



**CITY OF
MONTPELIER
MONTPELIER,
VERMONT**

Agenda for City
Council Meeting
Wednesday, August
10, 2011
07:00 P.M.

- 1) Call to Order by the Mayor
- 2) 11-189. Request for an Executive Session regarding a personnel issue in accordance with Title I, VSA §313, Executive Sessions, (a) (1) "Contracts, labor relations agreements with employees, arbitration, mediation, grievances, civil actions, or prosecutions by the state, where premature general public knowledge would clearly place the state, municipality or other public body, or person involved at a substantial disadvantage." 7:00 P.M.
PUBLIC/TELEVISED PORTION OF MEETING BEGINS ?
- 3) 11-190. General Business and Appearances
- 3) 11-190. General Business and Appearances
- 3) 11-190. General Business and Appearances
- 3) 11-190. General Business and Appearances
- 3) 11-190. General Business and Appearances
- 4) 11-191. Consideration of the Consent Agenda:
 - a) Consideration of the Minutes from the July 13th, 2011 City Council Meeting.
 - b) Ratification of a poll vote taken of City Councilors on July 20th, seeking

authorization for Public Works staff to accept the low bid of \$17,399 (Base Bid \$16,199 + \$1,200 Premium Care Warranty) submitted by Gateway Motors of White River Junction, Vermont, for the replacement of a 2WD pickup truck for the Water/Sewer Division; Council Members were also asked to authorize the Acting City Manager to sign the Purchase Order.

- c) Ratification of a poll vote taken of City Councilors on August 1st, seeking authorization for Public Works staff to accept the low bid of \$83,788 submitted by Dubois Construction, Inc., for the Towne Hill Road Culvert Replacement Project. All parties wanted to get started immediately and complete as much of the work as possible prior to the influx of school-related traffic; Council Members were also asked to authorize the Acting City Manager to sign the contract.
- d) Consideration of accepting the low bid of \$7,800 submitted by Johnson Hardware of Johnson, Vermont, for the Light Tower and Generator for the Public Works Department and authorizing the City Manager to sign the Purchase Order.
- e) Consideration of an "Online Payment Services Contract". In April, staff requested proposals for a three-year electronic payment service contract (credit card, debit card and electronic check) for the payment of all fees normally associated with municipal government. Staff waited until the decision was made on the Banking Services Contract (change from TD to Merchants Bank) before beginning vendor selection for the online payment services. The City Clerk-Treasurer and Finance Director have provided a memorandum which explains the steps of this process in more detail. Staff is recommending the award of the 3-year Electronic Payment Contract to Official Payments and authorizing the City Manager to sign the contract and associated documents.
- f) Consideration of approving a "Validation Resolution" prepared by the City's Bond Counsel Paul Giuliani; this document is needed in order to fix a small glitch in the bond election process for the District Heat Project. The last Warning publication date is supposed to be between five and ten days from the date of the vote; the June 2nd publication is fourteen days from the vote. Council is being asked to authorize the dating and signing of the "Validation Resolution" by the City Clerk.
- g) Consideration of a request from Sarah Jarvis for a one-time waiver of the City's Noise Ordinance for a party her family is hosting on Friday, August

19th. They will be showing a movie outdoors beginning at approximately 8:30 P.M. and ending by 11:00 P.M.; the noise level may exceed the maximum noise level permitted at the property line after 9:00 P.M.. (A copy of the letter they sent to neighbors is attached.)

- h) Consideration of authorizing the City Manager to sign a Main Service Agreement, Rental Terms of Service Agreement and Music on Hold Agreement with Sovernet Communications. The budget for 2011 contains funds to allow for the replacement and upgrade of a telephone system in City Hall. This project was put out for proposals from two separate groups because it was a substantial change in the type of phone service for City Hall and not simply a contract renewal. Those presenting proposals were: Sovernet Communications (Bellows Falls and Colchester) and; PAETEC Communications (South Burlington). Both firms presented a remote "hosted" system and both firms have a corporate presence in Vermont, also having local technical support as needed. The two bids are similar in contract period (36 month), re-occurring cost and non-recurring costs. The main benefit would be staying with the current supplier, Sovernet, when considering the continuity of service at switchover and the ability to switch back the service if there are any problems with a particular line.
- i) Consideration of authorizing the Department of Public Works to award the contract to the lowest responsible bidder and to authorize the City Manager to execute the contract documents for the FEMA Flood Mitigation Project. (Competitive sealed bids will be opened on Monday, August 8th, at 3:30 P.M.; a tabulation of the bids will be prepared following the bid opening and provided to the Council.)
- j) Consideration of becoming the Liquor Control Commission for the purpose of acting on the following:
 - 1. Ratification of a poll vote taken on July 15th for the issuance of a Catering Permit to Vermont Hospitality Management, d/b/a New England Culinary Institute, for a Reception/Dance scheduled to be held on Wednesday, July 20th, from 5:00 to 9:00 P.M. at National Life.
 - 2. Ratification of a poll vote taken on July 21st, for the issuance of two Catering Permits to The Skinny Pancake, Inc., for their monthly "Green Beer" event (where beer and wine is served): the first event is scheduled to be held on Tuesday, August 9th; and the second on

Tuesday, September 13th from 6:00 to 8:00 P.M. in the City Center Lobby.

3. Ratification of a poll vote taken on July 28th for the issuance of a Catering Permit to Vermont Hospitality Management, d/b/a New England Culinary Institute, for a "Dinner BBQ" scheduled to be on Friday, August 5th, from 5:00 to 9:00 P.M. at the National Life Guest House.
4. Ratification of a poll vote taken on August 1st for the issuance of a Catering Permit to Valley Bowl, Inc., from Randolph, for a Fine Arts Dance scheduled to be held Friday, August 5th, from 8:00 P.M. to 1:30 A.M. at Noble Hall on the campus of Vermont College of Fine Arts.

k) Payroll and Bills

- f) Consideration of approving a "Validation Resolution" prepared by the City's Bond Counsel Paul Giuliani; this document is needed in order to fix a small glitch in the bond election process for the District Heat Project. The last Warning publication date is supposed to be between five and ten days from the date of the vote; the June 2nd publication is fourteen days from the vote. Council is being asked to authorize the dating and signing of the "Validation Resolution" by the City Clerk.
- 6) 11-193. Consideration of a request from Daniel Barlow, Co-founder of "Trees & Hills Comics Group" for the use of meeting rooms (and equipment) in City Hall on Saturday and Sunday, October 1-2, 2011, for the Second Annual 24-Hour Comic Challenge.
 - a) A letter from Mr. Barlow has been attached which outlines his request in greater detail.
 - b) Recommendation: Receive Mr. Barlow's request/presentation; discussion; direction to Mr. Barlow and/or staff.
- 6) 11-193. Consideration of a request from Daniel Barlow, Co-founder of "Trees & Hills Comics Group" for the use of meeting rooms (and equipment) in City Hall on Saturday and Sunday, October 1-2, 2011, for the Second Annual 24-Hour Comic Challenge.

5) 11-192. Ratification of a poll vote taken on July 21st which temporarily filled a vacant seat on the Development Review Board; appointment of another individual to a second vacant seat; and possibly a third appointment to this board.

- a) It has been challenging to recruit interested citizens to serve on this board. There are currently two vacancies; Alan Blakeman's and Sabina Haskell's.
- b) On July 21st, City Council voted to temporarily appoint Elizabeth Koenig to the seat vacated by Alan Blakeman with the intent to officially appoint her this evening: Elizabeth Koenig, 73 Main Street - Room 53, Montpelier.
- c) Since July 21st, staff has received two more applications as follows: Brian M. Lane-Karnas, E.I., 16 Mountainview Street; and James M. LaMonda, 5 Summit Street.
- d) Recommendation: Appoint Elizabeth Koenig to a 3-year term to expire in July, 2014; appoint one of the other applicants to fill Sabina Haskell's unexpired seat until July, 2013; and possibly appoint the third applicant to one of the Alternate positions (One of the current Alternates has had difficulty attending meetings since being reappointed in December).

5) 11-192. Ratification of a poll vote taken on July 21st which temporarily filled a vacant seat on the Development Review Board; appointment of another individual to a second vacant seat; and possibly a third appointment to this board.

7) 11-194. Review MATRIX recommendations.

- a) Since receiving the Final "Management Assessment" Report from the MATRIX Consulting Group, staff has begun implementing, or are at least working on, some of their recommendations.
- b) The Fire Chief, Police Chief, Assessor and Assistant City Manager/Tax Collector are the three who will begin this process.
- c) Recommendation: Receive reports; discussion; possible direction to staff.

- 7) 11-194. Review MATRIX recommendations.
- 8) 11-195. Discussion regarding holding meetings in Districts.
 - a) Mayor Hooper requested that this item be included on this agenda.
 - b) Recommendation: Discussion; no voting action.
- 8) 11-195. Discussion regarding holding meetings in Districts.
- 9) 11-196. Reports by City Council
- 10) 11-197. Mayor's Report
- 10) 11-197. Mayor's Report
- 11) 11-198. Report by City Clerk-Treasurer
- 11) 11-198. Report by City Clerk-Treasurer
- 12) 11-199. Status Reports by the City Manager
- 12) 11-199. Status Reports by the City Manager
- 13) 11-200. Agenda Reports by the City Manager
- 12) 11-199. Status Reports by the City Manager

Adjournment

Adjournment

Adjournment

Adjournment

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

Caterer's Permit Number 1488.005 catr 01

APPROVED

DISAPPROVED

Date: _____

Reason: _____

(for department use only)

To: Board of Selectmen/Alderman at catered location and Vermont Liquor Control Board.
From: Licensee name: Vermont Hospitality Management
d/b/a: New England Culinary Institute
Street: 56 College Street Town/City: Montpelier
Contact name and phone number: Fawn Wells Maxfield 802-279-6317
Email or Fax # fawn.wells@neci.edu

BE SURE TO READ INSTRUCTIONS BELOW, BEFORE COMPLETING APPLICATION.

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

Please answer the following questions:

1. Describe type of party to be catered: Dinner BBQ
 2. Location of catered party (street, town or city; if no address, describe location): National Life Guest House, National Life Drive, Montpelier VT
 3. Date of catered party (not more than five days, unless specifically authorized): 8/5/11
 4. Hours of operation: Beginning 5pm hrs. Ending 9pm hrs. No. of Persons 15
- Signed: Fawn Wells Maxfield Date: 7/26/11
(caterer)

We recommend: _____ approval _____ disapproved _____

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

Town/City Clerk's signature
Of CATERED location.

Town/City
Fax Number or email address: _____

Date

SUBMIT AT LEAST 5 DAYS PRIOR TO DATE OF FUNCTION

Submit to Town/City Clerk for recommendation.

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

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

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

Sandy Pitonyak

To: L-Council
Subject: Catering Permit Application

Vermont Hospitality Management, d/b/a New England Culinary Institute, for a "Dinner BBQ" scheduled to be held on Friday, August 5th, from 5:00 to 9:00 P.M. at the National Life Guest House.

Sandy Pitonyak

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

From: Nancy Sherman [nsherman@cvcoa.org]
Sent: Thursday, July 28, 2011 5:30 PM
To: Sandy Pitonyak; L-Council
Subject: RE: Catering Permit Application

I approve this permit
Nancy Sherman

From: Sarah Jarvis
Sent: Thursday, July 28, 2011 5:38 PM
To: Sandy Pitonyak
Cc: L-Council
Subject: Re: Catering Permit Application

I approve.
~ Sarah

From: Tom Golonka [tomgolonka@comcast.net]
Sent: Thursday, July 28, 2011 5:57 PM
To: Sandy Pitonyak
Cc: L-Council
Subject: Re: Catering Permit Application

Ok with me.
Tom

From: Angela Timpone [angelatimpone@gmail.com]
Sent: Thursday, July 28, 2011 8:58 PM
To: Tom Golonka-Comcast
Cc: Sandy Pitonyak; L-Council
Subject: Re: Catering Permit Application

I approve.

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

Caterer's Permit Number 1488.005 catr 01

APPROVED

DISAPPROVED

Date:

Reason: _____

(for department use only)

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

From: Licensee name: Vermont Hospitality Management

d/b/a: New England Culinary Institute

Street: 56 College Street Town/City: Montpelier

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

Email or Fax # fawn.wells@neci.edu

BE SURE TO READ INSTRUCTIONS BELOW, BEFORE COMPLETING APPLICATION.

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

Please answer the following questions:

1. Describe type of party to be catered: Reception / Dinner
 2. Location of catered party (street, town or city; if no address, describe location): National Life
National Life Drive Montpelier VT 05602
 3. Date of catered party (not more than five days, unless specifically authorized): 7/20/11
 4. Hours of operation: Beginning 5pm hrs. Ending 9pm hrs. No. of Persons 40
- Signed: [Signature] (caterer) Date: 7/14/11

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.

Sandy Pitonyak

To: L-Council
Subject: Catering Permit Application from ...

Vermont Hospitality Management, d/b/a New England Culinary Institute, for a Reception/Dance scheduled to be held on Wednesday, July 20th, from 5:00 to 9:00 P.M. at National Life.

From: Tom Golonka [tomgolonka@comcast.net]
Sent: Friday, July 15, 2011 3:06 PM
To: Sandy Pitonyak; L-Council
Subject: Re: Catering Permit Application from ...

OK with me.
Tom

From: Angela Timpone [angelatimpone@gmail.com]
Sent: Friday, July 15, 2011 3:25 PM
To: Tom Golonka-Comcast
Cc: Sandy Pitonyak; L-Council
Subject: Re: Catering Permit Application from ...

Fine with me.

From: Sarah Jarvis
Sent: Saturday, July 16, 2011 7:43 AM
To: Sandy Pitonyak
Cc: L-Council
Subject: Re: Catering Permit Application from ...

I approve.
~ Sarah

From: Nancy Sherman
Sent: Wednesday, July 20, 2011 7:59 AM
To: Sandy Pitonyak
Cc: L-Council
Subject: Re: Catering Permit Application from ...

I approve
Nancy

Request to Cater Malt and**Vinous Beverages &****Spirituuous Liquors**Caterer's Permit Number 5838-001-catr-01**APPROVED****DISAPPROVED**

Date: _____

Reason: _____

(for disapproval use only)

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

From: Licensee name: Valley Bowl Inc
 d/b/a: Valley Bowl Inc
 Street: 12 Prince Street Suite 5 Town/City: Randolph
 Contact name and phone number: Wayne F. Warner 802-728-4525
 Email or Fax # valleybowlinc@myfairpoint.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: fine arts dance
 2. Location of catered party (street, town or city; if no address, describe location): _____
the Vermont College Nobel Hall college street Montpelier, VT 05602
 3. Date of catered party (not more than five days, unless specifically authorized: August 5
 4. Hours of operation: Beginning 8pm hrs. Ending 1:30am hrs. No. of Persons 125
- Signed: _____ Date: July 27, 2011

(caterer)

We recommend: approval disapproved

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

Town/City Clerk's signature
Of CATERED location.Town/City
Fax Number or email address: _____

Date

SUBMIT AT LEAST 5 DAYS PRIOR TO DATE OF FUNCTION

Submit to Town/City Clerk for recommendation.

