



**CITY OF
MONTPELIER
MONTPELIER,
VERMONT**

Agenda for City
Council Meeting
Wednesday,
September 8, 2010
7:00 P.M.

- 1) 10-217 Call to Order by the Mayor
- 2) 10-218 General Business and Appearances
- 3) 10-219 Consideration of the Consent Agenda:
 - a) Consideration of the Minutes from the August 25th Regular Meeting.
 - b) Consideration of approval of payroll and bills.
 - c) Consideration of the following permit with the City Council acting as the Liquor Control Commission.
 1. Outside Consumption Permit request from Langdon Street Café, 4 Langdon Street, for Friday, September 17, 2010 from 5:00 p.m. to Midnight and Saturday, September 18, 2010 from 5:00 to Midnight. This is for the Fools Fest Street Party event that was approved at the August 11, 2010 meeting. The location of the beer garden will be in the Sheriff's parking lot across from the Café which will be double fenced in a snow fence barrier.
 - d) Consideration of approving and executing two Municipality Certificates as to Municipal Bond for Series 2010-4 Refunding Bonds for the purpose of providing debt service reductions for four of the City's Series 2001-1 Bonds: Bond; 2000 Library & Police Station, Principal Balance; \$1,125,000, Interest Savings due to lower rate; \$111,474 - Bond; 2001 Bike Path/Lighting, Principal Balance; \$240,000, Interest Savings due to

lower rate; \$23,781 - Bond; 2001 Local Share of CSO, Principal Balance; \$820,000, Interest Savings due to lower rate; \$81,252

Recommendation: Council approves and signs both Municipality Certificate as to Municipal bond documents, prepared by City Attorney Paul Giuliani, before September 15, 2010, to refinance these loans and save \$216,507

- e) Consideration of approving the purchase of two Defibrillators; The City applied for and received an Assistance to Firefighters Grant for necessary equipment in two areas. The first was replacing our current Defibrillators and the second was funding a Gear Cleaning Station. Staff are ready to ask for approval to purchase the two Defibrillators at this time. Staff sent out a proposal and received three bids:

1. PhysioControl: \$48,044.17
2. BoundTree \$50,015.50
3. Zoll \$51,290.95 Staffs evaluation of the bids determined that the low bid exceeds our minimum requirements and found no reason to recommend one of the higher bids. Staff is requesting approval from the City council to purchase from PysioControl two LP15 Monitor/Defibrillators as bid for \$48,044.17. Under the grant rules the Federal share will be 95% and the City share will be 5%, \$2402.00.

Recommendation: Approve purchase from PysioControl with the City's share of the cost being \$2402.00

- 4) 10-220 2nd Public Hearing and Adoption of City Master Plan The public will be asked to make comments on the Master Plan submitted to City Council by the Planning Commission. Planning Office has provided councilors with copies of changes made at the August 25, 2010 meeting.

Recommendation: Conduct 2nd public hearing and ADOPT the plan with changes made.

- 5) 10-221 Preliminary Adoption of Proposed Charter Change Language The City Council has indicated that it will propose three amendments to the city charter - a change from elected to appointed City Treasurer (including changes regarding the Development Review Board and the Board of Auditors), changes

to allow the city to operate a district heat system and restatement of a merger with Berlin Fire District #1. Draft language for these changes has been provided to the city council. The council must file proposed language with the City Clerk prior to the first public hearing on the charter changes.

Recommendation: Adopt charter language as proposed, file with City Clerk, set first public hearing for September 22, 2010.

- 6) 10-222 Set the date and time of Special City Meeting. In conjunction with the charter change proposals, a special city meeting (election) will be held on November 2nd. After the September 22nd public hearing, the Council will adopt the official warning for the special meeting.

Recommendation: Call a special city meeting for Tuesday, November 2nd with polls open from 7:00 AM to 7:00 PM.

- 7) 10-223 Council Reports
- 8) 10-224 Mayor's Reports
- 9) 10-225 Report by the City Clerk-Treasurer
- 10) 10-226 Status Reports by the City Manager
- 11) 10-227 Agenda Reports by the City Manager



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CITY OF MONTPELIER
BERLIN FIRE DISTRICT NO. 1
MERGER

ARTICLE _____

Shall the merger of Berlin Fire District No. 1 and the City of Montpelier approved March 5, 2002 be confirmed?

SEQUENCE:

- (1) Joint meeting of the Montpelier City Council and the Prudential Committee of Berlin Fire District No. 1 on September 22, 2010 to approve the above Article and its submission to their respective voters on November 2, 2010.
- (2) Post attached Notice in five public places on October 1, 2010.
- (3) Publish attached Notice on October 12, October 19 and October 26, 2010.
- (4) The above Article goes into the Warning for the November 2, 2010 special meeting, to be warned as for City meeting generally.
- (5) Publish attached Warning October 12, October 19 and October 26, 2010.
- (6) Post attached Warning in three public places in the Fire District and five public places in the City on October 1, 2010.
- (7) November 2, 2010 - separate checklist for Fire District voters, separate ballots, and separate ballot boxes. Vote conducted coincident with general election in the Town of Berlin Special City meeting, vote in Montpelier.

Master Plan Revisions from First Public Hearing, 8/25/10		
Page(s)	Section(s)	Change
4-5	Table of Contents	Current subheadings 4.2 and 4.3 will fall under current subheading 4.1. Following subsection headings will be remunerated accordingly.
57-74, 123-141, 157-175, 182-189, 207-229	3.3, 4.5, 5.3, 6.3, 7.3	"Strategies," from the vertical column in the Targets and Strategies tables, will be changed to " <i>Recommended Strategies</i> ." Likewise, on the "Key to Recommendations" section appearing before each set of Targets and Strategies tables, "Strategies" will now be " <i>Recommended Strategies</i> ."
57	Target 1	By 2015, where possible, Montpelier rivers and wetlands have an expanded a minimum 50-foot vegetation buffer to filter polluted runoff, mitigate flood damage, and improve aesthetics.
	Strategy 1c	Alter mowing practice ordinances to encourage ensure that landowners near waterways allow natural vegetation to re-emerge for flood protection.

	Strategy 1f	The City considers adopts standards for all wetlands to protect them from filling, encroaching, polluting, and draining, and institutes a system of review by the Conservation Commission prior to zoning and subdivision approval. One member of the Conservation Commission will be included in the Technical Review Committee (TRC) meetings when developments involving wetlands are reviewed.
58	Target 2	By 2015, Montpelier encourages maximizes water conservation and source protection efforts.
59	Strategy 3b	Provide incentives and/or establish regulatory tools that Encourage new and existing development to incorporate low-impact development elements, including but not limited to permeable pavement, on their property.
	Strategy 3c	Consider green roofs Establish roof top gardens for storm water control on all available and appropriate municipal roofs.
	Strategy 3e	Regulate developments on a case-by-case basis to ensure that the peak flow of stormwater runoff from each site will be no greater than the runoff from the site before it was developed.
	Strategy 3e: Responsible Party	Planning Department, Department of Public Works

	Strategy 3g	Consider requiring that all new buildings (not just those within the floodplain) to be elevated to protect them from local drainage problems.
	Strategy 4c	Consider Develop higher standards of review and/or regulatory requirements in the floodplain, such as:
		· Requiring lowest floors of residences to be higher than the Base Flood Elevation;
		· Protecting foundations to reduce damage resulting from scour and settling;
		· Prohibiting fill or by requiring compensatory storage;
		· Requiring full compliance with floodplain management regulations when proposed improvements or repairs are less than 50% of the building's value;
		· Protecting critical facilities to higher levels;
		· Identifying and regulating areas subject to special flood hazards; and
		· Changing the zoning to maintain a low density of floodplain development.

	Strategy 4d	Create policies that provide Offer density bonuses for development that avoids the floodplain.
62	Target 7	Montpelier works with region to maximizes the chemical, physical, and biological integrity of all waters that flow through and downstream of the City by eliminating the discharge of pollution from Montpelier-based sources.
	Strategy 7d: Responsible Party	Parks Department, DPW, School System, and Recreation Department
63	Strategy 1b	Encourage Ensure that all students to successfully complete a curriculum exploring local biodiversity and natural communities during their K-12 experience.
65	Strategy 1a	Develop and extend a wagon-wheel network of trails throughout downtown Montpelier and to other neighboring communities. For example, establish a trail at Sabin's Pasture that links to National Life and U-32 ski trails.
67	Haikus	Add other artwork around haikus to make it clear that they are in the plan as art rather than substance.
68	Strategy 1f	Consider Adopt an anti-idling ordinance that reduces idling by city-owned vehicles, school buses, commercial vehicles, and passenger cars.

69	Target 2	Make Target 2 Strategy 1i under Target 1 (p 68)
70	Strategy 2a	Consider Establish priorities and adopt tools for open space and natural resource protection, including fee purchase, transfer or purchase of development rights, acquisition of easements, conservation overlay districts, or other appropriate zoning.
71	Strategy 2d	Consider develop and adopt a ridgeline protection ordinance that may includes the following provisions:
		*Residential, commercial, and industrial buildings should avoid areas subject to strong crosswinds, without natural protection and with limited solar exposure, in order to maximize efficient use and recovery of energy.
		*Any residential, commercial, or industrial buildings which potentially break the skyline when viewed from a public highway should be carefully reviewed using specific site plan and/or design review criteria.
82	Northern and Southern Entrances and Gateways	The main artery to the City from the South is Route 12. From the North, the main entrances include North Street, Terrace Street, and Gallison Hill Road. The North Street gateway offers a stunning view of the village and the landscape beyond. The Northern Gateways are residential neighborhoods and we should work with neighboring communities to reduce traffic on these roads and preserve the integrity of the neighborhoods.

108		Addition of: Earth Charter Principle III. 9(a): Guarantee the right to potable water, clean air, food security, uncontaminated soil, shelter, and safe sanitation, allocating the national and international resources required.
108	Extremely low vacancy rates for rental properties	The US Census reported a vacancy rate for Montpelier of 1.8% in 2000. According to the Montpelier Housing Task Force a vacancy rate of about 5% is necessary to balance supply and demand.
112	Earth Charter Principle	Earth Charter Principle IV.13: Strengthen democratic institutions at all levels, and provide transparency and accountability in governance, inclusive participation in decision making, and access to justice.
		a. Uphold the right of everyone to receive clear and timely information on environmental matters and all development plans and activities which are likely to affect them or in which they have an interest.
		b. Support local, regional and global civil society, and promote the meaningful participation of all interested individuals and organizations in decision making.
		c. Institute effective and efficient access to administrative and independent judicial procedures, including remedies and redress for environmental harm and the threat of such harm.

		d.—Eliminate corruption in all public and private institutions.
		e.—Strengthen local communities, enabling them to care for their environments, and assign environmental responsibilities to the levels of government where they can be carried out most effectively.
		Earth Charter Principle I.3 (b): Promote social and economic justice, enabling all to achieve a secure and meaningful livelihood that is ecologically responsible.
114	Figure 30: Future Land Use Map	Remove "Rec Area" zone.
114	Figure 30: Future Land Use Map	As asterisk to the key: The shaded areas indicating 5, 10, and 15 year growth priorities represent the city's interest in concentrating new residential development in areas in close proximity to the downtown.
123	Strategy 1a	Support extending affordable, state of the art Implement a municipally owned fiber-optic system to extend affordable telecommunications to all residents, businesses, and institutions within the community.
124	Target 2	By 2015 2020 , Montpelier residents utilize communications technology to stay informed about local government matters.

