



**CITY OF
MONTPELIER
MONTPELIER,
VERMONT**

Agenda for City
Council Meeting
Wednesday, July 13,
2011
07:00 P.M.

- 1) Call to Order by the Mayor
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- 2) 11-179. General Business and Appearances
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- 3) 11-180. Consideration of the Consent Agenda:
 - a) Consideration of Minutes from the June 8th, and June 22nd, 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 limit 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 30th, 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: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 \$20,910.
- 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 vote 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 30th, 2011, from 5:15 to 6:30 P.M. at the National

Life Guest House.

2. Ratification of a poll vote 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.
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- j) Ratification of 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 with 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 11. \$40,000 of this increase is the voter's approval of new bus route.
- 4) The Residential Municipal Tax Rate is up 1.2% (up 1.1 cents) from the FY 11 Tax Rate. Education 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

- 4) 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.
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- 5) 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 9th, 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 Garbedian (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 a 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.

6) 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 dependant 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.

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7) 11-184. Reports by City Council

8) 11-185. Mayor's Report

9) 11-186. Report by the City Clerk-Treasurer

10) 11-187. Status Reports by the City Manager

11) 11-188. Agenda Reports by the City Manager

Adjournment

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**CITY OF MONTPELIER
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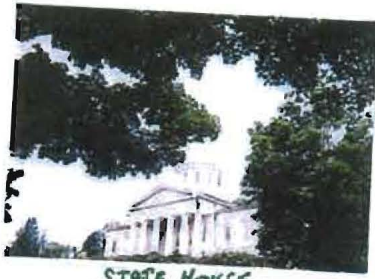
Addendum to Agenda for Regular City Council Meeting

July 13, 2011

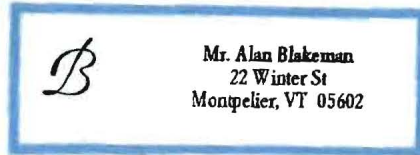
Additional Item #11-181(A)

Consideration of appointments to Montpelier's Development Review Board.

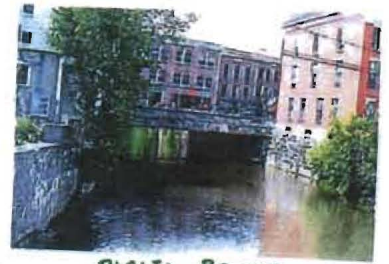
- a) On July 23rd, the terms for Kevin O'Connell, Alan Blakeman, and John Lindley expire. On June 4th, Sabina Haskell resigned as well.
- b) Staff advertised: Alan Blakeman is not seeking another term; Kevin O'Connell and John Lindley would like to be reappointed.
- c) Staff initially failed to put this item on the agenda because of no applicants to fill Alan's and Sabina's seats but realized later that Council could at least consider reappointing the incumbents.
- d) Recommendation: Reappoint Kevin O'Connell and John Lindley to another 3-year term; discussion and direction to staff as to how to "recruit" other applicants to fill the remaining two vacancies.



STATE HOUSE



Mr. Alan Blakeman
22 Winter St
Montpelier, VT 05602



RIALTO BRIDGE

Dear Clancy,

09 JUNE 2011

I will not be a candidate for another term on the Development Review Board after the second meeting in July. I have appreciated being on the DRB and before Planning Commission and serving the City in this category.

Sincerely,

Alan Blakeman



Sandy Pitonyak

From: Clancy DeSmet
Sent: Wednesday, June 22, 2011 3:30 PM
To: Sandy Pitonyak
Subject: FW: My DRB position

I sent you this resignation on 6/6/11.

From: Clancy DeSmet
Sent: Monday, June 06, 2011 8:44 AM
To: Audra Brown; Sandy Pitonyak; William Fraser
Subject: FW: My DRB position

Sabina has resigned. We'll need to advertise for her position on the DRB.

From: Sabina Haskell [<mailto:sabinahl@gmail.com>]
Sent: Saturday, June 04, 2011 5:46 AM
To: Clancy DeSmet; Clancy DeSmet-Yahoo
Subject: My DRB position

Clancy,

On Wednesday, I closed on a new home in Burlington. A good thing for my commute and life, but sadly, I will not be able to continue on the DRB. I enjoyed my time and am sorry for this late notice.

All the best,
Sabina



Kevin D. O'Connell
81 Prospect Street
Montpelier, Vermont 05602

June 6, 2011

Montpelier City Council
C/O: Bill Fraser, City Manager
Montpelier City Hall
Main Street
Montpelier, Vermont 05602

Dear Mayor Hooper and Councilors:

This letter will represent my interest in serving for another term on the Montpelier Development Review Board. I have served three three year terms beginning at the Board's inception in July 2002 and currently serve as Vice-Chair.

Previous to my DRB service I served on the Montpelier Zoning Board of Adjustment for a number of years and respectfully submit that this experience is an asset to the DRB in procedural and policy respects. I believe my dedication to the quality of the Montpelier living and working environment is also an asset to the Board.

Thank you for your consideration.

Sincerely,

Kevin D. O'Connell

Sandy Pitonyak

From: John M. Lindley III [lindley3@comcast.net]
Sent: Tuesday, June 21, 2011 11:08 PM
To: Sandy Pitonyak
Subject: Re: DRB

Sandy, thank you for asking. I will be more than interested in serving another term. I believe my attendance is nearly 100 percent and I see no reason why I can't maintain this...If more needs to be done please let me know
Jack Lindley

On Jun 21, 2011, at 2:59 PM, Sandy Pitonyak wrote:

Can you please send me back an e-mail expressing your interest in serving for another term?

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



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Adjournment



Office of the City Manager
City Hall - 39 Main Street, Montpelier, VT 05602
Telephone: (802) 223-9502
Fax: (802) 223-9519
E-Mail: wfraser@montpelier-vt.org

June 6, 2011

The Times-Argus
Att: Classifieds

Please insert the following with City of Montpelier notices on:

- Thursday 6/9
- Monday 6/13
- Thursday 6/16
- Monday 6/20
- Thursday 6/23
- Monday 6/27
- Thursday 6/30

CITY OF MONTPELIER

Design Review Committee Vacancy

The Montpelier City Council is seeking individuals interested in filling one alternate position on the City's Design Review Committee. Letters of interest and/or resumes should be submitted to the Office of the City Manager, City Hall - 39 Main Street, Montpelier, on or by noon on Wednesday July 6th. The City Council will make these appointments at their Wednesday, July 13th meeting; applicants are encouraged to attend. All meeting rooms and facilities in City Hall are handicapped accessible. Further information may also be obtained by contacting the Planning and Development Office at 223-9506.

William J. Fraser
City Manager

Tim Senter
56 Wheelock St.
Montpelier, VT 05602
249-7349/223- 2274

Re: Appointment to Design Review Committee

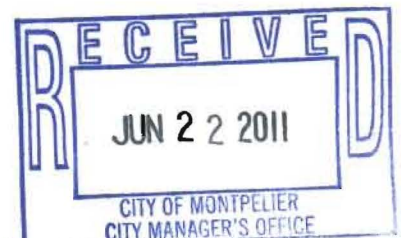
By attending DRC meetings I have gained an understanding of its interrelationship with: Historic Preservation, Planning, DRB and Council.

Concurrently, I studied the elements: zoning (enVision meetings), districts, CLG, and guidelines. Considering the latter, I was involved in the review and editing of design standards in the form of six brochures for Montpelier's historic district.

When you augment the above with the below you can see how my overall experience will add value to Montpelier.

- Current:
 - Committee member on the Central Vermont Planning Commission
 - Member of the Montpelier Historic Preservation Commission
 - Member of the Vermont Historical Society and the National Trust for Historic Preservation
 - Friends of the Vermont State House
 - Proponent of the [Pocantico Proclamation](#) on Sustainability and Historic Preservation
- Past:
 - Field Architectural Historian for the [VT Historic Preservation Division](#) - surveyed historical assets in Montpelier, Woodbury, Stowe and Worcester
 - President of the Board of Directors - [Arts Alliance](#) in New York
 - Candidate for Village Council - [Haverstraw](#), New York (pop. 10,110)
 - Researcher for the Worcester Historical Society
 - Restorer/Docent/Shopkeeper of Kent Museum
- Education:
 - BA in History/PoliSci - [Rutgers Univ.](#)
 - Grad Student of Historic Preservation and Urban Planning - UVM and Michigan
 - Graduate courses at NYU and Columbia
- Professional:
 - Principal of SenterForce - Consultants to Standard & Poor's (NYC), Nokia US Headquarters and [BEA](#) (now a division of Oracle), among others

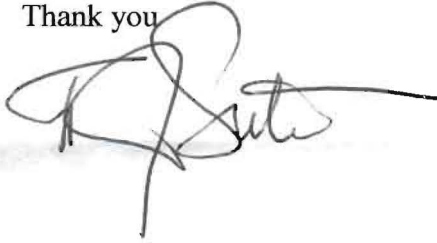
Recently, I have also been busy helping with family concerns (parent health) including their business.



I would serve as a subject matter expert and advocate of an efficient process incorporating consistency and fairness. My focus would be to ensure compliance with design criteria that make for a sustainable community. I look forward to working with the Committee to find our common ground that identifies themes and patterns leading to defensible decisions.

Please consider me for the vacant Alternate Committee position so that I may apply my passion for the built environment and how it enriches our community.

Thank you

A handwritten signature in black ink, appearing to read "K. Butcher", written over a horizontal line.

City of Montpelier, Vermont
Agreement for Services
with Faith in Action Northern Communities Partnership, Inc. for the
Community Innovations for Aging in Place (CIAIP) REACH Project

THIS AGREEMENT is made this _____ day of _____, 2011, by and between Faith in Action Northern Communities Partnership, Inc. (hereinafter referred to as FIA), a Vermont Non-profit Corporation, with its principal place of business at 3339 Main St., P.O. Box 157, Cabot, VT 05647, and the City of Montpelier (hereinafter referred to as the City), Vermont, with a principal place of business at the Montpelier City Hall, 39 Main Street, Montpelier, Vermont 05602-2950.

WHEREAS, the City wishes to contract with Faith in Action for the purpose of providing project support services for the REACH Care Bank, a project of the City; and,

WHEREAS, federal funds may participate in the cost of the services described in this agreement pursuant to the provisions of the Administration on Aging, which are incorporated herein by reference, and,

WHEREAS, Faith in Action is ready, willing and able to perform the required services,

NOW THEREFORE, in consideration of these premises and the mutual covenants herein set forth, it is agreed by the parties hereto as follows:

I. GENERAL CONSIDERATIONS

REACH and FIA seek to combine the best practices of their two programs, creating a dynamic, replicable new model for elder care, disabled care, and community re-invigoration. REACH and FIA believe that their best interests lie in working together to recruit new members for both organizations, leading to mutual growth and increased community participation.

REACH seeks to significantly increase its membership and their participation in service exchanges as a way to provide greater reliability of care for its members and the community. To this end, it is prepared to assist FIA to fulfill the recruitment obligations of this contract, as needed, through activities such as presenting orientation meetings and/or special events; providing printed materials about the REACH program; meeting with individual prospective members identified by FIA; conducting regional outreach activities; and facilitating hours exchanges. REACH will also provide FIA staff and REACH members within the FIA service areas with training in the use of Community Weaver, the REACH member activity management software. REACH will make a good-faith effort to provide FIA with a means to track its members' REACH hours and exchanges, provided technical accommodation for these administrative rights can be achieved in REACH's Community Weaver hours exchange management software system.

REACH and FIA agree that membership in either organization shall not be exclusive of membership in the other. Further, REACH recognizes that FIA has its own mission priorities, and is prepared to work with FIA to help direct volunteer or service-exchange activity by

REACH members recruited with FIA's help to initiatives that FIA deems most important.

II. SCOPE OF WORK

FIA agrees to provide the City with project support services as generally set forth in the City's CIAIP grant application, as well as other services as stipulated in this contract to attain then CIAIP grant's goals. Services to be provided include the following:

- 1) Identifying volunteers in the region served by FIA in the Cabot and Lyndonville areas who are willing to provide services to elders;
- 2) Identifying elders in the region served by FIA in Cabot and Lyndonville who are in need of services that REACH and FIA can provide.
- 3) Promoting the REACH program to these elders and volunteers, and others within the FIA service regions, through collaboratively-presented orientation meetings and/or other events. FIA will schedule, host, and co-present 4 orientation meetings by REACH staff, one each month, during the contract period. FIA will also schedule weekly match-up meetings to help new and existing members become familiar with the REACH system and encourage them to make service exchanges.
- 4) Actively recruiting members for REACH through outreach activities and by providing prospective members with REACH's informational materials, registration forms, and personal consultation; and by referral to REACH as necessary. Materials produced by Faith in Action may refer to FIA's collaborative activities with REACH. Faith in Action agrees to make a good faith effort to recruit a minimum of 20 new members during the contract period.
- 5) Training and otherwise assisting REACH members recruited by FIA to use the REACH's Community Weaver software to post requests and offerings and to log hours served. FIA agrees to make a reasonable effort to encourage its recruited regional REACH members to make service exchanges, with a hoped for minimum of 200 hours of exchange during the contract period.
- 6) Participating in the evaluation of the project by collecting baseline data by providing the REACH intake questionnaire, in hard-copy or digital form, to new members when processing registration, and forwarding copies of completed questionnaires to REACH.
- 7) Participating in regular meetings with other REACH team members to provide updates on activities, track progress, and identify further collaboration opportunities. Meetings will take place in person or by conference call once per month during the contract period.
- 8) Providing cash match of \$3,062 for the project per the schedule below. FIA will provide the obligated matching funds, in the form of a check for the required amount, along with its invoices and reports to the City. The City will then pay FIA the contract fee invoiced and return the matching funds.

- 9) Providing quarterly and final activity reports, at invoicing, with detail on:
- a) The number of meetups/orientation meetings and other relevant events or outreach activities presented by FIA; b) the number of new members recruited in the period and the total to date; c) the number of exchanges made; and d) the hours of service put in by FIA-recruited REACH members, period and to date. The reports shall take the form of the weekly activity summary currently developed by REACH for internal reference; a copy of that form is attached.

FIA agrees that completion of the new member recruitment efforts stipulated above shall be deemed achieved only as they are documented by member registration through the REACH intake process, and exchanges/hours only as they are entered into Community Weaver service exchange management software.

In-kind services received by FIA on behalf of REACH program activities may also be reported, but shall not be substituted for cash match.

In addition to the above measures of progress, FIA may provide estimates of hours of service volunteered by FIA members as can reasonably be deemed leveraged by or accomplished with the use of REACH funds.

All work done by FIA must comply with the Administration on Aging requirements for contracted work, included herein as Appendix A. Failure to comply with these requirements will result in forfeiture of payment.

III. TERM OF CONTRACT

This Agreement shall be deemed effective as of June 1, 2011 and shall be completed on or before September 30, 2011. It is expressly understood that all funding for the activities are dependent on funds received from the Administration on Aging.

REACH and FIA contemplate renewing this contract for future periods; however, such renewal will be at the discretion of the City, or its administrative successor for the REACH program, and contingent upon successful completion of this contract.

IV. PAYMENT

The City agrees to pay FIA on the schedule outlined below upon receipt of an invoice accompanied by a) a check for the required matching funds amount; and b) the activity reports detailed in II.9, above. FIA agrees to accept as full compensation for performance of all services and expenses encompassed under this Agreement according to the schedule below.

Date	City \$	\$ Matching funds (17.6%)
July 10, 2011	\$5,000	\$ 880
August 10, 2011	\$7,400	\$1,302
September 15, 2011	\$5,000	\$ 880
TOTAL	\$17,400	\$3,062

V. APPLICABLE LAW

This Agreement shall be construed in accordance with the laws of the State of Vermont, U.S.A. If any provision in this Agreement is determined to be invalid by a court of competent jurisdiction, the remaining terms and conditions shall remain in full force and effect.

VI. RESOLUTION OF DISPUTES.

If a disagreement arises concerning a matter covered by this Agreement, City and FIA agree to promptly communicate with each other regarding the matter and to attempt to resolve the disagreement to their mutual benefit. All attempts will be made to resolve the dispute without litigation, including first working with mediators that can be mutually agreed by both parties. Should either party hereto, or any heir, personal representative, successor or assign of either party hereto, resort to litigation to enforce this Agreement, the party or parties prevailing in such litigation shall be entitled, in addition to such other relief as may be granted, to recover its or their reasonable attorneys' fees and costs in such litigation from the party or parties against whom enforcement was sought.

VII. ENTIRE AGREEMENT

This Agreement, together with any exhibits attached hereto, constitutes the entire Agreement between the parties. This Agreement supersedes any prior or contemporaneous oral or written communications, understandings or agreements related to the subject matter of this Agreement.

VIII. PAYMENT PROCEDURES

Invoices shall be submitted, per the payment schedule and considerations above, to the City of Montpelier, Planning and Community Development, at 39 Main Street, Montpelier, Vermont 05602-2950.

IX. SIGNATURES

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed as of the date and year first above written.

Faith In Action

By: 

Dr. William Cobb, Director

Title: _____

Date: 6/28/11

CITY of MONTPELIER, VERMONT

By: _____

Beverlee Hill

Title: Interim City Manager

Date: _____

Recommended Tax Rate FY12

Consideration of Setting the Fiscal Year 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

Municipal Grand List:	Real Estate	\$	810,570,166		
	Personal Property	\$	20,703,144		Budget
	TOTAL	\$	831,273,310	\$	829,293,153
	Voter Approved	\$	7,715,975		
	Municipal Spending				
	TAX RATES				
	Residential	\$	1.2967		
	Non-Residential	\$	1.3844		

TAX RATES - Detail	FY11 RATE	FY12 Recommended RATE		FY11 RATE	FY12 Recommended RATE
RESIDENTIAL			NON-RESIDENTIAL		
City, Cemetery, Agencies, Senior Ctr	\$0.8350	\$0.8480	City, Cemetery, Agencies, Senior Ctr	\$0.8350	\$0.8480
Washington County Tax	\$0.0085	\$0.0066	Washington County Tax	\$0.0085	\$0.0066
Local Tax Agreements	\$0.0009	\$0.0009	Local Tax Agreements	\$0.0009	\$0.0009
Recreation	\$0.0730	\$0.0730	Recreation	\$0.0730	\$0.0730
Subtotal Municipal Rate	\$0.9174	\$0.9285	Subtotal Municipal Rate	\$0.9174	\$0.9285
Sewer Benefit Charge	\$0.0200	\$0.0200	Sewer Benefit Charge	\$0.0200	\$0.0200
Sewer Separation Charge	\$0.0700	\$0.0700	Sewer Separation Charge	\$0.0700	\$0.0700
School	\$1.3764	\$1.2967	School	\$1.4756	\$1.3844
TOTAL TAX RATE	\$2.3838	\$2.3152	TOTAL TAX RATE	\$2.4830	\$2.4029

NOTE:

The Voter Approved Municipal Spending is up \$132,000 from FY11. \$40,000 of this increase is the voter's approval of new bus route.