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

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

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

Beverlee Hill

From: Timothy Andrew Hooper
Sent: Monday, August 01, 2011 12:51 PM
To: Beverlee Hill
Subject: Re: Catering Permit request for August 5, 2011

Culvert: Yes

Catering: Yes

Sent from my iPhone

On Aug 1, 2011, at 11:57 AM, "Beverlee Hill" <BHill@montpelier-vt.org> wrote:

Charlotte has just brought in a Catering request by Valley Bowl, Inc. d/b/a Valley Bowl Inc off 12 Prince street suite 5, Randolph, VT to cater a fine arts dance at the Vermont College of Fine Arts, Noble Hall, College Street, Montpelier from 8 p.m. to 1:30 a.m. with an estimate of 125 people.

We will put the results of this poll on the August 10th meeting for ratification. Bev

From: Tom Golonka <tomgolonka@comcast.net>
Sent: Monday, August 01, 2011 1:47 PM
To: Beverlee Hill; L-Council
Subject: Re: Catering Permit request for August 5, 2011

OK with me.
Tom

From: Angela Timpone <angelatimpone@gmail.com>
Sent: Monday, August 01, 2011 3:16 PM
To: Tom Golonka-Comcast
Cc: Beverlee Hill; L-Council
Subject: Re: Catering Permit request for August 5, 2011

Ok with me.

From: Sarah Jarvis <sarahvermont@yahoo.com>
Sent: Monday, August 01, 2011 9:16 PM
To: Beverlee Hill
Cc: L-Council
Subject: Re: Catering Permit request for August 5, 2011

I approve.
~ Sarah

From: Nancy Sherman <nsherman@cvcoa.org>
Sent: Tuesday, August 02, 2011 3:18 PM
To: Beverlee Hill; L-Council
Subject: RE: Catering Permit request for August 5, 2011

I approve this permit request, this may be the 2nd time!
-Nancy

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

Caterer's Permit Number 6316-001-Catr-01

APPROVED

DISAPPROVED

Date: _____

Reason: _____

(for department use only)

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

From: Licensee name: The Skinny Pancake, Inc.

d/b/a: The Skinny Pancake

Street: 60 Lake St. Town/City: Burlington

Contact name and phone number: Kelly Coons (802) 999-3873

Email or Fax # kelly@skinnypancake.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: GREEN DRINKS
type of alcohol: Beer+wine
 2. Location of catered party (street, town or city; if no address, describe location): City
Center lobby - 89 Main St. Montpelier, VT 05601
 3. Date of catered party (not more than five days, unless specifically authorized): _____
 4. Hours of operation: Beginning 6pm hrs. Ending 8pm hrs. No. of Persons 8/9/11
- Signed: Kelly Coons Date: 5/6/11
(caterer)

We recommend: approval disapproved

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

Town/City Clerk's signature
Of CATERED location.

Town/City
Fax Number or email address: _____

Date

SUBMIT AT LEAST 5 DAYS PRIOR TO DATE OF FUNCTION

Submit to Town/City Clerk for recommendation.

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

Caterer's Permit Number 6316-001-catr-01

APPROVED

DISAPPROVED

Date: _____

Reason: _____

(for department use only)

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

From: Licensee name: The Skinny Pancake, Inc.

d/b/a: The Skinny Pancake

Street: 60 Lake St. Town/City: Burlington

Contact name and phone number: Kelly Coons (802) 999-3873

Email or Fax # kelly@skinnypancake.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: GREEN DRINKS
type of alcohol: Beer + wine
2. Location of catered party (street, town or city; if no address, describe location): City
Center Lobby - 89 Main St. Montpelier, VT 05601
3. Date of catered party (not more than five days, unless specifically authorized): 9/13/11
4. Hours of operation: Beginning 6pm hrs. Ending 8pm hrs. No. of Persons 50

Signed: Kelly Coons (caterer) Date: 5/6/11

We recommend: approval ☐ disapproved ☐

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

Town/City Clerk's signature
Of CATERED location.

Town/City
Fax Number or email address: _____

Date

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Sandy Pitonyak

To: L-Council
Cc: Charlotte L. Hoyt
Subject: Two Catering Permit Applications

The Skinny Pancake, Inc. is seeking approval for two Catering Permits for their monthly "Green Beer" event (where beer and wine is served): the first to be held on Tuesday, August 9th; and the second on Tuesday, September 13th from 6:00 to 8:00 P.M. in the City Center Lobby.

Please "reply to all" so that Charlotte will receive your responses as well; I will be out of the office this coming Monday and Tuesday.

Thank you!

From: Angela Timpone [angelatimpone@gmail.com]
Sent: Thursday, July 21, 2011 5:38 PM
To: Sandy Pitonyak
Cc: Charlotte L. Hoyt; L-Council
Subject: Re: Two Catering Permit Applications

Ok with me.

From: Tom Golonka
Sent: Thursday, July 21, 2011 5:51 PM
To: Sandy Pitonyak
Cc: L-Council; Charlotte L. Hoyt
Subject: Re: Two Catering Permit Applications

Ok with me.
Tom

From: Nancy Sherman
Sent: Thursday, July 21, 2011 7:55 PM
To: Sandy Pitonyak
Cc: L-Council; Charlotte L. Hoyt
Subject: Re: Two Catering Permit Applications

I approve the 2 catering permit applications for green beer at Skinny pancake.
Nancy

From: Timothy Andrew Hooper
Sent: Thursday, July 21, 2011 9:15 PM
To: Sandy Pitonyak
Subject: Re: Two Catering Permit Applications

Okay



**CITY OF MONTPELIER
MONTPELIER, VERMONT**

Agenda for City Council Meeting

City Council Chambers, City Hall

Wednesday, August 10, 2011

6:00 P.M.

- 1) Call to Order by the Mayor
- 2) 11-189. Request for an Executive Session regarding a personnel issue in accordance with Title I, VSA §313, Executive Sessions, (a) (1) *“Contracts, labor relations agreements with employees, arbitration, mediation, grievances, civil actions, or prosecutions by the state, where premature general public knowledge would clearly place the state, municipality or other public body, or person involved at a substantial disadvantage.”*

7:00 P.M. PUBLIC/TELEVISED PORTION OF MEETING BEGINS ...

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- d) Consideration of accepting the low bid of \$7,800 submitted by Johnson Hardware of Johnson, Vermont, for the Light Tower and Generator for the Public Works Department and authorizing the City Manager to sign the Purchase Order. 
- e) Consideration of an “Online Payment Services Contract”. In April, staff requested proposals for a three-year electronic payment service contract (credit card, debit card and electronic check) for the payment of all fees normally associated with municipal government. Staff waited until the decision was made on the Banking Services Contract (change from TD to Merchants Bank) before beginning vendor selection for the online payment services. The City Clerk-Treasurer and Finance Director have provided a memorandum which explains the steps of this process in more detail. Staff is recommending the award of the 3-year Electronic Payment Contract to **Official Payments** and authorizing the City Manager to sign the contract and associated documents. 
- f) Consideration of approving a “Validation Resolution” prepared by the City’s Bond Counsel Paul Giuliani; this document is needed in order to fix a small glitch in the bond election process for the District Heat Project. The last Warning publication date is supposed to be between five and ten days from the date of the vote; the June 2nd publication is fourteen days from the vote. Council is being asked to authorize the dating and signing of the “Validation Resolution” by the City Clerk. 
- g) Consideration of a request from Sarah Jarvis for a one-time waiver of the City’s Noise Ordinance for a party her family is hosting on Friday, August 19th. They will be showing a movie outdoors beginning at approximately 8:30 P.M. and ending by 11:00 P.M.; the noise level may exceed the maximum noise level permitted at the property line after 9:00 P.M.. (A copy of the letter they sent to neighbors is attached.) 
- h) Consideration of authorizing the City Manager to sign a Main Service Agreement, Rental Terms of Service Agreement and Music on Hold Agreement with Sovernet Communications. The budget for 2011 contains funds to allow for the replacement and upgrade of a telephone system in City Hall. This project was put out for proposals from two separate groups because it was a substantial change in the type of phone service for City Hall and not simply a contract renewal. Those presenting

proposals were: Sovernet Communications (Bellows Falls and Colchester) and; PAETEC Communications (South Burlington). Both firms presented a remote “hosted” system and both firms have a corporate presence in Vermont, also having local technical support as needed. The two bids are similar in contract period (36 month), re-occurring cost and non-recurring costs. The main benefit would be staying with the current supplier, Sovernet, when considering the continuity of service at switchover and the ability to switch back the service if there are any problems with a particular line. 

- i) Consideration of authorizing the Department of Public Works to award the contract to the lowest responsible bidder and to authorize the City Manager to execute the contract documents for the FEMA Flood Mitigation Project. (Competitive sealed bids will be opened on Monday, August 8th, at 3:30 P.M.; a tabulation of the bids will be prepared following the bid opening and provided to the Council.) 
- j) Consideration of becoming the Liquor Control Commission for the purpose of acting on the following:
 - 1. Ratification of a poll vote taken on July 15th for the issuance of a Catering Permit to Vermont Hospitality Management, d/b/a New England Culinary Institute, for a Reception/Dance scheduled to be held on Wednesday, July 20th, from 5:00 to 9:00 P.M. at National Life. 
 - 2. Ratification of a poll vote taken on July 21st, for the issuance of two Catering Permits to The Skinny Pancake, Inc., for their monthly “Green Beer” event (where beer and wine is served): the first event is scheduled to be held on Tuesday, August 9th; and the second on Tuesday, September 13th from 6:00 to 8:00 P.M. in the City Center Lobby. 
 - 3. Ratification of a poll vote taken on July 28th for the issuance of a Catering Permit to Vermont Hospitality Management, d/b/a New England Culinary Institute, for a “Dinner BBQ” scheduled to be on Friday, August 5th, from 5:00 to 9:00 P.M. at the National Life Guest House. 
 - 4. Ratification of a poll vote taken on August 1st for the issuance of a Catering Permit to Valley Bowl, Inc., from Randolph, for a Fine Arts

Dance scheduled to be held Friday, August 5th, from 8:00 P.M. to 1:30 A.M. at Noble Hall on the campus of Vermont College of Fine Arts. 

k) Payroll and Bills

- 5) 11-192. Ratification of a poll vote taken on July 21st which temporarily filled a vacant seat on the Development Review Board; appointment of another individual to a second vacant seat; and possibly a third appointment to this board. 
- a) It has been challenging to recruit interested citizens to serve on this board. There are currently two vacancies; Alan Blakeman's and Sabina Haskell's.
 - b) On July 21st, City Council voted to temporarily appoint Elizabeth Koenig to the seat vacated by Alan Blakeman with the intent to officially appoint her this evening: Elizabeth Koenig, 73 Main Street – Room 53, Montpelier.
 - c) Since July 21st, staff has received two more applications as follows: Brian M. Lane-Karnas, E.I., 16 Mountainview Street; and James M. LaMonda, 5 Summit Street.
 - d) Recommendation: Appoint Elizabeth Koenig to a 3-year term to expire in July, 2014; appoint one of the other applicants to fill Sabina Haskell's unexpired seat until July, 2013; and possibly appoint the third applicant to one of the Alternate positions (One of the current Alternates has had difficulty attending meetings since being reappointed in December).
- 6) 11-193. Consideration of a request from Daniel Barlow, Co-founder of "Trees & Hills Comics Group" for the use of meeting rooms (and equipment) in City Hall on Saturday and Sunday, October 1-2, 2011, for the Second Annual 24-Hour Comic Challenge. 
- a) A letter from Mr. Barlow has been attached which outlines his request in greater detail.
 - b) Recommendation: Receive Mr. Barlow's request/presentation; discussion; direction to Mr. Barlow and/or staff.
- 7) 11-194. Review MATRIX recommendations.

- a) Since receiving the Final “Management Assessment” Report from the MATRIX Consulting Group, staff has begun implementing, or are at least working on, some of their recommendations.
 - b) The Fire Chief, Police Chief, Assessor and Assistant City Manager/Tax Collector are the three who will begin this process.
 - c) Recommendation: Receive reports; discussion; possible direction to staff.
- 8) 11-195. Discussion regarding holding meetings in Districts.
- a) Mayor Hooper requested that this item be included on this agenda.
 - b) Recommendation: Discussion; no voting action.
- 9) 11-196. Reports by City Council
- 10) 11-197. Mayor’s Report
- 11) 11-198. Report by City Clerk-Treasurer
- 12) 11-199. Status Reports by the City Manager
- 13) 11-200. Agenda Reports by the City Manager

Adjournment

On Wednesday evening, July 13, 2011, the City Council Members met in the Council Chamber.

Present: Mayor Hooper; Council Members Hooper, Jarvis, Sherman, Timpone and Weiss; also Acting City Manager Hill. Council Member Golonka was away.

Call to Order by the Mayor:

Mayor Hooper called the meeting to order at 7:05 P.M.

11-179. General Business and Appearances.

Robert Hockensmith, Public Information Officer for FEMA at the Joint Field Office in Burlington; his associate is Carl Sherrill and their photographer were present to update the council on their efforts and provide information on some of the programs that were available to residents, businesses and nonprofit organizations.

Robert Hockensmith said first and foremost people and businesses need to register. Unless you register you will never know what kind of assistance is available, and, secondly, they will never know they need assistance. There are four ways to register:

- By phone – 1-800-621-3362 (3362 stands for FEMA)
- Online – go to www.disasterassistance.gov and register on line
- Smart Phone – m.fema.gov and register
- Go into a Disaster Recover Center (DRC). There is a DRC opened in Barre and it is open 7 days a week from 8:00 A.M. to 6:00 P.M., including holidays.

When you do register your business or as an individual you are going to get an SBA application.

Carl Sherrill said SBA partners with FEMA in providing assistance, and this is the only program where they provide assistance to individuals. Probably 80 percent of the assistance they provide here in the county will go to individuals who are renters and homeowners. The form of assistance that SBA has is in the form of long term low interest loans that come directly from the U.S. Treasury.

Mr. Hockensmith said there are four disaster recovery centers in Vermont. They are located in Newport, Mallets Bay, Swanton and Barre.

Mr. Sherrill said the way they work together on the program is they are designed to get the most money to the most people as fast as possible but their constituents need to take the steps they outlined. Insurance is certainly the first line of assistance if you have insurance that covered these damages. Because FEMA funds are grants you need to have the insurance settled before they can provide the grant funds. SBA's funds will be in the form of loans can take an assignment of insurance proceeds and get them some funds so they can begin their recovery and use the insurance to pay off the loans later. It is very possible that people recovering from these disasters would use some FEMA funds, some SBA funds and possibly some insurance funds to get their total recovery.

Mr. Hockensmith added there is also some tax impact. When he isn't working for FEMA as a Disaster Information Officer he is a certified public accountant and a tax attorney. If people lose property and end up spending money and not receiving assistance or reimbursement, either from insurance or FEMA funds, and they end up expending money and losing it there is a tax deduction available to them if the loss they incur exceeds 10 percent of their gross income.

A question and answer period followed.

Council Member Weiss asked if there was a public meeting coming up shortly to cover this topic.

Mayor Hooper replied there is one tomorrow evening at the Barre Auditorium at 6:00 P.M.

11-180.

Consideration of the Consent Agenda:

- a) Consideration of Minutes from the June 8 and June 22, 2011 City Council Meetings.
- b) Consideration of an "Agreement for Services with Faith in Action" for the Community Innovations for Aging in Place

CIAIP) REACH Care Bank Project. Staff is recommending that the City contract with Faith in Action for a total of \$17,400 for the purpose of providing project support services for the REACH Project.