125	Target 1	The City of Montpelier pursues establishes a biomass district energy CHP (combined heat and power) facility in downtown to serve downtown residents, municipal buildings, and the capitol complex.
128	Target 1	By 2015 2011, all development undertaken in Montpelier preserves the integrity and character of the city's respective neighborhoods. The character of Montpelier's Historic District is enhanced and maintained.
129	Target 2	By 2015 2011 , all of Montpelier's development regulations – zoning, subdivision, and building codes – meet applicable national and state standards and incorporate smart growth principles for sustainability.
131	Target 3	By 2015 2011 , all new buildings are designed to encourage the use of alternative forms of transportation (e.g. walking, cycling, and public or shared transit).
132	Strategy 4e	Support efforts of non-governmental organizations, including the Central Vermont Community Land Trust, Home Share Vermont and Capital City Housing Foundation, to develop and steward healthy, energy efficient and affordable homes for purchase or rent.
133	Target 4	By 2015, Montpelier accommodates promotes an average of 50 40 new housing units per year for the next twenty years to increase the tax and utility rate base, to provide opportunities for home-based businesses, and to continue to support our vibrant, historic downtown.

	Strategy 6a	Consider Implement an apartment inspection, registration, and certificate of occupancy program.
	Strategy 6b	Upgrade water system to accommodate sprinklers as financially feasible.
	Strategy 6c	Seek out funding to assist multifamily property owners in installing ceiling sprinklers in their buildings.
	Strategy 6e	Consider-Adopt a housing replacement and demolition by neglect ordinance to address the loss of housing units to commercial conversion or demolition or neglect.
134	Target 7	By 2015, all new and retrofitted, residential, and non-residential buildings are built to be within five percent of the highest energy- and water- efficient. design available out of all economically competitive products, as measured on a life-cycle basis. And by 2015, Montpelier's housing stock uses less energy and water than was reported in 2004.
137	Target 1	By 2015 2040, increase the number of Montpelier residents who commute by walking or bicycling with a goal of increasing by 40 percent by 2040.
	Strategy 1a	Develop and extend a wagon-wheel network of trails throughout downtown Montpelier and to other neighboring communities. For example, establish a trail at Sabin's Pasture that links to National Life and U-32 ski trails.

139	Strategy 2a: Responsible Party	Local, regional, and interstate transit, GMTA , City Council
	Strategy 2b: Responsible Party	Local, regional, and interstate transit, GMTA , City Council
	Strategy 2c: Responsible Party	Local, regional, and interstate transit, GMTA , City Council
	Strategy 2d: Responsible Party	Local, regional, and interstate transit, GMTA , City Council
	Strategy 2e	Secure a location for an intercity, multi-modal transit station. This facility provides a destination to integrate local, regional, and interstate transit, Vermont Transit, GMTA , rail, bicycle path users, a Welcome Center for tourists and tour buses, and potential retail and commercial tenants.
141	Target 4	By 2015, Montpelier maintains safe, quality roadways, sidewalks, and bike paths.
	Strategy 4b	Effectively address the perception and the reality of problematic mobility by creating an effective transit management system which would be empowered to:
		Better utilize existing parking;
		Create a ZIP car, ride-share, and/or Smart Jitney system;

		Manage existing municipally-controlled parking systems;
		Be accountable.
	Strategy 1a	Consider Establish a more focused regional planning and economic development entity which enables Montpelier and surrounding communities to retain and promote the prosperity of existing businesses, as well as to attract economic development appropriate to each community.
	Strategy 1a: Responsible Party	City Council, CVRPC, Central Vermont Economic Development Corporation Association -(CVEDAC), Central Vermont Chamber of Commerce
	Strategy 1b: Responsible Party	City Council, CVRPC, CVEDAC,
	Target 1	By 2020 2015, 85 there is an increase in the percentage of Montpelier residents that hold jobs that paying a livable wage, and the number of residents living at or below 200 percent of the poverty level decreases by 25 percent. By 2020, x percent; By 2040, x percent.
	Target 3	By 2015 2020, the total number of people, including local residents and tourists, shopping and visiting downtown increases.
	Target 1	By 2015, when interviewed, 90 percent of residents in all ranges cohorts of income and cultural background rate opportunities to be involved in community matters as “Good” or “Excellent.”

	Target 2	Elected officials, board members, and city staff carefully elicit and address citizen input to local processes. By 2015, 90 percent of residents in all ranges cohorts of income and cultural background report that Montpelier employees' responsiveness to citizen concerns as "Excellent" or "Good."
	Target 2	By 2015, Montpelier CAN! serves as an access point for residents to connect with local government.
	Strategy 2a: Responsible Party	City Council, Planning Department
	Strategy 2a	The city provides needed resources to CAN! groups and continually recruits and supports effective leadership.
		2a.1 Help identify Establish community meeting rooms in each of the CAN! geographic areas.
		2a.2 Identify and educate informal community organizers about ways to connect fellow residents with local government.
	Target 3	By 2015 2020 , City buildings, transportation facilities, processes, and documents are made available to those with limited access.
155		Remove "Phrenology of an Entrepreneurs" illustration

188	Target 1	By 2015, 90 percent of residents in all ranges cohorts of income and cultural background rate opportunities to be involved in community matters as “Good” or “Excellent.”
	Strategy 2a	City Council considers City voting District Changes based on both equitable population distribution and the neighborhoods.
189	Strategy 2a: Responsible Party	City Council Police, State's Attorney's Office, Community Justice Center
203	Museums	The Wood Art Ga allery, located on the Vermont College of Fine Arts campus, with an art collection valued in excess of 3 million dollars, is a focal point for the visual arts in Montpelier. Hosting 15 to 25 major exhibits a year, in addition to a standing collection, the Wood Gallery brings in over 6,000 visitors each year.

204	Montpelier Senior Activity Center	The Montpelier Senior Activities Center provides cultural opportunities and support services for seniors in the community. The center offers a multitude of classes on topics from foreign language to writing to line dancing to tai chi. The center also provides services like health screenings, chiropractic care, and computer support. In 2009, a fire caused extensive damage to the senior center. Since the fire, many of the services provided by the senior center have moved to the Montpelier Recreation Center until the senior center can be rehabilitated. It is estimated that the Senior Activities Center will reopen in the spring of 2010.
204	Vermont Mountaineers	In addition to a vibrant arts community, Montpelier is also home to a semi-professional baseball team, the Vermont Mountaineers. The Mountaineers play in New England Collegiate Baseball League, a league designed as a showcase for some of the best collegiate players in the region. The season lasts from June to August, and home games are played at the Montpelier Recreation Field. The Mountaineers have won two league championships since their inception in 2003.
214	4a: Responsible Party	CVABE, School Board, Montpelier Senior Activity Center (MSAC)
215	5a: Responsible Party	School Administration,
	6a: Responsible Party	Stakeholders, MSAC

217	1a: Responsible Party	CAN!, MSAC
218	2a: Responsible Party	Stakeholders, MSAC
	3c	Evaluate all Fire Hydrant flow rates and available water to ensure adequate fire protection, and identify areas needing fire protection upgrades.
220	1a: Responsible Party	School Board, Central Vermont Food Systems Council, Stakeholders, MSAC
221	1e: Responsible Party	Central Vermont Food Systems Council, Farmer's Market, MSAC
223	3a: Responsible Party	Central Vermont Council on Aging, REACH, MSAC
	3c: Responsible Party	REACH, CVCOA, MSAC
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70	Strategy 2a	Consider Establish priorities and adopt tools for open space and natural resource protection, including fee purchase, transfer or purchase of development rights, acquisition of easements, conservation overlay districts, or other appropriate zoning.
71	Strategy 2d	Consider develop and adopt a ridgeline protection ordinance that may includes the following provisions:
		*Residential, commercial, and industrial buildings should avoid areas subject to strong crosswinds, without natural protection and with limited solar exposure, in order to maximize efficient use and recovery of energy.
		*Any residential, commercial, or industrial buildings which potentially break the skyline when viewed from a public highway should be carefully reviewed using specific site plan and/or design review criteria.
82	Northern and Southern Entrances and Gateways	The main artery to the City from the South is Route 12. From the North, the main entrances include North Street, Terrace Street, and Gallison Hill Road. The North Street gateway offers a stunning view of the village and the landscape beyond. The Northern Gateways are residential neighborhoods and we should work with neighboring communities to reduce traffic on these roads and preserve the integrity of the neighborhoods.

108		Addition of: Earth Charter Principle III. 9(a): Guarantee the right to potable water, clean air, food security, uncontaminated soil, shelter, and safe sanitation, allocating the national and international resources required.
108	Extremely low vacancy rates for rental properties	The US Census reported a vacancy rate for Montpelier of 1.8% in 2000. According to the Montpelier Housing Task Force a vacancy rate of about 5% is necessary to balance supply and demand.
112	Earth Charter Principle	Earth Charter Principle IV.13: Strengthen democratic institutions at all levels, and provide transparency and accountability in governance, inclusive participation in decision making, and access to justice.
		a. Uphold the right of everyone to receive clear and timely information on environmental matters and all development plans and activities which are likely to affect them or in which they have an interest.
		b. Support local, regional and global civil society, and promote the meaningful participation of all interested individuals and organizations in decision making.
		c. Institute effective and efficient access to administrative and independent judicial procedures, including remedies and redress for environmental harm and the threat of such harm.

		d.—Eliminate corruption in all public and private institutions.
		e.—Strengthen local communities, enabling them to care for their environments, and assign environmental responsibilities to the levels of government where they can be carried out most effectively.
		Earth Charter Principle I.3 (b): Promote social and economic justice, enabling all to achieve a secure and meaningful livelihood that is ecologically responsible.
114	Figure 30: Future Land Use Map	Remove "Rec Area" zone.
114	Figure 30: Future Land Use Map	As asterisk to the key: The shaded areas indicating 5, 10, and 15 year growth priorities represent the city's interest in concentrating new residential development in areas in close proximity to the downtown.
123	Strategy 1a	Support extending affordable, state of the art Implement a municipally owned fiber-optic system to extend affordable telecommunications to all residents, businesses, and institutions within the community.
124	Target 2	By 2015 2020 , Montpelier residents utilize communications technology to stay informed about local government matters.

