughes said they don't have the public support. In one of the reports it actually states equivocally that if the public isn't behind you then there is a problem with it. It can be overcome with community engagement. They took lots of testimony, he heard people on the street and he has a tenant in his building who believes it would save money not to have them. You want to address those folks because they are very negative. When he came in six months ago he was in full support of tasers.

Mr. Dworkin said law enforcement seems to be in two places on this issue. Some say these are great things because instead of reaching for a gun they will reach for a taser. Others say they never expect their officers to put their life in jeopardy and reach for an inferior weapon. Law enforcement itself is all over the place.

Council Member Hooper said he recalls that Police Chief Facos in his presentation said he was not in favor of the weapon if it had the same standards for deployment as firearms.

He told the committee he would put it at the same level as pepper spray.

City Manager Fraser said the committee said they looked at how tasers would fit with Montpelier. One of the recommendations was that the officers wear body cameras. He remembers a very full room here one evening when they were taking still photos during a demonstration and people being very arrogant about that. He wonders how officers wearing body cameras at all times will be viewed by the community in terms of their privacy.

Mr. Dworkin said it is there. This is a town where people know their rights. He can easily imagine that this surveillance will be a hard sell, but if tasers are introduced here the addition of body cameras is the only way to make the community feel safe about the presence of tasers.

Mayor Hooper said in their recommendation we should have a citizen review board. She was curious why not suggest that the City Council be the review board. Her personal view is they are the ultimate authority and have the ultimate responsibility.

Council Member Hooper said in almost every instance they are the legislative body and appoint other bodies.

Polly Ellerbee said maybe they need something independent if only to calm fears. She agrees they did not consider the Council would do this but they might conceivably want something totally independent of the city structure and it would add to the transparency.

Mayor Hooper thanked the committee for their report.

11-278. Department Reports

- a) As outlined in the City of Montpelier's FY '13 Budget Schedule (July 1, 2012 – June 30, 2013), Reports from City Departments are scheduled to be heard this evening.
- b) Those departments presenting at this meeting will be Police, Fire and Public Works.
- c) Recommendation: Receive reports; possible direction to staff.

They won't hear from the police tonight since the Chief is out of town.

Public Works:

Todd Law, Director of Public Works, reviewed information in the memorandum he had prepared about the Public Works operations.

Council Member Weiss asked Todd Law if he would comment on the feasibility of having any of these services going into the private sector.

Public Works Director Law replied it is something to think about.

Council Member Sherman said he mentioned the priority plan for clearing streets and sidewalks. It was functioning well but we lost it last winter but nature had an impact on that as well. She also asked him to give the Council an update on the progress of the pipeline from the wastewater plant to the river.

Public Works Director Law said the project has started and they are out to bid. J. Hutchins out of Richmond is doing the project.

Council Member Sherman said the people who called her about the debris caught on the Barre Street Bridge haven't called lately.

Public Works Director Law replied there was a large amount that was removed. The issue is the river is still so high that it wasn't even feasible for that contractor to go down and take everything out. They had someone on a line go down and cut up those pieces of wood and chipped them.

Council Member Hooper asked if DEC has given guidance about where they are going on the phosphorous.

Public Works Director Law replied nothing definitive. DEC is really looking at EPA to tell them what the level for Lake Champlain will be. Right now we are removing 85 to 90 percent of our phosphorous. Commissioner Mears is pulling together all kinds of working groups from all over the state and they are meeting with everybody out there. A lot of the stakeholders are there and he is listening to everybody.

Mayor Hooper asked what does it cost to treat the water with fluoride.

Public Works Director Law said the last check was \$10,000 to \$15,000 for a year. The Vermont Health Department is paying for the tank replacement itself through their funding.

Mayor Hooper asked how does the acceptance of septage affect our COD. Does it push us up at all?

Public Works Director Law replied no. Typically what is coming in is almost inactive. It is something that has been in a septic tank for three years and the amount they take is minimal compared to the waste stream that comes in from the pipes.

Fire Department:

Fire Chief Gowans said he has identified a number of areas he thought they needed to make some changes. They need a name that more reflects what they actually do. They have always been referred to as the Montpelier Fire and Ambulance Department, and they do much more than that. They will be changing their name to the "City of Montpelier Fire and Emergency Services"

which more broadly reflects what they do. They need to update their mission statement and they will be sharing that with the department tomorrow. It says: "The mission of the Montpelier Fire and Emergency Services Department is the preservation of life, health, property and the environment for its residents and businesses at a reasonable and acceptable cost. We value the faith and trust of the community and will continually work to deserve that confidence through our conduct and accomplishments. The Montpelier Fire and Emergency Services Department shall develop expertise through innovation and progressive thinking to address change effectively and efficiently while providing fire suppression, fire prevention, building inspections, hazardous materials response, natural disaster response, multi-environmental rescues, public safety awareness programs, medical and emergency care, transportation of the sick and injured and emergency medical public education. Commanded by the Fire Chief this department shall comprise of sufficient personnel and properly equipped to safely accomplish this mission. The Montpelier Fire and Emergency Services Department shall be augmented by a mutual aid assistance agreement with surrounding communities with a common goal of saving lives and protection of property. The Montpelier Fire and Emergency Services Department's members shall be physically, mentally and technologically prepared to meet the mission requirements and shall maintain this level of readiness through a standardized training program while continually encouraging themselves to improve personally and professionally."

Deputy Fire Chief James Quinn reviewed the Fire Department's day to day operations and some things they want to do in the future.

Deputy Chief Quinn said for the first time in 20 years both the Fire Chief and Deputy Chief are residents of Montpelier. They are now fully staffed with six lieutenants, 9 firefighters and 1 full-time EMT per the MATRIX recommendation. For the past five year they have somebody who reads to a child. They do safety presentations to the schools. There are two members of the department who have been certified in checking car seats. They are expanding their community CPR classes. Some of their members are going out to some of the nursing homes and doing a first aid class for their staff members. For the past couple of years there have been some significant changes in their training requirements so they are spending more time on a daily training on the EMS recertification.

Fire Chief Gowans reviewed their call responses. This year they have increased by 3% and have taken 1,863 calls.

Council Member Hooper asked if the fire calls were increasing or was it mostly the ambulance calls.

Fire Chief Gowans replied it is a combination of both. They did reduce one lieutenant's position. Another area they are looking at is ways to increase the service life of their vehicles. Fire engines are 20-year maximum. The national standard and grants now are based on vehicles lasting 25 years.

They continually try to find call force members. They recently had 4 applicants to their call force. They lost one in the physical fitness process and two are struggling to get through the background check. The hiring process is very difficult.

Fire Chief Gowans said the Professional Fire Chiefs and Career Firefighters in Vermont are going to be proposing legislation this year that all firefighters, career or volunteer, will need to be certified at the Firefighter I level. That is a six-month class of 120 hours and to maintain it is 24 hours minimum per years.

Fire Chief Gowans reported they were able to get funding to purchase six defibrillators. Three will go in police cruisers; one in the Fire Chief's command vehicle; one at Montpelier High School; and one to Main Street Middle Schools. The ambulance and fire trucks also have them.

One of their concerns is the depth in their ambulance billing. Right now they have just their ambulance billing administrator and if she is out then it doesn't get done. They have a grant application in now for assistance with an engine.