The Residential Municipal Tax Rate is up 1.2% from the FY11 Tax Rate
 Education Rates are down due to the increase in the Grand Lists CLA.
 Overall, the Grand List is up 0.2%, the projected increase was 0%.

MUNICIPAL SPENDING:	Approved FY12
General Fund	\$6,633,863
Recreation	\$605,230
Senior Citizens	\$125,707
Housing Trust- in the budget	\$0
Sprinkler Credit-in the budget	\$0
Veterans Exemption (over 10K)	\$7,200
Library	\$293,975
Cemetery	\$0
Outside Agencies	\$50,000
	\$7,715,975

Sandy Pitonyak

From: Beverlee Hill
Sent: Friday, July 08, 2011 11:55 AM
To: L-Council
Cc: Sandy Pitonyak; Sandra Gallup
Subject: FW: RE: Tax Rate Recommendation
Attachments: Tax Rate 12 recommended final.xls

Below is Sandy G's recommendation for the FY12 tax rates. If you could reply with your vote asap, as the NEMRC Tax "guy" is scheduled to be here on Tuesday, July 12th to help us prepare the bills that have to go out by the end of next week. If we wait till after the Council meeting, it will make getting the bills out on time doubtful.

Special Thanks to Sandy, Steve and Jane for the extra time spent this week on this matter. Bev

From: Nancy Sherman [nsherman@cvcoa.org]
Sent: Friday, July 08, 2011 12:03 PM
To: Beverlee Hill; L-Council
Cc: Sandy Pitonyak; Sandra Gallup
Subject: RE: RE: Tax Rate Recommendation

I approve the 2012 total tax rates of \$2.3152 (resident) and \$2.4029 (non-resident) as presented in the attached spreadsheet from Sandy Gallup.

Nancy Sherman

From: Tom Golonka [tomgolonka@comcast.net]
Sent: Friday, July 08, 2011 1:01 PM
To: Beverlee Hill; L-Council
Cc: Sandy Pitonyak; Sandra Gallup
Subject: Re: Tax Rate Recommendation

OK by me to approve the FY12 tax rate as recommended by Sandy G.
Tom

From: Timothy Andrew Hooper
Sent: Friday, July 08, 2011 1:04 PM
To: Tom Golonka-Comcast
Cc: Beverlee Hill; L-Council; Sandy Pitonyak; Sandra Gallup
Subject: Re: Tax Rate Recommendation

This is usually a consent agenda item, right?
Fine with me.

Andy

From: Angela Timpone [angelatimpone@gmail.com]
Sent: Friday, July 08, 2011 2:47 PM
To: Beverlee Hill
Cc: Sandra Gallup; Sandy Pitonyak; L-Council; Tom Golonka-Comcast; Timothy Andrew Hooper
Subject: Re: RE: Tax Rate Recommendation

Fine with me.

June 29, 2011
City of Montpelier Mayor and City Council Members
C/o William J. Fraser, City Manager
Montpelier City Hall
39 Main Street
Montpelier, Vermont 05602

Re: Permission to close Summer Street

Dear Mayor and City Council Members:

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

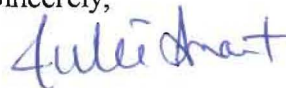
In the interest of safety, we are requesting permission from you to block off a portion of Summer Street during our activities on **Saturday, July 30, 2011, from 3:00 P.M. to 10:00 P.M.**, with a rain date of Saturday, August 6. We propose to close off Summer Street from Spring Street to Winter Street using DPW road work barriers.

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

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

Thank you for your consideration of this request.

Sincerely,



Julie Smart & Steve Pitonyak
Meadow Neighborhood Party Committee

Meadow Noise Notice

Please be advised that the Meadow Neighborhood Committee is planning the Neighborhood Block Party for Saturday, July 30, 2011, from 3:30 PM to 10:00 PM at the Summer Street Park, featuring a slowest bike race, kids' parade, potluck dinner and dancing. Saturday, August 6th, will be the rain date.

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

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

The Montpelier City Council will likely consider our request to close the street and grant a variance on Wednesday, July 13, 2011 at 7:00 PM.

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

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

On Wednesday evening, June 8, 2011, the City Council Members met in the Council Chamber.

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

Call to Order by the Mayor:

Mayor Hooper called the meeting to order at 6:00 P.M.

11-152. General Business and Appearances:

Zachary Hughes from Prospect Street and a member of the Taser Committee had a few questions regarding the committee's charge.

Mayor Hooper replied they had reviewed and it was approved by the Council. She understood the question meaning did they mean to have the built in bias that appears in the framing of the question. The charge says under what circumstances? Their intention was for the Taser Committee to look at the issue.

Mr. Hughes said there was a question raised after that about composition and making sure the composition of the committee was correct.

Mayor Hooper asked would it be all right to add to the committee experts as opposed to just inviting them in to testify.

Council Member Golonka said he thought they decided the council wanted residents as members of the committee but they could invite experts and the public in for discussion.

Mr. Hughes said there are some members of the committee who feel we need the experts in the deliberation process.

Mayor Hooper said the third question was whether the end of September date was an absolute.

Mr. Hughes said depending on what product the Council wants. Some feel we can be done by the end of September. There is also a lot of reading involved.

Mayor Hooper said she had talked to Jeff Dworkin, the Chair of the Committee who mentioned all of these questions. She told him it was tied to the Council's budget deliberations and they wanted the question resolved before they got into budget time.

11-153. Consent Agenda:

- a) Consideration of the Minutes from May 11th and May 25th, 2011 Regular Council Meetings.
- b) Consideration of accepting the bid submitted by Lloyd Franks of Plainfield, Vermont, for Maintenance of Trash & Recycling Barrels for the Public Works Department, in the estimated annual amount of \$11,231,90, with the condition that all material collected be disposed of at the Public Works Garage, and to authorize the City Manager to sign all contracts and other documents.
- c) Consideration of awarding a 3-Year Banking Services Contract to the Merchants Bank and authorizing the City Treasurer to sign the contract and associated documents.
- d) Consideration of street closures for Independence Day Celebration on July 3rd.
 - 1) **Langdon Street:** Closed at 2:00 P.M. on July 3rd for McGillicuddy's outdoor event; one change is that when the music stops at 12:30 A.M. (July 4th), owner Dave Nelson is asking that they be allowed to continue food and beverage service outside until 1:15 A.M. For safety reasons, this will alleviate overcrowding the pub when the music stops. At 1:15 A.M., the street will be cleaned and Langdon Street restored to traffic.
 - 2) **State Street:** Between Governor Davis and Bailey Avenue from 12:30 P.M. until 10:30 P.M. for vendors and parade.
 - 3) **Main Street:** From 6:00 P.M. until approximately 7:45 P.M. for the Montpelier Mile Road Race followed by the parade.
 - 4) **Meadow Area Streets:** From 4:30 to 6:00 P.M. for the parade staging area.
 - 5) **School Street from Main to St. Paul Streets:** All three streets/areas will be closed during the parade.

- 6) **60 State Street Parking Lot:** From 3:00 P.M. to 1:00 A.M. for street dance (including set-up and take-down time).
- e) Consideration of a request from “*Montpelier Alive*” for a waiver of the City’s Noise Ordinance to accommodate the Independence Day Celebration events until midnight on July 3rd.
- f) Consideration of a request from Dave Nelson, owner of McGillicuddy’s, for a waiver of the City’s Noise Ordinance to accommodate live music for his Annual Street Dance which is part of the Independence Day Celebration on July 3rd. Mr. Nelson is asking that they be allowed to continue food and beverage service outside until 1:15 A.M. For safety reasons, this will alleviate overcrowding the pub when the music stops.
- g) Consideration of becoming the Liquor Control Commission for the purpose of acting on the following:
 - 1) Ratification of the issuance of a Catering Permit to Yebba, Inc., d/b/a The Abbey Pub & Restaurant, for a Cocktail Reception scheduled to be held on Wednesday, June 8th, from 3:00 to 7:00 P.M. in the Cedar Creek Room of the State House.
 - 2) Ratification of the issuance of a Special Event Permit to Eden Ice Cider Company (for Vermont Grape & Wine Council) for a “Testing of Vermont made wines for registered attendees at Vermont Grape & Wine Council’s Annual Conference” scheduled to be held on Tuesday, June 7th, from 2:30 to 5:30 P.M. within the confines of College Hall at Vermont College.
 - 3) Application for an Outside Consumption Permit from Langdon Street Pub, d/b/a McGillicuddy’s Irish Pub, for their street dance held each year as part of the Independence Day Celebration; they are requesting to sell from 4:00 P.M. on July 3rd, to 1:15 A.M. on July 4th. (Application is attached to outline the details.)
 - 4) Applications for Catering Permits from Vermont Hospitality Management, d/b/a New England Culinary Institute, for National Life’s Focus Group Welcome Dinner on Saturday, June 12th, from 6:00 to 8:30 P.M. at their Guest House; and for National Life’s Focus Group Dinner on Wednesday, June 15th, from 5:30 to 8:30 P.M., again at the National Life Guest House.

- 5) Valley Bowl, Inc., 12 Prince Street, Randolph, Vt to cater a BarMitzvah Luncheon on Saturday, June 18th at the Vermont College Alumni Hall Gym located at 36 College Street from 11:00 A. M. to 5:00 P.M.

h) Payroll and Bills

General Fund Warrant dated June 1, 2011, in the amount of \$10,080.97 and \$132,755.44.

Payroll Warrant dated June 9, 2011, in the amount of \$30,637.51 and \$129,242.94.

Council Member Sherman said the Council is approving a dance at 60 State Street Parking Lot, but it doesn't say who is putting it on.

City Manager Fraser replied that is part of the Montpelier Alive celebration.

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

11-154. Receive MATRIX Report.

- a) On February 9, 2011, City Council selected MATRIX Consulting Group of Andover, Massachusetts, for Consultant Services/Management Analysis, seeking an outside review/assessment of its organizational/supervisory structure, management systems, financial practices, staffing levels and staff capacity.
- b) Representatives from MATRIX will present their findings and answer any questions that Council Members may have.
- c) Recommendation: Receive report; discussion; possible direction to staff.

Council Member Jarvis said Council Members Hooper and Weiss and she became the Committee on Revenues and Expenses and one of the recommendations to the Council was to engage an outside consultant to do a management study. They were looking to find some efficiencies or redundancies within our structure and an opportunities to engage someone to look at the city's operation. They put out an RFP and chose the firm of MATRIX. They have engaged city staff in the process and for the purposes of the Council Committee they came back and said the staff run a tight ship. She introduced Alan

Pennington, one of the project team members with Matrix Consulting Group who presented an overview of the report. to Council Members. A copy of the presentation will be a part of the minutes.

Council Member Weiss said the Committee has discussed this and had a positive recommendation that starting with the first Council meeting in August they would like to ask multiple numbers of departments to appear before the Council for a full discussion about the MATRIX Report so the Council Members can establish priorities.

Council Member Weiss moved that the Council receive with commendation the final MATRIX Report. The motion was seconded by Council Jarvis. The vote was 6-0, motion carried unanimously.

11-152(a) General Business and Appearances.

Council Member Jarvis said the Executive Committee of Montpelier Alive would like to ask the City Council to convene a committee to disperse the funds that have been given by the community for flood relief. They would like a Flood Relief Committee. Montpelier Alive would like to be supportive of this committee but does not want to be the body to actually give the money away. Their organization is comprised in large by businesses. They would like to have the Council convene a small group of outside people with a representative from Montpelier Alive.

Mayor Hooper said it is a great suggestion. Her only concern is she is hearing from folks they can't wait a week or two weeks to get a Small Business Administration loan. We need to get this going immediately. There are some businesses that need assistance this week or before.

Council Member Golonka said he thinks the Council is the only body in the city to have the authority to do something quickly.

Council Member Weiss reminded the Council we have a Montpelier Business Loan Fund Committee and Garth Genge is head of it and we could assign that to this committee right now.

Mayor Hooper said they could ask them, a couple of Council Members and a representative from Montpelier Alive to serve on an ad hoc flood committee.

Council Member Weiss moved that the Montpelier Business Loan Fund Committee, Council Members Timpone and Golonka and a member of

Montpelier Alive convene to help with the disbursement of monies that had been raised. The motion was seconded by Council Member Jarvis.

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

11-155. Update on Flood Issues

- a) Staff will provide a brief overview of what has happened since the flooding.
- b) In addition, the Police Chief will prepare a timeline of events and activity, summarizing the weather events of May 26th thru May 30th; it will be done in time for Wednesday's meeting.
- c) Recommendation: Receive update; discussion; possible direction to staff.

Police Chief Facos said he had sent the police logs for Thursday, May 26th and May 27th and a new weather event on Monday on May 30th so the Council would feel a pace of how it unfolded. There were some very serious life and safety issues cascading on them.

Police Chief Facos said he talked to Public Works Director Todd Law at 3:30 today and he said the paving on the temporary section of Gallison Hill will be paved tomorrow and the signal will be operational, and Friday Gallison Hill will be opened. Phelps was paved a little ahead of schedule and will be open tomorrow. Bliss Road and Lower Towne Hill Road are in pretty rough shape. Gould Hill Road has some problems as well. They are open but not in great shape. North Street also still has flood culverts. The sweeper is repaired, operational and back on line. There is a loose steel plate on the Granite Street Bridge and the contractor will be here Monday to deal with that. The only power outages they had were at the request of the Building Inspector and it was departmentalized. Folks in Montpelier fared fairly well. Business folks took a hit but the community bounced back quickly.

Rob Hertzog asked if there was any question about closing off the flow from Wrightsville Dam. Was that a possibility?

Police Chief Facos said it is a possibility. They looked at the flow rates but it didn't seem like it would have done too much at that point. It wasn't anywhere near the flow they had a month ago when they were concerned about it. They did not call Washington Electric to shut it down.

Mayor Hooper asked wasn't the storm so localized and much of it wasn't coming down the North Branch valley.

Police Chief Facos said the Winooski River was the problem at that point and it came up too high.

City Manager Fraser said the notification system they had in place was one that had been developed in 2007 in cooperation with Montpelier Alive and they are the keepers of the downtown area. Of course, there had been tornado warnings and major flood warnings and they relied on the fact there had been general warnings being put out. When they finally got the notification at midnight he immediately called WDEV and made whatever announcements they could make then. Montpelier Alive called people all night long. Bev Hill was making phone calls also.

Police Chief Facos said there was a lot of property damaged, but at that point it wasn't a priority and at that point it was life safety. There were a lot of boilers that had damage. It is life safety first, and then property damage and not allowing a situation to get worse and the next steps are mitigation and recovery. They are always looking for better ways to provide notification for various problems. But it also comes down to what you have for resources and all critical resources were on life safety and evacuation notification at that time.

Mayor Hooper said that was part of the reason she wanted the Police Chief to walk through the scenario of what was going on so folks would have a sense of how incredibly quickly events were changing and we had to pull everybody to be managing urgent life safety issues. This was evolving and the weather service did not know what the flood conditions were going to be around midnight when they immediately got out there to get people to safety. What is the obligation of government and what are the obligations of people to pay attention to their properties and understand what is going on. The other wonderful thing going on was the partnership that was happening with people pitching in and helping each other but not just between governments. The New England Culinary Institute was in there almost as quickly as National Life even though they were experiencing serious flooding in some of their buildings. Green Mountain Transit actually had urgent situation we were able to help them out with but they were also knocking themselves out to help people assure they were in safety.

Police Chief Facos added that Twin City Taxi volunteered their time as well with some of the evacuations.

Mayor Hooper also spoke of the Colchester Technical Rescue Team helping out.

Council Member Jarvis said they had a great meeting with the Montpelier Notification system and it was real clear from the meeting that we need help. This storm clearly pointed out that what was in place is not adequate.

Tim Heney said after the event there was a neighborhood meeting with Bill Fraser. Basically, the storm sewer separation is still an issue. Every time something like this happens we try to learn how to not have to live through it the same way again. There were a number of properties that were damaged from significant sewage backflow that wasn't flooding. Around downtown some really substantial properties suffered damage from that and the pressure was astounding which is due to changes that happened since 1992. He fears that the pipes that have gone in just aren't large enough because we didn't start having these problems until this project went into play. He understands that the new sanitary sewer lines went in the smaller pipes because they were taking the storm water runoff. Capital Plaza had problems. Three Penny Taproom had problems earlier in the evening. There were a lot of properties and the Loomis Street area had a real messy situation. It's a big issue and has happened enough times that it needs to be addressed.

Mayor Hooper said she wondered what their policies are going to be going forward in terms of the design of public systems. The Central Vermont Solid Waste District is providing assistance to people in terms of rubbish removal. Services to private property owners that are residential related are available in Barre. They are opening up a storefront to get services into one spot so people can access them. The Governor announced today that he is asking the Emergency Board for a million dollars which will be used to leverage 3 to 4 million dollars of loan money that can be made available to nonprofits and businesses up to \$25,000 in loan money across the state with zero percent interest in the first year and 1 percent interest for the following four years so it is a 5-year loan. The federal money is all contingent upon designation and things happening way out in the future. The Emergency Board meets next week.

One of the things that Police Chief Facos talked about was the emergency response and assessment. Last week the city was asked by the Farmer's Market if they could be back at 60 State Street and she spoke of the importance of getting things back to normal because we need to show people Montpelier is open for business. She wants to complement John Mayfield at Julio's and the folks at Kismet and others who pitched in to make that happen.

Council Member Weiss said they all need to provide a standing ovation to the Police Chief, City Manager and all of the good city employees who got us through this event.

Mayor Hooper called for a short break before the next agenda item and the meeting was reconvened at 8:10 P.M.

- 11-156. Consideration of a Public Informational Hearing regarding the financing of a proposed District Heat System including heat generation, transmission and distribution improvements in an amount not to exceed \$2,750,000.

City Manager Fraser explained as part of any bond vote the Council holds a public information hearing. He introduced Harold Garabedian, the Project Manager; Tim Maker the city's consultant and Attorney Richard Saudek to answer the public's questions.