125	Target 1	The City of Montpelier pursues establishes a biomass district energy CHP (combined heat and power) facility in downtown to serve downtown residents, municipal buildings, and the capitol complex.
127	Target 4	By 2040, all new and retrofitted developments, buildings, vehicles, and equipment are built to be within five percent of the highest energy-efficient design available out of all economically competitive products, as measured on a life cycle basis.
128	Target 1	By 2015 2011, all development undertaken in Montpelier preserves the integrity and character of the city's respective neighborhoods. The character of Montpelier's Historic District is enhanced and maintained.
129	Target 2	By 2015 2011, all of Montpelier's development regulations – zoning, subdivision, and building codes – meet applicable national and state standards and incorporate smart growth principles for sustainability.
131	Target 3	By 2015 2011, all new buildings are designed to encourage the use of alternative forms of transportation (e.g. walking, cycling, and public or shared transit).
132	Strategy 4e	Support efforts of non-governmental organizations, including the Central Vermont Community Land Trust, Home Share Vermont and Capital City Housing Foundation, to develop and steward healthy, energy efficient and affordable homes for purchase or rent.

133	Target 4	By 2015, Montpelier accommodates promotes an average of 50 40 new housing units per year for the next twenty years to increase the tax and utility rate base, to provide opportunities for home-based businesses, and to continue to support our vibrant, historic downtown.
	Strategy 6a	Consider Implement an apartment inspection, registration, and certificate of occupancy program.
	Strategy 6b	Upgrade water system to accommodate sprinklers as financially feasible .
	Strategy 6c	Seek out funding to assist multifamily property owners in installing ceiling sprinklers in their buildings.
	Strategy 6e	Consider-Adopt a housing replacement and demolition by neglect ordinance to address the loss of housing units to commercial conversion or demolition or neglect .
134	Target 7	By 2015, all new and retrofitted, residential, and non-residential buildings are built to be within five percent of the highest energy- and water- efficient. design available out of all economically competitive products, as measured on a life cycle basis . And by 2015, Montpelier's housing stock uses less energy and water than was reported in 2004.
137	Target 1	By 2015 2040, increase the number of Montpelier residents who commute by walking or bicycling with a goal of increasing by 40 percent by 2040 .

	Strategy 1a	Develop and extend a wagon-wheel network of trails throughout downtown Montpelier and to other neighboring communities. For example, establish a trail at Sabin's Pasture that links to National Life and U-32 ski trails.
139	Strategy 2a: Responsible Party	Local, regional, and interstate transit, GMTA , City Council
	Strategy 2b: Responsible Party	Local, regional, and interstate transit, GMTA , City Council
	Strategy 2c: Responsible Party	Local, regional, and interstate transit, GMTA , City Council
	Strategy 2d: Responsible Party	Local, regional, and interstate transit, GMTA , City Council
	Strategy 2e	Secure a location for an intercity, multi-modal transit station. This facility provides a destination to integrate local, regional, and interstate transit, Vermont Transit, GMTA , rail, bicycle path users, a Welcome Center for tourists and tour buses, and potential retail and commercial tenants.
141	Target 4	By 2015, Montpelier maintains safe, quality roadways, sidewalks, and bike paths.

	Strategy 4b	Effectively address the perception and the reality of problematic mobility by creating an effective transit management system which would be empowered to:
		Better utilize existing parking;
		Create a ZIP car, ride-share, and/or Smart Jitney system;
		Manage existing municipally-controlled parking systems;
		Be accountable.
	Strategy 1a	Consider Establish a more focused regional planning and economic development entity which enables Montpelier and surrounding communities to retain and promote the prosperity of existing businesses, as well as to attract economic development appropriate to each community.
	Strategy 1a: Responsible Party	City Council, CVRPC, Central Vermont Economic Development Corporation Association (CVEDAC), Central Vermont Chamber of Commerce
	Strategy 1b: Responsible Party	City Council, CVRPC, CVEDAC,
	Target 1	By 2020 2015, 85 there is an increase in the percentage of Montpelier residents that hold jobs that paying a livable wage, and the number of residents living at or below 200 percent of the poverty level decreases by 25 percent. By 2020, x percent; By 2040, x percent.

	Target 3	By 2015 2020, the total number of people, including local residents and tourists, shopping and visiting downtown increases.
	Target 1	By 2015, when interviewed, 90 percent of residents in all ranges cohorts of income and cultural background rate opportunities to be involved in community matters as “Good” or “Excellent.”
	Target 2	Elected officials, board members, and city staff carefully elicit and address citizen input to local processes. By 2015, 90 percent of residents in all ranges cohorts of income and cultural background report that Montpelier employees’ responsiveness to citizen concerns as “Excellent” or “Good.”
	Target 2	By 2015, Montpelier CAN! serves as an access point for residents to connect with local government.
	Strategy 2a: Responsible Party	City Council, Planning Department
	Strategy 2a	The city provides needed resources to CAN! groups and continually recruits and supports effective leadership.
		2a.1 Help identify Establish community meeting rooms in each of the CAN! geographic areas.
		2a.2 Identify and educate informal community organizers about ways to connect fellow residents with local government.

	Target 3	By 2015 2020, City buildings, transportation facilities, processes, and documents are made available to those with limited access.
155		Remove "Phrenology of an Entrepreneurs" illustration
188	Target 1	By 2015, 90 percent of residents in all ranges cohorts of income and cultural background rate opportunities to be involved in community matters as “Good” or “Excellent.”
	Strategy 2a	City Council considers City voting dDistrict cChanges based on both equitable population distribution and the neighborhoods.
189	Strategy 2a: Responsible Party	City Council Police, State's Attorney's Office, Community Justice Center
203	Museums	The Wood Art Gallery, located on the Vermont College of Fine Arts campus, with an art collection valued in excess of 3 million dollars, is a focal point for the visual arts in Montpelier. Hosting 15 to 25 major exhibits a year, in addition to a standing collection, the Wood Gallery brings in over 6,000 visitors each year.

204	Montpelier Senior Activity Center	The Montpelier Senior Activities Center provides cultural opportunities and support services for seniors in the community. The center offers a multitude of classes on topics from foreign language to writing to line dancing to tai chi. The center also provides services like health screenings, chiropractic care, and computer support. In 2009, a fire caused extensive damage to the senior center. Since the fire, many of the services provided by the senior center have moved to the Montpelier Recreation Center until the senior center can be rehabilitated. It is estimated that the Senior Activities Center will reopen in the spring of 2010.
204	Vermont Mountaineers	In addition to a vibrant arts community, Montpelier is also home to a semi-professional baseball team, the Vermont Mountaineers. The Mountaineers play in New England Collegiate Baseball League, a league designed as a showcase for some of the best collegiate players in the region. The season lasts from June to August, and home games are played at the Montpelier Recreation Field. The Mountaineers have won two league championships since their inception in 2003.
214	4a: Responsible Party	CVABE, School Board, Montpelier Senior Activity Center (MSAC)
215	5a: Responsible Party	School Administration,
	6a: Responsible Party	Stakeholders, MSAC

217	1a: Responsible Party	CAN!, MSAC
218	2a: Responsible Party	Stakeholders, MSAC
	3c	Evaluate all Fire Hydrant flow rates and available water to ensure adequate fire protection, and identify areas needing fire protection upgrades.
220	1a: Responsible Party	School Board, Central Vermont Food Systems Council, Stakeholders, MSAC
221	1e: Responsible Party	Central Vermont Food Systems Council, Farmer's Market, MSAC
223	3a: Responsible Party	Central Vermont Council on Aging, REACH, MSAC
	3c: Responsible Party	REACH, CVCOA, MSAC
227	1a: Responsible Party	Stakeholders, Planning Department, MSAC
228	2c: Responsible Party	Stakeholders, MSAC

CHARTER
OF THE
CITY OF MONTPELIER



Amendments Approved March 1, 1994
Effective June 20, 1994

1987

CHARTER OF THE CITY OF MONTPELIER

Revised and Approved September 10, 1974
Effective November 9, 1974

Validated by General Assembly
March 27, 1975

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Effective December 2, 1982

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STATE OF VERMONT

In the year of our Lord Nineteen Hundred Seventy-four

AN ACT TO GRANT A NEW CHARTER TO THE CITY OF MONTPELIER

It is hereby enacted by the General Assembly of the State of Vermont, as follows:

TITLE I: INCORPORATION AND GRANT OF POWERS

Section 1. The City of Montpelier. The inhabitants of the territory formerly the Town of Montpelier, and that portion of the Town of Berlin annexed to the City of Montpelier, by an act entitled, "An act to annex an adjacent portion of the Town of Berlin to the City of Montpelier", which act was approved November 29, 1898, are hereby continued to be incorporated and a body corporate and politic under the name of the City of Montpelier; and under that name may sue and be sued, prosecute and defend in any court; may have a common seal and alter it at pleasure; may borrow money on the credit of the city, in the mode and under the restrictions hereinafter provided; may elect representatives to the General Assembly of the State, and the number of justices of the peace as provided in Chapter II of the Vermont Constitution for a town of equal population; and generally shall have, exercise, and enjoy all such rights, immunities, powers and privileges as are conferred upon, or are incident to, towns in this state; and shall be subject to like duties, liabilities, and obligations, except as otherwise provided in this Act.

Section 2. General Powers. Such corporation shall have all the powers given to towns and town school districts by the general law; and may purchase, hold and convey any real estate and erect and keep in repair any buildings necessary or convenient for its purposes; and may acquire, construct, and maintain such dams, aqueducts, reservoirs, and sewage disposal facilities as it may deem necessary for the benefit of the city.

Section 3. Form of Government. The municipal government provided by this charter shall be known as council-manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this charter, all powers of the city shall be vested in an elective council, hereinafter referred to as the council, which shall enact ordinances, codes and regulations, adopt budgets, determine policies, and appoint the city manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this charter or prescribed by ordinance.

Section 4. Change of Form of Government. Upon petition of a number of legal voters equal to four percent of the total vote cast for governor at the last preceding general election, the legal voters of the city may, at any annual meeting or a special meeting duly warned and held for that purpose, vote to change the council-manager form of government to any other legal form. A majority of the legal votes cast shall be needed to effect a change of government. In the event a change of government is voted terminating the position of city manager, the city manager shall be entitled to three months pay from the effective date of said termination.

Section 5. Intergovernmental Relations. The city, through its city council or board of school commissioners, or both, may enter into any agreement with the United States of America or the State of Vermont, or both, or with any subdivision, department, agency, or activity of the United States of America or the State of Vermont, or both, to accept grants, loans, and assistance from the United States of America or the State of Vermont, or both, or from any subdivision, department, agency, or activity of the United States of America or the State of Vermont, or both, to make public improvements within said city, or upon property or rights of said city outside its corporate limits, whether owned by said city as sole owner or owned by said city in common with another municipality or other municipalities, and may make appropriations consistent with this act to accomplish such purposes.