- c) Consideration of a Contract Extension for Technical Services, through the month of July, between the City of Montpelier and Community Biomass systems, Inc. (including subcontractors) for the Montpelier Community District Heat Project. The Amendment would add \$6,100 to the “not to exceed” total limited of the amended agreement.
- d) Community of Vermont Elders: Consideration of approving a contract that will transfer management and operation of the REACH Care Bank to COVE. Contract value: \$50,000 plus REACH operating expenses.
- e) Consideration of a street closure request from the “*Meadow*” neighborhood for their Annual Block Party which is held each year, closing Summer Street from Spring Street to Winter Street. This event is scheduled to be held on Saturday, July 30, 2011, from 3:00 to 10:00 P.M., with a rain date of Saturday, August 6th.
- f) Consideration of a (partial) street closure request from Tom Bivins, Executive Chef at the New England Culinary Institute, for their Second Annual “Great Vermont Community Picnic” scheduled to be held on Saturday, August 20th. He is requesting that the westbound lane of State Street, between Governor Aiken Avenue and Governor Davis Avenue, be closed off from 11:00 A.M. to 7:00 P.M., leaving the eastbound lane open for emergency vehicles and allowing access to state parking lots.
- g) Ratification of a poll vote taken of Council Members on June 23rd, authorizing the Police Chief to purchase the 2011 Chevrolet Impala Police Cruiser that had been built and delivered to Cody Chevrolet. The approved budgetary amount for this vehicle (plus equipment) is \$25,500. The purchase price of the vehicle was \$29,910.
- h) Consideration of “voluntarily recognizing” the maintenance position for the Cemetery Commission as included in the

Department of Public Works Union. At a special meeting held on Wednesday, June 22nd, the Cemetery Commissioners voted unanimously in favor of this inclusion; staff does not object and once Council approves, language will be drafted amending the current agreement accordingly.

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

1. Ratification of a poll taken for the issuance of a Catering Permit to Vermont Hospitality Management, d/b/a New England Culinary Institute, for a Reception scheduled to be held on Thursday, June 30, 2011, from 5:15 to 6:30 P.M. at the National Life Guest House.
2. Ratification of a poll taken for the issuance of Catering Permits to Vermont Hospitality Management, d/b/a New England Culinary Institute, for:
 - a) Dinner Reception on Sunday, July 10th, from 5:30 to 7:30 P.M. at the National Life Guest House.
 - b) Dinner Reception on Tuesday, July 12th, from 6:00 to 8:00 P.M. at the National Life Guest House.
 - c) Dinner Reception on Wednesday, July 13th, from 5:30 to 8:30 P.M. at the National Life Guest House.

j) Ratification of the Tax Rate for FY 12.

- 1) City Councilors were polled on July 8th, being asked to consider setting the FY 2012 Municipal Tax Rate of \$0.9285, the Sewer Benefit Charge of \$.02 and the Sewer Separation Charge of \$.07. With Education Taxes added, the Total Residential Tax Rate is \$2.3152 and the Non-Residential Tax Rate is \$2.4029. (See attached spreadsheet for details.)
- 2) Total Residential Tax Rate is down 6.8 cents. Total Non-Residential Tax Rate is down 8.1 cents.
- 3) The voter-approved municipal spending is up \$132,000 from FY. \$40,000 of this increase is the voter's approval of a new bus route.

- 4) The Residential Municipal Tax Rate is up 1.2% (up 1.1 cents) from the FY 11 Tax Rate. Education Tax Rates are down due to the increase in the Grand List's CLA. Overall, the Grand List is up 0.2%, the projected increase was 0%.

k) Payroll and Bills

Payroll Warrant dated June 23, 2011, in the amount of \$119,305.17.

General Fund Warrant dated June 29, 2011, in the amount of \$236,710.91.

General Fund Warrant dated June 30, 2011, in the amount of \$42,021.86, \$25,200.00 and \$25,690.42.

Payroll Warrant dated July 7, 2011, in the amount of \$30,023.94 and \$121,340.97.

Mayor Hooper asked to pull off b) and d) which are the REACH Agreement and the COVE Agreement be removed from the consent agenda and be considered separately.

Council Member Weiss requested that C) contract extension for Technical Services be considered separately.

Motion was made by Council Member Jarvis, seconded by Council Member Hooper to approve the consent agenda after removal of the requested items. The vote was 5-0, motion carried unanimously.

11-180(a)

Consideration of an "Agreement for Services with Faith in Action" for the Community Innovations for Aging in Place

CIAIP) REACH Care Bank Project. Staff is recommending that the City contract with Faith in Action for a total of \$17,400 for the purpose of providing project support services for the REACH Project.

Community of Vermont Elders: Consideration of approving a contract that will transfer management and operation of the REACH Care Bank to COVE. Contract value: \$50,000 plus REACH operating expenses.

Mayor Hooper said there is a slight change in the contracts and she wanted an explanation.

Planning Director Hallsmith said in the Planning Department goals for this year was to find another home for REACH. This represents an opportunity for REACH and COVE to become not only sustainable but sustainable in a well suited organization. COVE stands for the Community of Vermont Elders. They are a statewide group that supports elders and advocates for them in the Legislature. There were just a couple minor changes to the wording of it, which is on page 3 where they are talking about how they could change the payment schedule with mutual agreement by the parties and they added a budget. It says: "The City and COVE may request changes to the above payment schedule and such change may be a financial agreement." The other thing they changed was the date of the staff transfer to August 1st, so even though the contract will become official if they sign it tomorrow they are delaying the staff transfer by two weeks just because of health insurance issues and payroll planning so there is no interruption in any of the staffs' coverage on health insurance and it fits in with COVE's payroll a little better.

The idea is that the entire program will be under COVE's wing and management but we will still be maintaining the grant piece until the fall. We still have to do the reporting to the Administration on Aging. There are provisions in the process for them to provide us with the reporting information and the reimbursement schedule. The other thing she circulated to them today they didn't have on Friday because they were still reconciling the end of the year financial information within their own shop on what they had spent on REACH up until the end of June so they didn't want to commit funds they didn't have or had spent already. Now they have arrived at an operating budget that will be transferred into COVE. There is still one minor math error which has to do with how they present the budget. They decided at the last minute to combine personnel and fringe in the budget which is partly because the benefits available to city employees are quite different than the benefits available to COVE. The totals for personnel and fringe for the first period of the operating budget, which is the remainder of the federal fiscal year, is \$31,109.07 and the total for personnel and fringe for the operating budget for the federal fiscal year from 2011 to 2012 is \$214,259.43. They would not have to consider the Agreement for Services with Faith in Action.

They have decided to transfer the contract with the Central Vermont Council on Aging to COVE. It didn't make sense for us

to be approving another contract with them tonight that would extend our obligations so they are just transferring the money that was in that contract and the responsibility to COVE.

Council Member Hooper asked what the plan beyond September 30, 2012 is.

Planning Director Hallsmith replied the hope is that it will continue and be sustainable and be an embedded system in not only Montpelier's life but in the whole state. That is one of the exciting parts of COVE taking it over is that it will have the potential to be a statewide program, which will actually work a lot better than a program that is based locally because so many people don't live right in the same town as the rest of their families. They do have the partnership with Timebanks USA and one of their responsibilities as well as replication they have envisioned them spending a lot of their resources in Vermont but the idea is that they will replicate it nationwide in other areas they serve.

Council Member Hooper asked if that relationship was also transferred to COVE.

Planning Director Hallsmith said that is one relationship they retain partially because they have two responsibilities – one is replication which has nothing to do with COVE and the other is the independent evaluation.

Council Member Weiss said he had looked at many of the agreements and he thinks they have created an octopus. The city is basically the head of the octopus and then various tentacles are fake reaction to many Vermont elders – Timebanks, REACH, and Central Vermont Council on Aging and the Administration on Aging. They overlap the duplication and triplication of effort of authority of responsibility which leads him to believe that this will not work. His recommendation is they don't accept this tonight and ask the various parties to come back and tell us specifically what the areas of authority and responsibility are and how they are going to coordinate and cooperate. There is so much overlap and duplication he doesn't think it is worthy of consideration tonight.

Planning Director Hallsmith said his concerns about overlap they really are delegating the large responsibility for the program to COVE and the various other parts of the program COVE will be

managing for them. That was the explicit goal of the Council in the beginning of the year and by doing this they are following through on that commitment.

Ginny Milkey said she would like to address some of the concerns about the overlap. COVE has taken on a number of grant funded programs over the years and right now their main program is called the Senior Medicare Patrol. They work to educate people around the state regarding Medicare and other kinds of fraud, how to recognize it, how to prevent it and how to find errors. She supervises that Program Director and she supervises all of her staff. She does her budget. COVE takes care of the payroll for all of the staff that works for them. REACH would work the same way. Daniel Hecht is the Director and she would be Daniel's supervisor. It is pretty much the same as any organization operates. REACH is going to be part of COVE and they will be COVE employees. They will be plugging REACH into some of their public relations work and they can take their information to different parts of the state when their programs are there and save expenses. The Administration on Aging as the grantee gets what they need, they produce it and Daniel is going to be doing budgets and reports and she will be working with him. That goes to the city because the contract with the Administration on Aging is still with the City so she doesn't anticipate any duplication of effort there.

Planning Director Hallsmith said they thought it was better to put the continuation of their services under REACH in the COVE contract and they will continue to manage that service. REACH will report to COVE.

Council Member Hooper moved the acceptance of the contract that will transfer management and operation of the REACH Care Bank to COVE as amended. Council Member Jarvis seconded the motion. The vote was 5-0, motion carried unanimously.

Mayor Hooper thanked them for fulfilling the desire of the City Council and she agrees that this is a great partnership.

- 11-180(b) Consideration of a Contract Extension for Technical Services, through the month of July, between the City of Montpelier and Community Biomass systems, Inc. (including subcontractors) for the Montpelier Community District Heat Project. The Amendment

would add \$6,100 to the “not to exceed” total limited of the amended agreement.

Council Member Weiss said under the technical services between the City of Montpelier and the Community Biomass Systems, Inc. they are asking for \$6,100. They are already getting \$95,490 and they are supposed to support the city in negotiations with the State of Vermont. They are supposed to explore options related to Montpelier schools and he believes a special committee has been set up and approved by the Council. They are supposed to help the District Heat Service do its planning and assistance plus a variety of other things. He doesn't see them doing any of these and he doesn't see the justification for another \$6,000 when they are already getting \$95,000.

Planning Director Hallsmith said this wasn't to expand the scope but just continuing the services they are providing under the existing contract through the end of July which is when they hope to get approval from the DOE for budget period 2 which allows them to move into the construction phase of the project. They have been very helpful in terms of helping us with estimating and preliminary design. One of the tasks they have to complete between now and the end of the month is to submit a completed budget timeline and statement of project objectives, etc. to the DOE. The other thing that is going on simultaneously is working with the state to make sure that the specifications that the state is developing for the energy plant, which includes our heat exchanger, meets our needs. That is one of the areas of work that they are well qualified to do. That is why they decided to extend the contract until July 31st. They anticipate that once they have approval for budget period 2 they will negotiate a new contract with them to continue a range of services. However, they are also going to be issuing a Request for Proposals for engineering services to bring them into final design and construction. That is another large piece of engineering work. She understands they are likely to submit the proposal for that work so they aren't involving them in the drafting of the RFP or any of the details. They are still incorporating comments they received from the National Renewable Energy Lab, from our own Department of Public Works and Biomass Energy Resource Center and some other people she has asked for advice because it is a very important piece of work.

Motion was made by Council Member Sherman, seconded by Council Member Timpone to approve an amendment for a contract extension for technical services with Community Biomass Systems, Inc for an amount not to exceed \$6,100. The vote was 5-0, motion carried unanimously.

11-181A. Consideration of appointments to the Development Review Board.

Kevin O'Connell and Jack Lindley have indicated an interest in being reappointed for another three-year term.

Kevin O'Connell said he remains concerned about the fact that they just haven't had the applicants that they had not too long ago. He isn't sure what the solution is, perhaps they need a little more proactive publicity. He also suggested looking at changing the renewal dates to sometime around Town Meeting when people are feeling a little more civic responsibility.

Motion was made by Council Member Jarvis, seconded by Council Member Sherman to appoint Kevin O'Connell and John Lindley to another three year term on the Development Review Board and advertise to recruit another member. The vote was 5-0, motion carried unanimously.

11-181. Consideration of appointment to the Design Review Committee.

- a) Design Review has had an Alternate position vacant since Muffie Conlon resigned in January 2011.
- b) Staff advertised and received a letter of interest from Tim Senter, 56 Wheelock Street.
- c) Recommendation: Opportunity to meet applicant; appointment to fill the unexpired 3-year term until October 2012.

Tim Senter had been away from Montpelier for 22 years and had returned. His passion is historic preservation and has also helped out with some committees at the Central Vermont Regional Planning Commission. He thought this would be a good fit and he believes he could make a contribution.

Motion was made by Council member Jarvis, seconded by Council Member Serman to appoint Tim Senter to the Design Review Committee for the unexpired three year term. The vote was 5-0, motion carried unanimously.

11-182.

Consideration of an update from the Street Lighting Committee: Status, Process and Goals

- a) A presentation about the possibility of converting leased mercury vapor city street lights with new city-owned LED (Light Emitting Diode) street lights was provided for the City Council during their regular meeting of February 9, 2011
- b) The City Council authorized the City Manager to execute a Memorandum of Agreement with Efficiency Vermont (E-VT). As per the agreement, the City is following the steps described in the E-VT publication "Guide to Improving Efficiency in Municipal Street and Public Space Lighting" which outlines the process for developing a LED upgrade project to replace inefficient street lamps and assuming municipal ownership.
- c) The City Manager and the Assistant Public Works Director were granted authority to organize a Street Light Advisory Committee, advertise for volunteers and make the committee appointments. The committee was formed and now consists of the following members: Paul Markowitz (Chair), Ann Watson, John Snell, Kate Giusti Nicolet, Jeff Prescott, Andy Boutin, Harold Garabedian (Energy Committee rep), and Tom McArdle (DPW).
- d) Committee representatives will describe their progress thus far, what the process entails, and the steps that will be accomplished to complete the project. the outline of the steps are:
 - 1) Form a team
 - 2) Conduct a needs assessment
 - 3) Prepare street light inventory
 - 4) Determine ownership of fixtures
 - 5) Identify and eliminate unnecessary lighting fixtures
 - 6) Determine how new LED fixtures will be controlled and maintained
 - 7) Prepare final project scope and budget.

- e) Back-up documentation can be reviewed by going to the City's website, www.montpelier-vt.org and clicking on the Street Light Committee under "City Government/Boards & Commissions." Council may also look at additional information under "Relevant Documents," and specifically, the E-VT publication.
- f) Recommendation: Receive presentation; review and consider LED street light assessment, elimination, and improvement, and LED conversion process. Either endorse or provide recommendations or suggestions to the committee.

Tom McArdle, Assistant Director of Public Works, presented a briefing and status update on the Street Light Committee. An opportunity came about with Efficiency Vermont and they signed a Memorandum of Agreement. They have formed a committee and met about six times working through the process. It is a long process reviewing essentially every street light in town. Green Mountain Power is replacing the mercury vapor lights with LED light. These replacement light are at a higher cost to the City. That is why it is important they complete the work, review the lights they have, determine what they need to keep because they do all cost whether it is city ownership or leased. They are looking into taking over the lights and owning them and then entering into a maintenance contract with Green Mountain Power.