City Manager Fraser said one of the things important to talk about is how long the project has been around. In the 1990's the Council was talking about the District Heat project and in the late 90's there was a collaboration of folks who studied this even further. Continued studies happened in the early 2000's and it looked like this might be moving forward and the city actually voted a \$250,000 bond to begin the process but as a result the state did additional engineering studies and realized they did not have the capacity in the boilers they thought they had and would require serious upgrades. The Biomass Energy Research Center updated some of the information and this continued on and they started looking at designs, including the possibility of a design without using the state. Finally, in 2009, the project started up again and the city asked the community to change some of the purposes of the bond voting and the citizens approved that change of use of the 2003 bond. Finally, in 2010 the city applied for and received an \$8 million dollar Department of Energy renewable energy grant. There was \$20,000,000 of these grants given out across the country and \$8 million came to Montpelier, which was one of five grants in the country. One of the reasons it was successful was because it was a partnership between the state and city and the fact that these studies existed and the documentation existed.

Harold Garabedian, Project Manager, presented the power point presentation as a part of the informational hearing.

Mayor Hooper opened the public hearing at 8:35 P.M.

MaryJo Krolewski, a resident of Montpelier, asked how the project economics work if in the future if we were to merge our school system with U-32.

City Manager Fraser replied there are two reasons why the Main Street Middle School isn't hooked into the project. One is because of the initial cost of getting

to that building and that is the most likely school to be closed down. The operating theory is if there were a merger with U-32 is that the U-32 High School would become the regional high school and Montpelier High School would become a regional middle school and would still continue to function as a school. It seemed that over the 20-year life of the payment of the bond the two schools would continue to function as schools.

Ms. Krolewski said there was a slide about reduction in omissions. Are some omissions going up? Are we concerned about that?

Mr. Garabedian said what is going down is particulate matter SO₂ and carbon monoxide.

Ms. Krolewski asked if they were concerned about ozone in our community.

Mr. Garabedian said he thinks it is a good tradeoff.

Ms. Krolewski said it would be nice to see a bit more analysis on that tradeoff.

Mr. Garabedian replied that would come out through the permitting processes.

Ms. Krolewski said the permitting process is down the road and they have already made the decision about the costs and then we are stuck with a potential health problem which would cause us to spend more money installing controls. Wasn't there some trouble with the operation of a Middlebury biomass plant recently?

Mr. Garabedian replied the Middlebury plants had two problems. One is carbon monoxide and the other was a recent firing of backups. There will be designs for this and it will have an electric starter precipitator. He would direct those questions to the state. They are going to design that system and the city is going to operate the central distribution system. Right now that plant is operating with virtually no controls on it.

Ms. Krolewski said they are asking the voters to make a lot of decisions and it doesn't seem like everything about the plant has been flushed out.

City Manager Fraser said it is an extraordinary complex project and it is difficult to flush out everything and the timelines are controlled by the state. One of the other key elements of the project is the distinction that is if the sole purpose was to solely improve efficiency of our schools and buildings he doubts they would do it by running a pipe from the city's plant. The issue is to provide that opportunity also for the other folks in the district.

Ms. Krolewski asked how much it is going to cost for the buildings downtown to tie in per building.

Tim Maker said they don't have firm numbers on that but generally it would be like a sewer service with a connection charge. The connection charge would be set to be affordable. The idea is for building owners that don't have the ready cash to pay the connection charge that there would be a loan program in place that would assist them to do that. Their expectation is that the buildings that the owners are most likely to connect in the first stage are going to be those who already have hot water heat in their buildings because the connection becomes very simple. There is a meter and a heating exchange but it is a relatively inexpensive thing to do.

Ms. Krolewski said she thinks they should have an estimate for a downtown business owner of how much it will cost to connect their building before they vote.

Mayor Hooper said the state also made \$100,000 available to the city to help business owners connect. That was a program they set up two years ago so there will be some funds for the initial hook ups.

Mr. Garabedian said they have not spent a lot time looking at that. They didn't want to create an expectation in the community that this was going to happen all at once. By design they are focusing on a system that supports these five buildings, and once the system moves from that point then their focus will be looking at the issues associated with connecting numerous other buildings.

Elliott Curtin, a resident of Montpelier, said he has concerns about conservation. Conservation has never been brought up seriously. It seems that the biomass plant surfaced because there was a grant. Nothing has been done as far as energy audits on any of the buildings. He sees a lot of information but it doesn't seem like it is real numbers. It's not realistic. What they are basically looking at is a fuel swap. They are looking to take oil and switch to biomass. When you burn wood or burn oil it gives off the same amount of carbon dioxide. When people say it's good for global warming he has a hard time with that. The best form of heat is the heat that's not burned so if we tighten these buildings down that is fuel that is not released into the atmosphere at all. As a taxpayer he would rather see that money go towards conservation. When you spend money on conservation it keeps money local because you have to buy most of the supplies and materials locally. He hears a lot of talk about sustainability and efficiency. Where are all of the components coming from? Are they coming from different states? Are they coming from Vermont? Are we building jobs in Vermont or are we exporting these jobs?

He thinks a biomass plant overall would be something to look at once the buildings are tightened up because you are putting the cart before the horse by not tightening up the buildings first and then looking at reducing the heat loads on buildings. The overall goal of this project is not cheap fuel but to solve a problem. These buildings are obviously hemorrhaging heat.

The difference between conservation and what we are doing here is labor intensive versus machine intensive. We are looking at a machine and putting it in to provide heat. Whenever you take one distribution center and distribute it to various buildings you lose a lot of efficiency in the transportation system to each of the buildings. Once you are done with any kind of conservation work there is no variable cost on that work. Once it has been done nobody has to maintain the insulation or the foam. It's done and you walk away.

He wishes someone would say they had done audits on these buildings and this is what they have done after the audits. A biomass plant sounds good but it just doesn't seem efficient. They are looking to reduce the load on buildings and not to do a fuel swap or make a cheaper fuel source.

City Manager Fraser replied they have done audits on all of the city buildings and the schools did theirs too. They have already cut down on the consumption. They have taken conservation to a pretty serious level because if they can save taxpayer money on oil they can put the money into something that is more important to all of us. Having a cheaper source is a good idea and it prevents the more expensive costs. He imagines the contractors and builders who are working on the project will be local folks, more importantly, the wood chips for the fuel source are going to be coming from the Northeast region and would be solely from Vermont, Maine, New Hampshire and the Northeast as opposed to wherever they buy their oil from, which is from all over the world.

Mr. Garabedian said this project is part of a broader plan. The other big piece of this is the property assessed clean energy program that is geared directly to buildings making them more firmly insulated and giving them other choices for energy. Those improvements are funded by a bond off the property tax and paid back by an assessment on the property tax. This is a voluntary program which is designed to come on line in 2012. This was authorized by last November's community vote.

Bill Austrach, a local resident, has concerns because what happens in Montpelier is typically what happens with the other communities. We didn't really talk about CO2 emissions from the proposed biomass plant compared to the oil plants and that is a big contributor to global warming. We need to look at our overall

emissions and CO2 is something he didn't see in the graphs. What do those look like in terms of where we are today and where the biomass plant is going to be?

Tim Maker said it is important to think about where the fuel comes from. Part of the reason you see climate change in the paper and global warming is because of fossil fuel use. What happens with fossil fuels is taking carbon fuel that was locked underneath ground, bringing it up, combusting it and turning it into CO2 and it goes into the atmosphere. The carbon underground gets into the air. With biomass the carbon is already in the terrestrial site so it is going through the carbon cycle and when we combust it we create a separate pathway that does the same thing. The carbon just loops around between forest, biomass plant and atmosphere. We have just added another loop to it. There is an issue about how quickly a forest is being harvested for energy. That is something that doesn't happen immediately.

Bill Austrach said the source of the problem is we need to start using less fuel. The less money you are paying for that fuel the less impetus you will have to want to conserve. As a country we are gifted to cheap BTU's, and until we start getting this concept that it is all about reducing the number of BTU's we are burning instead of how to get cheaper BTU's the sooner we will have control over the whole situation. The other issue of keeping money in the local economy is not only is the equipment for a lot of the biomass coming from outside Vermont but because the weatherization energy efficiencies are so labor intensive that tends to keep that money a lot more in the local economy. Energy efficiency sometimes gets thought of as an after thought but to him it is the primary step before we start making some other decisions on how we are going to generate the BTU's. We should first take a real serious look at how many BTU's we are going to need in order to meet the needs of our buildings. On a global perspective municipal buildings, whether they be city, state or federal buildings, tend to be some of the most energy inefficient buildings we deal with, particularly in terms of thermal envelope.

Geoff Beyer, Director of Parks and a member of the Conservation Commission, said he has been following this for awhile and was very interested in the biomass plant for a number of reasons. He applauds the conservation interest. He thinks cheap energy is wasted and he would propose a cure for that. If the oil prices are going up increase the price of the biomass cost and rebates that in forms of conservation projects so you can meet both goals at the same time. He doesn't see it as a fuel swap because it takes a lot of energy to get the oil out of the ground and you have to transport it and it's not regional. With the fuel from the biomass it's from our area and we would notice a difference and it's a sustainable and responsible way to harvest local fuels that don't have to be transported so

far. As a person who uses the stump dump and sees a tremendous amount of energy that could be converted into wood chips and be used locally without much transport he sees that as another wonderful resource and extend the life of our own stump dump.

Tim Heney said he has been on the Montpelier Energy Advisory Committee and he hasn't been a majority voice of the committee. It's a really good concept and for all of the reasons in terms of energy future there is a lot of merit to this project. What is rough is we are being driven by timelines for the federal grant. There is an 8 million dollar carrot we don't want to lose; it's a lot of money. It's a pretty fast moving train because the nature and scope of the project just since the committee started meeting. He is hearing the School Board hasn't signed on yet, which is troubling and surprising, because those are two big properties out of only five.

City Manager Fraser said in the minutes of the School Board meeting of April 6th they voted unanimously to proceed. Ken Jones made the motion on April 6th. An individual member of the School Board has raised a question about whether they should continue and we have been talking to them. In fact, he has begun discussions with the superintendent about the contract agreement between the city and the school for the long term commitment. The schools are the high drivers of the use but they are also the most expensive connection. If they chose not to be involved the city would not bond for the full amount but only bond to cover the city's use. Between the various grants and other loans it would actually be as financially feasible to not include the schools. That was a key consideration by the Council in their decision.

Tim Heney said the capacity issue is another interesting subject. When Phase 1 comes on line and the state has all of their buildings on line and the Federal building or another good sized building came on line there really isn't a lot of capacity left and an additional bunch of money would have to be invested to create more capacity to hook up other downtown buildings. This package doesn't have the capacity to hook up a lot of downtown properties. If that is the case we should be honest with people about that.

City Manager Fraser said the system that is being constructed has ample capacity.

Mr. Heney said he is concerned about the infrastructure. Watching Barre tear up their whole downtown for their infrastructure is something we'll face with this. Since they are putting in new water lines they are putting hookups on those water lines for every major building because they want to encourage people to put in sprinkler systems and knowing what it costs to hook sprinkler systems up to city lines that hookup line is almost \$29,000. Hooking up is a big issue. If we believe

in this and want to tie this community into it are we going to put provision in these lines as we put them in with hookups for every building as we go through? It would make sense. It would encourage people to hook on and help control hookup costs, and it would prevent disruptions in the system every time somebody goes on line.

Mr. Maker said that provision is included.

Mr. Heney said there is a lot in front of us as a community and this is a big project. This is probably one of the biggest capital projects the city has ever looked at and it does deserve some good conversation. He isn't sure what lies ahead. With the range that communities typically bond we are at the top of that pile right now and to keep piling on top of that doesn't seem really responsible. Another concern he has is the operation of the system by the city in terms of the way things have gone with the water system and a few enterprise funds they manage. He is worried they don't have the capacity to do that. The water fund is in the hole and there have been a number of problems the last few years. He's not sure the city is ready for this and we could be stepping into a big mess. This is going to mean a lot digging and a lot of disruption for our merchants and properties.

City Manager Fraser said the city takes that very seriously. We won't be constructing this for another year and that is part of the plan and it is very critical. The water system had run perfectly fine for years until the water treatment plant was built. The EPA and the federal government dictated the size of that plant, and they actually wanted it a third larger than it was. The then city officials figured it out and said it wouldn't work and got them to reduce the size. That was as small as it could go.

Mayor Hooper said she wanted to talk about the disruption of the downtown because it is a very important issue and one they are really sensitive to. She would suggest that there have been a couple of good examples of management of downtown projects. Because the city worked very hard with retailers to make it work, in her experience was the reconstruction of the Langdon Street Bridge. They talked to the property owners who knew it had to happen. The city treated that project very well and kept that disruption to a minimum. The other one was when they did the sidewalks on the first block of State Street on both sides. She thinks retailers would agree that the city kept the disruption to a minimum and it didn't have as negative an impact as folks had feared.

Tim Heney said there was a neighborhood meeting he was invited to on College Street. That was the first public forum he had seen about this. Council Member Jarvis said she had struggled with this issue too and the vote is almost a trust vote

because there really are several more hurdles that have to be gone through including the Memorandum of Understanding with the State. The project still has to be bid because nobody knows what it is going to cost to bid out. That is what he is struggling with, the trust issue of will all these issues be resolved to his satisfaction before it moves on. We are just a week away from a vote. It is one of the worst publicized pieces he has ever seen in terms of the electorate knowing what they are really voting on. Montpelier voters are really generous people and have proven that. At some level he thinks the city is taking advantage of them because they really aren't informed on this issue. They are going to vote for a good concept and it feels like the right thing to do, but if the details aren't right and it doesn't play out it could also be a real disaster for us.

Daniel Stin, a local resident, said he has a couple of things to share. He brings a different sort of flavor to this hearing. The grant is the driving force of this project. He has watched the last six months and it hasn't seemed like a priority until very recently when this bond was noticed as being really detrimental to making it happen. Before then it was talked about, debated on, and this Council really has made it a priority, but he hasn't seen this room full since two months ago. If you are really interested in what happens with things like this be here, use your voice, talk to your community members and share that because that is the only way things are going to happen. Biomass versus oil – we know that wood comes from Vermont and oil comes from wherever it comes from. They both come from the earth but oil comes from very far away from Vermont. The war drives oil. War – the thing that scares us the most. Our families dying, friends leaving and never coming home – he doesn't care what anybody says about money. War drives oil!!! And he is a child and inherits this earth. He is tired of watching people die for oil. We need to be warm and can find a better way that isn't driven by war. It's not about money really. We can sit around and talk about how difficult it is financially. This is not about that. This is about trying in whatever way we can to move away from that which is killing us, and he is here to say that as a youth, as a child. His friends and family cannot stand it any more. The war has to end and the oil is at the forefront of it. The oil cost is what the bond cost. Why not? At that simple level we are already spending the money on oil.

Mayor Hooper closed the public hearing at 9:33 P.M. One of the most important messages she has if the Council approves the MOU tonight and if the voters approve the bond on Tuesday that is not the end of the thoughtful and careful analysis of whether this is a good deal for the city and the community of Montpelier. The Council is going to be looking at it very hard and carefully going forward to make sure that it is the best deal possible. It has been a hard project because it has been evolving rapidly and changing over time.

- 11-157. Consideration of a Necessity Resolution for the financing of a proposed District Heat System including heat generation, transmission and distribution improvements in an amount not to exceed \$2,750,000.

This is part of the process the city has to go through in asking our voters to consider issuing a bond.

Council Member Sherman moved the Council adopt the Necessity Resolution for the financing of a proposed District Heat System including heat generation, transmission and distribution improvements in an amount not to exceed \$2,750,000. Council Member Timpone seconded the motion.

Council Member Golonka said this vote isn't necessarily a vote for or against the project. His concern with the Necessity Resolution for this District Heat Project should be more revenue bonded.

The key to him voting no on this Necessity Resolution is he thinks this project if it does go forward should be a revenue project, and it's not. It goes back to the history of the project. In his mind months ago when they talked about this initially we always talked about this project being a revenue bond and not a general obligation bond, and it switched six months ago. That has always bothered him about this project.

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

- 11-158. Consideration of the Memorandum of Understanding (MOU) for the proposed District Heat Project.

- a) Staff has been working with the State on this MOU which, as per the capital bill, must be signed on or before June 9th to secure the state funding.
- b) The MOU is not the final contract but lays out the main parameters for a final contract. It will address issues such as pricing, mechanism, capacity, future expansion, governance/responsibilities/liabilities, integration of engineering, etc.; it will serve as a blueprint for a more detailed contract to be completed and executed this year.
- c) Recommendation: Review and discuss MOU; direction to staff.

Mayor Hooper explained that the MOU was one of the hurdles that was set forth in the legislation that allowed the State to put \$7 million into this project.

They required that the City and State enter into a Memorandum of Understanding effective June 9th.

City Manager Fraser explained the State listed certain things in the capital bill that had to be addressed which lays out the ground work for the final contract. Ultimately, it ends up with the same budget distribution they have been working with all along and talks about the mechanism for the rates. It lays out a project schedule.

Council Member Hooper said on the bottom of the second page it lists the pieces of the proposed system which will be owned, operated and maintained by the City upon completion of the construction. Is that designed to apply only to the thermal conversion units?

City Manager Fraser replied yes.

Council Member Jarvis moved that the Council authorize the City Manager to sign the Memorandum of Understanding between the State of Vermont Department of Buildings and General Services and the City of Montpelier to provide district heat. Council Member Sherman seconded the motion.

Council Member Weiss said on page 3 under State and City Funds it says the city will contribute another \$1.64 million to the state for the balance of the city's portion of the heat plant costs. Is that part of the \$2,750,000 bond?

City Manager Fraser replied it is part of the budget he just presented. That's the purchase of the capacity. Obviously, the state is building the key plant larger with more capacity than they would need to build for themselves. It is really an allocation from the federal government to buy our capacity from the state.

Council Member Golonka said he has concerns about this project and he does understand the benefits of it. If you read the financial aspect of this project it shows a break even point 15 years out and he is concerned that gets glossed over in the analysis. Now with the possibility of losing the schools he is concerned that it pushes that level out further and we are trying to fit this square piece into a round hole. He sees the benefit to the state. He sees the state getting a great deal in the plan and all of the risks being borne by the City of Montpelier. He thinks the Memorandum of Understanding is really one sided and he is concerned that it is going to cause the city to do things quickly that will cause problems in the future that the city won't realize for 5, 10 or 15 years. He asked months ago if they could get an analysis of what are the alternatives if we took \$2,750,000 and just upgraded our five buildings, and we have never received a

straight answer about that. He needed that piece to make a real true comparison and because he doesn't have that he can't sign on to this at this point.

Council Member Hooper said the first he heard about not having the schools is when the City Manager mentioned something about if we weren't able to build all the way out there. Can he explain?