TITLE II: CITY VOTING DISTRICTS

The city council is empowered to designate or eliminate the boundaries of voting districts. The city council may make changes from time to time in the number and boundaries of the districts as it may deem proper, having regard, so far as practicable and convenient, to an equal division of population among them. Such changes shall not be made more frequently than once in five years. Such districts shall be described by ordinance. Such changes shall be approved by the legal voters of the city at an annual or special meeting of the city and shall become effective immediately upon approval.

TITLE III: CITY COUNCIL

Section 1. Administration and Powers. The administration of all fiscal, prudential, and municipal affairs of the city and the government thereof shall be vested in the mayor and council members, subject to the provision herein contained respecting a city manager. The mayor and council members shall be sworn to the faithful performance of their duties, respectively. The mayor and council members in their joint capacity shall constitute the city council. The city council shall have all the powers of selectmen.

Section 2. Board of Council Members - Composition and Term of Office. The board of council members of said city shall consist of two members from each district, elected by the legal voters of said city from among the legal voters of said district for a term of two years.

Section 3. Vacancies. A vacancy on the board of council members shall occur upon the death, removal from the district, or resignation of a council member. A vacancy in the office of council member with more than 90 days of unexpired term remaining shall be filled by the remaining members of the city council. The unexpired term of the office of council member filled as provided in this section, shall, at the next annual meeting of the city, be filled by election for the balance of the unexpired term.

Section 4. Election of President and Vice President of the Board of Council Members. The council members duly elected and qualified shall constitute the board of council members, and shall annually elect one of their members president of said board and another vice president, to serve in such offices until the next election of council members.

Section 5. Vacancy in the Office of President and Vice President. In the event of the death, resignation, or disqualification of the president or vice president of the board of council members, the remaining council members shall elect a successor and the successor so elected shall hold office until the next election of council members.

Section 6. Duties of the President and Vice President. All powers and duties vested in the mayor by this charter or the general law shall, in event of a vacancy in the office or in case of disqualification, incapacity, or absence from the city of the mayor be vested in the president of the board of council members, or in the vice president in case of disqualification, incapacity or absence from the city of the mayor and the president of the board of council members.

Section 7. Council Meetings. The city council shall hold meetings on the second and fourth Wednesdays of each month, and oftener at the call of the mayor.

Section 8. Special Council Meetings. The mayor, or in the case of the mayor's failure, the city clerk, shall call special meetings of the city council on request of one-half of the members of the board of council members.

Section 9. Council Agenda. It shall be the duty of the city manager to prepare a written agenda for each meeting of the council. The city manager shall add to the agenda any items requested by a council member or by written request of any other person. The agenda shall be posted in at least one public place in the city at least twenty-four hours prior to the time of the meeting.

Section 10. Council Quorum. A quorum of the city council shall be necessary to conduct business; however, the transaction of business shall be in accordance with 1 V.S.A. § 172. A number less than a quorum may adjourn from time to time, may compel the attendance of absent members and enforce such penalties for non-attendance as the city council may by ordinance prescribe.

Section 11. Attendance at Meetings. Any city officer or employee may be required to attend a meeting of the city council.

Section 12. Council Meetings Public. All meetings of the city council shall be open to the public except when an executive session is voted by a majority of the council.

Section 13. Council Minutes Recorded. All minutes of the city council shall be recorded in a book of city council records and shall be available to the public unless they concern a person's reputation, contracts, or the security of the state is involved.

Section 14. Action in Executive Session. Action on ordinances, rules, regulations, or appointments shall not take place in executive session.

Section 15. Council Authority to Require Information. The city council shall have the authority to require the city clerk, city treasurer, and each appointive city officer, excluding school department officers, to furnish information concerning anything connected with, or work planned to be performed in, their respective department.

Section 16. Compensation. The mayor and council members shall receive as compensation for their services such sums as shall be voted to them at the annual city meeting of each year.

Section 17. Council Appointments. The city council shall, pursuant to Title X of this charter, appoint a city manager, city attorney and city representative to the Central Vermont Regional Planning Commission and may remove any such appointee and appoint another. The city council shall also appoint the following officers, none of whom shall be members of the city council: members of the Montpelier housing authority, housing and building code board of appeals, board of adjustment, and planning commission. The city council shall appoint only such other officers as it is specifically required to do by law. Any appointment made by the city council to fill a vacancy shall be only for the balance of the unexpired term in which the vacancy occurred.

Section 18. Claims for Personal Services. No claim for personal services shall be allowed to the officers elected at the annual meeting, except when compensation for such services is provided for under the provisions of this act or by the general law, except that the city clerk, city treasurer, and auditors shall receive such compensation as shall be fixed by the city council. The compensation of all other officers and employees of the city shall be fixed by the city council, except as herein otherwise provided.

Section 19. Sale of Public Property. The city council may authorize the sale or lease of any real or personal estate belonging to the city. All conveyances, grants, or leases of any real estate owned by the city shall be signed by the mayor and shall be sealed with the city seal.

Section 20. Contracts. All contracts on behalf of and any purchases for the city shall be authorized by the city council, except as otherwise provided by ordinances of the City of Montpelier or this act.

TITLE IV: MAYOR

Section 1. Election and Tenure of Office. The mayor shall be elected by and from the qualified voters of the City of Montpelier. The mayor shall hold office for a term of two years or until the mayor's successor is elected and qualified.

Section 2. Vacancy in the Office of Mayor. In the case of a vacancy in the office of mayor, with more than 120 days of unexpired term remaining, the city council shall forthwith direct the city clerk to call a special meeting of the legal voters of the city for the election of a mayor, and the person elected at such meeting shall serve for the unexpired term and until the mayor's successor is duly elected and qualified. Said special meeting shall be called in the manner provided in Section 3 of this title. Voting shall be by ballot. A special meeting of the voters of the city for the election of a mayor shall be conducted as are other special city meetings. The city council shall determine prior to such special meeting the time during which the ballot boxes shall be kept open. Said time shall not be less than two hours. In the event 120 days or less remain of the unexpired term as a result of such vacancy in the office of mayor computed from the time the vacancy occurs, no special election shall be called to fill the unexpired term.

Section 3. Nominations to Fill Vacancy in Office of Mayor. Nominations to fill a vacancy in the office of mayor shall be by certificate signed by at least twenty-five legal voters. Such certificate shall be filed with the city clerk not less than fifteen and not more than twenty-five days before such special election. The then-current check-list shall be used.

Section 4. Duties of the Mayor. The mayor shall be the chief executive officer of the city subject to the operation of the provisions herein contained respecting a city manager. The mayor shall use the mayor's best efforts to see that the laws and the city ordinances are enforced, and that the duties of all subordinate officers are faithfully performed. The mayor shall take care that the finances of the city are properly managed, and shall bring before the city council whatever the mayor may deem worthy of their attention for prudentially and efficiently carrying on the affairs of the city.

Section 5. Powers of the Mayor. The mayor shall preside at all city council meetings. The mayor may veto any action passed by the city council, providing that the mayor does so before the next regular meeting of said city council, and any action so vetoed shall not become effective unless at the first regular meeting with all members present after the mayor's veto five or more council members vote to override the mayor's veto.

TITLE V: CITY MEETINGS; NOMINATION AND ELECTION OF OFFICERS

Section 1. City Meetings. On the first Tuesday of March in each year, a meeting of legal voters of said city shall be held as designated on the warning for such meeting, at a place or places to be appointed by the city council of said city, and a warning shall be posted in at least three public places within the limits of said city, and at least twelve days previous thereto, which warning shall be signed by the city clerk, or, in case of the city clerk's failure, by the mayor, provided that, if the annual meeting shall fail to be held for want of warning before mentioned, or for any other cause, the city shall not be thereby prejudiced, and the several officers hereinafter mentioned may, at any time thereafter, be elected at a special meeting, called for that purpose, as hereinafter provided; and provided, further, that any business required by this act or the general law to be transacted at the annual city meeting may be transacted at such special meeting.

Section 2. Publishing and Posting of Articles. When questions involving authorization of public improvements and the incurring of debt to pay for the same are to be referred to the voters at an annual city meeting, the articles of the warning dealing with the same shall be posted and published as hereinafter provided in Title XI. Such articles will be posted under the caption: "Extract from warning for annual city meeting March...". The extract containing such articles will be signed by the city clerk or, in case of the city clerk's failure, by the mayor. In addition to being posted and published in extract form as above provided, such articles will be included in the full warning to be posted in at least three public places within the limits of said city, at least twelve days prior to the annual city meeting.

Section 3. Special City Meeting. The city clerk when directed by the city council, or when requested in writing by five percent of the legal voters of said city to do so, shall call a special meeting of the voters of the city in the same manner as is provided for the calling of the annual meeting; in case of the failure of the city clerk to call such special meeting as aforesaid, that duty shall be performed by the mayor, except that special meetings to authorize public improvements and the incurring of debt to pay for the same shall be warned as hereinafter provided in Title XI.

Section 4. Method of Election of Officers. All officers shall be elected by ballot, according to the general law of the state, except as when otherwise provided in this act. Candidates' names shall appear in such order on the ballot as shall be drawn by lot and by the board of civil authority. Provisions for write-in votes shall be available for voters. The ballot box at the annual meeting or any special meeting called as provided in the event the annual meeting shall fail to be held shall be kept open for a minimum of nine consecutive hours between 6 a.m. and 7 p.m. as shall be designated on the warning for such meeting; and no business except election of officers and matters that by law must be balloted upon, shall be transacted at any annual or special meeting, unless directed by the city council, until after seven o'clock p.m.. Persons shall be checked against the legal voting list before being admitted to city or special meeting procedures taking place after seven o'clock p.m..

Section 5. Placing of Voting Machines. The city council shall direct the placing and opening of as many sets of voting machines as there shall be districts in said city, at the place where the annual or any special meeting of the city shall be held, and at such other polling places as the city council may direct, for receiving votes for all officers to be elected and other ballot issues to be voted upon. The number of the district shall be distinctly marked on each voting machine, and notice shall be posted pointing out where the voters of each district shall vote, and the machines shall be so located as, in the opinion of the city council, will best accommodate the voters.

Section 6. Check-Lists of Voters. Check-lists of the voters of the city shall be made in conformity with the laws of this state and this act for all such meetings by the board of civil authority, and the city council shall divide such check-lists of voters according to districts and shall arrange the names of the voters in each district in alphabetical order, which check-lists so divided as aforesaid shall be certified by the mayor and city clerk as the check-list for each district respectively, and shall be kept at the polling place of such district. All persons who are legal voters in city meetings shall be entitled to have their names added to the check-list for the district where they reside, at the time such check-list is compiled and no person shall vote for any city officers or other item on the warning unless the person's name is on such check-list.