Paul Markowitz, Chair of the Street Light Committee said Tom McArdle was great to work with. He works for Efficiency Vermont and head of the municipal street light initiative for Efficiency Vermont in terms of helping towns across the street improve their efficiency. What better way than to learn on the ground what is involved than to work in his own town?

They have divided their work into two chunks. One is to identify opportunities for removal of unnecessary street lights, and the other is to replace the remaining lights with LEDs. They are following the guidebook that Efficiency Vermont put together that provides the guidance. He continued by reviewing the process the committee was following.

Council Member Hooper said he was in favor of reducing lights that people agree aren't serving that purpose. Is there much to be gained from taking ownership of the lights?

Assistant Public Works Director McArdle said we are an old town and a lot of our streets are old. They grandfathered our lights. He continued by reviewing the rates. There is a contract the city will have to negotiate with Green Mountain Power, and then there is a grant from Efficiency Vermont they will apply for that gives \$300 a light which will help offset that cost. There will be some financial implications. Green Mountain Power would be maintenance as needed and not a regular maintenance plan.

Mr. Markowitz said they are going to change to LEDs not matter what because it makes sense. The lighting quality is better, it will save money. Efficiency Vermont is the tool and will help calculate the costs of leasing versus ownership and give the City payback information. They will come back to the Council with that data. Green Mountain Power while they have decreased the cost for the leasing for LEDs the energy charge for municipally owned LEDs has become more expensive. These are cash cows for them and they want to hold on to their infrastructure.

Acting City Manager Hill said the thing they hear the most is that it appears that the lighting on the downtown crosswalks in the busy section aren't as bright as they were, or could be or should be. When we go to the LEDs there will be a brightness that we don't have right now. The feedback they are receiving in the Manager's Office is the crosswalks seem dark.

Mr. Markowitz said they are also looking for opportunities for increasing lighting in certain areas. One of the most important reasons for lighting is pedestrian/vehicle conflict, basically crosswalks. They want to have a uniform standard when they have a crosswalk to make sure the lighting levels are uniform and make sure they are adequate.

Discussion continued on the process and concern about the lighting on the bridges was discussed.

Mayor Hooper said she was concerned about public outreach. She can imagine going through this very thoughtful and careful nicely designed process and then turn off the lights and people would be horrified, outraged and distraught. She asked if they had any advice

in terms on how to substantively involve people so they understand the process.

Assistant Public Works Director McArdle replied they would use the mapping and get it on the city's web site. They are trying to come up with a way of identifying on the map so you can find out where your home is and whether you are in the area where there are lights which will be removed. The information will go through a press release. There will be a map here during the recommendation part and then there will be a 3 or 4 week comment period. There are those who do not react to any of that and react only when the light is gone.

Mr. Markowitz said the specifics on how they get the word out to the public is a critical piece. They would want some type of appeal process. There will be an outreach process and a public hearing. They should involve the CANs, the Citizen Action Network, and get them involved.

Mayor Hooper said people will be concerned. We will be most successful if we do the outreach beforehand so people understand it. During the vote on the district heating project many people in the community said to them they needed more information. They talked about this absolutely every Council meeting and article after article in the paper yet folks didn't get it. She would prefer not to repeat that sort of experience. They may want to send notice out when they send out the water and sewer bills.

11-183.

Consideration of Water and Sewer Rates:

- a) The Water and Sewer Committee met on June 16, 2011 with the Finance Director and the Director of Public Works to review financial reports, rate history, revenue trends for future budgets and rate increases.
- b) The Water and Sewer Rate Committee is looking forward to receiving information concerning the capital needs of the City's water and sewer utilities from this summer's CIP Council Committee.
- c) The Water and Sewer Rate Committee is making progress on establishing a new water rate structure. The new structure will

have higher fixed fees that cover customer-based service (administration) costs and debt expenditures without being dependent on customer usage. Also, a fee may be considered that would pay for the elimination of the water fund deficit (perhaps over 5 years). This rate structure needs more time to be developed and communicated to users before implementation (approximately 6 months).

- d) In the interim, the Water and Sewer Rate Committee recommends increasing quarterly fixed (readiness to serve) rates by \$10 per quarter for water customers effective July 1, 2011. All other Water and Sewer rates would remain the same at this time.
- e) Recommendation: Accept update from the Water and Sewer Committee, and adopt the FY12 Water and Sewer Rate Resolution with the increase in Fixed Cost Charge of \$40 per year.

Finance Director Gallup said she was part of the Water and Sewer Rate Committee. Water in particular is struggling. She thinks the sewer funds will right themselves in the next year or two. Water is really the victim of a very nice plant with a lot of debt through no growth and conservation efforts. We have dug ourselves into a hole with water, and unless there is growth there is no way to pay for our annual operating costs and debt. The Council has instructed the Water and Sewer Rate Committee to find a way out of this situation and take action to alleviate the debt. They do not have that completed and hope to have that completed in six months. There is a concept of changing the rate structure which would mean that we would identify the costs of the fix expenses in our operating budgets and our debt and determine how to make sure we will raise those funds, and then have the variables that they can attach to usage. That structure uses an equivalent residential unit which is called an ERU which is why it has taken so long; there are 3,000 accounts and they are going back two years. They are determining their usage. Based on their usage they get an average residential usage, apply that to nonresidential so if you have a big company you would use their usage to give them a number like 150 ERUs so therefore they would have to pay a fixed cost that would be 150 times what a resident would use.

Their recommendation in the meantime is last July, the first time in many years they had not increased sewer and water rates at all. They have been bumping them up 5 percent for the last three or four years so last year everybody got a pass. Just because they are not ready to put their new structure in right now the Committee wanted to take into consideration that we needed to increase rates at least somewhat for July 1st of this year to help ease the hurt the water fund is in right now. There is a recommendation to change for July 1, 2011 to raise the fixed rate cost to \$40 annually per customer, which is \$10 per quarter. That is going to raise about \$116,000.

Council Member Jarvis said Sandy started this out by saying we've gotten ourselves into this. In fact we haven't gotten ourselves into this but the federal government has gotten us into this. She didn't know the story behind why we have the over capacity we do. That is a real important story to tell, that we are not in this situation because of a lack of financial management. It's a combination of being forced to construct a facility that is much more than what we need and then having a rate system that encourages conservation.

Finance Director Gallup explained the effect that conservation was having on the water fund.

Council Member Jarvis said it is understood that this is not an easy step to take because of the fixed cost. It's not something people have control over. She thinks the Council as the financial managers of this fund would not be exercising their fiduciary duties to allow this fund to sink further into deficit.

Council Member Hooper said as another member of the Committee he feels sorry on the other side. This change is a long time coming. The costs are fixed and have most of the income be variable creates bad incentives. We have had companies in our town who have made a very large investment in conservation which has effected the city's income.

Council Member Sherman spoke about the water that was unaccounted for and the need to figure out where it was going.

Finance Director Gallup replied it is consistent and it's unbilled. It is leaking.

Council Member Weiss said on the first page it is going to go up \$10 per quarter. Will that apply to both metered and non-metered users?

Finance Director Gallup replied it is just the metered users. There are a few people that are on a fixed rate for water.

Council Member Jarvis said the Water and Sewer Committee did not make any recommendations about that.

Council Member Weiss said on page 2 of the resolution under sewer connections the City Council of the City of Montpelier, acting as the Board of Sewer Commissioners... He asked if the Council also acts as the Board of Sewer Commissioners.

Mayor Hooper said she understands and appreciates the work which has been done on this. She has had probably as many concerns raised over the costs of water as she has had over taxes. The water discussion and where they come from she finds the most painful because people are desperately trying to hold down their costs and she finds this to be a very regressive sort of structure. There is no relief whatsoever for people. She worries about going increasingly to increasing our fixed costs and spreading that over a larger group. She understands the economic rationale and using it to drive to decisions, but we really need to pay attention to the burden this is placing on folks. With property taxes there is a relief valve when people don't have the ability to pay. At a minimum the discussion aside from the resolution in front of the Council it strikes her they ought to give some thought to finding a relief valve they can provide to people who are struggling. Maybe it can be tied into the property tax. She is worried about shifting the burden increasingly to those who can't pay for it. She also wonders if there is a shift from commercial to residential, and she worries about that a lot when they watch property taxes and they should worry about it here as well.

Finance Director Gallup said she worried when they were doing this that they were looking at apartment buildings and some of them have very small apartments and they are expensive.

Mayor Hooper said in addition to doing their fiduciary responsibility to the utility they have this other responsibility to the residents of the community.

Council Member Jarvis said she appreciates what she is saying but she thinks it is two different conversations. The first is how do they get this fund out of deficit and the other is how do we help protect our residents from the burden that is placed on them.

Mayor Hooper said they have to happen at the same time because in getting it out of its deficit you can't do damage to the residents. Let's protect the people that it is going to place a great burden on. They need to do the two things together.

Council Member Hooper added that along with that second piece of protecting individuals he thinks they can help the policy of increasing residential densities by noting that it is one major hookup to serve 8 units and apartment buildings and each of those units is going to use less than a stand-alone house. They need to create a unit which incentivizes more dense development on the water and sewer system.

Motion was made by Council Member Weiss, seconded by Council Member Hooper to approve the Water & Sewer Resolution as amended. The vote was 5-0, motion carried unanimously.

11-184.

Reports by City Council

Council Member Jarvis suggested that the Acting City Manager meet with the League of Cities and Towns about the water and sewer rates. Other towns must have the same kind of issue, whether they create a relief fund or combine it with property taxes. She reported she had a great meeting with a group of District 2 voters this past week and had an interesting conversation about all kinds of topics. This reminded her of the importance of the Council's communication with the public and we need to engage the public more to have some more informal communications.

Council Member Timpone reported they had their first Barriers to New Housing in Montpelier last week. As an update on the Flood Relief Fund they have awarded just over \$20,000 to area businesses mostly in \$1,500 checks and they have a surplus of just over \$9,000. They didn't receive as many applicants as they would have liked. They are thinking about using some surplus money to help with an early warning system.

Council Member Sherman reported they had a splendid 3rd of July celebration and the weather and crowds were wonderful. The city banner was wonderful. Sandy Pitonyak designed it. There are some street improvements in progress. Sarah and she just received a list of about a dozen serious needs in District 2 and will pass them on to Tom McArdle.

11-185.

Mayor's Report.

Mayor Hooper reported she and Council Member Sherman rode on the inaugural ride of the circulator bus. It was interesting to watch the team figure out where to stop.

She attended the Montpelier Business Association and they have been talking about all of their infrastructure, waste water treatment plant and Todd mentioned how much more water was going into the waste water treatment plant during the storm event which backed them up into talking about the storm drains not being separated from our waste water. They are talking about the downtown and all of the roof drains that are tied to our waste water disposal system. Todd reminded them they have an ordinance that says they must be separated but we are not allowed to do that. She was thinking about the meeting of the Montpelier Business Association when she asked what would they like the city to do for you in terms of flood mitigation. Maybe we should be enforcing our storm drain separation ordinance and as a way to help people in the downtown to do that is to have some incentive money to do the separation. Bill Fraser had suggested the city might also want to think about putting some money to help people who had been affected, and this strikes her as something that might be worthy of a conversation. We know we need to separate them and have heard from property owners.

She has been meeting with a group of people in Barre City looking at the corrections population, crime and how to make that a safer and more welcoming community. Our Police Chief works very closely with that group, but while the focus has been on Barre this is clearly a regional public safety community justice system issue. They are trying to understand what works and what doesn't work in terms of the state's response to public safety and the judiciary's response to public safety related issues. One of the things they are

looking at is possibly creating a different scenario for housing in Barre.

11-186. Report by City Clerk-Treasurer.

City Clerk & Treasurer Hoyt reminded people of the BCA meeting where they are going to be discussing the legislative reapportionment next meeting. The property tax bills will be going out Friday, July 15, 2011.

11-187. Status Reports by the City Manager

Acting City Manager Hill said back in 2010 the employees formed their Health Insurance Task Force to look at ways they could save money not only for the city but for themselves as well, and at that time they agreed to a high deductible insurance plan which saved roughly \$190,000. However, in 2011 the increase is going to just about eat all of that savings up so the Health Insurance Task Force decided with Finance Director Gallup's encouragement that it was time to reconvene and take a second look. At the same time this was happening the Vermont League of Cities and Towns also announced that it will no longer be offering insurance products in 2012.

Mayor Hooper asked if they were dissolving the health trust.

Acting City Manager Hill said that instead they are going to be offering a variety of competitively priced plans and basically focusing on the three carriers in Vermont – Blue Cross/Blue Shield, MVP and Cigna. They are going to act as brokers. Tim Ford who Sandy and the Task Force have worked with in the past met numerous times with both Tonya Chambers who works for the League. Tim Ford is aligned with Hackett, Valine & McDonald. On the Health Insurance Task Force there are representatives of the unions and the personnel plan. Bob Gowans has chaired that committee. The two proposals from both agencies were very close, but the Task Force felt very strongly about the wellness program that the League has always incorporated into the insurance program. Today Bob Gowans recommended to our Finance Director: "The Health Insurance Task Force has over the last two months meeting with and evaluating proposals from VLCT, Tonya

Chambers and Tim Ford. After careful consideration in evaluating both proposals they have decided it would be in both the city's and employees' best interest to remain with the Vermont League of Cities and Towns. The Task Force remains committed to our relationship with the League." Based on that recommendation Finance Director Gallup sent her a memo today said she recommends assigning VLCT as the city's broker of record for health insurance.

Council Member Hooper said it is great that the wellness program helped to drive the decision in favor of the League. What has come up previously and Bill suggested that one of the reasons the Health Trust was falling apart was that the larger cities are self-insuring.

Finance Director Gallup who sits on the VLCT Health Trust Board said what has happened over the last few years is the over 50's get in the Vermont League of Cities and Towns Health Trust separated from the under 50's so they all pay the same rate. She isn't talking about age but the number of employees. They rated the over 50's, but they only had one product. Unfortunately, with the rates going up so high all the time people like her were forced to say I have to sit this out every year. The League didn't have that service. They just had a product. They have suffered a bit as things have changed over the last few years and what has happened is the healthiest towns that have the youngest people have moved away and they are left with some of the older heavier users. The group has not been a great group to belong to, and this has just evolved. With the fact that she feels obligated for over a million dollars' worth of premium she has to shop every year, and she can't do that with them. It's forcing people like the City of Montpelier to consider moving away. We had a horrible year with health claims last year so they knew there would be another 20 to 25 percent increase coming, and you just can't sustain that. The group pooling didn't work any longer and they decided to offer choice. They are partnering with Hickok and Boardman who have a lot of business in the state with health insurance so they are going to go around and ask cities and towns to sign broker of record letters so they can shop with them. The interesting thing that is going to happen is that the product that we have may not be replicated out there; it may not exist. That is why the Task Force is so important because they have to pick the product they want. The broker of record is the first step.

Mayor Hooper said the recommendation from the Task Force wasn't about a particular product although we want something that looks like an apple.

Finance Director Gallup said the League wants to get a lot of broker of record letters and go to Cigna and Blue Cross/Blue Shield and MVP with some clout and get us the best product at the best price.

Mayor Hooper asked if she needed any action from the Council.