Council Member Weiss asked Fire Chief Gowans about him transferring the responsibility for billing out of the Fire Department.

Chief Gowans said they are reviewing that now.

11-277. Regional Services Meeting Follow-Up

- a) The governing bodies from Barre, Barre Town, Berlin and Montpelier met on Thursday, November 3rd, at the Central Vermont Chamber of Commerce Office.
- b) Report #2 of the Public Safety Committee was presented. This Committee was formed to *"Create a public safety authority that provides the four communities of Barre, Barre Town, Berlin and Montpelier with an affordable, integrated, efficient system of public safety services (fire, police, ambulance, dispatch) that protects public welfare and provides rapid responses with highly qualified personnel when emergency situations arise."*

c) As outlined in the report, the next steps the Committee's looking at are:

- 1) Member towns commit to a non-binding ballot item in their respective communities which solicits preliminary support for a combined public safety authority.
- 2) Each community includes \$15,000 in their respective 2012-2013 budgets for further work of the committee.
- 3) The committee would continue to refine the preliminary cost sharing formula, as well as the governance model for the authority.
- 4) The committee would continue an educational and outreach role in each community leading to the town meeting vote.
- 5) If successful, the committee will facilitate the hiring of a consultant to work with the committee on the next steps needed including potential charter changes, legal review, cost sharing models, asset and liability review, and governance and transition planning.

d) Recommendation: Discussion; possible direction to staff.

Mayor Hooper commended Council Members Golonka and Weiss for their work on the committee.

Council Member Golonka said he thinks it will be worth \$15,000 to spend on inter-municipal cooperation and it is worth it to engage the level of interest from the community as well. Barre didn't seem as interested which surprised him because he thinks they would have more to gain.

Mayor Hooper reported that the Barre Town Select Board has discussed it and they are interested in whether or not we could reduce the commitment from \$15,000 to \$10,000. They also have a budget committee.

Council Member Jarvis said her assumption in the request for money to hire a consultant is the committee would be hiring someone to work with our various city departments to get information, criticism, questions and suggestions.

Council Member Hooper said when MATRIX was here Bill Fraser said he could do this. The Chiefs of Police and Fire Chiefs are busy people. We can't tell them to do the kind of work that someone coming in that does this type of work can do.

Council Member Weiss said if they had \$60,000 the general envision is that about \$40,000 will go to professional services and \$10,000 for legal fees and \$10,000 for community education. Secondly, if this is approved that money would extend to the entire fiscal year of 2012 and halfway through the 2013 fiscal year because the intent is that in 2013 possibly in conjunction with the March meetings we would have the vote to establish the authority. Any professional group that is hired to do this work will have to follow the MATRIX system which involved people who gave their opinions, direction, and answered questions and responded to polls. He is happy to hear that MATRIX suggestions are being implemented and that will happen if this goes forward.

City Manager Fraser said they need to understand there are multiple levels. First, there is the whole public safety issue. Then, there is the question of what the organization is going to look like. As a city entity we could be losing 30 to 40 employees by reducing administrative expenses. Those are things that need to be talked through. Then you need to talk about how you are going to integrate training standards and performance standards. Then, there is the governance piece. Who is going to be the single administrator of this entity with division and department heads? Then, there is the public education piece. Are people ready to give up their control of their police and fire departments?

Council Member Golonka said it is a leap of faith that there could be more sufficient delivery of services. They aren't proposing anything tonight except some kind of commitment to hire a professional to come in and explore that.

Mayor Hooper said it was helpful to hear Alan say how the money would be spent. There are many questions around cost containment. Let's start small and build on it.

Council Member Weiss said he feels very strongly in terms of the feasibility of this project. There are reasonable steps. Will the communities put up some trust money so they can proceed? Will the communities consider the validity in March or May making a Barre Town to hold a straw vote to see what interest there is on the part of the public? If they write the RFP that helped us to decide whether or not an energy project is feasible, that would be good. It may well be that the recommendation of the professional group will be to take it one step at a time.

Mayor Hooper asked shall the community spend \$15,000 on a feasibility study to do an analysis of public safety issues.

Council Member Hooper moved they put \$15,000 in next year's budget to go forward with the project and commit to a ballot item on the March Meeting.

Council Member Timpone seconded the motion. The vote was 5-0, with Council Member Sherman abstaining.

11-279. Reports by City Council

Council Member Weiss asked the City Manager to place an agenda item on the December 7th or December 14th Council meeting for a final report with or without recommendations from the reapportionment committee.

Council Member Sherman reported that Saturday, November 19th, is Neighborhoods Day which is also the Winter Market. Every year she has been on the Council we have reviewed the City Manager and made decisions about his raise in the last months of February and she would like to do it differently this year. She would like to say good night to Garth Genge. Garth is resting comfortably and sleeps most of the time.

11-280. Mayor's Report

Mayor Hooper reminded Council Members of Veteran's Day Parade scheduled for Friday.

11-281. Report by the City Clerk-Treasurer

Clerk-Treasurer Charlotte Hoyt reminded folks that property taxes were due on Tuesday, November 15th. Payments needed to be in the office, postmarked or in the drop box by midnight on the due date.

11-282. Status Reports by the City Manager.

City Manager Fraser reported they continue working on issues regarding the Berlin water system. They are meeting with the public schools on district heat. They are meeting with their engineers tomorrow to talk about specific issues related to Union School and hopefully meeting with the state. They have also received an e-mail from citizens regarding a budget request. They asked the Council to provide direction about the budget process.

Adjournment:

After motion was duly made by Council Member Weiss, seconded by Council Member Timpone, the council meeting adjourned at 11:14 P.M.

Transcribed by Joan Clack

Attest: _____
Charlotte L. Hoyt, City Clerk

On Wednesday evening, November 16, 2011, the City Council Members met in the Council Chamber.

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

Call to Order by the Mayor:

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

11-284. General Business and Appearances:

None.

11-285. Consideration of the Consent Agenda:

- a) 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 three-month period beginning July 1, 2011 and ending September 30, 2011.
- b) Consideration of becoming the Liquor Control Commission for the purpose of acting on the following: “Added to the Agenda”
 - 1. Reception for the Library at 14 Murray Hill on Saturday, December 3, from 7:00 P.M. to 11:00 P.M. catered by the New England Culinary Institute.
 - 2. Reception at the National Life Guest House at National Life on December 11th from 5:30 to 9:00 P.M. catered by the New England Culinary Institute
- c) Payroll and Bills
General Fund Warrant dated November 2, 2011 in the amount of \$25,498.32, \$32,445.15, \$465,043.41, and \$430.48.

Motion was made by Council Member Hooper, seconded by Council Member Sherman to approve the consent agenda with the addition of two catering permit requests. The vote was 6-0, motion carried unanimously.

11-286. “SETTING OF TIMES” by City Council for the evening...

City Council Members apportioned time to be spent on each agenda item.

11-287. Public Hearing for consideration of the Taser Committee’s Final Report.

- a) City Council Members received, and discussed, this report at their November 9th meeting.
- b) This public hearing is being held to provide citizens with an opportunity to ask questions and provide comment.
- c) Recommendation: Conduct the public hearing; discussions with members of the audience; decision as to how Council will proceed during the budget process.