City Manager Fraser said over the weekend a School Board Member raised questions and sent an e-mail to the Energy Committee to say he might push to not have the schools included. It hasn't been debated by the School Board and the vote of the School Board still stands.

Council Member Hooper said that was important to him because it is 80 percent of the heat.

Mayor Hooper called for a vote on the motion. The vote was 3-3, with Council Members Golonka, Weiss and Hooper voting against the motion. Mayor Hooper voted in favor of the motion to break the tie and make the fourth vote.

Attorney Richard Saudek said he is burdened with history on this kind of thing. He saw the State pass up the dams on the Connecticut River and he was involved with the Hydro Quebec deal. This is like a marriage; you're taking a plunge and have to play the odds. We don't have substantial hydro sources that are available to us right now. We don't have a lot of other choices. We don't have a natural gas pipeline down here. When you think about heat in New England you think about natural gas. Over the years and many decades Vermont has been trapped by oil for heat. And because of America's addiction to oil it is a very volatily priced commodity and is subject to huge fluctuations. One of the things about this or the dams on the Connecticut River was to try to break out of a certain mold or dependency. Just watching the economics of those deals his own personal view is that Harold Garabedian has done some very conservative forecasting and that is good. Just getting two sources to play with is important in the energy business.

11-159. Consideration of Vendors' use of parking spaces.

- a) Because of the type of vehicle used, Terry Murphy recently asked if he could use city parking space(s); he offered to pay for the use of the space(s) and to even set up after the meters are no longer enforced each day. The City's Vendor Ordinance does not allow this.

- b) Mr. Murphy explained his situation to the Council under “*General Business and Appearances*” at their May 25th meeting; Council chose to put this request on as agenda item for this meeting.
- c) Recommendation: Discussion; direction to staff.

There is a proposal to allow the use for some of our metered spaces for a vehicle from which food would be served.

Terry Murphy said he has been a Montpelier resident the past couple of years. He is a small businessman looking to enhance his work line with a gourmet food truck here in the city. He isn't looking to compete with anyone but just complement the city with locally grown fresh Vermont food. He seeks a variance to the parking restriction so he can vend from his vehicle in a given area. It's an opportunity to offer a unique product and service for the city and have some fun doing it.

Mayor Hooper said what he is proposing is from Tuesday through Sunday from 11:00 A.M. to 10:00 P.M. from mid March to December the vehicle would occupy what he is suggesting for three locations. One of the locations is in front of Christ Church on State Street; the second proposed location would be to use 2 spaces in front of City Hall on Main Street; or the third location suggested is 2 spaces across from the State House on State Street. The question to the City Council is whether or not we would care to consider this in general and if they do care to consider where the Council would suggest it go.

Council Member Weiss asked if it was within the power of the Council to further consider this or because it is an ordinance do they have to go through another procedure.

City Manager Fraser replied they would have to go through an ordinance changing procedure.

Council Member Golonka asked if their variance committee was authorized to look at issues like this.

Mayor Hooper said she has had the pleasure of visiting Austin, Texas and what she enjoyed about that community was there was lots of street food. People were vending from vehicles like this and it looked like they were frequently on private property. The city doesn't have meters on their parking spaces because we want to generate revenue from them but like to have turnover in our parking spaces for the businesses in downtown. It is really important to have that constant turnover. They seem to be giving up our parking spaces all of the time

and not seeing any new parking spaces. That is a concern. Secondly, last year there was a considerable discussion around vending and where they wanted to have it. This is adding another dimension to that. His proposal is a really large vending cart. She is loathe to permanently give up two more parking spaces for this sort of thing. There was a long conversation about the bus in front of City Hall where they gave up three parking spaces. She was comfortable with doing that because there was a large public good that was associated with that.

City Manager Fraser said if there is a desire of the Council to proceed with this we need to look at the options for how to proceed.

Council Member Weiss said under Article IVX, Section 9-1400 under definitions, "Vendors shall mean any person including employer or agent of another who sells or offers to sell food, beverages, personal services, good or merchandise on any street or sidewalk from a stand, motor vehicle...."

City Manager Fraser said the only question is whether there is a provision for a variance. If not that would require the ordinance be amended.

Council Member Sherman said she thinks the ordinance specifically says that vendors are not to be in parking spaces.

Mayor Hooper asked Council Members if they would like to change the ordinance so this kind of use can happen.

Council Member Sherman said the vendor ordinance has been very carefully negotiated. It's not a random document and had a lot of public input fairly recently. She thinks the issue about parking places and not having vendors in parking spaces was a critical component so she is not in favor of revisiting that to give an opportunity to a vendor to take over a parking space for a major amount of time, or for any amount of time. Our parking is a limited resource and we need to keep it for automobiles and for people to use the downtown. Vendors possibly in a non-parking area of the city, or possibly on private land, it might be possible but she isn't interested in revising the ordinance to allow a vendor to take up a parking place. She stands by the vendor ordinance as written.

Council Member Golonka said the Council had designated a certain number of spots and places throughout the town. Are there any left?

City Manager Fraser replied there are but not anything that would accommodate Mr. Murphy.

Mayor Hooper said she thinks they need to look at the larger public policies.

Council Member Golonka said he agreed with Council Member Sherman. The Council just had this debate and would be opening up a can of worms. He isn't up for revisiting the issue at this point.

Council Member Hooper said he has a strong emotional attachment to vendor food. Maybe if he could find a non-street parking place in downtown we could make a change in the acceptable vendor locations if it was at a reasonable distance from competing businesses.

Mr. Murphy said he has 10 downtown businesses that have said to him that they would back this proposal wholeheartedly and thought it would be great. This is what the city needs.

Police Chief Facos said thinking from a public safety standpoint he has general concerns for public safety when they are out in the street. Our parking is under a lot of pressure as it is. There would be some negative backlash parking wise.

11-160. Discussion or organizing Council work on their goal: *Identify barriers to new housing in the city.*

- a) The Council adopted their annual goals and priorities on April 27th.
- b) One of the goals under **Economic Security and Wealth Creation**, is to convene a "Housing Summit" to identify barriers and develop options for what the City can do to foster new housing.
- c) Recommendation: Convene the Housing Task Force (Angela Timpone is the Council rep to this board; and Planning Director Gwen Hallsmith and CD Specialist Garth Genge are the staff reps); select the date for the "Summit"; provide any additional direction to this committee; and set a report date for the September 28th Council Meeting.

Mayor Hooper said they would like to have a brief discussion about how to significantly move forward the notion of how do we support the development of housing in the community.

Jim Libby said Polly Nichol can give a brief summary of a meeting they pulled together a year ago where they actually asked the question and had folks like Tim Heney join us to answer what it feel like to be a residential developer in Montpelier. As far as how to proceed what they would like to avoid is their experience with the Council blowing them off in the past. For instance, there was a committee on regulations and how to change the regulatory structure in

Montpelier and the building codes. This Council and the city has been tremendously supportive of housing development, the Housing Trust Fund and provided great support for nonprofits. They want to do this in a way to include the Council and engage them in a way they can move together. He would like to see a couple Council Members join the Task Force and some staff from Planning in this gathering.

Polly Nichol presented Council Members a copy of the notes from the Montpelier Housing Task Force meeting with developers.

City Manager Fraser said a couple of years ago the Council set a goal to create 500 new housing units in the city and that found its way to the Master Plan and posed as a question to the citizens in the survey and received strong support. We are looking at zoning now so this might be a good time to be thinking about housing.

Jack McCullough said it is a good time to be having this discussion. The zoning ordinance is being revised at the same time, and even the way the zoning ordinance is written you still hear people say it doesn't matter what they do because nothing is going to get built. That is a frustrating thing for a housing advocate to hear because he thinks we have the resources to support additional housing and the resources to support additional population and it is in the interest of the city to have more housing and more population. We are developing a zoning ordinance and talked to developers and they say they think they can't get a project through no matter what, and that is problematic if that is the case. He isn't a zoning expert but his understanding of the concept is that once you have zoning there are some restrictions in what you can do with your property but if you have a proposal to do something with your property that is permitted by the zoning ordinance you should have some reasonable assurance that you are going to be able to do it. It doesn't seem that people have that assurance, and when they think of what their options are, whether it is Montpelier or one of the surrounding communities, they look elsewhere which isn't good for the City of Montpelier and not good for the region. Overall he doesn't think it is good public policy.

Council Member Jarvis said she thinks what happens is that a perception is created not just by the review process but by the reception an individual project has. There was a big one that just came before the DRB that just got smashed by the neighbors. A pretty good sized concept has now gone to a 2-unit subdivision. There needs to be a more balanced view presented in the context of review of the applications.

Mayor Hooper said what she is hearing is let's bring together a group of people to work on the particular issues have been identified to find some possible solutions. We need this group but also bring in the Planning Commission. She would think they would not need to draw the whole Housing Task Force together but take some key members and do some work in the next months and then the Council could consider it. The only reason she suggested a subcommittee is she thought there was some urgency in working on this during the summer.

Garth Genge said a summit is usually to accumulate ideas and possible actions which is a good idea to get feedback from everybody. Then, you need a working group that includes the City Council, the Housing Task Force and the Planning Commission to actually flush them out into active propositions that can be brought to the Council.

Jim Libby said the Housing Task Force usually doesn't meet in the summer and takes July and August off. If we could have a working group assembled and come up with a process proposal he actually likes the idea of the City Council having some kind of a hearing. He likes the proposal that Mayor Hooper made of having a working group consisting of representatives from the City Council, the Housing Task Force and the Planning Commission. That is not something they have done real well in the past of reaching out to the Planning Commission. It would be good to have an early collaboration.

Council Members Timpone and Sherman were the two Council Members appointed to the working group subcommittee on housing.

11-161. Discussion of organizing Council work on their goal: *Analyze census data and begin district reapportionment, as appropriate.*

- a) The Council adopted their annual goals and priorities on April 27th.
- b) One of the goals under **Good Governance** is the review of the voting districts.
- c) Recommendation: Discussion; select Council Member(s) to work with the Planning Department on this analysis, provide any additional direction to the committee and set a report date for the September 28th Council meeting.

Council Member Weiss said he would volunteer to serve as Council Member. He has already had conversation with William Sawyer who is the Manager of the Vermont State Data Center out of Burlington. He has a couple of good ideas as

to how not only how you can get Montpelier's data but we can get Montpelier data almost broken down by streets. He would be happy to work on this. He has spoken with the Zoning Administrator who is quite conversant about this as well. We have some resources right here that we can use.

City Council accepted Council Member Weiss' suggestion to volunteer.

11-162. Council Reports

Council Member Sherman reported that the GMTA Board is in the process of dissolving and merging into the Champlain Valley Transit Authority so she has been to her last GMTA Board meeting. GMTA is extremely grateful to the city because city folks drove buses from the bus depot up to National Life. The Transportation Advisory Committee at their last meeting on May 31st they allocated lots more money to culvert inventory.

Council Member Golonka reported they are having their regional meeting tomorrow and they are discussing the funding allocation.

Council Member Jarvis said she would like to be kept apprised of Old Country Club Road. She thinks before any potential money is spent on that road we need to have a conversation about it. We have had money issues in the past, and it is a concern of hers. She wants to congratulate the folks last Saturday for putting on the Farmer's Market.

11-163. Mayor's Report

Mayor Hooper said in the City Manager's weekly report that the Community Justice Center wanted a Council rep for their Re-Entry Advisory Panel.

She would like to add Gidney Road to the list of streets to pay attention to in terms of the major work that may or may not need to be done and what is the cost return on it.

The Wood Art Gallery has been working very hard in rather impressive ways this past year to get on to much sounder financial shape and has put together a really decent business plan. As part of their planning process they are considering a plan to lease the collection. One of the problems of the Gallery is that the community has been extraordinarily generous to it over time and sometimes people just clean out their art attic and there are some wonderful pieces that are quite valuable that have nothing to do with the Wood itself.

11-164. Report by the City Clerk-Treasurer.

City Clerk-Treasurer Charlotte Hoyt reminded everyone ballots were available for anyone who wanted to vote early. The Special Election would be held on June 14th and the polls would be open from 7:00 A.M. to 7:00 P.M. She also reminded members of the viewing public that utility bills were due on June 15th.

11-165. Status Reports by the City Manager.

City Manager Fraser reminded people about the vote next Tuesday. It's a real important issue. He thanked the staff for all of their work over the last couple of weeks. He thanked the team for all of their hard work and support they provided for the District Heat Project.

11-166. Agenda Reports by the City Manager

- a) Request for an Executive Session in accordance with Title 1 V.S.A. §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."* (The City Manager would like to update Council Members on union negotiations, and possibly the civil rights issue.)

Council Member Jarvis moved that the Council go into Executive Session at 10:51 P.M., in accordance with 1 V.S.A. §313 (a) (1) relating to 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. Council Member Weiss seconded the motion. The vote was 6-0, motion carried unanimously.

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

Motion was made by Council Member Jarvis, seconded by Council Member Weiss to come out of executive session in accordance with Title I, V.S.A. Section 313 (a) (1) whereby the City Manager had updated the council on union negotiations, and the civil rights issue. The vote was 6-0, motion carried unanimously.

Adjournment:

After motion was duly made and seconded by Council Members Jarvis and Weiss, the council meeting adjourned.

Transcribed by Joan Clack

Attest: _____
Charlotte L. Hoyt, City Clerk

On Wednesday evening, June 22, 2011, the City Council Members met in the Council Chamber.

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

Call to Order by the Mayor:

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

11-167. General Business and Appearances:

Mayor Hooper said she would like to welcome a new *Bridge* writer Maurice Keller.

11-168. Consideration of the Consent Agenda:

- a) Appointment of Beverlee Pembroke Hill as the Acting City Manager from July 18 to August 7, 2011.
- b) Signing of a Proclamation by Mayor Hooper acknowledging, on behalf of the City Council and citizens of Montpelier, that June 23, 2011 has been proclaimed ***“Olympic Day.”***
- c) Consideration of a request, from a committee organizing a Dog (Fashion) Show, for the closure of State Street (between Elm and Main Streets) from 9:00 A.M. to 2:00 P.M. on Saturday, August 27, 2011. *“Montpelier Alive”* is partnering with the Central Vermont Humane Society to produce this Dog Show.
- d) Consideration of a Contract Extension for Technical Services for the month of June between the City of Montpelier and Community Biomass Systems, Inc. (including subcontractors) for the Montpelier Community District Heat Project. Tim Maker, President and CEO of Community Biomass Systems, has provided two versions.
 - 1) The Amendment would add \$23,500 to the “not to exceed” total limit of the amended agreement. The unspent amount in the original agreement is \$14,724; Mr. Maker is quite sure that the \$23,500 on top

of the \$14,724 will be adequate to take them through June, probably with a cushion.

- e) Consideration of approving a “Finance & Maintenance Agreement” with the Vermont Agency of Transportation (VTrans) for a paving project entitled “Montpelier STP 2905(1)” Contract No. FM0055. This regards the VTrans’ plans to resurface Class 1 Town Highways which are under the pavement management responsibility of the State of Vermont. The work will be performed under a single construction contract and consist of State Street (US Rte. 2) from Bailey Avenue westerly to the corporate boundary; the Montpelier State Highway (aka Memorial Drive: Bailey Avenue to I-89); and Dog River Road. The Finance & Maintenance Agreement is a standard operating procedure for road rights-of-way which are owned by the municipality (re: State Street) and establishes and assigns certain rights, responsibilities and costs. In this case, all costs are to be borne by the State, except for non-participating items requested by the municipality of which there are none at this time. The Public Works staff has reviewed the project plans and agreement and recommends approval. Staff also recommends that the Assistant City Manager be designated as the duly authorized agent to execute the documents on behalf of the City Council.
- f) Consideration of endorsing the Certificate of Opening Highway for Public Travel (provided by the VTrans Right-of-Way Division) for the Langdon Street Bridge following the bridge replacement project previously completed. This certificate formally opens the bridge for public travel and will be recorded in the City land records.
- g) The Public Works Department is asking for consideration of the City Council to review and sign the 2010 Bridge Inspection Report performed by the VTrans Structures Division.
- h) Ratification of the Department of Public Works’ Union Contract for the period July 1, 2011 – June 30, 2014.
- i) Consideration of awarding the bid for a Tax Anticipation Line of Credit for \$1,800,000 for FY’12 (July 1, 2011 to June 30, 2012) to cover the expenses for the City’s General Fund, School Department and Recreation Department. Bids on interest rate were received on Thursday, June 16, 2011. A tabulation sheet listing the results is attached. Staff recommends the acceptance of the bid for a Tax Anticipation Line of Credit from Merchants Bank at the rate of 1.59% and authorize the Mayor, City Council and Treasurer to sign the necessary documents.

- j) Consideration of becoming the Liquor Control Commission for the purpose of acting on the following:
- 1) Ratification of the issuance of a Catering Permit to the Skinny Pancake for an event called "*Green Drinks*;" they served beer and wine in the center lobby of City Center on Tuesday, June 14th, from 6:00 to 8:00 P.M.
 - 2) Ratification of the issuance of a Catering Permit to Vermont Hospitality Management, d/b/a New England Culinary Institute, for a National Life Dinner to welcome a "Focus Group" scheduled to be held on Wednesday, June 22nd, from 6:00 to 8:30 P.M. at the National Life Guest House.

k) Payroll and Bills

Community Development Agency Warrant dated May 10, 2011, in the amount of \$17,500.

General Fund Warrant dated June 15, 2011, in the amount of \$551,676.76 and \$18,724.73.

Community Development Agency Warrant dated June 17, 2011, in the amount of \$32,000 and \$3,484.00.

Acting City Manager Hill said they needed to remove (d) consideration of the contract extension with Community Biomass Systems, Inc.

Motion was made by Council Member Hooper, seconded by Council Member Sherman to approve the consent agenda.

Council Member Jarvis she would like to pull the agreement with VTrans.

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

- 11-168(a) Consideration of approving a "Finance & Maintenance Agreement" with the Vermont Agency of Transportation (VTrans) for a paving project entitled "Montpelier STP 2905(1)" Contract No. FM0055. This regards the VTrans' plans to resurface Class 1 Town Highways which are under the pavement management responsibility of the State of Vermont. The work will be performed under a single construction contract and consist of State Street (US Rte. 2) from Bailey Avenue westerly to the corporate boundary; the Montpelier State Highway (aka Memorial Drive: Bailey Avenue to I-89); and Dog River

Road. The Finance & Maintenance Agreement is a standard operating procedure for road rights-of-way which are owned by the municipality (re: State Street) and establishes and assigns certain rights, responsibilities and costs. In this case, all costs are to be borne by the State, except for non-participating items requested by the municipality of which there are none at this time. The Public Works staff has reviewed the project plans and agreement and recommends approval. Staff also recommends that the Assistant City Manager be designated as the duly authorized agent to execute the documents on behalf of the City Council.