Finance Director Gallup said because they aren't making a big change a broker of record is something they have not done before but she wanted to keep them aware that this is a little bit more than what the Task Force thought they were getting themselves into with the League changing so much.

Mayor Hooper asked what we have in our budget for the second half of the fiscal year for health insurance.

Finance Director Gallup replied about 15 percent. It is half and half because it is on a calendar year. It's a bit because she had budgeted 12 percent and then it was 20 percent. For 2012 she budgeted 13 percent.

Acting City Manager Hill said she had a meeting with the Executive Committee of the Central Vermont Economic Development and at that meeting, in conjunction with the FEMA piece they had tonight, one of the members of that committee indicated they had applied for a VEDA loan which is a \$25,000 loan at 0% interest for the first year. They want to emphasize that to the businesses.

Adjournment:

After motion was duly made and seconded by Council Members Jarvis and Sherman, the council meeting adjourned at 9:38 P.M.

Transcribed by: Joan Clack

Attest: _____
Charlotte L. Hoyt, City Clerk

Daniel W. Barlow
Co-founder
Trees & Hills comics group
182 Main Street
Montpelier, Vt. 05602
barlowdaniel@gmail.com
(802) 355-7461

Dear Montpelier City Council,

We are proposing to use City Hall as the location of Montpelier's second annual 24-Hour Comic challenge. We are asking that the city grant this request and waive any rental fees associated with the property.

This unique arts event challenges participants to write and draw a 24-page comic book in 24 consecutive hours. This is a national event, held all over the world on the first Saturday of October. Thousands of people take the challenge every year.

Last year, Trees & Hills comics teamed up with the Kellogg-Hubbard Library to host the program. It was a success, bringing dozens of people into the city for the 24-Hour period, including many who had never visited our downtown. The event received coverage in the *Times Argus* and *Seven Days* newspapers, further cementing Montpelier's reputation as an arts destination.

Unfortunately, the library cannot accommodate the program this year due to a staffing shortage, although they continue to support the program. We believe that City Hall, with its history and architecture, would inspire the artists who take this challenge.

Specifically, we are requesting the use of the following spaces in City Hall: The Council chambers, Memorial room, the City Manager's conference room, the staff lounge and the public bathrooms. We would be using that space for the full 24-hour period, from Saturday to Sunday morning (Oct. 1-2).

Montpelier Alive will provide volunteer staff to supervise during the event, relying on a combination of board members and volunteer staff. We would expect City Hall to close at its normal time and plan to use a door monitor and a check-in process to allow participants to come and go through the event.

Trees & Hills will provide food and refreshments for the event and all the artists bring their own work materials. We're happy to abide by all facility rules and all participants will register and sign a waiver of liability. The organizers will be charged with clean up after the event. We also request the use of a scanner and photocopier (Montpelier Alive has offered the use of the machine in the Finance Department suite).

I would be happy to attend your August 10th meeting to answer any questions the Council may have. Thank you for your time and consideration.

Daniel Barlow

**CITY of MONTPELIER
DEPARTMENT of PUBLIC WORKS**

M E M O R A N D U M

TO: Bev Hill, Acting City Manager
FROM: Todd C. Law, PE, Director
DATE: July 18, 2011
SUBJECT: Truck #44 Bid

On July 12, 2011, we opened bids for a replacement 2WD pickup truck for the Water/ Sewer Division of the Public Works Department. Bids were received from three vendors. After staff reviewed, we recommend that the bid from Gateway Ford, White River Jct., VT, in the amount \$17,399 (which includes a seven (7) year Premium Care warranty) be accepted. \$20,000 is included in the FY2012 budget for this purchase.

Attached is the Bid Tabulation for your review. I request that you seek Council email authorization to be ratified on the next available Consent Agenda to order this truck, suggested wording as follows:

*To accept the low bid of **\$17,399** (Base Bid \$16,199 + \$1,200 Premium Care warranty) submitted by Gateway Motors, of White River Junction, VT, for the replacement of a 2WD pickup truck for the Water/ Sewer Division of the Public Works Department, and authorize the City Manager to sign the purchase order.*

If you would like to review any of the bids received, please feel free to request the file from our office.

attachment
Eric Ladd, Equipment Supervisor

#44 2WD LONG BED PICKUP

7/12/2011

PUBLIC WORKS

Cody CHEVROLET

GATEWAY MOTORS

Capitol City
Auto Mart

	PREPARED BY: <i>ngm</i>	AWARDED BY:
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Sandy Pitonyak

From: Todd Law
Sent: Monday, July 18, 2011 3:10 PM
To: Beverlee Hill; Sandy Pitonyak
Cc: DPWG
Subject: Authorization to purchase DPW truck
Attachments: #44 award memo.docx; truck 44 bid tabulation.pdf

I am asking for consideration of an email poll authorization for the purchase of a replacement truck for the water/ sewer division. I have attached the award memo and bid tabulation for information for the City Council to assist them. We plan to place this on the consent agenda for the next City Council meeting to ratify the email poll.

Thank you for your consideration.

Todd

From: Tom Golonka [tomgolonka@comcast.net]
Sent: Wednesday, July 20, 2011 2:00 PM
To: Sandy Pitonyak; L-Council
Subject: Re: Much bettah!

OK with me.
Tom

From: Timothy Andrew Hooper
Sent: Wednesday, July 20, 2011 2:11 PM
To: Tom Golonka-Comcast
Cc: Sandy Pitonyak; L-Council
Subject: Re: Much bettah!

Looks good to me. J'approve.

From: Nancy Sherman [nsherman@cvcoa.org]
Sent: Wednesday, July 20, 2011 3:03 PM
To: Sandy Pitonyak; L-Council
Subject: RE: Much bettah!

I approve.
-Nancy

From: Sarah Jarvis [sarahvermont@yahoo.com]
Sent: Wednesday, July 20, 2011 3:50 PM
To: Sandy Pitonyak
Cc: L-Council
Subject: Re: Much bettah!

I approve.
Thanks for clarifying.
~ Sarah

From: Angela Timpone [angelatimpone@gmail.com]
Sent: Wednesday, July 20, 2011 4:48 PM
To: Sarah Jarvis-Yahoo
Cc: Sandy Pitonyak; L-Council
Subject: Re: Much bettah!

I approve.

Sandy Pitonyak

From: Clancy DeSmet
Sent: Thursday, July 21, 2011 10:30 AM
To: Sandy Pitonyak; Beverlee Hill
Cc: Audra Brown
Subject: FW: Liz Koenig DRB Letter of Interest
Attachments: E Koenig DRB Letter of Interest 110721.pdf

We've got one for the DRB! She'll add a resume' later. Can this be considered for next Wednesday's agenda? We're short two members and getting a new one would really fill the void from Alan and Sabina's departure.

Let me know please.

Thanks,

Clancy

From: Elizabeth Koenig [<mailto:lizk@blackriverdesign.com>]
Sent: Thursday, July 21, 2011 10:26 AM
To: Clancy DeSmet
Subject: Liz Koenig DRB Letter of Interest

Hi Clancy,

Please see the attached. Resume to follow later.

Best,



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

Elizabeth (Liz) P. Koenig
73 Main Street, Room 53
Montpelier, Vermont 05602
Cell: (802) 274-5826
Email: lizk@blackriverdesign.com

July 21, 2011

Clancy Desmet, CFM
Planning and Zoning Administrator
City of Montpelier
City Hall, 39 Main Street
Montpelier, Vermont 05602
via Email: cdesmet@montpelier-vt.org

Re: Letter of Interest, Montpelier Development Review Board

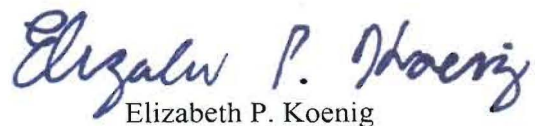
Dear Clancy,

I am glad that Kate Coffey marched me over to see you at City Hall this morning. I have been a resident of downtown Montpelier and a designer at Black River Design, Architects since 2007. After growing up in Vermont's Northeast Kingdom, I attended Smith College in the thriving downtown of Northampton, Massachusetts, graduating Magna Cum Laude, Phi Beta Kappa in 2005 with a B.S. in Engineering Science. My interest in planning, development, land use, housing and public transportation policy blossomed during a post-undergraduate year spent in Germany with a DAAD Fellowship.

Over the past several years with Black River Design I have had the opportunity to attend conferences about smart growth and sustainability in Vermont, as well as collaborate with Paul Dreher, Zoning Administrator of Newport, through whom I have learned about development tools such as form-based code. My intent is to return to graduate school to pursue these areas of study within the next several years.

Living and working in Montpelier has solidified my commitment to Vermont and to participating in and supporting efforts to ensure that our communities and particularly downtowns are a vibrant and important part of our State's culture and economy. My goal as a member of Montpelier's DRB would be to diversify the perspective of the Board. Yet I am sensitive to the responsibility of Members to understand and implement the overarching goals of the City and its residents as outlined in the city's Master Plan. I look forward to gaining first-hand insight into these methods through which communities control, support, and regulate their own development.

Best,


Elizabeth P. Koenig

Elizabeth P. Koenig
73 Main Street, Room 53
Montpelier, VT 05602
Phone: 1.802.274.5826
Fax: 1.212.208.0938
epkoenig@epkoenig.com



Résumé/ Curriculum Vitae

Education

May 2005 BS Engineering Science, Smith College, Northampton, Massachusetts, USA.
Magna Cum Laude, Phi Beta Kappa.

Experience

September 2007 - present Designer, Black River Design, Architects, Montpelier, Vermont.
Design, generation, and management of firm marketing materials including proposals, website, press releases, advertisements, and promotional documents.

February 2007 - present Chief Executive, lastminutedeals.com, Montpelier, Vermont.
Responsible for product and business development, administration, and online corporate identity of small family-owned travel services website.

November 2006 – January 2007 Administrative Assistant, Lyndon Institute, Lyndon Center, Vermont.
Temporary position assisting Director of Business Office with service bids and contracts, overseeing campus construction projects, and

October 2005 – October 2006 Fellow, German Academic Exchange Service, DAAD, ¹ Fellow. Studied Product Design at Hochschule für Gestaltung, Offenbach am Main, Germany ².

September 2004 – May 2005 Project Manager, Smith College Student Engineering Design Team.
Collaborated with Northampton Dept. of Public Works to generate replacement design for municipal utilities, water, sewer main, drainage, roadway, and sidewalk in residential community.

September 2004 – May 2005 Master Tutor and Teaching Assistant, Smith College Engineering Department, Fluid Mechanics and Introduction to Engineering.

Service

2008 - present Trustee and Corporator, Lyndon Institute, Lyndon Center, Vermont

2004 - 2005 President, Tau Beta Kappa, Smith College Engineering Honor Society

¹ Deutscher Akademischer Austauschdienst

² Academy of Design, Offenbach am Main, Germany

Sandy Pitonyak

To: L-Council
Cc: Beverlee Hill; Clancy DeSmet
Subject: Application for the DRB!
Attachments: Elizabeth Koenig App for DRB 7-21-11.pdf

See Clancy's e-mail (and a resume) attached. We realize this is an unusual request but because we've had such a difficult time recruiting members to this board, and the next Council Meeting is not until August 10th, would you folks be willing to approve this appointment to be ratified on the 10th.

Thank you for considering ...

Sandy Pitonyak

From: Tom Golonka
Sent: Thursday, July 21, 2011 7:01 PM
To: Sandy Pitonyak
Cc: L-Council; Beverlee Hill; Clancy DeSmet
Subject: Re: Application for the DRB!

I'm ok with approving.
Tom

From: Nancy Sherman
Sent: Thursday, July 21, 2011 7:54 PM
To: Sandy Pitonyak
Subject: Re: Application for the DRB!

I approve the appointment of Elizabeth Koenig to the DRB.
Nancy

From: Sarah Jarvis [sarahvermont@yahoo.com]
Sent: Friday, July 22, 2011 7:45 AM
To: Sandy Pitonyak
Cc: L-Council; Beverlee Hill; Clancy DeSmet
Subject: Re: Application for the DRB!

I would approve of a temporary appointment - until our August meeting. Since it's a quasi-judicial board I think we need to do term appointments in public.

Thanks,
~ Sarah

From: Angela Timpone [angelatimpone@gmail.com]
Sent: Friday, July 22, 2011 7:48 AM
To: Sarah Jarvis-Yahoo
Cc: Sandy Pitonyak; L-Council; Beverlee Hill; Clancy DeSmet
Subject: Re: Application for the DRB!

I agree with Sarah. I would approve a temporary appointment until the august meeting. Angela

Brian M. Lane-Karnas, E.I.

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

July 29, 2011

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

Dear Council Members,

Please accept this letter of interest in the vacant position on the Montpelier Development Review Board. As a practicing engineer in the field of land development, I feel that my insight would be a valuable addition to this body. For the past six years I have been employed with DeWolfe Engineering Inc. in Montpelier. The majority of my duties are to design developments to meet the various local and state permitting requirements, prepare applications, and represent our clients in public meetings.

I believe that this experience makes me a uniquely valuable asset to the Development Review Board. I can contribute my technical knowledge to the board. This will facilitate the review of proposed developments and provide perspective on technical testimony presented to the Board.

I have designed and permitted projects both large and small in Montpelier, in other Vermont towns, at the State level including both Act 250 and a variety of Department of Environmental Conservation permits, and in states throughout the region. This gives me a broad perspective on land use regulatory requirements, their functions, consequences, and interrelations. I am also intimately familiar with the Montpelier Zoning and Subdivision Regulations. This experience will allow me to enhance the Board's understanding of projects within their full regulatory context.

I have presented several projects to the Montpelier Development Review Board and have deep respect for Chair Zalinger and the other board members. I look forward to joining their ranks and serving the capitol city in my best capacity.

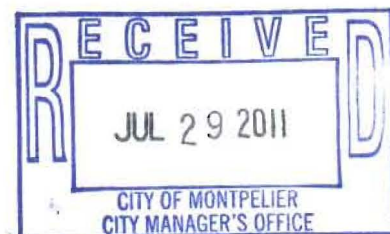
I plan to attend the August 10th City Council meeting should the Council members have questions.

Sincerely,



Brian M. Lane-Karnas

Enclosure: resume



Brian M. Lane-Karnas, E.I.

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

Civil Design Engineer

Professional designer with diverse skill set built over 9 years of experience, including: environmental and land use permitting, site development, utility and stormwater engineering, extensive CAD drafting, leadership, organization, client relations, self-management and the ability to learn quickly.

Employment

Engineering

2/05 – Present DeWolfe Engineering Associates, Inc. Montpelier, VT
Civil Design Engineer

- Lead designer for a variety of site development projects including commercial and industrial sites.
- Obtained environmental and land use permits for a wide variety of projects. Worked in a leadership role to manage permit process and advise clients on permitting strategy.
- Extensive experience with civil engineering drafting and design software including AutoCAD Land Development Desktop and Civil 3D.
- Trained under licensed professional engineers in all aspects of site development including layout, grading, utilities, on-site septic systems, and stormwater.
- Surveying, including topographical and layout, and engineer's site inspections.

3/96 – 1/02 Lane Associates, P.C. Rutland, VT
CAD Draftsman

- Experienced in AutoCAD 2000i LT, Luxicon and Gensys.
- Produced electrical, mechanical, HVAC and architectural drawings in an efficient and self-directed manner.
- Created custom menus for insertion of standard blocks in order to increase drafting efficiency.
- Limited experience in electrical design including lighting fixture, receptacle and smoke detector layout.