Police Chief Facos thank the Taser Committee Members for taking their time this summer to work on this voluntarily. If the City of Montpelier were to adopt the use of tasers he had requested 14 taser units in his initial proposal. The costs of each unit is \$810 for a total cost of \$11,340.00. If taser cams were to be considered it adds about \$300 per unit. The certification course just for the device itself for the officers would be from \$1,200 to \$1,500 in additional overtime for the initial certification in the use of the device. The real training would be wrapped into their regular training. In October they just had a policy training during their annual nighttime firearms qualification that included a quiz from the instructors on the policy.

One thing that came up during discussion on the taser was Act 80 regarding law enforcement’s responsibility and how they interact with people in mental health crisis. It is a six-hour training. He is a strong supporter of more training, the better for all of the officers. How as a police officer do they know if somebody is having a mental health crisis? Are they under the influence of something? Is there a cognitive disability? Is there a way to evaluate it? If they don’t already have a history with this individual this will help to evaluate them. The training is a very broad basic level training. Other factors are not to have physical contact with these people. Give them their space. We are there to help them.

Council Member Timpone said she wondered how they would identify someone who had a developmental disability.

Police Chief Facos added that in addition of their response to resistance there is a policy with immediate compliance that they provide service to all members of our community.

There is a misinterpretation about the vulnerable populations. There are some circumstances that have been in the proposed policy such as a pregnant female that would require a deadly force situation. If someone is intoxicated, on cocaine or someone that is potentially assaultive, they have to consider what has happened. They had a case back in September of this year where there was an individual in the afternoon threatening to push some people in the street and trying to pick a fight. The first officer arrived on the scene and tried to interact with this individual and at one point it got physical. The subject verbally threatened that he was going to assault the officer. The officer pushed back to create some distance, at which point the officer pulled out his baton and the subject said he was going to kill him and charged the officer. That's the real world scenario where you don't have time to sit there. It's not that sterile an environment or a controlled safe environment where you can take full advantage of the negotiating skills.

Ironically, after last week's City Council meeting there was an intoxicated female subject that was in protective custody. At a certain point it was time to take the handcuffs off and thought the person was going to be compliant. The first thing she does is turn around and punches the officer in the nose. She had to be restrained once again. In a real world situation where was the space and time to deescalate that? Specific to the question of the taser that would be a first example back in September when the officer did use his baton to bring the subject into compliance and be handcuffed.

Council Member Timpone asked if officers were equipped with body voice recorders currently. She asked if they should have body cameras that are on all of the time.

Police Chief Facos said the body mikes the officers will have on them, and when they are activated is in conjunction with the mobile video recorder in the cruiser. An officer on foot patrol or bike patrol wouldn't be equipped.

Council Member Timpone inquired how they track the use of tasers. Will it be made public?

Police Chief Facos replied absolutely, that is one of the recommendations even though the Committee advised against tasers. That was one of the points of agreement. The electronic data from the devices they can store forever. Referring to Burlington, they have a policy that they would release a

use of force report annually of the number of times a taser was deployed, displayed or actually utilized. Burlington does a press release. This is a very important topic in this community and we need to have some sort of discussion about why they utilized the taser.

Council Member Timpone said she heard something about the increased use during the first year. How would they go about decreasing that?

Police Chief Facos replied training and more training and accountability within the policy. They do a lot of scenario based training.

Council Member Sherman said Police Chief Facos just gave the Council an updated policy on use of force and it is marked draft.

Police Chief Facos replied it is a draft because it is a policy that has the taser in it.

Council Member Sherman said it looks like it includes many of the recommendations from the Taser Committee Report.

Police Chief Facos said they added clarifying language that said poses threat of injury to themselves or others. There was an exposure of 15 seconds or longer of a taser or more than three or more discharges that automatic medical attention at the ER would be required.

Council Member Weiss said the Chief was quoted in a recent edition of the *Times-Argus*: "The decision to add tasers to the patrol officer arsenal is not something he took lightly. However, he also said he doesn't need the City Council's permission to purchase tasers. He has the legal authority to arm his officers however he sees fit." What source gives you the legal authority?

Police Chief Facos replied Title 24 § 1931 regarding the Police Chief's responsibility to oversee the direction of the police department.

City Manager Fraser replied the charter also says that the city has administrative control over all departments. They have in the past added equipment to the Police Department but in this case they wanted to go through a public process and respect the city and City Council. Just because in theory that could be done this shouldn't be considered as a threat.

Police Chief Facos said nothing has changed in his respect for the wishes of the city on this topic.

Council Member Golonka thanked Chief Facos for the cost estimates. There are a lot of other costs that seem to be inherent – the cost of the cartridges, batteries, special computer system – and when you add them all up it is anywhere from \$20,000 to \$50,000 a year. He is trying to get a feel for the need in Montpelier. He needs to analyze in his mind whether financially it fits with Montpelier. If we have one incident a year is it worth the outlay of cash that we are going to be spending on an annual basis based on statistics from other towns on a per capita basis?

Police Chief Facos replied he did not factor in the cost of the data storage. He talked to Taser International two hours ago and the cost for a 25 foot cartridge would be \$23 per unit and then the training cartridges would be \$19 per unit.

Council Member Golonka said he is trying to look at what the annual budget would be if they include tasers in the department's arsenal.

Police Chief Facos replied once they have the devices he can't see it being \$20,000 annually. The training time to certify officers for the device would be the one cost he mentioned but the rest of training they would incorporate into their use of force training they do regularly. There is a substantial amount of overtime as well as regular staff time but they would be doing that anyway.

Council Member Golonka asked if he had any idea the number of uses in South Burlington on a per capita basis.

Police Chief Facos replied he could get the data for him. It would be a very small number of deployments annually he would see in Montpelier for a typical force scenario if any. One of the things that makes it very attractive for police administrators is the fact that there is good statistical evidence that having the device there is much greater voluntary compliance because the device is present.

Mayor Hooper asked if he could expand on the training we currently have as well as the training we would look for. He said the Act 80 training is a six-hour training.

Police Chief Facos replied that is a one-time training. There needs to be a recertification process and no one has that curriculum yet so they don't know what that will encompass. It is something they deal with on a regular basis here in Montpelier. There are people who have certain disabilities and challenges. Part of that is for the department and how they interact with

Washington County Mental Health who is their partner in a crisis setting in the field. One thing they haven't done yet are the scenario based training and bringing them to that training.

Mayor Hooper asked if all of our officers had Act 80 training.

Police Chief Facos replied they all have Act 80 training or the higher level of hostage negotiation training. All of the dispatchers have that training as well. The goal of the committee is to have every police officer and every law enforcement officer in the state have that training.

Mayor Hooper asked if the de-escalation techniques were a separate training.

Police Chief Facos replied it is incorporated into that training. For a recruit at the Police Academy they get the Act 80 curriculum but also have scenario based training in their patrol procedures. What they do in their response training is bring in firefighters to train with them. The old training at the Academy was done by the FBI and it was hostage negotiation primarily. When you took the advanced training it was also crisis intervention.

Council Member Timpone asked how often they used Washington County Mental Health.

Police Chief Facos replied it depends. Sometimes it is several times a week and sometimes once every two weeks. They are available 24 hours a day.