Council Member Jarvis said she was concerned that if State Street is paved this summer and the district heat project goes forward next summer that they might be digging up what has just been paved.

Acting City Manager Hill said this piece is from below where the existing biomass plant is so it is on the intersection of Bailey Avenue and State going westerly. Looking at the agreement by the State of Vermont it says: "location located in the County of Washington, City of Montpelier and US Rte. 2, beginning at the Middlesex/Montpelier Town line extending easterly to Bailey Street. The project also includes .483 miles of State Street from Bailey Avenue."

Acting City Manager Hill said they can confirm that the Council's approval is subject to it not including Bailey Avenue to Main Street. She said City Manager Fraser had requested they not do that at this time.

Mayor Hooper said they could make it for approval of this contingent that understanding.

Council Member Weiss said the proper way to do is to move it and second it and then move to amend it with the deletion of that particular segment. It would be very clear. Council Member Weiss made the motion with Council Member Jarvis seconding it. The motion carried on a vote of 6 to 0.

Council Member Timpone said the Flood Committee would like to add they would add a contribution from the City Revolving Fund for flood related issues. They would also like approval to use \$1,088 left in the fund for the Montpelier Centennial. There was unanimous consent to add this as an agenda item at the end of the agenda.

11-169. 58 Barre Street Update

- a) Jeff Kantor, Consultant; Garth Genge, Staff Project Manager; and Steve Twombly, Clerk of the Works, will be on hand to give an update on the 58 Barre Street Project.

b) Recommendations: Receive update; discussion; direction to staff.

Acting City Manager Hill said they are appreciative of the fact that Jeff has agreed to stay on with us a little further and be a little more involved. Steve Twombly agreed to step in and help with the project as Clerk of the Works. He is assisting Garth Genge. She reported the bids came in for about \$200,000 over budget for the for the Senior Center part of the project. The housing piece is all set. Garth, Jeff and Steve have been working on trying to reduce that and look for ways to shave it. There are some of those changes they recommended are to get it down approximately \$90,000. They still are short approximately \$101,000.

Jeff Kantor said on June 8th they actually transferred the property. It is now a condominium. It's the 58 Barre Street Condominium which is a three-unit condominium. Unit 1, which is the Senior Center, is owned by the city and Unit 3, which is the playground, is also owned by the city; and Unit 2 is owned by the housing partnership. The housing partnership also closed on its financing on that same date so they have all of their financing in place. All the permits are in place so they are just about ready to start. Their bids came in from Engleberth Construction, Inc. from Colchester, Vermont, which was the low bidder. As low bidder they accepted to help negotiate the contracts.

The housing partnership actually signed our contract today contingent upon the City being able to sign their contract. The Senior Center was over budget and they worked to reduce that by \$101,000. Alternatives in engineering they thought were appropriate to choose without affecting the quality of the end product for the Senior Center. They came up with about \$92,000 worth of savings.

If they go forward with approval tonight Engleberth is ready to start construction on July 11th and finishing by May 10th of next year.

Steve Twombly, Project Manager, said the building has been completely cleaned out by Steve Ribolini of S&R Janitorial Services. It looks a lot better than it did although it is still smoke stained. The underground fuel tank was taken out a couple of weeks ago and the tank had not leaked at all so there is no hazardous waste which was a savings of about \$8,000 over what was in the budget for that item.

Overall this is a really good model project for what you can do with an old building. This is going to be completely renovated top to bottom, super insulated, and all new glazing so it will be very energy efficient. It will have solar

hot water heat on the roof for the housing. It will be heated by wood pellets. The Senior Center portion essentially is funded through sources that don't involve any taxes. The extra money they are looking for tonight is to close the gap the city has in hand in revolving loan funds so they are just looking for that small piece to move ahead. There is also a pending question of the insurance for the elevator which is tangled up legally at this point, but there is some hope that eventually the city will receive that money. If that were the case they can do the playground reconfiguration which will gain some parking space and they might potentially be able to pay back some of that loan money.

Mayor Hooper asked if the gap was because the bids came in above or because the money we expected to have from the elevator isn't there.

Mr. Kantor replied it is primarily because the bids came in higher. Because of the cost of fuel and material increases, there are actually fewer contractors and prices are going up for construction.

Council Member Golonka said they dropped the construction contingency by about \$50,000 and it looks like they dropped the furnishings, fixtures and equipment by about \$85,000. Is that realistic?

Mr. Kantor said the contingency they have is still at about 7.5% of the contract amount, which is where it should be. In the original budget they felt they would come in low and have a bigger contingency. Now that there are less unknowns and there is a real number the 7.5% architect is adequate. A lot of the furnishings had to do with the kitchen space. At this point they are going to have just a kitchen that will be usable by the Senior Center but it won't be a commercial kitchen that NECI or some other commercial user might want.

Acting City Manager Hill said the back room which was a pool room in the original plans was intended to be a room which was going to hold the walk-in coolers. They felt at the present they could hold off on some of those. She talked with Senator Sanders' Office and there is some money he obtained for the other centers last year for kitchen modifications and his staff is going to work with them to see if they can qualify for that piece this year. If the elevator money comes in they can reduce some of the other costs.

Mr. Kantor said that is a bare bones number. If the city is able to manage that contingency and there is money left over they can turn that money over. If the elevator funds come in that will help as well.

Council Member Weiss said it is stated in the materials that the Senior Center is having a \$200,000 fundraising project and some of that money may or may not be diverted to support the building. He isn't clear about what happens if it isn't.

Mr. Kantor said there is a capital campaign going on right now for the Senior Center to raise \$200,000 and they have raised about \$105,000 or \$106,000 so far. They are still trying to close that gap of \$95,000. It is his understanding they already have approval, and are asking for a confirmation of that, that they can use the Senior Center Endowment Fund to help bridge the gap for the funds that have not been raised.

Acting City Manager Hill said that funding is just slightly under \$300,000 right now, and \$200,000 of it was pledged in the budget. If they come up short in the \$200,000 capital campaign they may have to take the funds out of the Endowment Fund. As Jeff has indicated the capital campaign tends to run in reverse. They went out to individuals first and now they are working with what they hope to be some of the larger donors so she certainly believes it is going to come in more than the \$105,000 or \$106,000. Because they have to have a commitment all of the money is needed to sign the contract. They are asking the Council tonight to make sure they have all of the money again so we can get the housing project moving ahead.

Mayor Hooper said there is \$300,000 in the endowment; \$200,000 was obligated already and the remaining \$100,000 should the capital campaign fall short could be used from the endowment to close the gap.

Acting City Manager Hill said they have been asked why the seniors have to do a capital campaign when it is a city capital project. Everybody's intent was not to have to do any bonding for this project and the city has been willing to commit their money to save money for this. People have left money for the center to do something like this.

Mayor Hooper said before someone makes a motion with regard to approving the additional funding one of the things she wondered about on the cost adjustment sheet was the adjustment to glazing.

Mr. Twombly said they actually were going to do triple glazing and it is a huge cost savings to go to double glazing. These are huge double hung windows. The triple glazed window units are incredibly heavy to open so there was a concern that especially senior citizens would not be able to open them. Housing was not going to accept them on that basis anyway so this was something they had to do.

11-170. “Consideration of approving the use of an additional \$101,150 of City Revolving Loan Funds (Capital Plaza and ADA) for the improvements at the Montpelier Senior Activity Center; and reconfirm that any shortfall in the Capital Campaign will be subsidized from the Montpelier Senior Endowment Fund.

a) Consultant Jeff Kantor, Acting City Manager Beverlee Pembroke Hill, and Clerk of the Works Steve Twombly will be present to review and explain these numbers to the City Council.

b) Recommendation: Review and discussion of this request; direction to staff.

Council Member Jarvis moved the Council approve the use of an additional \$101,150 from the City Revolving Loan Fund for the improvement of Montpelier Senior Activity Center, and reconfirm that any shortfall in the Capital Campaign would be subsidized from the Montpelier Senior Endowment Fund. Council Member Golonka seconded the motion.

Mayor Hooper said her only concern about using any of it was that it would take away some of the emphasis of the Capital Campaign and it certainly would be nice not to deplete this fund.

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

Mayor Hooper said the commercial kitchen in Barre was partially or fully built with a grant that the Central Vermont Community Action Council enabled that group to receive so there may be an opportunity for funding there. Failing that the CDCAC have some ideas about how to get money for a commercial kitchen.

Council Member Jarvis said there was some discussion with Meals on Wheels that they may be able to get money for a freezer.

11-171. Consideration of the **Recommendations of Senior Center Coordinating Committee.**

a) On April 27, 2011, Eileen Peltier, Chair of the Senior Center Coordinating Committee, presented this committee’s report and their recommendations for the future operation of the Center.

b) Those recommendations contained 4 basic recommendations:

1. Change to the Mission Statement to include more clearly residents of the Montpelier area and the concept of economic well-being and a welcoming environment.
2. Acceptance of Statement of Values
3. Committee recommended that the new Director of the Senior Center should be a department head reporting directly to the City Manager. (Staff has discussed this in conjunction with the MATRIX report and recommends that the Director report to the Assistant City Manager.)
4. Changes in the role of the center.

A. Community Partnerships

- i. Enhance the use of the resource room within the center.
- ii. Form a senior services partners group
- iii. Formalize the relationship with the Montpelier Home Delivery Program (“Meals on Wheels”).

B. The Center should strive to be as inclusive as reasonably possible

- i. The **58 Barre Street building** should be renovated in a way that creates a senior center facility that is accessible, comfortable, flexible, and energy efficient.
 - ii. The current practice of **open enrollment** – that is enrollment to any senior residing in the Montpelier area should be continued.
 - iii. **A formal scholarship program** should be developed.
 - iv. Efforts to **enhance transportation options for seniors** should be continued.
- c) In conjunction with the report received on April 27, 2011, staff was asked to prepare cost implications. Council has been provided with backup data to help them with their decision making.
- d) Recommendation: Consider recommendations as outlined above; discussion; direction to staff.

Eileen Peltier led this discussion back in April and they need to be making a decision on how to move ahead because the hiring of the new Senior Center Director is contingent upon what her job description is going to be and these developments will affect it.

Mayor Hooper thanked Members of the Senior Advisory Committee for being present.

Council Member Weiss asked Council Member Jarvis that with the exception of the reporting why does the Council need to discuss any of this? Isn't the Senior Center eligible to set up its own bylaws?

Council Member Jarvis reported there was quite a bit of discussion about the bylaws and her position and their understanding is that now the Senior Center is a department of the city it is no longer run by bylaws. The Advisory Group is just that. If we accept their recommendations the Advisory Group is advisory to the Director who then reports to the City Manager. The bylaws are certainly guidelines but not governance policy.

Elizabeth Dodge, Chair of the Senior Advisory Committee, Mary Alice Bisbee, a member of the Advisory Board; Fran Krushnecik, a member of the Advisory Board; and Peter Harris also a member of the Advisory Board were present for this agenda item.

Liz Dodge said they are having their annual meeting and they were going to revise some of the bylaws and making it more specific that they are not governing, just advisory.

Mayor Hooper said that is in response to Council Member Weiss' question about why they are changing the bylaws. It is certainly understandable that the Advisory Committee would like to have some sort of document that describes what they are doing and how they function.

Mary Alice Bisbee said she is one of the long time members on this board. This all came about because this used to be an organization that was separate. When it went under the School Commission it became advisory, and it has always been advisory and nothing but that. To her it seems redundant to even have bylaws.

Mayor Hooper said the first change is to the Mission Statement which currently states Montpelier and the proposal is to add the Montpelier area. This certainly has been one they have discussed.

Council Member Golonka said he thinks it is a slippery slope. Is this a regional entity or is it a Montpelier entity? He believes it is a Montpelier entity. Montpelier area to him sounds like we are setting up a regional senior center. He doesn't really feel comfortable changing the wording. It's a Montpelier funded senior center. Until outside communities pay us to help support this he doesn't believe it should be called a Montpelier area center. That is his personal opinion.

We just gave \$100,000 potential backing for the upgrade of this facility. We have shown strong support for this facility. He really has a concern that it will become a defacto regional senior center without any outside community support, similar to other entities they have set up in the past.

Liz Dodge said she has been here when the Council brought up the subject but nobody seems to want to do anything about it. The Council hasn't given them any real direction.

Council Member Golonka said this is the first time they have talked about it since the first meeting.

Council Member Weiss said if there is a name change what impact will that have on other documents that are already in existence such as the foundation – bank accounts, checking accounts?

Council Member Jarvis said the change in the mission statement does not suggest a change in the name of the Center. They will just continue with the Montpelier Senior Activity Center.

Council Member Timpone asked what the membership was.

Acting City Manager Hill said there are roughly 600 voting membership right now and there are about 400 Montpelier and 200 non-Montpelier members. A lot of the non-Montpelier members join only to accompany one of their Montpelier friends on a trip. There are a few who come in and take classes. The classes are first offered to Montpelier residents at a reduced fee and then the second chance to take classes goes to those people whose towns do make some contribution. Nobody has had to be turned away yet from any of the classes and they have been able to accommodate everybody. These classes would be offered without the nonresident membership so any money that comes in is extra.

Council Member Jarvis said the intent of the committee was to acknowledge the existing practice.

Council Member Sherman said she thinks there is a real advantage to building a broader base of senior citizens collaborating together and doing activities together so in a way being exclusive and trying to make membership available only to Montpelier and within the boundaries is not a desirable policy. She thinks of UVM and their in-state and out-of-state tuition, and in a way they are saying the cost of the classes reflects that different level of payment.

Acting City Manager Hill said that in addition to paying additional membership dues the classes are also priced accordingly.

Council Member Hooper said he likes Nancy's analogy. The difference is that the state puts a little bit of tax money into UVM so to analogize them would be as though UVM was paid \$10,000 per student. The out of state gets a great benefit because so much comes from a common pot.

Council Member Golonka told Council Member Sherman that he never advocated excluding outside members. He has always felt there should be open membership. He has always advocated refining fees that more adequately reflect outside membership and the amount of money that Montpelier puts forward. He doesn't see them ever excluding anyone. Berlin is 27% of the Meals on Wheels Program. Are they going to be contributing \$6,500 of the extra costs that are going to occur? Those are the types of questions we need to ask. In the Mission Statement it should be the Montpelier Center and whether they want to join or not they are more than welcome.

Council Member Jarvis said she absolutely shares Tom's concerns about the regional option and they should address it in terms of a different fee structure. She thinks the differential fee structure can be done in a way that helps put pressure on surrounding towns so if you are from a surrounding area that does contribute to our senior center than you have lower fees than other towns that do not contribute.

Council Member Weiss said the reality is that the City of Montpelier is already a regional hub. The Library has been mentioned. The Fire Department goes to fires in these other places. We have a Community Justice Program which is more regional than it is just for the voters of the City of Montpelier, and the seniors through their Mission Statement are acknowledging what is happening. Tomorrow night Mr. Golonka and he will be attending another meeting in which they are discussing with Barre City, Barre Town, Berlin and Montpelier for the formation of a unified safety district. He thinks they are way past discussion of regionalization and coming back to cost effectiveness anything that can be worked out is beneficial. That is what they should be focusing on right now. We are a regional hub.

Mayor Hooper said she thinks this has been a good discussion. It is very important to say very strongly that we honor and value the work that has been happening at the Senior Center and the participation of everyone there. This isn't about being exclusive or not wanting to help all of the members of our border communities. In her way of thinking she is very grateful that we keep coming back to this and trying to get this right at the beginning of the new

organization rather than in 10 or 20 years which is where we feel we are with some equity issues associated with the Library. She thinks she heard that we embrace the notion of an open membership, that we would like to see continuing work to make sure that the fee structure adequately represents the sort of tax support that the Montpelier residents are already giving to the Center so we keep looking at the contribution of the non-Montpelier residents as it relates to fees. Another element of that is that we need to formerly ask the other communities whose residents are participating to say to our neighboring communities that the city needs them to also recognize this regional entity we are providing and lay out what their obligations are. We should do this so come budget time we aren't asking for money.

Acting City Manager Hill asked if the Council would support the concept that she as the Director along with some of the members go to the individual town select board meetings and explain the program and the situation.

Council Member Golonka said you have to go to those boards explaining what they get for their contribution. We need to tangibly say what they would receive for their contribution.

Council Member Weiss said it is a great idea to go to the communities. However, he reminds the Council that almost a year ago they asked the Director of the Community Justice Center to solicit funds from the communities.

Mary Alice Bisbee said she has said right along that membership for our Montpelier residents should be \$50, \$75 or \$100 rather than \$10. It really is a belief for those of them who are on the Advisory Board to turn this over to the City Council because they have so much more clout in terms of going to the surrounding towns and telling them their story rather than just members. There are still two people from Waitsfield who take the Strong Living Classes and come out here and they are only paying \$25 and they can afford a whole lot more whether their town does it or not.

Peter Harris said instead of going to the other select boards that when the Senior Center opens there is an open house and people can come and see their new center and they will be knocking on the door to come in. The Board has never voted on the regional issue. What Alan said about defacto Montpelier is the regional center for Central Vermont and his concern is there are smaller towns who can't afford a senior center. He is sure they are clever enough to come up with some way to help the people who benefit from a membership.

Mayor Hooper said her sense is on the Mission Statement they are open to the acknowledgment of the existing practice. Because it currently says in Montpelier right now and the new one says in the Montpelier area.

Acting City Manager Hill said they want open enrollment but they don't want the Mission Statement to change.

Council Member Hooper said if they were at a place where the surrounding towns and all of the people participating recognized their role that would be great but we aren't there. There was one other change to the Mission Statement where it adds economic well being and a welcoming and flexible center.

Council Member Jarvis said if they took the proposed Mission Statement as the committee proposed it to the Council but just take out the area.

Liz Dodge said they have to be very careful about using the word regional. They lose money if they aren't basically in Montpelier. She is talking about the trust fund.

Council Member Weiss moved accepting the Mission Statement as proposed but taking the word "area" out. Council Member Timpone seconded the motion.

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

The next item is the Statement of Values.

Motion was made by Council Members Weiss, seconded by Council Member Hooper that the Statement of Values be approved as proposed.

Council Member Sherman said if they take area out of the Mission Statement is it required they take it out of the other parts giving they are accepting people from the area if they pay their fees and even more welcoming if their towns make contributions? In a way this is a carrot to encourage them to think broader.