Other Employment

8/04 - 2/05 Onion River Sports Montpelier, VT
Sales Associate

- Worked as a member of an excellent sales team in a premier independent cycling/ski retailer.
- Built and maintained relationships with customers to ascertain interest, fitness level, sizing, and budget to provide exceptional customer service.

8/03 – 7/04 Flexco Microwave, Inc. Port Murray, NJ
Group Leader, Soldering/ Assembly (promotion)

- Preparation, soldering, assembly and testing of coaxial cables to exact specifications for microwave applications.
- Supervised a team of seven assembly and test associates in order to meet

company production goals through training, expediting workflow and collaborating with project supervisor.

11/02 – 7/04

New Jersey

Audio Consultant

- Worked with public school faculty as a consultant to assist in the full utilization of audio equipment and facilities.
- Services rendered include in-service presentations, sound reinforcement support, equipment inventory and production work.

Education

Norwich University

2006 - 2010

B.S. in Civil Engineering

Northfield, VT

- Graduated Summa Cum Laude, May 2010.
- Dean's List for eight semesters.
- President, Chi Epsilon National Civil Engineering Honor Society, Norwich Chapter
- Vice-President, Tau Beta Pi Engineering Honor Society, Norwich Chapter
- Recipient of the Peter E. Kyle Award, 2007 and 2008
- Recipient of the Clinton A. Renfrew Award, 2009
- Presidential Fellow for the David Crawford School of Engineering, 2009-2010
- Norwich Student Engineer of the Year, 2010
- GPA: 3.99

Ithaca College

1998 - 2002

B.M. in Recording

Ithaca, NY

- Graduated Cum Laude, May 2002.
- Dean's List for four semesters.

Sandy Pitonyak

From: Brian Lane [brian.lanekarnas@dirtsteel.com]
Sent: Friday, July 29, 2011 11:39 AM
To: Sandy Pitonyak; Clancy DeSmet
Subject: DRB Letter of Interest

Sandy & Clancy,

I just went to put the August 10th Council meeting in my calendar and realized that I have to be at a DRB hearing for a project I am working on in Barre Town that night. I'm sorry I didn't check that earlier. If any of the council members want to call me ahead of the meeting, my cell is (802) 505-0049.

Thanks,
Brian Lane-Karnas, EI

DeWolfe Engineering Associates, Inc.
81 River Street, P.O. Box 1576
Montpelier, Vermont 05601-1576
tel: 802.223.4727 x 306
fax: 802.223.4740

Brian.LaneKarnas@dirtsteel.com

www.dirtsteel.com

James M. LaMonda

5 Summit Street, P.O. Box 1571
Montpelier, VT 05602

Phone: (802) 279-1975
E-mail: jlamonda@comcast.net

PROFESSIONAL LICENSES

State Bar of Vermont, 2006

United States District Court, District of Vermont, 2007

EDUCATION

Vermont Law School, South Royalton, VT
Juris Doctor, *Magna cum laude*, May 2006

Norwich University, Northfield, VT
Bachelor of Arts, *Summa cum laude*, History, May 2003
Minor in English

Woodbury College, Montpelier, VT
Associates Degree, Paralegal Studies, September 1999
Professional Certificate, Mediation/Conflict Management

WORK EXPERIENCE

Law Office of James M. LaMonda, Montpelier, VT

Since May 2011 working in solo practice, focused primarily on litigation but also acting as a general practitioner when appropriate. Current caseload includes clients held over from practice in Caledonia County, public defender conflict cases, and family, criminal and civil clients in the central Vermont area.

Axelrod & Adler, St. Johnsbury, VT

Law Clerk and Associate, May 2006 to May 2011

- Worked as law clerk and Associate in three-attorney firm primarily engaged in litigation practice.
- Full-service civil practice, with caseload consisting of:
 - Personal injuries;
 - Workers compensation;
 - Property disputes;
 - Property losses;
 - Contested family matters
- Criminal defense practice, representing defendants in:
 - Juvenile matters;
 - Fish and wildlife violations;
 - Misdemeanor and felony criminal charges.

Town of Northfield, Vermont

Primary contractor for "Ancient Roads" research, February 2008 to July 2009

- Contract work for the Town of Northfield, engaged in researching, documenting and producing graphic compilation of road history since the town's inception. Work was grant funded through appropriation dedicated by the State of Vermont

Vermont Defender General – Prisoners' Rights Office, Montpelier, VT

Summer Intern, May 2005 – August 2005

- Worked under supervision of four staff attorneys. Performed legal research, wrote memorandums of law, an appellate brief, and motions to be submitted to courts. Interviewed clients and attended parole hearings and status conferences. Maintained case files and communicated closely with staff, while also working independently as needed.

WORK EXPERIENCE – Continued

Vermont Bar Association (VBA), Montpelier, VT

Online Digest Manager, May 2004 – May 2006

- With the help of Editor, maintained online digest of pending Vermont Supreme Court cases. Read briefs of pending cases, summarized facts and issues, and posted summaries on VBA website for use by Association members.

Political Science Internships, January 2002 – May 2002 and January 2003 – May 2003

- Assisted VBA Executive Director by tracking legislation of interest to the VBA. Attended committee meetings and full debates within the state capital and elsewhere, and submitted reports to the Director, who posted weekly reports on the VBA website for use by members.

Anthony Otis, Esq., Montpelier, VT

Legislative Assistant, January 2006 – May 2006

- Worked as assistant for registered lobbyist in Vermont Statehouse. Worked on scope of practice issues regarding various health care professions, including researching the practice standards of all fifty states and curriculums of health care schools. Also researched administrative rules, met with clients and legislators, and conducted long-range planning.

South Royalton Legal Clinic, Vermont Law School

Student Intern, August 2005 – December 2005

- Worked as student intern under supervision of four staff attorneys. Handled Social Security appeal through ALJ hearing, including presenting argument at the hearing. Also did initial intake of new Social Security appeal, including interviewing the claimant, copying and reviewing the Social Security record, and drafting summary for the staff attorney's evaluation. Assisted on three family law cases, including foster child represented by the Clinic and post-divorce disputes. Drafted motions and orders for the Family Court, and presented to the Court on two occasions.

ACHIEVEMENTS

Vermont Law School

- *Vermont Law Review*, Senior Notes Editor, 2005-2006
- Am. Jur. Award for Torts and Civil Procedure I – Fall 2003;
- Dean's List, 2003/2004, 2004/2005, 2005/2006
- Class of 2006 Honor Code Committee representative, 2004/2005
- Member, General Practice Program
- Student Intern, South Royalton Legal Clinic, Fall 2005
- Recipient, Sterry R. Waterman Memorial Scholarship, 2004/2005, 2005/2006
- Recipient, Vermont Bar Association Young Lawyers' Division Scholarship, 2005/2006
- Research Assistant for Constitutional Law Professor; conducted research on Vermont history, including 19th and early 20th Century political, military and legal history.

Norwich University

- 2004 Winner, UVM Andrew E. Nuquist Award, presented by the Center for Research on Vermont, for Honors paper "Closing the Backdoor to Washington: Vermont Civil War Soldiers in the Shenandoah Valley Campaign, 1864"
- Graduate with Highest Honors-History—2003
- Recipient, American History Prize—2002
- University Scholar – 2000/2001, 2001/2002
- Member, Alpha Chi Society – 2001

Woodbury College

- Student Representative to the Board of Trustees, 1997—1999
- Student Teacher for Legal Research and Writing, 1998—1999

VOLUNTEER EXPERIENCE

Vermont Department of Public Records - VT Military Records Project, 2000 – 2002

- Assisted the archivist of the Vermont Military Records Project by handling and identifying fire-damaged documents, researching Vermont military history, and making public presentations. In March 2001, received recognition from Vermont Legislature through J.R.H. 62.

Vermont Attorney General's Taskforce against Telemarketing Fraud, 1999 – 2000

- Worked with Northfield Senior Center to educate elderly citizens on how to avoid being targeted by telemarketers. Reported attempted telemarketing abuse, and the techniques used, to Attorney General's office.

Northfield Youth Center, 1998 – 1999

- Worked with Center director to develop training program to help teens learn various tools to address problems or conflicts, including peer mediation. Developed and led training sessions for teens and supervisors, concentrating on conflict resolution.

PAPERS

- Vermont Law School - Act 250 Permit Reform: Good for Vermont, or Bad for Vermonters? (Law Review Note)
- Norwich University - Closing the Backdoor to Washington: Vermont Civil War Soldiers in the Shenandoah Valley Campaign, 1864 (Honors paper).

MEMBERSHIPS

American Bar Association
Vermont Bar Association
Vermont Bar Association – Young Lawyers' Division
Vermont Association for Justice (formerly Vermont Trial Lawyers' Association)
Vermont Association for Criminal Defense Lawyers
Washington County Bar Association



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

TO: City Council Members
Beverlee Pembroke Hill, Acting City Manager

FROM: Charlotte L. Hoyt, Clerk-Treasurer
Sandy Gallup, Finance Director

DATE: July 25, 2011

SUBJECT: Online Payment Services Contract

In April, we requested proposals for a three-year electronic payment service contract (credit card, debit card and electronic check) for the payment of all fees normally associated with municipal government. The City received six responses to our RFP; TD Bank, Peoples United Bank, Paymentus, Value Payments, Official Payments and Systems East. We waited until the decision was made on the Banking Services Contract (change from TD to Merchants Bank) before beginning vendor selection for the online payment services.

Our selection committee for these services, in addition to the Clerk-Treasurer and Finance Director, included Kris Morande, Finance Staff Accountant, Nick Daniels, Technology Technician and Shelley Quinn of the Merchants Bank. **After reviewing the proposals it became clear that the City would not be charged any fees for receiving the electronic payments. All the fees, called "convenience fees", would be paid by the individuals using the credit card, debit card or electronic payment services.** The method of charging users for the services varied widely. Some charges were flat fees; others were on a percentage basis. Many providers had minimum and maximums amounts of payments that were used to calculate fees. To narrow down the selection process, the committee looked for fee structures that were most favorable to the types of transaction that we expect most people would use. We also looked for companies that have worked with NEMRC, the software company which holds our Property Tax, Water and Sewer account information. Eventually, we hope to have account balances available online (on the City's Web Site) so the residents will not have to make "blind" payments.

Note: Due to current VISA rules, residents will not be able to pay with a credit/debit card when they come directly to the City Clerk-Treasurer's Office. Instead, we will provide people access to a computer workstation so that they may go online and enter the credit card transactions themselves.

Last week, the committee asked Official Payments and Systems East to provide an online demonstration. Both companies' user access and transactions reporting was well-developed and easy to understand. Users may find the electronic payments option through a link on our web site.

Official Payments had better pricing for property taxes, water and sewer payments. (see attached Credit Card Fee Comparison Worksheet). The City of St. Albans and the towns of Williston, Stowe and Norwich (and many others) are current customers of Official Payments.

Recommendation: We recommend awarding the 3-Year Electronic Payment Contract to Official Payments and authorizing the City Manager to sign the contract and associated documents.

City of Montpelier - Credit Card Fee Comparison

	TD Bank	PUB	Paymentus	Citizens	Official Payments	Systems East
Startup Costs:						
Enrollment Fee	\$ 85.00	\$ 69.00	\$ 100.00		\$ 100.00	\$ 25.00
Card Swiper (Optional)			\$ 10,000.00			
RecTrac Integration (Optional)		\$ 75.00				
Verifone Pin Pad		\$ 375.00				
Epson Printer						
Total Startup Fees	\$ 85.00	\$ 519.00	\$ 10,100.00	\$ -	\$ 100.00	\$ 25.00
Processing Costs:						
Discount Rate:						
Interchange Rates:						
Tax Payments Credit Card	2.85%	3.50%	2.75%	2.39%	2.65%	2.80%
Tax Payments Debit Card	2.85%	\$ 3.95	2.75%	2.39%	2.65%	2.80%
Tax Payments Visa Debit	2.85%	\$ 3.95	2.75%	\$ 3.95	2.65%	2.80%
Utility - Residential	\$ 7.07	*	\$ 6.95	\$ 6.20	\$ 2.95	2.80%
Utility - Commercial	\$ 22.17	*	\$ 19.95	\$ 19.45	\$ 5.95	2.80%
Parking Tickets	\$ 1.43	*	\$ 2.95	\$ 1.13	\$ 2.95	2.80%
Recreation Fees	\$ 1.43	*	\$ 2.95	\$ 2.95	\$ 3.95	2.80%
EMS Transports	\$ 8.55				2.65%	2.80%
Bank Processing Fee						0.50
Monthly Fees (to City):						
Service Fee		\$ 5.00				\$ 15.00
Statement Fees		\$ 10.00				
Gateway Fee (If face to face pymts)						
Total Monthly Costs	\$ -	\$ 15.00	\$ -	\$ -	\$ -	\$ 15.00
Annualized	\$ -	\$ 180.00	\$ -	\$ -	\$ -	\$ 180.00
Annual Fees:						
PCI Compliance Fee	\$ 30.00					
USB Encryption Fee (Optional)						
Total Annual Fees	\$ 30.00	\$ -	\$ -	\$ -	\$ -	\$ -
Total Monthly & Annual Fees	\$ 30.00	\$ 180.00	\$ -	\$ -	\$ -	\$ 180.00

	TD Bank	PUB	Paymentus	Citizens	Official Payments	Systems East
Actual Average Transaction Costs						
Transaction Type	Average Cost	Cost	Min	Cost	Min	Cost
Tax Payments Credit Card	\$ 1,500	\$ 42.75	\$ 52.50	\$ 35.85	\$ 39.75	\$ 42.50
Tax Payments Debit Card	\$ 1,500	\$ 42.75	\$ 3.95	\$ 35.85	\$ 39.75	\$ 42.50
Tax Payments Visa Debit	\$ 1,500	\$ 42.75	\$ 3.95	\$ 35.85	\$ 39.75	\$ 42.50
Utility - Residential	\$ 248	\$ 7.07	*	\$ 6.20	\$ 2.95	\$ 7.44
Utility - Commercial	\$ 778	\$ 22.17	*	\$ 19.45	\$ 5.95	\$ 22.28
Parking Tickets	\$ 50	\$ 1.43	\$ 2.00	\$ 1.13	\$ 2.95	\$ 1.90
Recreation Fees	\$ 50	\$ 1.43	\$ 2.00	\$ 2.95	\$ 3.95	\$ 1.90
EMS Transports	\$ 300	\$ 8.55	*	\$ -	\$ 7.95	\$ 8.90
Average Processing Cost:	\$ 21.11	\$ -	\$ 19.57	\$ 13.17	\$ 17.88	\$ 21.24

City of Montpelier
Department of Public Works
Memorandum

To: Beverlee Pembroke Hill, Assistant City Manager

From: Kurt Motyka, Project Engineer

Date: August 5, 2011

Subject: FEMA FLOOD MITIGATION PROJECT
Construction Bid Opening – Authorization of Contract Award

Competitive sealed bids for the above referenced contract will be opened on August 8th at 3:30pm. A tabulation of the bids will be prepared following the bid opening and provided to the Council.