Section 7. Presiding Officer at City Meetings. All city meetings shall be called to order by the mayor. The mayor shall preside at all city meetings, but the mayor may at the mayor's discretion designate a moderator to preside during all or any part of the city meeting.

Section 8. Method of Voting Tax Appropriation. The tax appropriation consists of three separate items of schools, general fund, and recreation, which shall be voted upon separately by separate ballot, during regular voting hours.

Section 9. Election of Officers. At the annual meeting the said city shall elect from among the legal voters thereof a mayor for a term of two years; a city clerk for a term of three years; a city treasurer for a term of three years; three auditors for a term of three years commencing in 1985; one commissioner of Green Mount Cemetery for a term of five years; one park commissioner for a term of five years, two school commissioners, each for a term of three years, except that three school commissioners shall be elected in 1974 and each third year thereafter; and one council member from each district for a term of two years, who shall hold office until their successors are duly elected and qualified.

Section 10. Certificates of Nomination. Certificates of nomination for offices to be filled at annual city meetings shall be filed by the candidate or with the candidate's written assent with the city clerk not less than thirty nor more than forty calendar days before such meeting. The list of candidates so nominated and sample ballots shall be posted in at least three public places in the city at least four days before such meeting. All nominations for such offices shall be made by certificate signed by twenty-five or more voters, but the same need not be under oath or statement of residence or designation of political party. A voter shall not sign more than one certificate for the same office.

Section 11. Canvassing of Ballots. At the close of the balloting at any city election or annual or special city meeting the board of civil authority as hereinafter constituted, and such other election officers as may be designated by said board shall canvass the ballots cast for all officers and for any proposal voted upon by ballot and report to the meeting a list of candidates for whom votes have been cast for each office and the number of votes such candidates have received, and any other result, which shall be recorded by the city clerk, and the candidate who has received a plurality of the votes cast for each respective office shall, by the mayor or moderator, be declared elected to that office. But an election for state or county officers or representatives to the general assembly shall, in all cases, be conducted according to the general law of the state.

Section 12. Other Vacancies. All other vacancies occurring in an elective office with more than 90 days of unexpired term remaining, excepting a vacancy in the office of council member or school commissioner, shall be filled by the city council until the next annual meeting of the city. The unexpired term of any office filled as provided in this section shall, at the next annual meeting of the city, be filled by election for the balance of said term.

Section 13. Vacancy Created. A vacancy in an elective office occurs upon the death, removal from the city, and in the case of a council member, removal from the district, or resignation of the office holder.

TITLE VI: SCHOOLS

Section 1. School Commissioners. The exclusive management and control of the public schools and of all school property of the city shall be vested in a board of seven (7) school commissioners for terms of three (3) years.

Section 2. Election of Board Officials. The board of school commissioners shall annually, not later than the second Wednesday after the first Tuesday in May, elect one of their number chairman of said board, one of their number vice-chairman, one of their number secretary of said board, and one of their number treasurer of said board. The board shall require its treasurer and other commissioners it deems necessary to give bond to the city to the satisfaction of the board for faithful discharge of their trust. If the board shall require a bond with a fidelity company as surety, the expense thereof shall be paid from the school fund. The board may, by agreement with the city council, provide that its treasurer be covered under a blanket bond to be contracted as authorized by Section 9 of Title IX. In such event, an equitable proportion of the cost of such blanket bond shall be paid out of the school fund.

Section 3. Vacancy in the Office of School Commissioners. A vacancy in the office of school commissioner with more than 90 days of unexpired term remaining shall be filled by the remaining members of the board of school commissioners under the next annual meeting of the city.

Section 4. Superintendent of Schools. The board of school commissioners shall, at the meeting specified in Section 2 above or at any subsequent meeting, appoint a superintendent of schools who shall not be one of their number. The board shall fix the compensation of the superintendent of schools, and said compensation shall be paid in the same manner as other expenses for the support of schools.

Section 5. Duties of Superintendent of Schools. The superintendent of schools shall perform such duties in connection with the public schools of the city as shall be assigned to the superintendent by the board of school commissioners. The superintendent shall annually report to the city council such statistics as are required to be kept by law and such other information as the board of school commissioners shall direct.

Section 6. Term of Office. The superintendent of schools may be appointed for a term not to exceed three years. The board of school commissioners may remove the superintendent of schools for causes of incapacity, neglect of duty, or misconduct. Said board shall by appointment fill all vacancies in such office.

Section 7. Annual School Report. The board of school commissioners shall submit to the city council, on or before February 15 of each year, its annual report on the status of the schools. Said report shall include an estimate of the necessary expenditures for the support of schools for the ensuing year, the amount of school income to be received from sources other than local taxation and a recommendation of the amount of money to be raised by local taxation for the support of schools for the ensuing year. Said report shall be published with the report of city officials.

Section 8. Requisition of School Fund. The board of school commissioners shall, from time to time as the same shall be required, make requisitions on the city council for warrants on the city treasury for such sum of money as they shall require for the payment of the expenses of the schools, which warrants in the aggregate in any year shall not exceed the amount of the school fund established as provided by Section 13 of Title VI of this act.

Section 9. Deposit of School Revenues. All moneys received by the school board from tuition and other sources, except from the city treasurer on requisition as provided in the preceding section, shall be turned over to the city treasurer, unless specifically exempted by the city council. The board of school commissioners shall have no authority to expend any money which may be received by them from any source, except such as may be received from the city treasurer on requisition as above provided, or unless specifically exempted by the city council.

Section 10. Borrowed Funds Appropriated to School Fund. All money received from notes or bonds issued by authority of the legal voters as provided in Title XI of this act for improvements relating to schools or school property shall be appropriated to the school fund, and may be spent by the board of school commissioners for the purpose for which issue of said notes or bonds was authorized.

Section 11. Payment of School Notes and Bonds. The board of school commissioners shall include in its estimate of necessary expenditures for the support of schools and its recommendation of the amount of money to be raised by local taxation for the support of schools, which estimate and recommendation are provided for in Section 7 of this title, the amount of money required for payment of principal and/or interest on any bonds or notes heretofore or hereafter issued by the City of Montpelier for school purposes and said amount shall be specifically designated in said estimate and recommendation by the board of school commissioners. The city in voting money for school purposes at any annual or special meeting shall include in the amount voted for the support of schools said amount of money needed for the payment of principal and/or interest on bonds or notes heretofore or hereafter issued by the city for school purposes. Said amount of money required for the payment of principal and/or interest on bonds or notes as hereinbefore set forth shall be used by the board of school commissioners for the purpose of paying said principal and/or interest. In case of conflict between this section and other provisions of this charter, this section will prevail.

Section 12. Financial Report to City Treasurer. The board of school commissioners shall each year, after its accounts have been audited, make available to the city treasurer, on request, all vouchers showing money expended during the preceding year, which vouchers shall be kept by the school system.

Section 13. School Fund. The city council shall annually appropriate such dollar amount as may be voted for the support of schools at the annual city meeting or any special city meeting duly warned and held for that purpose, all such moneys as shall be received from the state for the

use of schools, all moneys and income from tuition and any other sources for the use of schools, and the income of any other property or money donated by any person to the city for the use of schools, all money as may be received from the federal government for the use of schools and money received from any source and specifically designated as money to be used for schools, the total amount of which shall be kept by the city treasurer, unless especially exempted by the city council, and the city council shall authorize warrants drawn on the city treasury for the payment of the same to the treasurer of the board of school commissioners, upon requisition made by such board, at such times and for such amount, not exceeding in the total for the year the amount of the school fund, as such requisition shall designate.

Section 14. Compensation. The school commissioners shall receive as compensation for their services such sum as may be voted to them at the annual meeting of each year.

TITLE VII: CITY ORDINANCES

Section 1. Council Authority. The city council may make, alter, amend, or repeal any resolution, by-law, regulation, or ordinance which it may deem necessary and proper for carrying into execution the powers granted by this act or for the well being of said city, provided such resolution, by-law, regulation, or ordinance shall not conflict with the federal or Vermont constitutions or federal laws or laws of this state or this act.

Section 2. Enactment Procedure and Effective Date. No proposed by-law, regulation or ordinance shall be effective upon its passage at the time of its introduction but the same shall be laid upon the table at least until the next regular meeting of the city council. Such by-law, regulation, or ordinance shall be forthwith published by title only in some newspaper of general circulation in said city, together with a notice that the city council is to consider the same at its next regular meeting, and a copy thereof shall be conspicuously posted in the city clerk's office. At least six days before its effective date, such by-law, regulation, or ordinance shall be published at least once in some newspaper of general circulation in said city.

Section 3. Notice Before Final Action. In the enactment or general revision by said city council of a body of by-laws, regulations, or ordinances, no notice or publication in respect thereto shall be required beyond the conspicuous posting of a copy of the same in the city clerk's office and publication of an appropriate notice in some newspaper of general circulation in said city forthwith upon introduction, and at least ten days prior to final city council action upon the same. A printed copy of such body of by-laws, regulations, or ordinances shall be available at the city clerk's office for delivery to any adult inhabitant of the city at least ten days before the effective date of such body of by-laws, regulations, or ordinances.

Section 4. Record of Ordinances. The city clerk shall prepare and keep in the city clerk's office the ordinances finally passed by the council together with a complete index of the ordinances according to subject matter.

Section 5. Penalty for Violation. Any person who shall violate any by-law, regulation, or ordinance adopted pursuant to the authority of this title may, on conviction of such violation, be fined not in excess of five hundred dollars (\$500.00) and committed to a correctional facility designated by the state commissioner of corrections for a term not exceeding three months, in addition to or in lieu of fine, at the discretion of the court. If any person convicted of violation of a by-law, regulation, or ordinance adopted under the provisions of this title shall neglect to pay such fine and costs as the court in its discretion shall adjudge, subject to the limitations herein contained, such person shall be committed to the correctional facility designated by the state commissioner of corrections under the same regulations, and for the same term and in the same manner provided by law when fines in criminal matters are not paid. All fines, penalties, taxes, and moneys paid for licenses and permits under authority of this title shall belong to the city and shall be paid into the city treasury.

Section 6. Actions in Tort. In addition to the fine and other punishment above provided for any violation of a by-law, regulation, or ordinance adopted under the authority of this title, the City of Montpelier may have and maintain an action in tort founded on this statute against any person damaging or destroying any of the property of said city, or injuring or corrupting any of the water supply or water system of said city, and may recover treble damages against such person.

Section 7. Violations by Non-residents. If any person while residing without this state and owning real or personal property within this state shall, personally or by the person's agents or servants, violate any by-law, regulation, or ordinance lawfully made by the city council, the city may sue for and recover the penalty for violation of such by-law, regulation, or ordinance, in an action founded on this statute and the ordinance. In such suit, the city shall proceed in the same manner as in civil actions against persons residing without the state having property within the state.