Mary Alice Bisbee said this is really broadening the mission of the current senior center and bringing in a lot of extra things that are not provided at present. It brings in more the Council on Aging and the Meals on Wheels. She thinks they need this broader approach that they are going to be more of a service center than just an activity center.

Mayor Hooper asked rather than the Council adopting this that the Council receive the report favorable with the understanding that it isn't a governance sort of document.

The maker of the motion and the second agreed to change the motion to received the Statement of Values favorably, with the understanding that it isn't a governance sort of document.

Mayor Hooper said she is assuming that when the time comes to consider new programs or initiatives there is going to be a strong thinking about whether it is worthwhile, can they justify it or where are you going to get the money to do it? One of the things they heard from MATRIX was to make some of the programs self sufficient. Don't assume you are going to pay for it with tax dollars. She doesn't believe that any of this is saying they have the right to come in December and tell the Council they said transportation and they need another van.

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

The next item is that the Director of the Senior Center becomes a department head reporting directly to the City Manager. The city is looking at reorganizing some of our services and we'll eventually create a new Assistant City Manager service.

Council Member Weiss said he would respectfully disagree. The charter gives the Manager the responsibility of appointing personnel. He truly believes that the staff and management are the sole of the prerogative of the Council.

Acting City Manager Hill said as part of the discussion both with the Committee and also between the City Manager and herself, and the MATRIX report they felt that the existing Director was hired to be allowed to do a lot of traveling and be away from the center a lot more. As part of the committees that were established it is the desire to have a director who would be present and that Director would have expanded duties taking on some of the duties she actually does now. What Bill talked about and what the MATRIX report reinforced was that some of the departments will report to the Assistant Manager directly rather than to him because he has so many people reporting to him. That report suggested that the Community Justice Center be one of those assigned to the Assistant Manager. The City Manager is actually the one who does the hiring.

Council Member Jarvis said rather than creating a new department they could change responsibility of what is now the Program Director into an actual

Director. They wouldn't actually be creating a new position but changing the roles and responsibilities of that person.

Mayor Hooper said they are also being asked to affirm what has been a non-finalized relationship that began when they moved the governance of the Senior Center from the School Board to the Council's jurisdiction. They made some temporary arrangements and they want to maintain that relationship and look at it in a different way. She had questions about department head because it doesn't feel to her the equivalent of a department head like Public Works or the Police Chief.

Council Member Jarvis said they believe that when the current Program Director leaves that a new Senior Center Director be hired who would report to the Assistant City Manager. That was considered a motion. Council Member Weiss seconded the motion. The vote was 6-0, motion carried unanimously.

Changes in the Role of the Center: There are four called out. The first is community partnership, enhancing the resource center, forming a senior services partner group and formalizing the relationship with the Montpelier Home Delivery Program. She wants to have the most conversation about the Meals on Wheels Program. The others seem to be just affirmations of work that has already been done.

Council Member Jarvis said the Senior Services Partners Group would be a continuation of the round table discussion they had last May. They are just adopting that or committing to reengage in that process yearly in order to try to pursue collaboration with existing agencies throughout the delivery of services to seniors.

Council Member Jarvis said the committee spent some time working with the Meals on Wheels Program. The committee's recommendation is that the Montpelier Home Delivery Program becomes a part of the Montpelier Senior Center. Currently, the program is small and can't adequately serve all of the individuals who are interested in the program. They felt that merging the Senior Center with the Home Delivery Program would provide more economies of scale. As you may recall, in the budget they adopted there is no funding for a cook for the Senior Center. It has always been her assumption that is something they are going to be looking at adding for FY'13. It makes sense from a service standpoint when they had the round table discussion last May nutrition was one of the most important needs that was not being met in our community. Pulling the Home Delivery Program into the Senior Center will give us some security and access to volunteers and organization and it would not jeopardize the existing funding of that program. The city would still be able to be the recipient

of the funding that now supports that program. Obviously, there might be some issues in surrounding towns and that is something they would need to tackle.

Council Member Golonka said he is concerned that we don't have the capacity and staff. He thinks they are going to end up throwing this on Sandy's lap with regards to managing a whole nonprofit entity. He sees they have listed here in-kind management and volunteers, but his fear would be that this take over the Senior Center. He thinks they may lose sight of what they are looking to accomplish at the Senior Center by trying to solve a problem with Meals on Wheels. He is all in favor of helping and collaborating and working with Meals on Wheels but he is very concerned about subsuming it into a city department and throwing it on to Sandy's lap. Secondly, he is really concerned about the regionalization of it. He looked at the Berlin deliveries and it worked out to be about 27%, and unless Berlin is paying 25% of the extra costs we incur he is concerned they are opening up a whole can of worms that suddenly becomes Berlin, Barre, Montpelier and another regional entity. Suddenly it is not an additional \$23,000 cost to the Senior Center.

Council Member Jarvis said she would note in the condition it provides a process where there is an allocation of a half time person to be hired as Coordinator. That person now currently is the person who runs the Meals on Wheels Program and does all of the coordination of the volunteers, takes care of the funding of the program. The recommendation from the Committee is that the Program Director work with this Coordinator.

Council Member Golonka asked what we are sacrificing on our city side for our core services. He doesn't know the answer to that.

Mary Alice Bisbee said the Council on Aging provides all of the money for the Meals on Wheels Program. They are just going to be housed at the Center and not city employees.

Council Member Jarvis said the recommendation of the Committee is that this become a function of the Senior Center. She doesn't see any reason to proceed slowly and she understands the concerns.

Mary Alice Bisbee said she didn't think it was going to be a function of the Center but totally separate from all of the conversations they had.

Mayor Hooper said she was very pleased to hear that there was discussion about bringing this back in. She was extremely disappointed way back when the program left the Senior Center because she believes it is fundamental, but we need to do it right. This has been an ongoing discussion about the number of

accounts that we are managing. It's not just the funding from the Council on Aging, which is in fact complex and requires some real bookkeeping. There also is involved the donations people make; it's complex.

Council Member Jarvis pointed out that the person who is doing the job now is managing all of her own financials so that certainly could be a direction that it stays totally under the Senior Center Director.

Mayor Hooper said in the past they have had a tendency to do that and have separate accounts that are managed throughout city government.

Finance Director Gallup said this is an added program and all of her financial controls have to apply. The Treasurer has to have the authority to control the cash receipts. We really have a high standard here in the city with the liability insurance, keeping track of the employees. Every employee they add, particularly part time, doesn't really fit into the mold of the city with the benefit structure. As we grow there are always added burdens, particularly when you add a program.

Mayor Hooper asked the Council if they could agree that the question is whether or not they want to explore what the opportunities are for using the Senior Center to support the Meals on Wheels Program.

Council Member Weiss said the seniors have approval to appoint a full time Director, and that will be the first time in a long time that has occurred. Something which impacts the city and the Treasurer's Office and something that impacts the incoming Director he would like to wait until the Director is appointed, has a chance to think about it and makes a recommendation to the Advisory Council who then in turn can make a recommendation to the Council.

Mayor Hooper said they should continue exploring and acknowledging the value of the program and our desire to support it also recognizing the need to understand the consequences of this relationship.

Council Member Jarvis said there is also work that needs to be done with NECI in terms of assuring ourselves either that they would commit in their role of partnering with the Home Meals Program.

Acting City Manager Hill said she wanted to clarify that also in the proposal is not only is our current Program Director retiring in September but one of the senior office people who has been there for a number of years has also decided to retire. One of the Barre senior clerical people would like to stay a while longer and she can use her in the transition because there will be some history there. It

was felt we need a more full time Director and there also has been feelings among the membership that they want to get more out of their secretarial staff. Part of that has to do with the increased responsibilities. The minute they go to a 20 hour week person we are required to offer prorated benefits and if they are a 30 hour week person they get full benefits.

Mayor Hooper thanked the committee for their great work and help in moving us forward.

11-167. National Life Trail Authorization

- a) The Montpelier Parks Department is seeking Council authorization to assist in the building of a trail from the corner of Route 12 and Route 2 and up the hill to the National Life trail system, which also connects with their parking areas and various buildings.
- b) Such a trail would benefit the community in a number of ways. One way is that it will provide a safe and beautiful alternate transportation route, as a commuting option, to a major workplace that serves hundreds of people. It will allow access to the downtown (i.e. during lunch hours) without employees having to get in their cars as well.
- c) Additionally, this trail would provide strategic trail access to the southwest corner of Montpelier, opening official access to an under-served part of town, a key link in working toward Master Plan goals and strategy: **“Goal C: Open Space and Recreation, Strategy 1a, Develop and extend a wagon-wheel network of trails throughout downtown Montpelier and to other neighboring communities.”**
- d) This project is seen as a synergistic opportunity as it is a collaboration between public and private partners that will benefit the whole community. Partners include National Life, the Parks Department, Vermont Youth Conservation Corp/AOT, International Volunteers for Peace, and will likely involve a large number of community volunteers.
- e) National Life’s maintenance crew has offered to help with building the trail and has committed to maintaining the trail once it is built.
- f) Recommendation: Receive any additional information from Parks Director Geoff Beyer; opportunity for discussion; provide authorization to move forward with this project.

Geoff Beyer, Parks Director said they would like to do something very similar to what they have done at the State House trail which benefits the community. It is an opportunity to do something that has been put forward in a lot of community plans and community interest to have more trails and connect parts of Montpelier that are presently unserved. The southwestern quadron of Montpelier is not served by parks or official trails and this would open a key spoke in a wagon wheel that has been envisioned in the Master Plan. National Life's Maintenance Department has been given approval to take over maintenance after the trail is built and have offered to help build it.

Council Member Hooper said this is a great opportunity for the community.

Parks Director Beyer said he envisions there would be stone steps on the two steep areas but he would do a winter bypass for the middle set of steps that would be longer for snowshoeing.

Mayor Hooper said it is generous of National Life to offer and participate in this project. Do they understand how much it may be used?

Parks Director Beyer replied he thinks they do. The Vermont League of Cities and Towns has signed on to co-insure the trail and pave the way for National Life to enter as a partner.

Acting City Manager Hill said if the Council agree that the project should moved forward, City Manager Fraser felt it was essential that the agreement with National Life to maintain the trail once it is built should be done in writing to formalize it.

Motion was made by Council Member Weiss, seconded by Council Member Hooper that the Council authorizes the Montpelier Parks Department to participate in the building of the trail.

Council Member Hooper asked Geoff Beyer if the Council authorizes this when does he expect construction to begin? Also if adding his expertise to this project would get in the way of other things he is doing.

Parks Director Beyer said they are scheduled to start the third week in July. The plan is to complete the first set of stairs and the winter bypass this season and the second set of stairs next season.

Parks Director Beyer replied this project did take time, but he has been successful this year in getting a grant through the Youth Service Bureau and the Department of Labor for a jeep, a Green Youth Jobs Program, and they will

have between 5 and 8 youth and a supervisor to help. That will expand what he can do. There will be 30 to 40 people in motion in July preparing this project.

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

11-168. Update for Flood Loan Committee

- a) Angela Timpone, Committee Chair, will update the Council on the meeting of the recently appointed Flood Loan Committee members.
- b) Recommendation: Receive report; possible direction to the committee.

Council Member Timpone reported the committee met last week and wrote applications for flood grants that are due on Tuesday. There are 5 businesses that applied for \$1,500 grants. There is currently \$23,400 available. The feedback they are receiving is they didn't get hit badly by the flood and didn't want to apply. She would encourage anyone with damage to apply. They did talk about the fact that the city hasn't contributed to the grant fund. They felt it was appropriate to contribute money toward flood related issues.

Council Member Golonka said one of the issues with money coming in so far has been towards immediate relief and there haven't been any city contributions to that effort. They thought the city could potentially offer a complementary pool of funds to help businesses or entities to help prevent these types of losses in the future. It would be a more proactive approach instead of paying for losses. The idea was to supplement these funds with some funds the city offers.

Acting City Manager Hill said Bill sent her an e-mail this weekend and there should be revolving loan funds that the city could make available if approved by the Council.

Council Member Golonka said Bev has identified about \$11,000 of unrestricted funds and another \$49,000 for loans. There is still money left in the other fund, \$60,000 to be used for flood prevention. Maybe they could put in a flood sensor or pump system in their basements.

Acting City Manager Hill said one of the pots of money is a \$49,000 fund which actually is designated as a Montpelier Business Loan Fund. The group thought today that some of that money they could waive the restriction of being a loan to make it a grant. There aren't a lot of requests for that money plus it has a lot of restrictions.

Council Member Sherman said she heard that the city needed an automated call system as a way to alert people. This could help fund that automated call system.

Council Member Jarvis said she isn't in favor of this. She thinks the city suffered very substantial losses with this flooding. Our Police Department, Fire Department and roads hopefully the city will get reimbursed for fixing all of that. She wants to point out that the restrictions on the fund money that was raised in terms of not being used for prevention, that restriction has been imposed by the committee. The money that was raised by the people who donated nothing was told to those people about how the money was going to be used. It was their understanding that it was flood recovery and to pay for losses, but no one was ever told that it wasn't going to be used for prevention efforts. She would say in the next round of applications they should take that restriction and say they have the remaining \$16,000 and since they couldn't give it out in the first round you are going to loosen the restrictions and allow them to use it for prevention efforts. The city is going to be putting some serious money forward for prevention. They are working on the automated call system and trying to figure out if there are ways to assist Montpelier Alive. She doesn't like the idea of dedicating city money to something when in fact the city has all of the other needs because of the flood.

Council Member Timpone said she thinks they need a second round before they open it up for flood prevention because she feels the sentiment out there was they didn't want to apply because someone else need the money more than they didn. They are trying to convince people to apply. She thinks it would be a good way to support our downtown businesses.

Council Member Hooper said they have been spending \$100,000 a year on flood protection and prevention. There are many hundreds of thousands more to come. It may be in retrospect in five years that the thing to do was to help individual property owners rather than trying to control the river engineering, but we are strongly invested in this path.

Mayor Hooper said she was impressed with the Planning Department staff who immediately suggested some of the loan programs we have and figured out they could make some of the housing preservation grant loans available to people. The notion that we haven't done anything, they stepped up with that. She was very impressed that the Central Vermont Solid Waste Management District offered some pretty significant support to people in terms of rubbish removal. One of the other issues going on here is notwithstanding the wonderful response that our community immediately creating this flood fund our Governor saw a need and created this opportunity that immediately happened and made available \$25,000 loan at 0% interest and 1% interest. She is a little concerned about the

notion that it is the City of Montpelier's duty to tell an individual property owner that there is an urgent situation happening and basements are flooding. The city tries to do that. They do that as a matter of public service, but is it our obligation? She is worried about getting tied into the warning system and it becoming the city's duty because what does it mean if we fail to warn you.

Council Member Golonka said they aren't going to be able to use it for any functions for flood prevention. Whether they do it as a grant or loan, some of the applications they received people lost \$50,000 and they hoping they would get more money. They are not flush with money. They could run out very quickly if they just gave it to the five applicants. They all suffered \$20,000 to \$40,000 and the \$1,500 check they gave them may not be enough. The idea was to have a city contribution to add to this pot.

Mayor Hooper said she didn't think any of them wanted to be ungenerous.

Acting City Manager Hill spoke of the \$49,000 Montpelier Business Loan Fund monies.

Mayor Hooper said the revolving loan fund isn't as well known any more. The Central Vermont Community Action Council has a revolving fund for gap financing.

Acting City Manager Hill said as part of the 58 Barre Street process in identifying where they could get monies Garth sent an e-mail asking what the status of all of the current loans and what were their restrictions were. \$11,000 came back as being unrestricted money that could be used.

Council Member Golonka said the committee recommended setting up a separate fund.

Council Member Jarvis said they could change the restrictions on the business loan fund. If we have this pot of \$11,000 unrestricted we know there is a need with 58 Barre Street. In the event that the Capital Campaign doesn't reach its goal it could be used for the Senior Center.

Council Member Weiss said he isn't the least bit interested in putting aside any money for prevention until such time the Chief of Police, the Fire Chief and the Director of Public Works give the council a report on the status of our streets, sewers, etc. He isn't professional enough to know what prevention is.

Mayor Hooper said she thinks they need more information. She asked if they were ready to talk about the bunting.

Council Member Timpone said Bev Hill found another pot of money for \$1,088 left over from the 200th Celebration of Montpelier being the State Capitol. This money can be used to pay for the flood damaged bunting for the 4th of July.

Motion was made by Council Member Hooper, seconded by Council Member Jarvis to use the \$1,088 for the July 4th bunting. The vote was 6-0, motion carried unanimously.

11-169. Council Reports.

Council Member Sherman reported that July 5th starts the Montpelier Circulator. GMTA has a card that shows the route, map and times and it will be widely available.

Council Member Weiss said tomorrow afternoon he is meeting with Clancy DeSmet, the Zoning Administrator, and he and Clancy are going to start the pursuit of gathering data regarding a committee assignment looking at reapportionment.

Council Member Weiss said he had a question for the Council Members, Mr. Golonka and he are meeting with the four community tomorrow evening. They are planning a session with the boards and looking at October 6th. That is also the day in which the Vermont League of Cities and Towns holds its annual meeting and he wonders if there would be an obvious conflict. The four board meeting would be at 7:00 P.M. His third request is directed to the Manager. In the weekly report on page 6 it notes there is a district heat group that are moving forward on the project. It names a variety of people and closes by saying the Council should designate the Mayor and one other Council Member to the group. The problem is the Energy Advisory Committee once again is being overlooked and he would ask the Manager to do whatever needs to be done to get one member of that committee to serve on the District Heat Committee.

Acting City Manager Hill said that would be the Mayor, Council Member Weiss and they would ask the Energy Committee to designate one of their members to the District Heat Committee.

Council Member Golonka said he met with Sandy Gallup and Todd Law last week on the Water Rate Committee. This has been a stressful issue for Sandy. The water fund continued to increase its debt by over \$100,000 versus the sewer fund decreased the deficit by about \$100,000. Some issues they really need to address and Sandy is planning on bringing them up to the Council on July 13th for some recommendations. He is really concerned about the water fund. He is

concerned about the timelines and feels we need to be a little more aggressive. She wants public input and was thinking more of a six to eight month timeframe.

Council Member Timpone said she had a Housing Task Force update and sent the Council the proposed charge. They are trying to make sure the committee is going in the right direction. John Hollar has agreed to serve on their subcommittee.

11-170. Mayor's Report.

Mayor Hooper reminded Council Members the next time they will see each other is on July 3rd celebration, when they are marching in the parade. They have received e-mails from the Manager about the crosswalk painting. They also received an e-mail about the state's obligation to the paving of Class 1 highways. She sent Todd a note asking him to find out what the schedule was for that because she thinks they need to let the community know when it is going to be happening. She thinks it was news to a number of people that the city in fact is not responsible for paving State Street, Main Street, Northfield Street and Elm Street. Those all belong to the state. The city is obligated to fill the potholes but the paving does not belong to the city.