The intent of this project is to address an ongoing seasonal problem the City has with ice jamming along the Winooski River. The project involves a pump station to be installed at the Montpelier Wastewater Treatment Facility, with a force main to be installed along the bike path with discharge points located at historically problematic ice jamming locations. This will allow the City to pump the treated effluent from the plant, which typically leaves the facility around 45°F, to the Winooski River in order to melt channels through the ice for flood prevention.

The majority of the funding (75% for the project will come from FEMA administered through VEM. The City of Montpelier is required to cover 25% of the project cost, with up to 20% allowed for “in-kind” services.

Consideration of the City Council to authorize the Department of Public works to award the contract to the lowest responsive responsible bidder and to authorize the City manager to authorize the contract documents.

Due to the tight time frame on this project, we are looking for approval of this project at the August 10th meeting.

If you or Council members would like to review the project plans, specifications or bids received, please feel free to contact us.

Attachment

C: Todd Law, P.E., Director of Public Works
Kurt Motyka, P.E., Project Engineer
Sandy Gallup, Finance Director
Charlotte Hoyt, City Clerk

Comparison of quotes

PAETEC Corp.

Non-recurring Costs	0.00	
Recurring cost	651.05	
Equipment lease	<u>490.97</u>	36 mo. Duration
Total	1,143.07	per month for 36 months (allowing for overages in budgeted LD calls that may arise)

Sovernet Communications:

Non-recurring Costs	0.00	
Recurring cost	652.05	
Equipment lease	<u>393.90</u>	36 mo. Duration
Total	1,044.95	per month for 36 months (allowing for overages in budgeted LD calls that may arise)

August 4, 2011

The Keck Family
26 Woodrow Ave

Sheldon and Barbara Prentice
35 Woodrow Ave

Marilyn Fenno
7 Merrill Terrace

Water Brenneman
6 Merrill Terrace

James Nagle
133 Town Hill Road

Ana Nagle
133 Town Hill Road

Dear Neighbors,

We wanted to let you know that we are applying for a one-time waiver from the Montpelier City Noise Ordinance for a party that we are having on August 19, 2011. The reason that we are seeking the waiver is that we will be showing a movie outdoors beginning at about 8:30 p.m. and ending by 11 p.m., and the noise level may exceed the maximum noise level permitted at the property line after 9 p.m.

The waiver must be approved by the City Council, and it will likely be on the Council's Agenda for the meeting on Wednesday, August 10, 2011. You are welcome to attend that meeting and express any concerns that you may have about the waiver. I hope that you will also feel free to call or email us if you have questions or concerns. Our phone # is 223-6150 and Sarah's email address is sarahvermont@yahoo.com.

Thank you,


Sarah and Craig Jarvis

Fire Department

Matrix study

Three main recommendations were highlighted in the study.

1. *Implement a company inspection program to improve fire prevention efforts.* We currently do daily pre plan inspections at the crew level. At this time we are concentrating on commercial properties, schools, and nursing / long term care facilities. Additionally, we will be starting a fire education program at the elementary school this year.
2. *Eliminate one of the Lieutenants positions, and create a new Firefighter position.* We will be implementing this change. With the promotion of Lt Quinn to Deputy Chief we will not be promoting a Lt. to fill this position, instead filling the vacancy with a Firefighter. I was considering this change prior to the report.
3. *Explore regional opportunities.* Currently on going.

Building Department

1. *Building Permitting and Inspection function should be incorporated into the Planning and Development Department.* I will be reviewing this recommendation with the Department Head and City Manager.
2. *Relocate the Building Inspector to the Planning Department.* Everyone agrees this would improve service, but we are unable to at this time because of space limitations at City Hall. The Building Inspector has been moved to the first floor of the Fire station improving customer availability.
3. (Not in the report, but a discussion we had) *Create a separate dedicated phone line for the Building Inspector.* This has been done and appears to be improving service.

Robert A Gowans
Fire Chief

From: Anthony Facos
Sent: Friday, August 05, 2011 1:41 PM
To: Beverlee Hill
Cc: William Fraser; Sandy Pitonyak
Subject: Re: Agenda August 10th

In anticipation of restructuring MPD, we have completed the following: Per the new contract, I have promoted 3 CPLs, one assigned to each of the 3 shifts. SGT Neil Martel and I have submitted his application to the Leadership in Police Organizations command school. This is a three week course that is based on the West Point leadership training model and the program was developed by the IACP. Thanks to the VLCT, the tuition for this program will be free if he gets accepted. It is my goal to re-institute the Captain's position at MPD. (Salary adjustments will be a key fiscal hurdle to overcome.)

We have not made any changes yet with regards to the detective caseloads and assignments.

Chief Anthony J. Facos
Montpelier Police Department
1 Pitkin Court
Montpelier, VT 05602
(802) 223-3445

The authors of the study appear to assume that Vermont law requires reappraisals every 5 years, which is not true (New Hampshire does).

As most are aware, the requirement to conduct a reappraisal in Vermont is based on the CLA (Common Level of Appraisal) and the COD (Coefficient of Dispersion). When the CLA drops below 80 (assessments below 80% of market value) and/or the COD exceeds 20 (statistical measurement of divergence of assessments from market value is large), the State issues an Order to Reappraise to the municipality. In a fairly stable market, it could take 10 years or more to reach these thresholds.

The City could, by choice, implement a five year “rolling” approach to reappraisals in which 20% of the properties would be inspected each year. The study authors advocate reassessing 20% of properties each year, a practice that would be unfair and probably illegal in Vermont. Inspections could be done according to a 5 year cycle, but value changes should be done at the end of each cycle such that all assessments would be updated and changed at the same time.

I believe that the additional cost to convert the Assessor to full-time in order to accomplish this is understated in the report.

I support the recommendation to expand the amount of information available on the website.

I strongly support the integration of building permit data and building inspection data into a format available to the Assessor. The current system is spread over three different departments and the data available to my office is limited. It would expedite my work if I had access to this data.

Stephen Twombly
City Assessor

Sandy Pitonyak

From: Beverlee Hill
Sent: Friday, August 05, 2011 3:31 PM
To: Sandy Pitonyak
Subject: Matrix Update from Tax Collector/Assistant Manager

MATRIX UPDATE FROM TAX COLLECTOR/ASSISTANT CITY MANAGER

As the City looks to prepare for transitioning of duties as the Treasurer and Tax Collector contemplate retirement in the next few years, a couple of initial actions have already been implemented with regards to tax collecting.

Routine monthly billing on delinquent accounts, taxes, water and sewer will be handled by a clerk in the Treasurer's office. Routine adjustments to delinquent accounts will be handled by a staff accountant in the Finance Office.

The Tax Collector will continue to handle the more serious accounts and public relations with holders of delinquent accounts. It is envisioned that this position will become a part of the Consolidated Treasurer/Finance function in the future.

It is the belief that once the Tax Collector position is fully transitioned, that the Assistant's Manager's position will be placing a greater focus on conducting analysis, report writing and general management assistance to the City Manager. In the meantime, the Assistant Manager's position can be utilized to provide more direct oversight of community service departments in order to limit the number of direct reports to the City Manager.

Green Mount Cemetery Matrix Report - Director 's Thoughts

Recommendation: Consolidate the Cemetery Department under the Public Works Department to capitalize on opportunities to share equipment and personnel resources.

First this may need a charter change for Green Mount Cemetery by the Vermont Legislature – as Green Mount was incorporated by the State Legislature. Second exact accounting of monies would need to occur as Cemetery monies must be spent only on the cemetery. Third – we do presently share any and all equipment and often personnel for specialized projects for both the City and the Cemetery. The cemetery is billed for all mechanic work that is performed on it's equipment. Cemetery personnel (the Director) also snow plows City Properties such as Stone Cutter's Way, Jacob Lot, State Street (Heney Lot), Senior Center. Cemetery Personnel takes care of the mowing/landscaping needs of various City Properties such as Stone Cutters, Area next to VSECU, Berlin Street Bus Stop and Old Creamery Site, both roundabouts, etc.

Any consolidation with any department will need to keep 1 plus employees whose main emphasis/concern/objective is fulfilling the needs of Green Mount.

Recommendation: The Cemetery should automate the records of burials and plot ownership. Initially, this could be achieved through the use of an electronic spreadsheet; however, it is recommended that the Cemetery link these data to spatial data in a GIS at a later point.

Yes we do need to be automated but first a decent office environment needs to be developed at the Cemetery. Then we would have an attractive place that we can have volunteers perform the data entry.

The loss of the Cemetery House with the Route 2 project in 1987 was devastating to our office environment. We tried an office at City Hall but it was too inefficient as far as visitors were concerned and no one is present at the cemetery during the day for security and other reasons.

Performance Targets Mentioned

These performance targets are a good start for us to begin developing targets. Developing a formal maintenance plan as part of developing a Master Plan for Green Mount is presently being worked on – when I have time.

July 27, 2011

Sandy Pitonyak

From: Gwendolyn Hallsmith [gwenhs@gmail.com]
Sent: Friday, August 05, 2011 1:01 PM
To: Beverlee Hill; Sandy Pitonyak
Cc: Audra Brown; Clancy DeSmet; Eric Scharnberg; Ken Russell; Isaac Lawrence
Subject: Planning Department - Matrix implementation to date

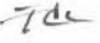
Matrix Study Implementation - Planning Department

We were asked this week to report on the progress we have made to date implementing the recommendations of the Matrix report. The Planning Department has not taken any steps to implement the recommendations at this point in time. There are several recommendations that require decisions by City Council or the City Manager, several that have serious budget and staffing implications, and several others that we have questions about, and/or that demonstrate a misunderstanding of the dual nature of the department. Unlike a lot of cities, we are both the Planning Department and the Community Development department. This changes what might be considered our "core functions," and adds work that goes beyond land use and zoning. We plan to have a departmental discussion about all these issues before the City Council considers how the report impacts our department at more length.

Cheers, Gwen.

**CITY of MONTPELIER
DEPARTMENT of PUBLIC WORKS**

M E M O R A N D U M

TO: Bev Hill, Acting City Manager
FROM: Todd C. Law, PE, Director 
DATE: August 2, 2011
SUBJECT: Safety Light Tower and Generator

The Public Works Department requested quotations for a mounted light set and generator to meet safety requirements for illuminated worksites. We received a grant from VLCT for 50% of the light set up to \$3,947.50. Our portion of the cost will be \$3,900 upon receipt of the grant monies. We are proposing to split the cost into 1/3's between the streets, water and sewer divisions operating budgets.

*Consideration of the City Council to accept the low bid of **\$7,800** submitted by Johnson Hardware, of Johnson, VT, for the Light Tower and generator for the Public Works Department, and authorize the City Manager to sign the purchase order.*

If you would like to review any of the bids received, please feel free to request the file from our office.

attachment
Eric Ladd, Equipment Supervisor

PAST RECEIPT FOR B65192

Johnson Hardware & Rentals

1442 Vermont Rt. 15 W

Johnson, VT 05656

802-635-7282 Fax: 802-635-8927

www.jhrvt.com

Report Date: 7/26/2011 11:04:16 AM

*** QUOTE ***

Johnson Hardware
1442 Vermont Rt. 15 W
Johnson, VT 05656
802-635-7282

Bill To:
Customer # 2239508
THOMAS MCARDLE
TOWN OF MONTPELIER
39 MAIN STREET
MONTPELIER, VT 05602

Date: 07/26/2011 Time: 10:59:50 AM - Transaction#: B65192
Associate: TREVOR - PO: QUOTE PER ERIC

Qty	Description ProductCode	Unit Note	Price	Tax	Extended
1.00	MAGNUM 6KW LIGHT TOWER M MODEL # MTL3060 GKW GENERATOR, WITH KUBOTA DIESEL ENGINE, 30' MAST WITH 4 1000 WATT LIGHTS, TOW BEHIND LARGE CAPACITY FUEL TANK	EACH	\$7300.00	N	\$7,300.00
1.00	SHIPPING S	EACH	\$500.00	N	\$500.00

Subtotal: \$7,800.00

TAX EXEMPT

TOTAL: \$7,800.00

Notes:

ANY QUESTIONS PLEASE CALL TREVOR
802-343-4538





47 Bridge Street
P.O. Box 380
South Barre, VT 05670
802-479-0101

Bill To:
MONTPELIER P ST DEPT
39 MAIN STREET
MONTPELIER, VT 05602

802-223-9510

QUOTATION

Order Number	
1092456	
Order Date	Page
7/22/2011 00:00:00	1 of 1

Ship To:
CITY OF MONTPELIER P ST DEPT
PUBLIC WORKS GARAGE
783 DOG RIVER RD
MONTPELIER, VT 05602

Customer ID: 101170

PO Number					Ship Route	Taker			
Light Tower Quote					90	SWEETS			
Quantities					Item ID Item Description	Pricing UOM	Unit Price	Extended Price	
Ordered	Allocated	Remaining	UOM Unit Size	Dip.		Unit Size			

Delivery Instructions: FREIGHT ESTIMATE IS APPROXIMATELY
\$1,200.00

1.00	0.00	1.00	EA	1.0	MQ LT12D	EA	8,893.5000	8,893.50
					Light Tower, Night Hawk, Diesel, 4 light four 1,000 watt adjustable lamps, 1800rpm Lombardini liquid cooled diesel engine, auto shut down for low oil or high temp, panel light, convenience outlets, 30 gallon fuel tank, one year warranty on machine and 2 years for the engine.	1.0		

Total Lines: 1

SUB-TOTAL: 8,893.50
TAX: 0.00
AMOUNT DUE: 8,893.50

ESSEX EQUIPMENT

Page: 1

Bobcat of the Champlain Valley
Divisions of Essex Rental & Sales Center, Inc.
ESSEX EQUIPMENT
26 KELLOGG ROAD
802-878-5316
www.essexequipment.com



Remit To:
ESSEX EQUIPMENT
26 KELLOGG ROAD
ESSEX JUNCTION, VT 05452
802-878-5316

SALES QUOTE

Customer: 141788
MONTPELIER, CITY OF
39 MAIN STREET
MONTPELIER, VT 05602

Invoice #... 10453153-0000
System date. 7/19/11

Job Site:
MONTPELIER, CITY OF
39 MAIN STREET
MONTPELIER, VT 05602

Quote date.. 8/18/11
Job Loc..... HIGHWAY GARAGE
Job No.....
P.O. #.....
Ordered By..
Terms..... Net 30 Days

C#: 802-223-9510 J#: 802-223-9510

Employee.... EX001BH

Qty	Item number	Unit	Price	Amount
1	LIGHT TOWER, RL4000 TEREX 70000184	EA	7775.000	7775.00
	IN STOCK IN CA. s/h \$ 300.00			
1	COMPACTOR, PLATE WACKER VP1550AW 50478095	EA	1395.000	1395.00
	IN STOCK!! NO SHIP			
Sub-total:				9170.00
Total:				9170.00

DAMAGE WAIVER

Dealer agrees to waive certain damages and loss claims against Customer, which are provided for on the reverse side, per Paragraph 13 in consideration of the following:

- A. Customer shall pay a fee of 12 % of gross rental charges; or
B. A valid certificate of insurance is provided Dealer prior to the hire of equipment, whereby Dealer is named an additional insured on an insurance policy, covering the risk of loss by damage, death or otherwise, of the subject equipment, and said insurance being the primary coverage as against any other insurance which may be provided by Dealer.