Mayor Hooper said another area that would be helpful to explore is the safety of our community and the safety of our officers. We all have the perception that this is a very safe community we live in, or the vast majority of us. She would like him to talk to us about the experience and training that all police officers have in terms of when they do a vehicle stop, when they have been called and the assessment they go through. What are officers trained to be looking for and how to manage the situation?

Police Chief Facos said police officers are always evaluating everything that is going on, the nature of the call, prior information they have, etc. The bottom line is it is all personal and human interaction. Part of why they train often is so they don't get complacent.

Police Chief Facos thanked everyone who served on the Taser Committee. He takes the topic very seriously and he knows they did as well.

Mayor Hooper acknowledged that Zachary Hughes and Jeff Dworkin could not be present this evening, but there are other members of the committee present. The City Manager gave a memo to City Council in response to the Taser Committee Report as well as a revision of the policy.

City Manager Fraser thanked the Taser Committee. His main concern is the safety. He recommended they put this back in the budget for January so he is on record as being in favor of tasers. He doesn't really like the idea of tasers and he understands why people have reactions to them. The only points he would add is he thinks they can provide safety to the city's officers who are in confusing situations and provide a safer distance so they don't end up in a hands-on situation. He believes they can provide safety to other people involved in the case. In the course of this discussion tasers have been isolated and they are the topic of conversation. We need to point out that batons can hit people and break bones and are dangerous weapons that our officers carry. OC spray burns people and can affect their respiratory system and is a dangerous weapon that our police officers carry, and of course firearms are dangerous weapons. For that matter vehicles which are in high speed pursuit are dangerous. The taser isn't the only device that could potentially cause an injury or be dangerous. Tasers are controversial and we can accept that the staff says they need them, but they are not at the same lethal amount of force as firearms. Like all tools, with proper training and proper accountability there is a place for them. We don't have a lot of use for this in Montpelier. We don't always provide for risk management based on the number of incidents. They do invest in preventive safety devices. He certainly respects people who have concerns over these devices.

Council Member Weiss said he appreciates the memo. At the bottom of page one he indicates that training may cost between \$30,000 and \$50,000. How does that relate to the numbers Police Chief Facos gave us?

City Manager Fraser replied this is the training specifically for the crisis intervention training. They recommend that all officers receive this training. Currently, that particular training is not offered in Vermont so there is time away for the officer and overtime replacement costs and lodging and travel plus the cost of tuition, so it is approximately \$2,000 to \$3,000 per officer. For all 17 officers it would be between \$35,000 to \$50,000. One option they could consider would be to see if they could get together with other departments and bring the training here. This cost could be spread out over a period of time.

Council Member Weiss asked if the policy would be that only those officers who are trained would have access to a taser.

City Manager Fraser said they wouldn't send an untrained officer out without training.

Council Member Jarvis said in terms of reporting incidents the memo suggested that at least in the early onset of the process that the Council would be briefed.

Polly Ellerbee, a member of the Taser Committee, said the revised use of force policy and memo from Bill was received by the committee members this morning. After six months of work they received the documents this morning. Jeff Dworkin sent an e-mail which she would like to read:

"I will not have time to even study the new policy that will be coming from Police Chief Facos or Bill's memo. I write to say that I do not believe that last minute policy proposals that cannot be methodically vented are responsible or a respectful way to handle difficult and complex matters of government, especially those about which the public has shown a deep concern. This matter has been pending for the past six months. I do not understand springing this new material on the Council and the public on the day of a vote."

Ms Ellerbee went on to say that vulnerable populations is defined by the Taser Company and among those vulnerable populations are those who are intoxicated or those who are on drugs. Taser International itself warns against the use of tasers on those populations. She would like to reiterate that our police have in fact done a superb job so far. They have handled every incident that we saw there with what they had, and they have handled it successfully. She still doesn't see the need for tasers. Tasers are limited. If somebody is too close to you, if you are in the middle of a fight, you can't really use a taser because you might get shocked too. She agrees with the Chief on the matter of taser cams. She thinks they are extra money that would not be worth spending. Please don't decide to get them. There is very little chance of a taser needing to be used in the situations in Montpelier that have happened – not that we imagine could happen. Please note that the 6-hour training does not contain scenario based training. Baton and pepper spray are generally non-lethal; tasers have a lot more chances to be lethal, particularly if one has one of the conditions that Taser says don't use a taser but a police officer has no way of figuring out. If she has a pacemaker, how do you know? If a police officer is in a physical fight with someone he is too close and can't use a taser because he might get shocked himself.

Marilyn Mode, a member of the Taser Committee, said as a matter of background she spent 16 years with the U.S. Marshall Service and another 5

years with the NYPD, although in a civilian capacity. She is the last person to try and second guess a cop. She is very concerned about the introduction of tasers into this community. Having spent the last six months studying the situations she doesn't see the need. There is just too much room for mistakes. The other thing she is really concerned about is what they call "Lazy Cop Syndrome." Even the Chief's policy talks about introducing the taser early on before the suspect gets tired out because if you tase him while he is tired out there might be more risk of injury. Even with the new information they received this morning there just doesn't appear to be a need for this really dangerous kind of unspecific and volatile weapon.

Jewel Love said she wants to talk about vulnerable populations. There is another vulnerable population walking around and she belongs to it, people with some form of environmental illness particularly that of electromagnetic sensitivities. We are so sensitive that we don't have to be tasered but be nearby and be very badly injured or killed. She cannot walk down a street that has overhead electric power lines within a few feet. She was a police officer for a few years, part-time, voluntary, carrying weapons and fully trained in a terrorist situation. She wouldn't want to try out guess when she could pull the weapon. If she pulled a gun she would know she was going to shoot somebody but she doesn't know with the taser. She spent a lot of years in Honolulu she called the Honolulu Police Department and talked with the Chief's Office about tasers. They have had them for two years and have had no deaths or serious incidents but they treat them as seriously as guns so that any time one is even drawn, let alone used, endless reports have to be written and investigations done.

Mary Alice Bisbee said she has lived in Montpelier for the past two years. She is a native Vermonter. She wants to talk about the vulnerable population. She thinks every citizen in this city and in this state is vulnerable populations or could be. She spoke of when she had experienced a psychotic episode many years ago. You can't tell who is vulnerable or when they will be vulnerable when that thing will strike fear into your life that you will be combative. Whether you are a criminal or considered mentally ill sometimes has to do whether you are poverty stricken, social and economic status and who you have for friends. Who is going to be there to rescue you? She is merely concerned that the city of Montpelier has many people that have developmental disabilities and have emotional and psychological problems that may not be evident at the time. She also wants to address some of the concerns about money. She isn't a big taxpayer but they are talking about \$100,000 or \$150,000 and with people here with budget problems this would

be a good way to save money. \$60,000 for a social worker was one of the things they recommended. Where is that money coming from? They had a whole program on tasers on 60 Minutes the other night and the marketing that the taser company does to get these out in every community. It's like an I-Phone or an I-Pad – you have to sell tasers now. She hopes the Council will vote no.