Section 8. Liability for Damages. A person violating any by-law, regulation, or ordinance of the city shall be liable in damages to the city or to any person who shall sustain damages as the direct result of said violation and such damage may be recovered in an action declaring upon such by-law, regulation, or ordinance.

TITLE VIII: BOARDS AND COMMISSIONS

Section 1. Green Mount Cemetery Commissioners. The commissioners of Green Mount Cemetery shall constitute a board of cemetery commissioners and shall have charge of all public cemeteries and burial grounds in the city with the same power and authority as similar officials in towns. Commissioners of said Green Mount Cemetery shall be elected at the annual meeting of the city to comply with the charter of said Green Mount Cemetery and they and the city treasurer shall have all the authority and carry out all the conditions made by the charter of Green Mount Cemetery. Said commissioners shall be five in number, and one shall be elected at each annual meeting for a five-year term. Commissioners already in office shall continue to serve until their terms are completed. Vacancies on the board shall be filled by the remaining commissioners until the next annual meeting of the city.

Section 2. Park Commissioners. The board of park commissioners shall consist of five members, one of whom shall be elected at each annual meeting for a five-year term. Commissioners already in office shall continue to serve until their terms are completed. Vacancies in the board shall be filled by the remaining commissioners until the next annual meeting of the city. Said commissioners shall have charge of the construction, maintenance, and control of all public parks within the city. The term "public parks" shall not be construed to include recreational fields and playgrounds.

Section 3. Board of Civil Authority. The city council and the justices of the peace resident in the city shall constitute the board of civil authority for the city, and in conjunction with the city assessor and city clerk shall constitute a board for the abatement of taxes and shall be governed by the general laws of the state in respect to the abatement of taxes. The board of civil authority and the board for the abatement of taxes shall perform all the duties imposed by law upon such boards in towns, except as otherwise provided in this act.

Section 4. Meetings of the Board of Civil Authority. All meetings of the board of civil authority and the board for the abatement of taxes shall be called by the mayor who shall request the city clerk to notify the members thereof of the time and place of such meeting, either personally or by written notice duly mailed to each member at least five days before such time appointed. In event of failure of the mayor to call a meeting of the board of civil authority or the board for the abatement of taxes when such meeting is required by law, the city clerk shall call such meeting and shall notify the members thereof of the time and place of such meeting by written notice mailed to each member at least five days before such time appointed. A minimum of one-third of the members shall constitute a quorum. Annually, at the first meeting of the board of civil authority after the annual city meeting, the members of the board shall elect one of their members as chair of the board to serve until after the next city election. The chair shall preside at each meeting of the board. The city clerk shall preside at each meeting until the presiding officer is chosen. The board of civil authority shall meet before all annual or special meetings, state and national elections, and before city party caucus dates for the purpose of adding names to the check-list.

Section 5. Planning Commission. The planning commission of the City of Montpelier shall consist of seven (7) members appointed by the city council for two-year terms in accordance with Title 24, V.S.A., as amended, Chapter 91, Section 4322-4323. The planning commission shall perform such planning functions and duties as may be required by the city council, charter, ordinances, or applicable state laws.

Section 6. Board of Adjustment. The board of adjustment of the City of Montpelier shall consist of five (5) regular members and two (2) alternate members, appointed by the city council for three-year terms in accordance with Title 24, V.S.A., as amended, Chapter 117, Section 4461. The board of adjustment shall, upon the request of an interested person, hear the appeal of any decision or act taken by the administrative officer in accordance with the procedures outlined in Title 24, V.S.A., as amended, Chapter 91, sub-chapter 8; and perform such other duties as may be required by the city council, charter, ordinances or applicable state laws. A quorum of the board of adjustment shall consist of a maximum of five (5) regular or alternate members and a minimum of three (3) regular or alternate members. Alternate members may serve on the board when one or more regular members are unable to attend a meeting. The board of adjustment shall be further governed by the rules and procedures for the board of adjustment as provided in the city ordinances.

Section 7. Recreation.

(1) The city may establish, maintain and conduct a system of public recreation including playgrounds; may set apart for such use any other land or buildings owned or leased by it; may acquire land, buildings and recreational facilities by gift or purchase, and may issue bonds therefore as provided by law and equip and conduct the same; may employ a director of recreation and assistant; and may expend funds for the aforesaid purposes.

(2) The legislative body may conduct the same through a department or bureau of recreation; or may delegate the conduct thereof to a recreational board created by them, or to a school board or to any other appropriate existing board or commission.

(3) The recreation board of the City of Montpelier shall consist of five (5) members appointed by the legislative body for three-year (3) terms, or in the case of a commission, elected at large at the annual meeting of the city. The recreation board shall perform such planning functions and duties as may be required by the legislative body, charter, ordinances, or applicable state laws.

(4) The recreation board budget shall be an integral part and under the control of the legislative body.

Section 8. Meetings of Board of Abatement. The board of abatement, consisting of the board of civil authority, the city assessor, and the city treasurer, shall meet on the first Tuesday in June in each year, which meeting may be adjourned from time to time thereafter for the purpose of considering the abatement of paid taxes as provided by law. All requests for the abatement of paid taxes shall be filed with the city clerk at least five days before the date of such meeting. The city clerk shall cause such meeting to be warned by posting and publishing a notice of the same at least fifteen days prior to such meeting and also five days prior to such meeting.

TITLE IX: ADMINISTRATION

Section 1. Fiscal Year. The fiscal year of the City of Montpelier shall begin the first day of July and end of the 30th day of June each year, or as otherwise authorized by the legal voters of the city.

Section 2. Annual City Budget. The city manager shall prepare and submit a proposed fiscal budget to the city council on or before March 1st of each year. The city council shall have the authority to change the budget submission date when in the opinion of the council it is in the best interests of the city to change the date.

Section 3. Council Action on the Budget. The city council shall review the annual city budget as submitted by the city manager at budget meetings established by the council. The meetings of the city council upon the budget shall be open to the public. During its review of the proposed budget, the city council may add or increase budget programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for fixed debt service requirements.

Section 4. Administrative Officers. The administrative officers of the City of Montpelier shall be those provided by law for towns except as otherwise provided by this charter. Such officers shall have all the powers and duties necessary to carry out the provisions of this charter as well as those provided by law.

Section 5. City Clerk and City Treasurer. The city clerk and city treasurer shall be elected and after their election and qualification, may appoint one or more assistant city clerks and assistant city treasurers, respectively. In the event of a vacancy in the office of city clerk or city treasurer, the assistant city clerk or assistant city treasurer, respectively, shall assume the duties of such office until such time as the vacancy is filled.

Section 6. Administrative Code. The administrative code of the City of Montpelier shall provide for the administration of city government by various departments and divisions and defining the functions and duties of each.

Section 7. Personnel Benefits. The city council may adopt rules relating to personnel administration, including the following: job classification, tenure, retirement, pensions, leaves of absence, vacation, holidays, hours of work, group insurance, salaries, layoffs, reinstatement, promotion, demotion, dismissal, transfer, injury, and settlement of disputes and appeals.

Section 8. Payment of Contractual Accrued Liability. In case a contract or contracts shall be made pursuant to Section 6 above with one or more insurance companies or associations of recognized standing, or with any retirement group, plan, or fund established by the State of Vermont, any accrued liability existing at the time of execution of such contract or contracts may be paid over a period of not more than twenty (20) years if the other contracting party or parties agree. The city council is hereby authorized, as a specific exception to the restrictions of this charter prohibiting the creation of indebtedness by the city council, to contract for the payment of such

accrued liability over a period not to exceed twenty (20) years, or to issue a note or notes of the city in the amount of such accrued liability, said note or notes to be payable within a period of not more than twenty years.

Section 9. City Report. A full record of expenditures shall be kept and a clear statement of all receipts and disbursements of city money and of the affairs of the city generally, together with the report of the board of school commissioners, auditors, and other city officials, shall be annually published under the direction of the mayor, and a reasonable number be made available for distribution among the voters of the city at least ten days prior to the annual city meeting. Such report shall include estimates of receipts and proposed expenditures of the city for the ensuing year.

Section 10. Officers' Bonds. All officers required by this act or the general law to give bonds, and all officers from whom the city manager may require bonds, shall annually give bonds to the city, to the satisfaction of the city manager, for the faithful discharge of their respective trusts. Such bond shall be given before the officer concerned enters upon the officer's duties. If the city manager requires a bond with a fidelity company as surety, the city shall pay the expense thereof. The city manager may, in the city manager's discretion, contract for one blanket bond to cover all city officials and employees required to furnish bonds. Such blanket bond may, with the concurrence of the board of school commissioners and other boards or agencies requiring bonds from officers and employees under their control, cover the treasurer of the board of school commissioners and other officers or employees under control of such boards.

Section 11. Authority of Police Officers. All police officers and the city sheriff appointed under authority of this charter shall have authority to serve anywhere within this state and return process in criminal causes returnable within the state, and for such duties there shall be taxed and allowed the fees provided by law for a sheriff for similar services. Such fees shall be paid into the city treasury and shall belong to the city whenever such officer shall be under pay from the city. Said police officers and city sheriff shall have the same powers and liabilities as are prescribed by law for constables of towns in all matters arising under the criminal and police laws of this state, and the ordinances and police regulations of the city.

TITLE X: CITY MANAGER

Section 1. Appointment, Eligibility, and Qualifications. The city manager shall be chosen and appointed by majority vote of the city council for an indefinite term, solely on the basis of the city manager's professional qualifications, and need not be a resident of the City of Montpelier or the State of Vermont at the time of appointment, but shall be expected to reside in the city during the city manager's tenure of office.

Section 2. Compensation of the City Manager. The city council shall fix the salary of the city manager.

Section 3. Oath of Office. The city manager shall be required to take an oath of office before entering upon the city manager's duties.

Section 4. Removal of the City Manager. The city manager may be removed from office by a majority vote of the city council. At least thirty days prior to the effective date of such removal, the city council shall by majority vote of its members adopt a resolution stating the reason for the removal, and cause a copy of such resolution to be given to the manager. The manager shall have the right to reply in writing and request a public hearing upon the reasons for the dismissal. The public hearing in this matter shall be held not earlier than twenty nor later than thirty days after the filing of a request for public hearing with the city clerk. The city council may by such resolution immediately suspend the manager from active duty, but shall continue the manager's salary until final dismissal, at which time any unpaid balance of the manager's salary for the next three calendar months shall be paid.

Section 5. Vacancy in the Office of City Manager. In the event of a vacancy in the office of city manager, or during the temporary absence or disability of the city manager, the city council, by resolution of the majority of its members, may appoint an "acting city manager" to perform the duties of the office, and fix the compensation of the person so appointed. The acting city manager shall have all the powers and duties of the city manager, except the power to appoint and remove officials. The city council shall make temporary appointments to fill any vacancy in an office appointed by the city manager.