DAMAGE WAIVER DECLINED _____

I HAVE READ AND AGREE TO THE CONTRACT TERMS ON THE FACE AND BACK OF THIS CONTRACT. THOSE TERMS CONSIST OF OUR ENTIRE AGREEMENT. NO ONE HAS MADE ANY ORAL OR OTHER WRITTEN REPRESENTATIONS OR PROMISES NOT INCLUDED IN THIS CONTRACT. I HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THIS CONTRACT.

I acknowledge equipment messages and have received safety and operating instructions. If using a credit/debit card for payment, I agree to pay total amount based on the terms of this contract.

CUSTOMER'S SIGNATURE _____

CUSTOMER (PRINT NAME) ERIC _____

City of Montpelier
Department of Public Works
Memorandum

To: Beverlee Pembroke Hill, Assistant City Manager

From: Thomas McArdle, Assistant Director

Date: July 29, 2011

Subject: Towne Hill Road Culvert Replacement Project
Construction Bid Results - Recommendation of Contract Award

Competitive sealed bids for the above referenced contract were opened on July 27th at 10:00 am. A total of four sealed bids were received, opened and accepted. A tabulation of the bids is attached, showing the following result:

- | | |
|------------------------------|----------------|
| 1) Dubois Construction, Inc. | = \$ 83,788.00 |
| 2) Hebert Excavation, Inc | = \$ 90,915.00 |
| 3) J. Hutchins, Inc. | = \$121,820.00 |
| 4) Griffin & Griffin. | = \$141,710.00 |

The intent of this project is to address a chronic history of culvert surcharging and resulting property damage. The damage was most severe in 2008 during a flash flood event. The culvert which carries drainage under Towne Hill Road is located a few hundred feet easterly of the Coolidge Street intersection. The drainage area collected by this culvert includes portions of the hillside comprising Dover & Chestnut Hill Roads. A hydraulic analysis revealed that the existing culvert is undersized and the proposed new culvert will satisfy the design storm events suitable for this location.

The majority of the funding for the project will come from a Vermont Agency of Transportation Town Highway Structures grant in the amount of \$61,023.60. The remainder will come from the DPW operating budget and a small portion from the water fund for concurrent water system improvements and required modifications.

The VTrans Structures program typically provides up to 90% of the project cost. Upon completion of the project, we will submit an application for an amended grant amount to cover the difference between the original cost estimate which was the basis of grant award and the actual project cost. The higher than expected cost is primarily related to unanticipated water system modifications. Although unlikely, should the grant amendment not be approved, we will recommend that the CIP budget for the Granite Street culvert or similar drainage project be used for supplemental interim funding if deemed necessary. All engineering services including inspection will be provided by DPW staff and will therefore not be a direct cost to the project.

It is our opinion that the low bid is a reasonable price. Dubois Construction is a reputable contractor having successfully completed numerous projects for us over the years. Therefore, **we recommend that the contract be awarded to the low bidder, Dubois Construction, Inc.** We would like to get started immediately and complete as much of the work as possible prior to the influx of school related traffic. We ask that you seek City Council authorization to award this contract by e-mail poll and that the contract be ratified on the next available Consent Agenda.

If you or Council members would like to review the project plans, specifications or bids received, please feel free to contact us.

Attachment

C: Todd Law, P.E., Director of Public Works
Kurt Motyka, P.E., Project Engineer
Sandy Gallup, Finance Director
Charlotte Hoyt, City Clerk

C:\Users\spitonyak.MONTPELIER-VT\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\VZBKJoB6\Award memo_7-29-11.doc

I certify to the best of my knowledge that this is an accurate tabulation of the actual bid results

Kurt Moytko, P.E., Project Engineer

Towne Hill Road Culvert Replacement
Bid Opening July 27, 2011 @ 10:00am

				DuBois Construction 46 Three Mile Bridge Road Middlesex, VT 05602		Hebert Excavation P.O. Box 451 Williamstown, VT 05679		J Hutchins, Inc. 88 Rogers Lane Richmond, VT 05477		Griffin & Griffin 88 Rogers Lane Richmond, VT 05477	
ITEM	ITEM DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
201.1	Clearing & Grubbing	LS	1	\$500.00	\$500.00	\$600.00	\$600.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
203.28	Excavation and Demolition of Surfaces and Pavements	CY	40	\$19.00	\$760.00	\$50.00	\$2,000.00	\$35.00	\$1,400.00	\$18.00	\$720.00
204.25	Excavation for Structures	CY	230	\$20.00	\$4,600.00	\$25.00	\$5,750.00	\$27.00	\$6,210.00	\$29.00	\$6,670.00
301.26	Sub-base of Crushed Gravel	CY	100	\$35.00	\$3,500.00	\$30.00	\$3,000.00	\$38.00	\$3,800.00	\$34.00	\$3,400.00
301.35	Sub-Base of Dense Graded Crushed Stone	CY	150	\$35.00	\$5,250.00	\$30.00	\$4,500.00	\$42.00	\$6,300.00	\$37.00	\$5,550.00
406.25	Bituminous Concrete Pavement	TON	120	\$151.00	\$18,120.00	\$130.00	\$15,600.00	\$150.00	\$18,000.00	\$175.00	\$21,000.00
507.15	Reinforcing Steel	LBS	2270	\$0.60	\$1,362.00	\$1.00	\$2,270.00	\$2.00	\$4,540.00	\$3.00	\$6,810.00
541.25	Concrete, Class B (Headwalls)	CY	20	\$430.00	\$8,600.00	\$630.00	\$12,600.00	\$600.00	\$12,000.00	\$1,200.00	\$24,000.00
541.30	Concrete, Class C (Thrust Blocks)	CY	2	\$180.00	\$360.00	\$200.00	\$400.00	\$200.00	\$400.00	\$750.00	\$1,500.00
601.09.42	Culverts & Storm Drains (42" Culvert)	LF	120	\$134.00	\$16,080.00	\$120.00	\$14,400.00	\$185.00	\$22,200.00	\$140.00	\$16,800.00
604.10.60	Drop Inlets, Catch Basins & Manholes (6' Diameter)	VF	13	\$502.00	\$6,526.00	\$675.00	\$8,775.00	\$650.00	\$8,450.00	\$1,400.00	\$18,200.00
613.11	Stone Fill, Type II	CY	30	\$40.00	\$1,200.00	\$40.00	\$1,200.00	\$65.00	\$1,950.00	\$30.00	\$900.00
616.30	Bituminous Concrete Curb	TON	2	\$325.00	\$650.00	\$200.00	\$400.00	\$600.00	\$1,200.00	\$600.00	\$1,200.00
616.41	Removal of Existing Curb	LF	60	\$3.00	\$180.00	\$2.00	\$120.00	\$3.00	\$180.00	\$5.00	\$300.00
629.44	Pipe Insulation	LF	20	\$3.00	\$60.00	\$2.50	\$50.00	\$6.00	\$120.00	\$3.00	\$60.00
629.23	Seamless Copper Water Tube (1")	LF	100	\$31.00	\$3,100.00	\$40.00	\$4,000.00	\$45.00	\$4,500.00	\$24.00	\$2,400.00
629.24	6" Ductile Iron Pipe - Cement Lined (Includes Fittings)	LF	20	\$100.00	\$2,000.00	\$50.00	\$1,000.00	\$120.00	\$2,400.00	\$130.00	\$2,600.00
629.25.mod	Extension Service Box and Curb Stop Installation (1")	EA	4	\$120.00	\$480.00	\$250.00	\$1,000.00	\$100.00	\$400.00	\$150.00	\$600.00
629.27	Gate Valve with Valve Box (6")	EA	1	\$700.00	\$700.00	\$2,000.00	\$2,000.00	\$980.00	\$980.00	\$1,000.00	\$1,000.00
629.28	Hydrant Installation	EA	1	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$3,000.00	\$3,000.00	\$1,200.00	\$1,200.00
629.30	Remove Hydrant	EA	1	\$350.00	\$350.00	\$400.00	\$400.00	\$950.00	\$950.00	\$900.00	\$900.00
629.39	Corporation Stop (1")	EA	4	\$110.00	\$440.00	\$350.00	\$1,400.00	\$550.00	\$2,200.00	\$500.00	\$2,000.00
635.11	Mobilization, Demobilization Miscellaneous Work & Cleanup	LS	1	\$4,000.00	\$4,000.00	\$5,000.00	\$5,000.00	\$12,000.00	\$12,000.00	\$6,000.00	\$6,000.00
649.31	Geotextile Fabric Under Stone Fill	SY	40	\$3.00	\$120.00	\$1.25	\$50.00	\$3.50	\$140.00	\$5.00	\$200.00
900.10	Exploratory Excavation	CY	30	\$25.00	\$750.00	\$30.00	\$900.00	\$50.00	\$1,500.00	\$40.00	\$1,200.00
904	Traffic Control	LS	1	\$3,600.00	\$3,600.00	\$2,500.00	\$2,500.00	\$4,500.00	\$4,500.00	\$14,000.00	\$14,000.00
				Total	\$83,788.00	Total	\$90,915.00	Total	\$121,820.00	Total	\$141,710.00

 = Corrected Value

Beverlee Hill

From: Sarah Jarvis <sarahvermont@yahoo.com>
Sent: Monday, August 01, 2011 9:14 PM
To: Beverlee Hill
Cc: L-Council
Subject: Re: Poll for approval of bid for Towne Hill Culvert Replacement

I approve awarding the job to DuBois.
~ Sarah

On Aug 1, 2011, at 11:42 AM, "Beverlee Hill" <BHill@montpelier-vt.org> wrote:

Tom McArdle has requested that we poll the council for immediate approval of the bid submitted by Dubois Construction for the Town Hill Culvert replacement.

Beverlee Hill

From: Tom Golonka <tomgolonka@comcast.net>
Sent: Monday, August 01, 2011 1:47 PM
To: Beverlee Hill; L-Council
Subject: Re: Poll for approval of bid for Towne Hill Culvert Replacement

OK with me to accept the Dubois Bid of \$83,788 for the Towne Hill culvert replacement.
Tom

From: Angela Timpone <angelatimpone@gmail.com>
Sent: Monday, August 01, 2011 3:19 PM
To: Tom Golonka-Comcast
Cc: Beverlee Hill; L-Council
Subject: Re: Poll for approval of bid for Towne Hill Culvert Replacement

I approve Dubois Construction.

From: Timothy Andrew Hooper
Sent: Monday, August 01, 2011 12:51 PM
To: Beverlee Hill
Subject: Re: Catering Permit request for August 5, 2011

Culvert: Yes
Catering: Yes

McKEE, GIULIANI & CLEVELAND

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GLENN C. HOWLAND
ELIZABETH H. MAGILL

PETER GIULIANI (1907-1998)
W. EDSON McKEE (1923-1999)
ALDEN GUILD (RET.)

OF COUNSEL
FREDERICK G. CLEVELAND

OFFICES AT:
TD BANKNORTH BUILDING
94 MAIN STREET, 2ND FLOOR
MONTPELIER, VT 05602

July 29, 2011

Robert W. Giroux
Vermont Municipal Bond Bank
20 Winooski Falls Way #305
Winooski, VT 05404

Re: City of Montpelier Heating System Improvement Bonds

Dear Mr. Giroux:

We have examined the law, the warning for and the action taken at the June 14, 2011 special meeting of the City of Montpelier authorizing certain heating system improvements and the issuance of up to \$2,750,000 of general obligation bonds to defray the City's share of the cost of such improvements, together with other proofs, records and certificates deemed necessary and sufficient for the purposes hereof, from all of which we are of the opinion that such proceedings are in regular and due form as prescribed by law, or are susceptible to validation in the manner provided by statute, and that such bonds, when and if issued in conformity with the statutes applicable thereto, will be general obligations of the City of Montpelier, payable from unlimited ad valorem taxes on the grand list of taxable property in the City of Montpelier, as established by law.

The City of Montpelier may lawfully incur temporary indebtedness, as provided by statute, in anticipation of the sale and issuance of said bonds for the purpose of financing the works of improvement authorized by vote at said special meeting, subject to term limitation and principal payment requirements upon renewal, as established by law.

The general obligation bonds authorized by vote at said special meeting, when and if issued, are eligible for purchase by the Vermont Municipal Bond Bank. We are prepared to issue this opinion to any lender requesting the same with respect to a specific financing transaction.

No opinion is expressed as to the effect the Internal Revenue Code of 1986 will have on the tax exempt character of any evidences of indebtedness issued or to be issued by the City as a result of the action taken at said special meeting, or otherwise issued

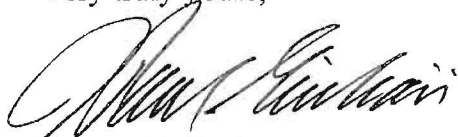
Robert W. Giroux
July 29, 2011
Page Two

or to be issued in connection with the financing of the improvements described in Article 1 of the May 11, 2011 Warning for the City's June 14, 2011 special meeting. We will condition any approving opinion delivered in connection with the sale of evidences of debt issued by the City upon the following statement:

Assuming compliance by the City with its covenants to comply with the Internal Revenue Code of 1986, the interest on these bonds is exempt from Federal and Vermont income taxes presently in force.

No inference should be drawn from the inclusion of the foregoing statement in any such approving opinion that the City is contemplating the use of the proceeds of its notes or bonds in a manner which will render the interest paid or payable thereon includable in the gross income of the holder(s) thereof for federal and state income tax purposes. Our preliminary inquiry and investigation into the contemplated use of the proceeds of notes and bonds issued or to be issued by the City for the aforesaid purpose leads us to the conclusion that said notes and bonds will not be characterized as "private activity bonds" as defined in the Internal Revenue Code of 1986.

Very truly yours,



J. Paul Giuliani

JPG:ja
[8881-215]

cc: William J. Fraser
City Manager
39 Main Street
Montpelier, VT 05602-2950

VALIDATION RESOLUTION

WHEREAS, pursuant to 24 V.S.A. §1756, notice of the June 14, 2011 special meeting of the City of Montpelier was given in part by publishing the Warning thereof in the Times Argus, a newspaper published in Barre, Vermont, and circulating in the County of Washington and in the City of Montpelier, on May 19, May 26 and June 2, 2011; and

WHEREAS, as provided in 24 V.S.A. §1756, notice of said special City meeting was “to be published in a newspaper of known circulation in such municipality once a week for three consecutive weeks on the same day of the week, the last publication to be not less than five nor more than ten days before such meeting”; and

WHEREAS, the requisites of the statute relating to the posting and publication of the Warning containing an Article of business relating to the proposition of incurring bonded indebtedness not having been complied with because of oversight, inadvertence or mistake of law or fact, the City Council desire to avail themselves of the validation provisions of 17 V.S.A. §2662 and 24 V.S.A. §1757; and

WHEREAS, at said special City meeting the proposition of incurring bonded indebtedness for the purpose of making heating system improvements was approved, those voting in Favor being 963 and those voting Opposed being 609.

NOW THEREFORE, the City Council hereby finds that, notwithstanding the failure to comply with all of the statutory requirements incident to the call, notice and warning of said special City meeting, the required length notice of the purpose of said special City meeting has been had; accordingly,

BE IT RESOLVED that, to the fullest extent permitted by law, the City Council hereby ratify, confirm and validate all action taken by the City at the special meeting thereof held on June 14, 2011.

I hereby certify that the foregoing was approved and adopted by an affirmative vote of at least two-thirds of the members of the City Council of the City of Montpelier at a regular meeting thereof held on August ____ 2011.

ATTEST:

City Clerk

JPG:ja
[8881-215]