Michael Baker said he has been a resident of Montpelier for 3 months. The whole purpose of getting tasers is so that the police will have the opportunity to use them. If there are no tasers then there is no possibility of them being misused in a situation where it's not necessary. If you have been following the Occupy Protests in Seattle there was an 84-year old woman and a 19-year old pregnant teenager who were maced for being totally nonviolent. He is worried that same kind of thing will happen with tasers.

Vicki Lane, a resident of Montpelier for 18 years and a Member of the Taser Committee, said she would urge the Council to bear great weight on the Minority Report. It was sent to her by Nick Marro and it seemed very realistic, very reasonable and well balanced. She has a scanner at home and believes she heard part of the incident that the Chief was talking about happening in September. From what she heard it sounded like a situation in which a taser would have brought the situation under control. She liked Andy's comment last week when he said if it was a choice between being shot with a gun and shot with a taser she would prefer being shot with a taser. She urges the Council to put a great deal of competence in the Minority Report because it was well tailored to the Montpelier community. We have to think not just of the officers but our fire personnel have been subject to some not too nice behavior in the past.

Mark Billian said he needs to make a disclosure. He knows the issue of bias has come up in previous discussions with regards to the Taser Committee's Report. He comes with some issues, too. He said he and his family are indebted to the Police Department in this town. He can't image a more supportive professional caring group of individuals. He also is a friend of Jeff Dworkin and knows something about the process. He also knows Nick Marro. He came to urge the Council to say no to the purchase of tasers. It is clear there are strong arguments on both sides of the question. The charge to the committee was to make an assessment of need for the weapon in this community. There are obviously hypothetical situations where a taser could be useful. The committee could only focus what has really happened here and not what could be imagined. Bill's memo says he measures need differently perhaps as the city's obligation to reasonably protect its employees and its citizens from bodily injury or harm. Violent encounters are most

certainly infrequent but when they do occur they are dangerous for all involved. He considers this inevitable. How do you resolve these two competing definitions of need? The committee could only study the Police Department's statistics and typical force scenarios it was given. Bill counters with the belief that an injury is not hypothetical but inevitable. He thinks the Attorney General's comments are instructive. Attorney General Sorrell stated he thinks Montpelier deserves a lot of credit for taking the approach they took. They studied it in detail and made a recommendation so they can decide the police force in Montpelier will reflect the community values of Montpelier. One thing to make clear is that taser is a weapon as is a nightstick, baton or pepper spray. People do die as a result of having a weapon like a taser or baton used against them. What are our community values? He thinks one of the values is they need to protect the men and women who are in charge of policing us, but balancing that is a related value in that when we do send the police force out we expect they will exercise their power effectively and appropriately given the composition of our population.

Ashley Portmant, a resident of Montpelier, asked the Council consider not implementing the use of tasers in our community. What is the message and perception we are building in our community and how is this adding to our safety? Why do we need another weapon? Please remember we are a representative democracy and the majority of Montpelier residents do not approve the use of tasers in this community.

She read a letter from Daniel Stein who spoke as a concerned citizen of the City, a voice for future generations and as a human protecting the rights of all people. He spoke against the purchase of tasers and asked that the council not approve there purchase.

Casey Walsh said he agreed. He thinks it says a lot about impartiality within not just this community but also certain press agents within this community. Democracy is broken and cannot work or function.

Jake Larabee, President of the Montpelier Firefighters Union, Local 227, said he isn't pretending to be an expert on tasers or law enforcement. We have a very knowledgeable and expert Police Chief who he trusts. Several of his members over the last few years have been injured or had exposures to infectious disease while on duty. Most of those incidents may resulted differently if the officers had tasers. The committee discounted all those incidents which was painful for them to sit back and listen to. There were three individuals who were exposed to blood that turned out to be positive for hepatitis B, C and others and they waited six months while they were routinely tested and received vaccinations waiting to find out if they were

exposed. He asked the Council to support our Police Chief and the emergency personnel here in the city of Montpelier. The members of the Firefighters Union support him.

Marjorie Power said she has lived in Montpelier since 1985 and served on the Council in the mid 90's and this was never an issue that ever came before the Council at that time, even though tasers did exist and were in use elsewhere. She has come to the conclusion that we need to think about where we are and what we are comparing ourselves to. She lived for nearly 20 years in a country with a big city where the policemen did not carry guns as a routine matter. If there was a big incident they would have to check out guns as a special tool to deal with that particular incident. She now lives in a country and community where police routinely carry guns. Tasers are not what we need. She is concerned in a wider context because what she is seeing as the growing norm around this country is that police departments are becoming more militarized in their gear. Some police departments have tanks. Before they move to the next step up we need to consider whether this is the ultimate place to expend those funds in conjunction with our policing. What the report shows is that most of the incidents that are likely to generate taser use are also ones that involve populations where it is recommended that it not be used. She is a little old lady and little old ladies are one of the groups that you shouldn't use them on. In the not such long distance future 50 percent of the population of Montpelier is expected to be old people.

Jack McCullough said he thinks the committee did an extremely professional and thorough report. He urges the Council to adopt that report in its entirety as their decision. From his study of this issue he can see that both a snare and a delusion that the city would do well to avoid. They are a snare for a couple of reasons. One, they will inevitably lead to the increase in the frequency and lethality of use of force by the Montpelier Police Department. Secondly, they will discourage reliance by the Police Department on nonviolent methods of crisis intervention, and these are both things they want to avoid as a community

John Odum said with regards to Bill's memo where he cites the core issue being safety, there is a piece where it says the committee reviewed use of force and workers' compensation claims and concluded the risks in Montpelier didn't warrant the issuance of tasers. They noted that most of the injuries were minor as being punched, kicked and grabbed in the groin or otherwise engaging in hands-on fighting and wrestling which are considered in most work places. Would this be acceptable for our firefighters or teachers? That seems to read as presenting an appropriate threshold for deployment.

Dave Cass said there is another representative population here which probably consume a fair amount of the Police Department's time and energy, and that would be underage drinkers. His question to the Council would be, would they like to explain to a parent how his or her son or daughter got tased running away from the police at a beer party, fell and hit her head on a rock and is now in intensive care? Any weapon purchased will eventually be used. If you can foresee no use, then there is no reason to buy this weapon. You have to examine your consciousness's and ask yourselves to address that parent. What would you say to that dad?

James Quinn said he was born and raised in this wonderful community. He owns a home here and is raising his children here. He is 100 percent in favor of tasers. They are a tool that our Police Chief recommends. He has 100 percent faith in his abilities to train his officers. He doesn't see they are something they are going to want to deploy or overly deploy. It is one more tool in their tool box to mitigate situations. We have a very highly trained and effective police force. He has been in some terrible situations as EMT and firefighter in this community of suicides, drug overdoses and things we like to believe don't exist within our community. He would like to remind people that two weeks ago there was a shooting in Montpelier a few blocks away from where he lives.

Mayor Hooper closed the public hearing at 8:43 P.M. She thanked the Taser Committee. It makes her deeply grateful to live in Montpelier where we try to listen hard to each other's points of view and understand community issues. She appreciates very much that the City Manager took the time to respond point by point in his memo to the report of the committee. The Council also received a draft policy recommendation. She isn't in any way ready to consider that in her thinking about this issue. Last year when they were having this conversation she wrote the Manager and Chief of Police a memo that says she could imagine it would be appropriate to use tasers in this community under certain circumstances. One would be a robust community discussion around the issues, particularly thinking about the Maryland Attorney General's report that talks about community engagement so folks understood the need for having them. She is concerned about the training. We need to have an adopted taser policy about how it would be used before she could consider it.