Section 6. Powers and Duties of the City Manager. The city manager shall be the administrative head of the city government, and shall be responsible to the city council for the administration of the affairs of the city, and carrying out the policies of the city council. The powers and duties of the city manager shall be as follows:

- (a) The city manager shall see that all laws and ordinances are enforced; and
- (b) Shall exercise administrative control over all departments herein created or that may be created by administrative codes; and
- (c) Shall make appointments and removals as provided in this charter; and

- (d) Shall prepare the annual fiscal budget to be submitted to the city council on or before the date set each year by the city council; and
- (e) Shall attend meetings of the city council, take part in the business discussion, and make such recommendations for the determination of policy as the city manager may deem expedient; and
- (f) Shall act as purchasing agent for all city departments, except schools; and
- (g) Shall fix the salaries and wages of all employees under the city manager's jurisdiction in accordance with this charter, fiscal budgets, and personnel policies; and
- (h) Shall administer the personnel policies, job classifications, and pay plan; and
- (i) May delegate responsibility for administrative duties to department heads and subordinate officers; and
- (j) Shall perform such other duties as may be prescribed by this charter or required by the city council.

Section 7. Appointments. Except for those appointments made by the city council as provided for in this charter, the city manager shall make the following appointments: chief of the fire department; chief of police; director of public works; city engineer; superintendent of streets, water and sewers; city grand juror; zoning administrator; city assessor; civil defense director; building inspector; assistant to city manager; city sheriff; city constable; health officer; pound keeper; tree warden; employees; credit union loan board; tax collector and such other officers and subordinate officers as may be required by law, by this charter, or by the city council.

Section 8. Termination of Appointments. The appointments of the city manager shall continue in effect until ninety (90) days after a new city manager is appointed by the city council and assumes the city manager's duties, at which time they shall terminate, and the new city manager shall fill all vacancies by appointment in accordance with this charter.

Section 9. Non-interference by the City Council. Neither the city council as a body nor any of its members shall dictate or attempt to dictate the appointment of any person to office or employment, nor the removal of any person from office or employment by the city manager. The city manager may seek the advice of the city council or its members in matters of appointment or employment, but shall be free to exercise the city manager's own judgment. In addition, neither the city council nor any of its members shall collectively or individually give orders either publicly or privately to any department head or employee of the city under the jurisdiction of the city manager but shall deal solely through the city manager, except for purposes of inquiry.

TITLE XI: INDEBTEDNESS; SINKING FUND; BONDS AND NOTES FOR IMPROVEMENTS

Section 1. Powers. The city may issue bonds or notes for any improvement authorized by general or special law including this act. The word "improvement", as used in this title, shall include, apart from its ordinary signification, the acquisition of land, the construction or purchase or remodeling of buildings or additions, the purchase and installation of furnishings or equipment for any new or existing improvement or department, the construction of water works, the construction of sewers and sewage treatment or disposal plants, the construction of streets or bridges or sidewalks and the acquisition or construction of any other work or improvement for which municipalities of the state may now or hereafter be authorized to raise money.

Section 2. Submission to Voters. When the city council shall determine that the public necessity or interest demands improvements, other than improvements relating to schools or school property, and that the cost of the same will be too great to be paid out of the ordinary annual income and revenue of the city, it may by vote of two-thirds of all its members order the submission of the proposition of making such improvements and incurring a debt to pay for the same to the legal voters of the city at an annual or special meeting to be warned and held for that purpose.

Section 3. Submission to Voters, School Improvements. When the board of school commissioners shall determine that the public necessity or interest demands improvements relating to schools or school property and that the cost of the same will be too great to be paid out of ordinary annual income and revenue of the city, it may by vote of two-thirds of all its members request the city council to order the submission of the proposition of making such improvements and incurring a debt to pay for the same to the legal voters of the city at an annual or special meeting to be warned and held for that purpose. The city council shall, on receipt of such a request from the board of school commissioners, promptly order the submission of the proposition of making such improvements and incurring a debt to pay for the same to the legal voters of the city at an annual meeting or special meeting to be warned and held for that purpose.

Section 4. Warning. The warning calling such meeting shall state the object and purpose for which the indebtedness is proposed to be incurred, the estimated cost of the improvements, and the maximum amount of debt to be incurred therefore and shall fix the place where and the date on which such meeting shall be held and the hours of opening and closing of polls.

Section 5. Notice of Meeting. The city clerk shall cause the warning of such meeting or the extract thereof provided for in Section 2 of Title V to be published in a newspaper of known circulation in said city once a week for three consecutive weeks on the same day of the week, the last publication to be not less than five nor more than ten days before such meeting. The city clerk shall also cause certified copies of such warning or extract to be posted in six public places within said city not less than 14 nor more than 20 days immediately preceding such meeting.

Section 6. Authorization. When a majority of all the voters voting on such proposition at an annual meeting, or special city meeting, provided the total number of voters voting on such

proposition at such special meeting is equal to at least ten percent of the number of names on the check-list of persons qualified to vote at the last annual meeting, shall vote to authorize such improvements and the incurring of debt to pay for the same, the city council or, if the improvements relate to schools or school property, the board of school commissioners shall be authorized to make such improvements.

Section 7. Conduct of Meetings. The qualifications of voters at all such city meetings shall be the same as the qualifications of voters at annual city meetings, and such meetings shall be conducted in the same manner as city meetings are conducted. The vote on the question of making the improvements and incurring a debt shall be by ballot. The form of ballot to be used shall be substantially as follows:

Shall the city make the following public improvements, viz: (stating them), and incur not exceeding \$. . . . debt to pay for the same?

If in favor of this proposal make a cross (X) in this square ☐

If opposed to this proposal make a cross (X) in this square ☐

Section 8. City Council Action. When the incurring of a debt has been authorized by the voters in the manner above provided, the city council shall determine by resolution whether notes or bonds are to be issues. Notes for this purpose shall mean obligations payable to or to the order of a named payee, or to bearer, without interest coupons attached, and shall mature within ten years from date at such time or times and in such amount or amounts, not exceeding the amount fixed by vote of the city meeting, as the city council may by resolution establish.

Section 9. Bonds, Maturities. All bonds issued under this title shall be payable serially, the first payment to be deferred not more than five years after date of issue and subsequent payments to be continued annually in equal or diminishing amounts so that the entire debt will be paid in not more than twenty-five years from the date of issue, or within such period in excess of twenty-five years as may be otherwise permitted by law.

Section 10. Debt Limits. The city shall not incur an indebtedness for improvements which with its previously contracted indebtedness, shall in the aggregate exceed ten times the amount of the last grand list of the city. Bonds or obligations given or created in excess of the limit authorized hereby and contrary to the provisions hereof shall be void. In determining the amount of city indebtedness permitted by this title, obligations created for current expenses, for the water supply system, for an income-producing public sewage disposal system, for parking meters and publicly-owned parking facilities which produce income, and temporary loans created in anticipation of the collection of taxes shall not be taken into account. Sinking funds and other moneys set aside for the sole purpose of paying outstanding bonds or notes which are subject to the above limit shall be deducted. There shall also be deducted any indebtedness created for any purpose authorized by the general statutes, which by the terms of such statutes is made exempt from debt limit restrictions which otherwise would apply.

Section 11. Specifications. The city council shall determine the rate of interest, the date, the denominations, the time and place of payment, and the form of such bonds or notes. The city council may provide that the bonds or notes be sold on bids fixing the rate of interest, and if so sold, the accepted bid shall fix the rate of interest the bonds are to bear.

Section 12. Taxes to Meet Interest and Payments. At the time of voting a general tax levy, the city shall provide annually for the assessment and collection each year, until such bonds or notes are paid, of a tax sufficient to pay the interest on such bonds or notes and such part of the principal as shall become due prior to the time the taxes are due in the next following year.

Section 13. Advertisement. The bonds issued under this chapter shall be sold at not less than par and accrued interest to the highest bidder if the bonds are sold bearing a specified rate of interest, or the highest bidder agreeing to accept the lowest rate of interest if the bonds are sold on bids fixing the rate of interest, after being advertised at least once not less than five nor more than thirty days before the date of sale in a newspaper published in the county and in a Vermont daily newspaper, which may be the same newspaper, and in case of issues exceeding \$250,000 also in some financial paper published in Boston, Massachusetts or New York, New York. The advertisement shall state the amount, date and denomination of the bonds, date of maturity, rate of interest, or that the bidding shall be based thereon, and the time and place where the bids will be received. The city council may reject any and all bids. In case all bids are so rejected, they may advertise and call for new bids in the manner hereinbefore provided, or in case, after the bonds have been advertised for sale as herein provided, no bids have been received, or all bids have been rejected and the whole or any part of the bonds remain unsold, those unsold may be sold by the city council at private sale at not less than par and accrued interest.

Section 14. Execution. All bonds and notes issued under this title shall be signed by the mayor and treasurer of the city and in addition bonds shall bear the seal of the city. The coupons to such bonds shall be signed by or bear the facsimile signature of the treasurer. The bonds or notes shall contain a statement that they were issued for the purposes mentioned in and in conformity with the provisions of this act or applicable provisions of the general laws, and such statement shall be conclusive evidence of the same and of the liability of the city to pay the bonds or notes and the interest thereon in an action by a person who in good faith holds such bonds or notes.

Section 15. Record by Treasurer. The city treasurer shall keep a record of every bond or note issued under this title, stating therein the number and denomination of each bond or note, when issued, and the rate of interest thereon. The treasurer shall also keep a record of payments of interest or principal, and, if coupons are taken up, shall record the fact and deface the same. When notes or bonds are paid the city treasurer shall keep a record of the same, and such notes or bonds shall be cancelled.

Section 16. Record. All ordinances or resolutions required by this title to be enacted by the city council or the board of school commissioners shall be duly recorded in the office of the city clerk.

Section 17. Use of Proceeds. The proceeds of all bonds or notes shall be used for the purpose for which they were authorized. However, any unexpended balance remaining after carrying out the purpose for which they were authorized, other than school purposes, may, by vote of any annual or special city meeting duly warned and held for that purpose, be transferred to the general fund of said city or to the sinking fund established as hereinafter provided. Any unexpended balance remaining after carrying out a purpose relating to schools or school property for which bonds or notes were authorized may, by vote of an annual or special city meeting, be transferred to the school fund, or the above mentioned sinking fund.

Section 18. Bonds or Notes for Refunding - Authorization, Procedure. The city may issue bonds or notes to refund the principal and interest of bonds or notes then outstanding. Such refunding bonds or notes shall be authorized and issued as provided by law.