She would like information about paving on Class 2 & Class 3 streets, or the street work we are required to maintain.

11-171. Report by the City Clerk-Treasurer.

None.

11-172. Status Report by the Interim City Manager.

Acting City Manager Hill thanked the Council for all of their considerations and patience. She has tremendous staff to work with. She received a call from Jeff Dworkin who is concerned there doesn't seem to be enough public interest in what they are doing. He asked her to consider putting in more ads notifying people so they would be aware that the Taser Committee meets every Tuesday night at 6:30 P.M. They want more ads put in the Times Argus and The Bridge.

There is a designation for Washington County for some of the infrastructure but the qualification is it doesn't include the storm that occurred on Memorial Day weekend. They are still waiting to hear about that. It is 75% federal money and

25% local which is split between the state and local. The city's match could be as little as 10% so it is really significant. They are also trying to grant individual assistance which is rare. That includes up to May 8th but not after.

There will be in the packet on Friday an update on the selection process for the Assistant Fire Chief.

Mayor Hooper said their hearts are really with Garth Genge for a speedy recovery.

Adjournment:

After motion duly made and seconded by Council Members Hooper and Jarvis, the council meeting adjourned at 9:34 P.M.

Transcribed by Joan Clack

Attest: _____
Charlotte L. Hoyt, City Clerk

Sandy Pitonyak

To: L-Council
Subject: Application for a Catering Permit

Received from Vermont Hospitality Management, d/b/a New England Culinary Institute, for a Reception scheduled to be held on Thursday, June 30th, 2011, from 5:15 to 6:30 P.M. at the National Life Guest House.

From: Nancy Sherman
Sent: Thursday, June 23, 2011 12:30 PM
To: Sandy Pitonyak
Cc: L-Council
Subject: Re: Application for a Catering Permit

I approve this catering permit. Nancy Sherman

From: Tom Golonka [tomgolonka@comcast.net]
Sent: Thursday, June 23, 2011 1:46 PM
To: Sandy Pitonyak; L-Council
Subject: Re: Application for a Catering Permit

OK with me.
Tom

Verbal "ok" from Alan H. Weiss JP

From: Angela Timpone [angelatimpone@gmail.com]
Sent: Thursday, June 23, 2011 3:35 PM
To: Tom Golonka-Comcast
Cc: Sandy Pitonyak; L-Council
Subject: Re: Application for a Catering Permit

Fine with me.

From: Sarah Jarvis [sarahvermont@yahoo.com]
Sent: Thursday, June 23, 2011 7:49 PM
To: Sandy Pitonyak
Cc: L-Council
Subject: Re: Application for a Catering Permit

I approve.
~ Sarah

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

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

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): 6/30/11

4. Hours of operation: Beginning 5:15pm hrs. Ending 6:30 hrs. No. of Persons 10

Signed: [Signature] Date: 6/23/11
(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" } 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 Applications ...

Vermont Hospitality Management, d/b/a New England Culinary Institute, for:

Dinner Reception on Sunday, July 10th, from 5:30 to 7:30 P.M. at the National Life Guest House
Dinner Reception on Tuesday, July 12th, from 6:00 to 8:00 P.M. at the National Life Guest House
Dinner Reception on Wednesday, July 13th, from 5:30 to 8:30 P.M. at the National Life Guest House

From: Tom Golonka [tomgolonka@comcast.net]
Sent: Thursday, June 30, 2011 10:17 AM
To: Sandy Pitonyak; L-Council
Subject: Re: Catering Permit Applications ...

OK with me.
Tom

From: Nancy Sherman [nsherman@cvcoa.org]
Sent: Thursday, June 30, 2011 10:25 AM
To: Sandy Pitonyak; L-Council
Subject: RE: Catering Permit Applications ...

I approve
-Nancy Sherman

From: Timothy Andrew Hooper
Sent: Thursday, June 30, 2011 10:46 AM
To: Sandy Pitonyak
Cc: L-Council
Subject: Re: Catering Permit Applications ...

Fine with me.

From: Angela Timpone [angelatimpone@gmail.com]
Sent: Thursday, June 30, 2011 11:32 AM
To: Timothy Andrew Hooper
Cc: Sandy Pitonyak; L-Council
Subject: Re: Catering Permit Applications ...

Fine [with.me](#).

Request to Cater Malt and

Vinous Beverages &

Spirituos Liqueurs

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: Welcome Reception

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): 7/10/11

4. Hours of operation: Beginning 5:30 hrs. Ending 7:30 hrs. No. of Persons 35

Signed: Fawn Wells Maxfield (caterer) Date: 6/29/11

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.

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 Reception
 2. Location of catered party (street, town or city; if no address, describe location): National Life, 1 National Life Drive, Montpelier, VT
 3. Date of catered party (not more than five days, unless specifically authorized): 7/12/11
 4. Hours of operation: Beginning 6pm hrs. Ending 8pm hrs. No. of Persons 82
- Signed: Fawn Wells Maxfield Date: 6/29/11
(caterer)

We recommend: approval disapproval

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

Town/City Clerk's signature
Of CATERED location.

Town/City
Fax Number or email address: _____

Date

SUBMIT AT LEAST 5 DAYS PRIOR TO DATE OF FUNCTION

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Request to Cater Malt and

Vinous Beverages &

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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 Reception
 2. Location of catered party (street, town or city; if no address, describe location): National Life Center 1 National Life Drive, Montpelier, VT
 3. Date of catered party (not more than five days, unless specifically authorized): 7/13/11
 4. Hours of operation: Beginning 5:30pm hrs. Ending 8:30pm hrs. No. of Persons 78
- Signed: Fawn Wells Maxfield Date: 6/29/11
(caterer)

We recommend: approval ☐ disapproval ☐

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

Town/City Clerk's signature
Of CATERED location.

Town/City
Fax Number or email address: _____

Date

SUBMIT AT LEAST 5 DAYS PRIOR TO DATE OF FUNCTION

Submit to Town/City Clerk for recommendation.

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

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.

July 5, 2011

To the members of the Montpelier City Council:

I am writing to ask the Montpelier City Council to place my request on the July 13, 2011 city council agenda for a street closure permit of the westbound parking lane of State Street between Governor Aiken and Governor Davis Avenue, leaving the east bound lane open for emergency vehicles and allowing access to state parking lots for the date of August 20, 2011. I am spearheading this effort for the Second Annual "Great Vermont Community Picnic." I am planning for sales of tickets for up to 500 participants. Food will be prepared and served by New England Culinary Institute. This is a family oriented event that is alcohol free. Entertainment will be provided with games and music. The street closure would take place between 11 AM and 7 PM allowing for sufficient time to set up and breakdown the event.

Because tickets will be sold and then collected at the gate, the Buildings, Grounds and Maintenance Use Agreement for the State Capitol stipulates that money (or in this case, tickets) may not be collected on the grounds and therefore must occur off property. Traditionally this has occurred on the westbound lane of State Street. I have also requested closure of Governor Aiken Ave as a food preparation and sanitation/rest area. The Building and Grounds Committee have approved this request.

The purpose of the picnic is to raise money and awareness around participation within one's community, to revitalize the traditions of small town American around food and local community such as a town picnic, and simply to have a good time while raising money for a local organization like the Vermont Foodbank or the Montpelier Senior Center.

I am hoping this will be a annual community and summer food event with local sponsorship, and will spread throughout Vermont and eventually go nation-wide. Currently, New England Culinary Institute, Montpelier Alive, Vermont Fresh Network, American Culinary Federation, Slow Food Vermont, Slow Food NECI and Out for Good, along with numerous food producers plan on participating in this year's event.

I would very much appreciate your consideration in this event and hope that the City Council sees the value of building community events around local food, local families and local service.

Respectfully,



Tom Bivins,

Executive Chef

New England Culinary Institute

Bivins, Tom

From: Anthony Facos [AFacos@montpelier-vt.org]
Sent: Wednesday, May 18, 2011 2:47 PM
To: Bivins, Tom; Gesualdo Schneider; ROBERT GOWANS; Todd.Goad@BurlingtonCommunications.com; William Fraser
Subject: RE: Great Vermont Community Picnic on statehouse lawn, August 20

I do not see any conflicts at this time.

Chief Tony Facos

From: Bivins, Tom [mailto:Tom.Bivins@neci.edu]
Sent: Wednesday, May 18, 2011 12:06 PM
To: Anthony Facos; Gesualdo Schneider
Subject: Great Vermont Community Picnic on statehouse lawn, August 20

Chief Facos and Chief Schneider:

I am writing to inform you that the Great Vermont Community Picnic has been approved to use the statehouse lawn on Saturday, August 20, 2011 by the Statehouse Facilities Committee. This will be the second annual picnic. We are requesting closing the parking lane in the front of the statehouse lawn between Governor Aiken Ave and The Pavilion on Davis. The hours for the event are 11-7 and there will be music, food and non-alcoholic beverages. After I receive your approval or disapproval, I will go to the city council for permission.

We had no incidences last year that make me concerned for the public; however, it's helpful that you are aware. We had about 100 people last year and anticipate double or triple that this year.

Thanks for your assistance last year and I look forward to meeting with you to discuss this event with you for 2011.

Sincerely,
Tom Bivins

Tom Bivins
Executive Chef
New England Culinary Institute
56 College Street
Montpelier, VT 05602
(802)225-3366
(802)363-1919
tom.bivins@neci.edu

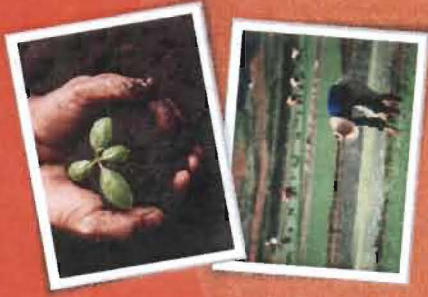
7/5/2011

The Great Vermont Community Picnic

is a collaborative community based project whose mission is to promote the mission and financial health of a local organizations focused on food security issues such as a local food bank. The concept is to pull together like-minded organizations such as local restaurants, food producers and farmers to work in conjunction with other organizations such as schools, colleges and universities or non-government organizations and with the assistance of state and local services to pool resources for an event utilizing the talents of all these disparate organizations to meet a common goal.

The Annual Community Picnic once was a common seasonal event in most small rural communities in the United States. Its purpose was to promote community cohesion, boost local businesses, civic involvement, to celebrate the bounty of the summer or fall season, and to bring together all members of the community regardless of perceived or socially arbitrary differences. The Annual Community Picnic was a way to celebrate common interests and goals, and build a sense of connectedness for future generations. It was not uncommon for folks who might have left the community to return for the annual picnic. The event was centered around local food, games, shared history, and music.

As more people become disconnected from their community and neighbors, it becomes more important to remind them of the value of these common interests and goals. That is the mission of The Great Vermont Community Picnic.



Sharing

When: August 20, 2011
11am- 7pm

Where: Statehouse Lawn,
Montpelier, VT

Current Participants

New England Culinary Institute

Vermont Fresh Network

Vermont Food Bank

Misty Knoll Chicken

Montpelier Downtown Business Association

Video Vision

Black River Produce

Out for Good

Community

Local Food

Local Culture

Neighbors helping neighbors



Local Flavor

Food Security

What is food security? For thousands of Vermonters, getting adequate or nutritious food is a daily struggle. While there are some safety government nets available, not all families are adequately accommodated in for. Everyone agrees that feeding our families healthy, safe and adequately supplied foods creates a stronger, smarter and healthier community. Food security for everyone including those who are not in a daily struggle for food resources is also dependent upon local food production resources, agricultural land use, water resources, energy supply, plant and seed diversity, and soil care. As consumers we need to be

concerned with



where our food is produced, how it is produced, and how we safeguard future food resources.

Community Activism

Thanks to community organizations such as Vermont Food Bank and local town food shelves, many Vermonters find help, assistance and training to avoid or mitigate their food security issues. But the year-round struggle to stock shelves and assist those in need is a costly undertaking. The Vermont Foodbank is fortunate to have friends who can assist in making their mission a reality, but there is always more help needed as neighbors struggle to keep food on the table. The funding supplied from The Great Vermont Community Picnic will support the Vermont Foodbank in its endeavors to end hunger in our communities across the state.

The Great Vermont Community Picnic is being built as a template that will be available to each community in the entire state to create their own community based celebration to support local food needs. Hopefully, The Great Vermont Community Picnic will one day become The Great American Community Picnic and non-profit food organizations across the country will be the recipients

How will it work?

Though the combined commitments of volunteer workers, volunteering resources, donations of products and services, partnerships, and sponsorship dollars the picnic will take place. The collected revenue will be given to the Vermont Foodbank general operating fund on behalf of the sponsors, donors, partners and picnic participants. Tickets will be sold prior to the event for a reasonable donation price of \$15 per individual or \$55 for family passes up to 4 individuals. Total ticket sold will number 3000 with 500 volunteer, sponsor and donor passes handed out for a total of 3500 people on the statehouse lawn.

Every attempt will be made to find sponsors and partners to donate product or services to the community picnic. Necessary services include event tenting, hygiene stations, water stations, composting sites, refuse collection sites, cooking equipment and cold storage equipment, marketing and public relations, publicity coverage, ticket sales management, accounting management, musical entertainment, public address systems, signage and partner/sponsor management. Many of these services can be represented by local companies already providing these services or in conjunction with currently planned events on the Vermont Statehouse Lawn. The goal is to utilize local

companies who are already committed to local service work.

How You Can Participate

If you are interested in partnering as a volunteer or having your service organization volunteers participate, donating vital services or providing sponsorship of this event, contact Tom Birvis at tom.birvis@vtfb.org or at 802-431-0555 or 802-225-3636.



New Friends

Building community

Sandy Pitonyak

From: Beverlee Hill
Sent: Thursday, June 23, 2011 12:13 PM
To: L-Council
Cc: Anthony Facos; Sandy Pitonyak; Sandra Gallup
Subject: FW: new police cruiser

If the Council has no questions on this and are willing to vote by e-mail, we will then ratify the vote at the July 13th meeting. Let me know. Thanks Bev

From: Anthony Facos
Sent: Thursday, June 23, 2011 11:52 AM
To: Beverlee Hill
Cc: Sandra Gallup
Subject: new police cruiser

Bev,

The 2011 Chevrolet Impala Police car has been built and delivered to Cody Chevrolet. I am requesting authorization to purchase this vehicle on July 1, 2011. The approved budgetary amount for this vehicle (plus equipment) is \$25,500. The purchase price of the vehicle is \$20,910.

Thank you,
Tony

Verbal "OK" from Alan H. Weiss

shp

Chief Anthony J. Facos
Montpelier Police Department

From: Nancy Sherman
Sent: Thursday, June 23, 2011 12:29 PM
To: Beverlee Hill
Cc: L-Council; Anthony Facos; Sandy Pitonyak; Sandra Gallup
Subject: Re: new police cruiser

I approve this purchase, given that it was approved in the new budget and actual cost is under the approved budget amount. Nancy Sherman

From: Tom Golonka [tomgolonka@comcast.net]
Sent: Thursday, June 23, 2011 1:46 PM
To: Beverlee Hill; L-Council
Cc: Anthony Facos; Sandy Pitonyak; Sandra Gallup
Subject: Re: new police cruiser

OK with me.
Tom

From: Timothy Andrew Hooper
Sent: Thursday, June 23, 2011 1:47 PM
To: Tom Golonka-Comcast
Cc: Beverlee Hill; L-Council; Anthony Facos; Sandy Pitonyak; Sandra Gallup
Subject: Re: new police cruiser

Fine with me.

From: Angela Timpone [angelatimpone@gmail.com]
Sent: Thursday, June 23, 2011 3:35 PM
To: Timothy Andrew Hooper
Cc: Sandra Gallup; Sandy Pitonyak; Tom Golonka-Comcast; Anthony Facos; L-Council; Beverlee Hill
Subject: Re: new police cruiser

Fine with me.

From: Sarah Jarvis
Sent: Thursday, June 23, 2011 7:49 PM
To: Nancy Sherman
Cc: Beverlee Hill; L-Council; Anthony Facos; Sandy Pitonyak; Sandra Gallup
Subject: Re: new police cruiser

I approve for the reasons stated by Cuncilor Sherman.
Thanks,
~ Sarah

City of Montpelier, Vermont
Agreement for Services
With Community of Vermont Elders (COVE) for the
Community Innovations for Aging in Place (CIAIP) REACH Project

THIS AGREEMENT is made this 14th day of July, 2011, by and between the Community of Vermont Elders (COVE), a Non-profit Corporation, with its principal place of business on Comstock Road in Berlin, P.O. Box 1276, Montpelier, VT, 05602, and the City of Montpelier, Vermont, with a principal place of business at the Montpelier City Hall, 39 Main Street, Montpelier, Vermont 05602, hereinafter referred to as the City.

WHEREAS, the City wishes to contract with COVE for the purpose of providing program oversight, organizational support, and expansion of the REACH Care Bank (REACH) project, which has been under the direction and administration of the City of Montpelier; and,

WHEREAS, federal funds may participate in the cost of the services described in this agreement pursuant to the provisions of the Administration on Aging, which are incorporated herein by reference, and,

WHEREAS, COVE is ready, willing and able to perform the required services,

NOW THEREFORE, in consideration of these premises and the mutual covenants herein set forth, it is agreed by the parties hereto as follows:

I. SCOPE OF WORK

COVE agrees to provide programmatic oversight and an organizational home for the REACH program, to include:

1. REACH staff hiring, supervision, payroll administration, and support. All current City staff hired under the REACH program will be transferred to COVE as of July 15, 2011, henceforth to be considered employees of COVE. Future staff hiring, if any, shall adhere to federal standards for hiring/procurement procedures.
2. After September 30, 2011, providing operational and financial administration for existing subcontracts with Central Vermont Council on Aging and Faith in Action. The renewal of these contracts and their terms shall be at the sole discretion of COVE. With the exception of the TimeBanks USA subcontracts referenced below, COVE shall also provide operational and financial administration of any other subcontracts created, at COVE's discretion, as deemed essential for the successful implementation of the REACH program. The City shall continue administration of the existing subcontract with Time Banks USA (TBUSA); the City shall make provision for joint consideration, by COVE and the City, of terms of future Time Banks USA contracts prior to the expiration of the current contract on December 30, 2011. Under no circumstances shall the TimeBanks USA contract fee for the remainder of the project exceed the federal funds allocated for TBUSA activities unless mutually agreed by both parties.