Council Member Weiss asked if this was the appropriate time for action.

Council Member Golonka added he hasn't had a chance to read these two documents they received today. He has always had problems when they get documents the last minute and has voiced his concern about that. He thinks

it does a disservice to the committee. We have asked them for six months to explore this and he doesn't want them to have the opinion that the Council's isn't reviewing this.

Council Member Golonka moved to table this agenda item until the committee has had a chance to review the documents and come back at their next meeting on December 7th. Council Member Timpone seconded the motion. The vote was 6-0, motion carried unanimously.

11-288. Consideration of the City's Health Insurance

- a) The City's Employee Committee reviews the health insurance coverage annually.
- b) The Committee is prepared to make a recommendation to the Council which will keep the City's health insurance increase to a minimum this year.
- c) It is the Committee's goal to have reviewed their recommendation(s) with each employee group prior to this evening's meeting.
- d) Recommendation: Receive the Committee's recommendation; opportunity for discussion; direction to staff.

City Manager Fraser said this year they continue to see increases in insurance costs and this year because of the changes in the health insurance markets they reconvened the employee committee and challenged them with options. If the City stayed with the current vendor the City's costs would have risen over \$100,000 next year.

Finance Director Gallup said they had been meeting since April with a lot of employee groups and working to understanding the changes at the League and our options as well as having a new broker come on board to advise us and then reaching out to the employees once there was a recommendation. A couple of years ago they were fortunate to shop around and get something that everybody could agree on and that was affordable. Blue Cross/Blue Shield is a change in carrier. They are proposing to the Council for 2012 we change back to Blue Cross/Blue Shield and up the deductible a little bit which puts them even more at risk but the broker did calculations based on usage over the last 18 months and this looks like a good opportunity for us to continue with. The employees agree with it. In the plan there are different

deductibles for singles, two-person and family. Right now the city covers of the \$3,500 total, out of pocket \$3,000 and the employee \$500.

In the new plan it is \$4,000 for the single and the city is going to pay \$3,500 and the employee \$500 so it won't change.

Bob Gowans said the difference with the two-person and family the employee is responsible for \$1,000.

Council Member Weiss said based upon the report and recommendation from the Chair of the Committee he moves that the Council approve the benefit renewal rates for 2012 and shift to Blue Cross/Blue Shield. Council Member Hooper seconded the motion. The vote was 6-0, motion carried unanimously.

- 11-289. Consideration of a letter from 20 Montpelier citizens/merchants/property owners re: "the impact of our city's municipal budget on the affordability of our community and its economic vitality.
- a) City Council received this letter dated November 9, 2011, which outlines their concerns, requests and suggestions for the Council to consider during the upcoming budget sessions.
 - b) Staff invited those who signed the letter to attend tonight's meeting for this discussion.
 - c) Recommendation: Brief introduction from those who attend; discussion.

Mayor Hooper said they received a letter from some people in this community about a better budget and the affordability of our community.

Peter Nielsen handed letters to Council Members. It was a discussion that started on the sidewalks among neighbors who were noticing a couple of things happening around them. Many of the folks involved in these conversations had lost jobs recently in previous years or owned business that were facing serious budget concerns of their own because they were making less money, sending kids off to college, beginning to retire, or trying to sell a house and finding it wasn't so easy to do any more. The conversation started about how our new property tax bills were once again higher and there was something alarming about all of this. As they began to discuss it in small groups they decided they loved Montpelier and all attracted here for the

quality of life that it presents. They value all the great things it gives us – safe neighborhoods, great schools and a strong community spirit but are concerned about the increasing costs they are faced as taxpayers and the impact it has on our local economy and downtown. After a year of talking and working with the City Council this letter asks that business start being done a little differently. Instead of the process being you receive a budget from the City Manager and then discuss it that you actually ask the budget figure be reduced this time and task the City Manager and department heads with the job of presenting the City Council and the Mayor with a budget that is 3% less than it was this past year. There are over 100 signers on the letter right now and they are just beginning to collect the signatures. They are here to engage with the City Council in this process and hope they can have some effect this year.

Mayor Hooper said she is a little frustrated about the notion that this is a new process. Just for the record, yet again, for the past seven years and more in her experience they sit down with the City Manager and give him a target for how they expect the budget to be brought in. He then gives the Council a budget and then they have the public process. This has been a collaborative process between the City Manager and the Council, and she hopes with the community. They would like to have that more detailed conversation with members of this group on December 12th at 5:15 P.M. She was of the impression that with the budget that unless they fundamentally cut services or programs we can't find the one or two percent decrease. They really need to cut services they are providing.

City Manager Fraser said in their plan they are going to present the city budget on December 7th. Then, there will be six more Council hearings on the budget. Three percent of the total budget would be about \$325,000.

Council Member Jarvis said in past years they have had initial conversations about what our tolerances are in terms of tax increases. That conversation this year got meshed in with the increased spending on infrastructure and not having made a decision about how much bonding we were going to do. She thought they would get some more pointed direction at the community forum in terms of how much bonding would be appropriate.

Phil Dodd said this might require cutting some services and some serious decisions. He thinks they recognize that and this is the moment to have that kind of discussion. It is a big job and a tough one. We do have high rates compared to other cities, even cities of a similar size. The recession is biting for some people. We heard at the community supper about the \$500,000 spending needs on roads and infrastructure which is pretty sobering, but in

light of that maybe this is the year to really think about this and scrutinize the budget a little more closely. It might be helpful if some major items could be identified as points of debate. The people who signed this would like to see a fresh look.

Mayor Hooper said if you think about what the budget is with outside agencies and how much the city contributes to them, we have an obligation to provide core services – roads, fire, and police – and unless we are willing to fundamentally change fire and police she isn't sure where the opportunities are within those departments. They could not plow sidewalks. When you go outside of the core of what the fundamental services are that a community provides, then she is at the contributions to the outside agencies which adds up to \$50,000, \$100,000 or what they call community enhancements, and then there is the Library which is \$400,000.

Peter Nielsen said should they look at the core services of fire, police and public works, he thinks they should. If that is where 75 percent of the budget is being spent then they should absolutely look there. One of the things he is really happy about with the city of Montpelier is we have Bill Fraser because this is when we need him to dig in and show us what are the other models for cities of 8,000 people to have a police and fire department. He is aware of places where they have combined them into an office of public safety with one chief. That's not something he is suggesting but he would like to know what the other models are. How is this done? It has to be done at a better cost than right now for what we are paying for it. They are looking for that informed guidance.

City Manager Fraser said one of the difficulties is that for a city of 8,000 isn't the same as Barre Town with 8,000. They don't have a downtown. We have more people coming into town during the day and night. Not everyone who has an altercation with the Police Department is a resident whereas it is more residential in Barre Town so they don't need the same level of services. Everyone is in favor of a 3 percent cut until their favorite thing is cut and then suddenly things change.

Mr. Nielsen said it does feel to them that they are on an unsustainable path and just increasing expenses.