3. Compiling twice-yearly reports and providing them to the City as required by the Administration on Aging, in a timely fashion and in compliance with the City's grant agreement. These reports shall take the form stipulated by the Administration of Aging.
4. Providing the program with office facilities, with the understanding that the current office for the program will continue to be provided by the City as long as the City's insurance is paying the rent; the cost to COVE for REACH office facilities after this time is expressly not to be derived from the contract fee stipulated herein but is to be paid for by the operational funds provided to COVE by the City for REACH.
5. Tracking and managing ongoing program requirements, including outreach, case management, fundraising, and membership development.
6. Assuring that matching funds obligations are met, with COVE providing the value of their promotion, recruitment, and REACH staff and member trainings, as well as other reasonable associated expenses. The City will continue to provide matching funds as described in Section III B.
7. Through COVE staff and board of directors, providing strategic planning for REACH's integration within COVE's programs, REACH's long term sustainability, and its possible expansion into other Vermont regions.
8. Finding a role within COVE for the REACH advisory board to continue giving the program advice and guidance.
9. Holding quarterly meetings with the City's grant administrator to exchange information on REACH program status.

All work done by COVE must comply with the Administration on Aging requirements, attached here as an addendum for contracted work. Failure to comply with these requirements will result in forfeiture of payment.

II. TERM OF CONTRACT

This Agreement shall be effective on July 15, 2011 and shall be completed on or before September 30, 2012. It is expressly understood that all funding for the activities is dependent on funds received from the Administration on Aging. This Agreement may be renewed annually for up to an additional year, with a written addendum signed by both parties. Any renewal will be completely subject to continued funding from the Administration on Aging.

III. PAYMENT

The City agrees to pay COVE, upon invoice, on the schedule outlined below upon successful completion of deliverables as shown in reports provided by COVE to the City's REACH project leader. Successful completion is considered to refer only to actions in the above-stipulated Scope

of Work, and payment of contract fees or operational funds shall not be contingent upon specific performance parameters achieved by the REACH program. COVE agrees to accept as full compensation for performance of all services and expenses encompassed under this Agreement according to the schedule below and the following provisions for matching funds.

COVE agrees that the operational funds specified below shall be used exclusively for the support and furtherance of the REACH program.

A. Federal Funds Payment Schedule

Date	Contract fees	Operational funds
July 15, 2011	\$20,000	\$78,044*
September 30, 2011	\$20,000	\$60,000*
January 1, 2012	\$10,000	\$50,000*
April 1, 2012	-	\$80,000*
July 1, 2012	-	\$78,491*

*These amounts are estimated as of July 7, 2011; actual amounts to be determined prior to making the transfer. All operational transfers will conform with the budget established in the Administration on Aging grant. Any changes to the operational budget line items that exceed the guidelines established by the Administration on Aging will require submission to the City for forwarding to the Administration on Aging for approval. The budget and guidelines are attached as Appendix A.

B. Matching Funds Requirements

The Administration on Aging grant requires cash matching funds totaling approximately 15% of the overall REACH program budget. Some of these funds will be supplied by the City in the form of a) the City's contribution of administrative services; b) rent and occupancy costs for REACH's office at 138 Main St., Suite 6, Montpelier, until such time as the office is no longer paid for by the City's current insurance coverage; c) contributions to staff training and software development from Time Banks USA, d) matching funds committed by contract from Faith in Action.

Match funds provided by COVE and/or received by COVE on behalf of REACH will be documented for the City at time of invoicing, and will be reimbursed to COVE in addition to the federal funds paid, on the schedule described above. Documentation of material in-kind donations will be required at each quarter.

IV. INVOICING AND REPORTING

Reports on the following performance measures will be submitted with each quarterly invoice, to provide the City with information needed for tracking the progress of the grant:

1. Membership recruitment activities, events, programs
2. Services provided by category – e.g., transportation, health and wellness, life-long learning, in-home care, etc.

3. Hours of service exchanged by members
4. Number of individual and organizational members recruited
5. Fundraising results
6. Public relations and promotional activities conducted
7. Efforts to expand the program to other areas, if any
8. An assessment of REACH Care Bank's role in the emerging state service portfolio
9. Member quality of life benefits as determined by REACH's tracking protocol

V. APPLICABLE LAW

This Agreement shall be construed in accordance with the laws of the State of Vermont, U.S.A. If any provision in this Agreement is determined to be invalid by a court of competent jurisdiction, the remaining terms and conditions shall remain in full force and effect.

VI. RESOLUTION OF DISPUTES.

If a disagreement arises concerning a matter covered by this Agreement, City and COVE agree to promptly communicate with each other regarding the matter and to attempt to resolve the disagreement to their mutual benefit. All attempts will be made to resolve the dispute without litigation, including first working with mediators that can be mutually agreed by both parties. Should either party hereto, or any heir, personal representative, successor or assign of either party hereto, resort to litigation to enforce this Agreement, the party or parties prevailing in such litigation shall be entitled, in addition to such other relief as may be granted, to recover its or their reasonable attorneys' fees and costs in such litigation from the party or parties against whom enforcement was sought. Payment to COVE of either contract fees or operational funds stipulated in the above payment schedule shall not be withheld while the parties are actively engaged in resolving any such disputes.

VII. ENTIRE AGREEMENT

This Agreement, together with any exhibits attached hereto, constitutes the entire Agreement between the parties. This Agreement supersedes any prior or contemporaneous oral or written communications, understandings or agreements related to the subject matter of this Agreement.

This agreement may be amended by agreement of the parties, and does not preclude any future agreements between COVE and the City of Montpelier for the REACH project.

VIII. PAYMENT PROCEDURES

Invoices and reports showing that deliverables have been provided, as well as monies and/or documentation of matching funds received, shall be submitted, per the payment schedule, to Gwendolyn Hallsmith, Director of Planning and Community Development, 39 Main St. Montpelier, VT 05602.

IX. SIGNATURES

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed as of the date and year first above written.

COVE

By: _____
Virginia Milkey, Executive Director

Date: _____

CITY of MONTPELIER, VERMONT

By: _____
Beverlee Hall, Interim City Manager

Date: _____

7-6-11

Montpelier Streetlight Committee

Update to Montpelier City Council

The Montpelier Streetlight Committee was established to identify opportunities for the City of Montpelier to improve streetlighting efficiency and thus reduce streetlighting costs. As per guidance provided by Efficiency Vermont, the Streetlight Committee is pursuing two paths toward improving efficiency: 1) exploring opportunities for eliminating unnecessary streetlights, and 2) replacing remaining fixtures with efficient LED fixtures.

Our efforts to date have focused on the first phase of identifying opportunities for eliminating unnecessary streetlights. To date, the following steps have been completed:

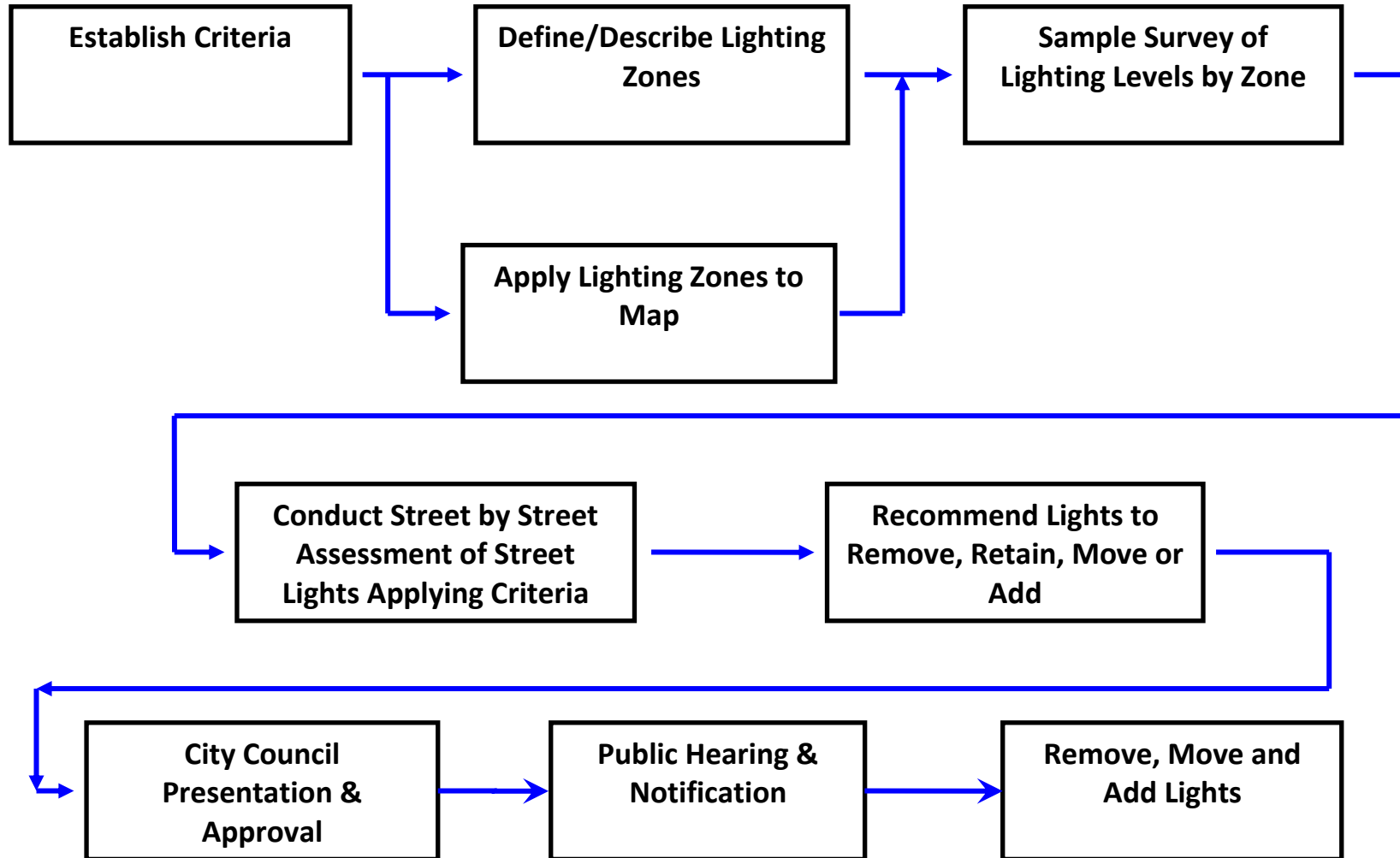
1) Streetlight Inventory and Map: We have requested and received from Green Mountain Power an inventory and map of streetlights that the City currently leases (approximately 600 fixtures). Further, we received a digitized version of this information, and the City Planning Department staff have entered this data into the City's GIS system. In addition, interns working for the City mapped city-owned fixtures, documented GIS coordinates, and this data has been entered into City's GIS system as well (approximately 200 fixtures). We will soon have one map with both City-owned and leased streetlighting fixtures.

2) Process for Identifying Opportunities for Eliminating Streetlights: The Streetlight Committee spent several meetings developing a process for eliminating unnecessary streetlights. Our goal has been to develop a rational process for identifying streetlight needs throughout the City, a clear set of criteria for evaluating where lighting is needed and how much, and a justification for determining where lights are needed and where lights can be eliminated. Many fixtures were placed in service 20, 30 or even 50 years ago, and may no longer serve their intended purpose. Attached please find a proposed process developed by the Streetlight Committee.

To date, we have developed criteria, established lighting zones, and are currently in the process of applying the zones to the City maps. Our next steps are to conduct a sample survey of lighting levels by zone, conduct a street-by-street assessment of street lights, and develop recommendations for eliminating specific lights.

Submitted by Paul Markowitz, Chair

Attachment:
Proposed Process for Determining Street Lighting Removal/Retention for City of Montpelier





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

DATE: June 17, 2011

TO: Mayor and City Council

FROM: Water and Sewer Rate Committee

CC: Bev Hill, Assistant City Manager

SUBJECT: Water and Sewer Funds – FY12 Rate Recommendations

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 dependant 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).

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**. This would bring in approximately \$116,000 in revenue to protect against the Water Fund from continued water conservation and unexpected costs. It will also help reduce the fund's deficit. All other Water and Sewer rates would remain the same at this time.

WATER FUND:

Recommendation for Rates July 1, 2011

	<u>FY11 Rate</u>	<u>FY12 Proposed Rate (no increase)</u>
Step 1 (first 50,000 gallons per qtr)	\$ 7.51	\$ 7.51
Step 2 (50,000-250,000 gallons per qtr)	7.97	7.97
Step 3 (over 250,000 gallons per qtr)	12.93	12.93

Fixed Cost Charge increases from \$100 to \$140 annually (up 40%).

Projected additional Revenue: 40% Increase in Fixed Cost Charge + \$116,000

Impact on Users: The impact of this rate increase on the average user (with 31,000 gallons usage) is \$40 in additional water charges per year (the quarterly bills will increase \$10). Note: Rates were not increased in FY11.

SEWER FUND:

No increases in Sewer Fund Rates at this time.

Recommendation for Rates for July 1, 2011 – No change:

Usage Rate is \$8.47 per 1000 gallons

Fixed Cost Charge is \$220 annually, \$55 per quarter

Summary of the Water and Sewer Rate Committee
Manager's Conference Room – June 16, 2011 8:00 AM

Present: Council Member Tom Golonka, Todd Law, Director of Public Works, Sandy Gallup
Finance Director

Sandy presented information concerning finances for the Water and Sewer Funds in FY10 and FY11 (projections). Currently, the Water Fund rates can cover annual expenses. But, the rates cannot generate enough funds to eliminate the accumulated deficit (\$425,509) that occurred in the FY05-FY10. . A major cause of the deficit was the Westside Connector-Bailey/Memorial Water Line that was \$172,000 over its budget, high legal bills in 2009 & 2010 and the loss of revenue due to user conservation over the last 5 years. The current revenues for the Water Fund are not sufficient to cover increases in operating costs, necessary equipment replacements and future capital improvements.

The Sewer Fund is making progress in eliminating its deficit which is down to \$295,368 at the end of FY10. It is anticipated that the deficit will be eliminated by the end of FY13. Funding for future equipment replacements and capital projects is not available at this time.

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.

Unaccounted for Water remains high at 29%. Todd Law will provide information to Sandy on water losses due to hydrant flushing, fire fighting and water main leaks. This will lower the unaccounted for water percentage.

The Finance Office is working on a new water rate structure with Tom Nesbitt of Stantec. Preliminary results were discussed and the committee agreed to pursue new rates that have higher fixed fees that cover administration and debt expenditures without being dependant on customer usage. Also, a fee should be considered that would pay for the elimination of the water fund deficit (perhaps over 5 years). This rate structure will need more time to be developed and communicated to users before implementation (approximately 6 months).

In the interim, the committee agreed to recommend increasing quarterly fixed (readiness to serve) rates by \$10 per quarter for water customers effective July 1, 2011. This would bring in approximately \$116,000 in revenue to protect against continued water conservation and unexpected costs. Sewer rates would remain the same.

The committee also recommended keeping the Sewer Benefit Charge at \$.02 and the CSO Benefit Charge at \$.07 for the FY12 tax year. There is interest in proposing a \$.01 Fire Protection Benefit Charge for the FY13 tax year which could bring in approximately \$100,000 per year for water line upgrades.

TO DO LIST:

Council CIP Committee will identify capital needs for the water and sewer funds.

Todd will request that information relating to unaccounted for water events (leaks, hydrant flushing etc.) be passed along to the Finance Office.

Sandy will write up committee recommendations for Council approval on July 13.

Sandy and Todd will continue to develop the new rate structure with a January 1, 2012 goal to complete.

RESOLUTION

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

WATER USE RATES

RESIDENTIAL:

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

SEASONAL:

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

FIRE PROTECTION SPRINKLER SYSTEMS:

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

FIRE PROTECTION STANDBY CHARGE:

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

HYDRANT USE:

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

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

METERED:

All Metered units shall be charged at the rate of **\$7.51** per 1,000 gallons for the first 50,000 gallons, at the rate of **\$7.97** per 1,000 gallons for usage between 50,000 and 250,000 gallons and at the rate of **\$12.93** per 1,000 gallons for usage over 250,000 gallons during a three-month billing period except for multi-unit elderly housing as defined in the Vermont State Statutes, Title 24, Section 4002 (11) for the fiscal year 2010.

In addition, a readiness-to-serve charge of **\$35.00** per meter per billing period shall be imposed on each residential, commercial, industrial, and governmental metered premise to partially offset fixed costs of the water system.

Deleted: \$25.00

ON/OFF FEES:

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

ON DEMAND WATER METER READING FEE:

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

SEWER USE RATES

RESIDENTIAL:

Unless metered, each residential unit, including apartments, duplex, multi-family and similar type housing units which contain bathroom and kitchen facilities, shall be charged at the rate of \$157.50 per quarter for the fiscal year 2010. No reduction in annual rates will occur due to seasonal occupancy and/or extended discontinuance of service.

METERED:

Metered residential, commercial, industrial, and governmental units shall be charged at the rate of **\$8.47** per 1,000 gallons of water usage for the fiscal year 2010.

In addition, an administrative charge of **\$30.00** per meter per billing period shall be imposed on each residential, commercial, industrial, and governmental metered premise to fully offset fixed administrative costs of the sewage facilities.

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

NEW WATER CONNECTIONS

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

SEWER CONNECTIONS

It is hereby resolved by the City Council of the City of Montpelier, acting as the Board of Sewer Commissioners, that an application/inspection fee of \$500 shall be charged for sanitary sewer connections and \$100 for storm water sewer connections. A new sewer service charge shall not pertain to properties already serviced by the system unless an indirect connection is proposed. An indirect connection is defined as any change in the structure currently or proposed to be served through an existing connection which will result in additional dwelling units, and for

each unit to be served by a common new or existing service, or in the case of non-residential and tax exempt space, where such change will result in additional building square footage. All connections for sanitary lines shall be performed by the applicant under City inspection and all costs thereof shall be borne by the applicant. The applicant is responsible for obtaining all construction and access permits as necessary to make the connection.

WATER AND SEWER RATES - DELINQUENCIES

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

WATER AND SEWER RATES - REFUNDS

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

WATER & SEWER UTILITY BILL ADJUSTMENT

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

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

EFFECTIVE DATES

Water and Sewer Rates for Metered use and all other rates were made effective July 1, 2011

Deleted: 2009

Adopted this ____ day of July, 2011

Deleted: October 2010

SIGNED:

Mary Hooper, Mayor

Council Members:

CITY SEAL:

Charlotte L. Hoyt, City Clerk/Treasurer