Council Member Weiss said right now both sides are thinking in the box and if you are going to make any successful movement you have to decide to start to think outside of this box. What are some examples? We have multi million dollars' worth of bonds. We should have them analyzed and see which, if any, can have the interest rates reduced? We need to start to talk

about can we take some of the city's services and move them into the private sector. Unless they start to seriously think out of the box we aren't going to make sufficient progress, and he hopes they can do that.

Phil Dodd said there may be signatures on there from downtown merchants or property owners. This is an economic development issue, too. Commercial properties pay the same school tax statewide. It is a nonresidential rate and the same in every single town and city in Vermont. The only thing when a business is looking at taxes is the municipal tax. That is where it is a detriment to us to get businesses to build or move here.

Mayor Hooper said the proposal is to reduce the budget by 3 percent and the proposal would get us 6 cents on the average house. It would be on the order of \$100 less on a tax bill on an average house in Montpelier. Is that enough? What is a low enough rate that would make people think it is the right value?

Mr. Dodd said they are talking about bending the curve here so that instead of seeing an increase in their taxes they would actually see a decrease. A drop of \$100 would be welcomed.

Council Member Hooper said he is glad this is happening. There is certainly a strong discontent and it is nice to see it personified and have a chance to create some changes.

Council Member Golonka said this is a well thought out discussion. People in the community have to be willing to vote no and if we keep getting 70-75 percent approval on our ballot items what is that message telling us? We have to balance the whole community.

Council Member Jarvis said the Council needs their help and most important is the way they will be able to give the Council some input in terms of their tolerance for cuts. What they get for input is an overwhelming positive vote on the budget and then demands for more and faster service. The Council doesn't hear anyone telling them to please don't do this. The point of us being very high on the list of communities in terms of our tax rate is probably because we are probably also very high on the list of better communities to live in. Some of the things that make us most desirable are some of the things like our core services. We have done an in-depth study of our own departments and asked them to look at outsourcing and whether they could combine or align departments better and they brought suggestions to us. In terms of if they can do what they are doing better and more efficient she thinks the answer is no so how should we do things differently to make it more affordable?

Linda Setchell, a supporter of the letter, said one of the things they talked about in relation to the 70 percent approval rate is that as a citizen in Montpelier and a voter in Montpelier what you get to approve is a core budget and that's the level of participation you have. When you see the 70 percent approval rate what they are seeing is the option to vote on other things. How many people will this forum reach? One thing she is interested in discussing in terms of core services is the Police Department. She has a child in Union Elementary School and there are no police officers anywhere near the middle school or elementary school either before or after school. She grew up in Florida and there were always police officers outside the schools when the kids are going in and coming out. The other day she is walking down the street and some little girl is crying and she called her parents and had to take her to the school office. If we are paying almost a million dollars for a police budget where are they? She doesn't live in the best neighborhood in Montpelier but a bad one. She doesn't think we need to spend \$14,000 plus another \$50,000 for training on tasers. She is interested in having a discussion about community policing and interested in having a discussion about that budget.

Peter Nielsen thanked the Council for engaging with them and inviting them to future discussions about the budget.

11-290. District Heat Update and possible approval/signing of a contract with the engineering firm of Hallam-ICS.

- a) In his November 10th Weekly Report to the Council, the City Manager outlined the status of the key issues related to District Heat.
- b) As a result of a meeting of the District Heat Committee held on November 10th, staff feels that a contract with the engineering firm of Hall-ICS will be ready for consideration this evening.
- c) Recommendation: Receive update; discussion; possibly sign contract with Hallam-ICS.

City Manager Fraser recommended the Council approve the contract and authorize him to make technical changes.

Council Member Weiss said based upon the work that was done and the recommendation of the Montpelier Energy Advisory Committee he would move approval of a contract with the engineering firm Hall-ICS. Council

Member Jarvis seconded the motion with a friendly amendment to authorize the Manager to make any final technical changes to the contract.

Council Member Golonka asked what this is for.

City Manager Fraser said the agreement is a 50/50 match. They want to start in January 2012. Then we need to look at our total project budget and after we have taken out the funds we have already spent we have \$4 million left for construction.

Bill Nenburgh said he is the project manager for the job. There are deliverable dates. If they don't meet the deliverable dates there are certain consequences. The city could fire them, terminate them for cause and tell them you don't like the work.

Mayor Hooper called for a vote on the motion. The vote was 6-0, motion carried unanimously.

11-291. Reports by City Council

Council Member Weiss reported that tomorrow at 4:00 P.M. the members of the Reapportionment Districting Committee will be meeting. That will be the meeting where they are finalizing the numbers and be on the Council's agenda for December 7th with recommendations.

Council Member Golonka said he would like to ask Bill to look into what it would take to change the threshold to put a ballot item on for a charter change. He has decided not to serve on the Library Board. His term ends in December and he has been on the Library Board for six years. That brings him to the question as to how the Council wants to address that open spot. It has been valuable having a member on the Library Board.

Council Member Weiss said he thinks a Council Member serving on the Library Board is a conflict of interest.

Mayor Hooper suggested they put it on the next agenda for discussion.

Council Member Golonka said he will still serve on the Library's Finance Committee but not as a Board Member.

Council Member Jarvis reported that First Night Buttons are on sale.

Council Member Timpone thanked Mary, Bob and Tony for helping serve Thanksgiving Dinner at the Union Elementary School.

11-292. Mayor's Report.

Mayor Hooper said it was a lovely event at the Union School with the parents having lunch with their children. She thanked Angela Timpone and Nancy Sherman for walking in the Veteran's Day Parade and Alan was at the ceremony.

11-293. Report by the City Clerk-Treasurer.

None.

11-294. Status Reports by the City Manager.

City Manager Fraser noted the passing of Garth Genge who contributed a great deal to our community. The services will be on Friday, November 18th at 3:00P.M. in the City Hall auditorium.

11-295. Additional Agenda Item

Mayor Hooper said they have had a request to waive the city portion of the fee for the use of the City Hall Auditorium for Garth's Memorial Service.

Motion was made by Council Member Hooper, seconded by Council Member Sherman to waive the fee. The vote was 6-0, motion carried unanimously.

Adjournment:

After motion was duly made and seconded by Council Members Jarvis and Hooper, the council meeting adjourned at 10:15 P.M.

Transcribed by Joan Clack

Attest: _____
Charlotte L. Hoyt, City Clerk

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

WHEREAS, the City of Montpelier, Vermont (the "Issuer") intends to construct heating system improvements authorized at the June 14, 2011 special City meeting (the "Project");

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

WHEREAS, the Issuer reasonably expects that for that part of the Project consisting of design and construction costs, debt obligations in an amount not expected to exceed \$2,750,000 will be issued and that certain of the proceeds of such debt obligations will be used to reimburse the Reimbursement Expenditures; and

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

NOW THEREFORE, the Issuer declares:

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

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

Section 3. The Issuer hereby declares its official intent to use proceeds of indebtedness to reimburse itself for Reimbursement Expenditures, with 18 months of either the date of the first expenditure of funds by Issuer for such Project or the date that such Project is placed in service, whichever is later (but in no event more than three years after the date of the original expenditure of Issuer funds for such Project), and to allocate an amount not to exceed \$2,750,000 of the proceeds thereof to reimburse itself for its expenditures in connection with the Project.

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

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

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

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

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

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

City Clerk

November 16, 2011

JPG:pw

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 John & Katherine McCann

d/b/a North Branch Vineyards

Address: 82 Trillium Hill

Town/City: Montpelier Zip 05602

Manufacturer's License No: 6481-001-MANU-01 Email: Vineyards.Cann

1. Describe the special event: Touch of Vermont Holiday Gift Market

2. Location (specify defined area, include address of event): 10x10 space located on the 2nd floor of Montpelier City Hall, Main Street.

3. Date of event: 12/10/11

4. Hours of operation: Beginning 9 AM Ending 4 PM

Signed: John McCann Date 11/22/11
(manufacturer)

(circle one)

APPROVED

DISAPPROVED

Town/City Clerk signature

Town/City

Date

Vermont Liquor Control Board:

APPROVED

DISAPPROVED

(authorized agent)

(date)

Sandy Pitonyak

To: L-Council
Subject: Application for a Special Event Permit

John and Katherine McCann, d/b/a North Branch Vineyards, have applied for this Permit in order to participate in the "Touch of Vermont Holiday Gift Market", being held in the City Hall Auditorium on Saturday, December 10th, from 9:00 A.M. to 4:00 P.M.

From: Tom Golonka [tomgolonka@comcast.net]
Sent: Tuesday, November 29, 2011 9:13 AM
To: Sandy Pitonyak
Cc: L-Council
Subject: Re: Application for a Special Event Permit

Ok with me.
Tom

From: Nancy Sherman [nsherman@cvcoa.org]
Sent: Tuesday, November 29, 2011 9:40 AM
To: Sandy Pitonyak; L-Council
Subject: RE: Application for a Special Event Permit

Hello Sandy
Thank you for the clarification that wine will not be served. I approve the request.
-Nancy

From: Angela Timpone [angelatimpone@gmail.com]
Sent: Tuesday, November 29, 2011 10:13 AM
To: Nancy Sherman-cvcoa
Cc: Sandy Pitonyak; L-Council
Subject: Re: RE: Application for a Special Event Permit

Ok with me. Angela

From: Timothy Andrew Hooper
Sent: Tuesday, November 29, 2011 12:16 PM
To: Angela Timpone - GMail
Cc: Nancy Sherman-cvcoa; Sandy Pitonyak; L-Council
Subject: Re: Application for a Special Event Permit

Go for it!

From: Sarah Jarvis
Sent: Tuesday, November 29, 2011 4:40 PM
To: Angela Timpone - GMail
Cc: Nancy Sherman-cvcoa; Sandy Pitonyak; L-Council
Subject: Re: Application for a Special Event Permit

I approve.
~ Sarah

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

Caterer's Permit Number _____

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: McGillicuddy's Irish Pub
Street: 14 Langdon St. Town/City: Montpelier
Contact name and phone number: David Nelson / 802-279-0232
Email or Fax # Nelliepub@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: 40th wedding Anniversary
party
2. Location of catered party (street, town or city; if no address, describe location): Union
East Ave. Gymnasium Montpelier, VT. 05602
3. Date of catered party (not more than five days, unless specifically authorized): Dec. 18 ²⁰¹¹
4. Hours of operation: Beginning 1:00pm hrs. Ending 9:00pm hrs. No. of Persons 70

Signed: Paul M. Nelson
(caterer)

Date: Nov.

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.

MEMORANDUM

PREPARED FOR: Mayor, Council Members and City Manager

REGARDING: Reapportionment

FROM: Mr. De Smet, Mr. Hingten, Mr. Hooper, Mr. Scharnberg,
Mr. Weiss

DATE: 7 December 2011

I. BACKGROUND

A. City Charter-Title II

The City Council is empowered to designate or eliminate the boundaries of voting districts....to an equal division of population among them.

B. Mr. Paul Guiliani, ESQ states that the ideal coefficient of disparity is ten percent.

II. DATA

A. The 2010 census indicates these district populations:

#1. 2355

#2. 2641

#3. 2801

TOTAL: 7,797

B. If the total population were equally divided per district that number would be 2,600. ($7797/3$)

C. The discrepancy between districts one and three is 446.(2801-2355)

D. This discrepancy equals 19%. ($2801/2355$)

III. COUNCIL OPTIONS

A. Retain the status quo.

B. Initiate the redistricting process:

1. call for a municipal vote in either March or November 2012

2. new districts must be defined by ordinance.

C. Establish a redistricting committee whose members shall be representatives of their district. Charges to the committee may be:

1. validate the data

2. establish criteria for redistricting

3. recommend one or more maps

4. with the Council, conduct public hearings

5. with the Council, determine the voting date.

IV. THE AGENDA

A. Committee presentation.

B. Discussion

C. Council next steps.

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

Caterer's Permit Number _____

APPROVED

DISAPPROVED

Date: _____

Reason: _____

(for department use only)

To: Board of Selectmen/Alderman at catered location and Vermont Liquor Control Board.
From: Licensee name: Yebba Inc
d/b/a: The Abbey Pub & Restaurant
Street: 10212 VT Rt. 105 Town/City: Enosburg Falls, VT
Contact name and phone number: Jennifer Carey 802-933-4747 ex 25
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: Afternoon Reception
2. Location of catered party (street, town or city; if no address, describe location):
State House 115 State Street, Montpelier VT 05633
3. Date of catered party (not more than five days, unless specifically authorized: 11/28/11)
4. Hours of operation: Beginning 1500 hrs. Ending 1900 hrs. No. of Persons 50

Signed: [Signature] Date: 11/18/11
(caterer)

We recommend: approval disapproval

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

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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

To: L-Council
Subject: Polling for Consideration of a Catering Permit Application

Yebba, Inc., d/b/a The Abbey Pub & Restaurant, have applied for a Catering Permit for an "Afternoon Reception: scheduled to be held on Monday, November 28th, from 3:00 to 7:00 P.M. at the State House.

From: Angela Timpone [angelatimpone@gmail.com]
Sent: Monday, November 21, 2011 11:18 AM
To: Sandy Pitonyak
Cc: L-Council
Subject: Re: Polling for Consideration of a Catering Permit Application

Fine with me. Angela

From: Nancy Sherman [nsherman@cvcoa.org]
Sent: Monday, November 21, 2011 11:26 AM
To: Angela Timpone - GMail; Sandy Pitonyak
Cc: L-Council
Subject: RE: Polling for Consideration of a Catering Permit Application

I approve also
-Nancy

From: Tom Golonka [tomgolonka@comcast.net]
Sent: Monday, November 21, 2011 11:31 AM
To: Sandy Pitonyak
Cc: L-Council
Subject: Re: Polling for Consideration of a Catering Permit Application

Ok with me
Tom

From: Timothy Andrew Hooper
Sent: Monday, November 21, 2011 11:38 AM
To: Sandy Pitonyak
Subject: Re: Polling for Consideration of a Catering Permit Application

Surely.

From: Sarah Jarvis [sarahvermont@yahoo.com]
Sent: Monday, November 21, 2011 8:54 PM
To: Sandy Pitonyak
Subject: Re: Polling for Consideration of a Catering Permit Application

I approve.
(all the way from the south rim of the Grand Canyon!)
~ Sarah