Section 19. Temporary Loans in Anticipation of Taxes. The city council shall have authority to borrow money in any fiscal year in anticipation of taxes in an amount not to exceed 90% of the amount of taxes assessed for such year, or 90% of the amount of taxes assessed for the prior year if the taxes for the current year have not been assessed, and may issue the city's notes therefore. Such notes shall be signed by the mayor and by the city treasurer and shall be payable within twelve months from the date of issue from the tax receipts in anticipation of which such notes were given, but they shall nevertheless be negotiable and shall constitute general obligations of the city. Such notes shall be designated "tax anticipation loan", but the proceeds shall be considered as revenue of the city in ascertaining the amount which may be expended in any one year.

Section 20. Temporary Loans for Current Expenses. At any time or times in any fiscal year of the city, the city council may borrow money not in excess of a specified sum for the purpose of paying the debts and expenses of the city due and to become due before the close of the fiscal year, and to issue the city's notes therefore, as provided by law. Such notes shall be signed by the mayor and the city treasurer and shall be payable within twelve months from the date of issue from the proceeds of the annual tax for the following year or the proceeds of loan in anticipation thereof, but they shall nevertheless be negotiable and shall constitute general obligations of the city and may be refunded as provided by law.

Section 21. Limitations. The credit of the city shall not be pledged, except in the manner herein provided, and the city council shall not expend in any year a sum of money in excess of the revenues of the city for that year or increase the indebtedness of the city, except, as provided by this act.

Section 22. Special Indebtedness for Water Purposes or Sewage Disposal. For the purpose of owning, operating, extending, adding to, improving, conducting, controlling, and managing its public water works system, a public sewage disposal system or both, the city, by action of the city council, in lieu of the issuance of bonds or the levy of taxes and in addition to any other lawful methods or means of providing for the payment of indebtedness shall have the power to provide for or to secure the payment for all or a part of the cost of purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating, or managing its said water works system or a public sewage disposal system, or both, by pledging, assigning, or

otherwise hypothecating all or any part of the net earnings or profits derived, or to be derived from the operation thereof. To that end the city council shall have full power to authorize and direct the execution and issuance of contracts and evidences of indebtedness as may be necessary to carry out the provisions of this section. Such contracts and evidence of indebtedness shall be in such form, shall contain such provision, and shall be executed as may be determined by the city council. Nevertheless, no such indebtedness shall be incurred nor evidence thereof be issued, nor shall such revenues be pledged, assigned, or otherwise hypothecated by the city council unless and until at least a majority of the legal voters of the city present and voting thereon at a duly warned meeting, called for that purpose, shall have first voted to authorize the same. Such meeting shall be warned and held in the same manner as meetings for the transaction of ordinary business without regard to the foregoing bonds or notes for improvements. Evidences of indebtedness issued as authorized herein shall be payable solely from the net earnings or profits derived, or to be derived from the operation of such public water works system, or sewage disposal system, or both and shall not constitute a municipal indebtedness nor impose an obligation or liability upon the city to pay the same from any funds of the city other than such net earnings or profits. A statement referring to the limited nature of the obligation and that it has been issued under this section shall be made plainly to appear in or upon each evidence of indebtedness. Such certificates shall be legal investments for savings banks and trust companies in the state.

Section 23. Powers of the City Not Limited. The powers hereinabove granted shall not be construed in limitation, diminution, or in substitution for, but in addition to, power provided by law for municipalities generally in authorizing and incurring indebtedness for public improvements or otherwise, all of which general powers shall inure to and be exercisable by the City of Montpelier.

Section 24. City Finances. Except as hereinafter provided, the money raised by taxation from fines and penalties and from other lawful sources shall constitute the entire sum for which appropriations and payments are to be made by authority of the city council, except that money raised by bonds or notes as hereinafter authorized shall be appropriated and paid out in the manner set forth in this act.

TITLE XII: ASSESSMENT AND COLLECTION OF TAXES; ESTABLISHMENT OF WATER RATES

Section 1. Assessment of Taxes and Establishment of Tax Rate. The city council shall assess such taxes upon the grand list of the city as the city at any annual or special meeting warned for that purpose and may vote for the payment of debts and current expenses of the city, for carrying out any of the purposes of this act, for the support of schools in said city, and for the payment of all state and county taxes and obligations imposed upon said city by law. The vote of the city shall be upon the specific sum of budgeted tax appropriation for the support of all city departments, grants, schools, recreation and senior citizens. The city council shall establish a tax rate based upon the true grand list as appraised by the city assessor, and shall deliver the same to the city treasurer for computation and collection. Any general statutory provisions insofar as they pertain to expressing in the vote the specific sum or rate per cent on the dollar of the grand list for highway purposes or other necessary expenditures shall not apply to any action taken by the City of Montpelier in regard to voting money for city purposes.

Section 2. Warrant and Notice to Non-resident Taxpayer. Thirty days before the issuance of a warrant against the person or property of a non-resident taxpayer, the city treasurer shall give such non-resident notice in writing of the tax, the amount thereof, and the time within which the same may be paid to the city treasurer. Said notice may be delivered to such non-resident taxpayer or sent by certified mail to the last and usual place of abode, or to the last address given by said non-resident taxpayer as the address to which notices should be sent.

Section 3. Tax Payment Schedule. Except as hereinafter provided, all other taxes assessed upon the grand list of the City of Montpelier shall be due and payable in equal installments, as the city council may provide by ordinance. Default in payment of any installment due shall render the full amount of such tax overdue. Any special tax assessed on the grand list of said city shall be payable in one installment within thirty days after the above provided notice.

Section 4. Delinquent Taxes. At the expiration of ninety days from the date of the notice above provided, the city treasurer shall issue a warrant against all taxpayers delinquent in payment of installments of taxes permitted to be paid in installments for the full amount of their unpaid taxes. Penalties and interest as provided by ordinance and by law shall be added to each delinquent tax.

Section 5. Warrants on Delinquent Taxes. Warrants issued as above provided shall be delivered forthwith to the city sheriff for collection, together with a rate bill of such delinquent taxes. Such warranty shall remain in full force until all the taxes thereon have been either collected, abated, or have become outlawed under the general law.

Section 6. Lien Upon Real Estate. All taxes lawfully assessed upon real estate in said city shall constitute an underlying lien on such real estate, and shall enjoy priority in law over all other liens regardless of whether such other liens have priority in time.

Section 7. Application of Payment on Delinquent Taxes. Payments made on the account of a delinquent taxpayer shall be applied: first, to all outstanding personal property taxes for which said delinquent taxpayer is responsible; second, to real estate taxes for which said delinquent taxpayer is responsible. Provided, however, that the holder of a mortgage or other lien upon real or personal property of a taxpayer may make payment on said taxpayer's account and may specify that such payments be applied on the tax assessed against the property covered by such mortgage or lien. Any taxes paid shall be applied to penalty, interest and oldest outstanding delinquency in that order first.

Section 8. Water Rates. The city council shall establish rates to be paid for the use of water supplied by the city water system, and such rates shall be called water rates. Such water rates shall be and are hereby made a lien in the nature of a real estate tax upon the real estate so supplied with water, and shall be collected and enforced under such regulations and ordinances as the city council shall prescribe.

Section 9. Water Meters. The city council may provide for use of meters or other mechanical devices as a basis of charging users of water supplied by the city water system, and may in its discretion provide for use of such devices by all users of specified classes.

Section 10. Tax Collector. Delinquent taxes, fees, charges, and assessments shall be collected by the city tax collector, appointed under Section 7 of Title X, whose powers and duties, in addition to those provided by general law, shall be those of the city sheriff. The tax collector's compensation and terms of employment shall be determined by the city council.

TITLE XIII: PUBLIC WORKS; ASSESSMENTS; TAKING PROPERTY FOR PUBLIC PURPOSES

Section 1. Laying Out Streets, Sidewalks, Sewers. The city council, upon notice to persons affected, may lay out, of any convenient width, alter, maintain, establish, and change the grade of and discontinue any street, road, highway, lane, alley, or sidewalk in said city and appraise and settle the damage therefore; and may make, maintain, and repair such common sewers and sewage disposal plants within or without the City of Montpelier as the public health or the convenience of individuals shall require. The city council may take land and other property necessary to accomplish such purposes on making compensation for the same, causing their proceedings to be recorded in the city clerk's office in said city.

Section 2. Procedure for Taking Land and Other Property. In taking land and other property for the purposes stated in the preceding section, the city council shall proceed in the same manner as is provided by law for selectmen in taking land for highways. Any person aggrieved by the proceedings shall have like opportunity of applying to the county court to obtain redress as is or may be allowed by law to those aggrieved by the proceedings of selectmen in taking land for highways. Such appeal, if taken from the appraisal of damages only, shall not prevent the city from proceeding with its work as though no appeal had been taken.

Section 3. Special Assessments - Streets and Sidewalks. The city council, in laying out or establishing new streets or highways and in making, altering, or repairing sidewalks, and in grading, paving, macadamizing, curbing, and guttering streets and highways, either at the time of laying out or improving the street or making the sidewalk or after its completion, shall have the power and may upon notice to the owners of adjoining lands assess the owners of such lands so much of the expense of making such new street or sidewalk or street improvements, including land damage for new streets, as the city council shall adjudge such lands to be benefited thereby. Such assessment shall be and remain until paid a lien in the nature of a tax upon the land assessed.

Section 4. Special Assessment - Sewers and Drains. Every person whose particular drain shall empty into any common sewer, either at the time of the construction of the common sewer or thereafter, or who in the opinion of the city council shall receive benefit thereby for draining the person's premises, or whose lands shall be benefited by the proximity of such common sewer, or the owners of lands adjoining or abutting streets in which a common sewer is to be laid, may upon notice be assessed by said city council a just share toward the expense of laying and constructing such common sewer. Such assessment shall be and remain until paid a lien in the nature of a tax upon the land assessed.

Section 5. Right of Appeal. From any assessment made upon any land or other property or the owner thereof, there shall be the same right of appeal to the county court as is provided by law for appeal from the proceedings of selectmen in the laying out of highways. The same proceedings shall be followed in respect to such appeal, so far as the same shall be applicable, and the decision of the county court in the matter of such appeal shall be final, when the record thereof is duly recorded in the land records of said city. Such appeal not delay the laying out or building of such new highway or street, or the making, altering, or repairing of a sidewalk or sewer, if taken from the assessment only.

Section 6. Record of Special Assessments. When the city council shall make assessments, it shall immediately make out a statement of all such assessments, giving the name of the owner and describing the land or other property assessed, and shall cause the same to be properly recorded and indexed in the city clerk's office. The city clerk shall, as soon as such assessments have been recorded as above provided, deliver a copy of the same to the city treasurer for collection.

Section 7. Notice and Time of Payment. The city treasurer shall forthwith notify each person so assessed by mail. The notice shall state the nature of the assessment, the amount of the same, and the time of payment. Said time of payment shall not be later than thirty days after date of notice.

Section 8. Record of Payment. Payment, when made, shall be entered on the record of assessment. Recording as provided in Section 6 above shall be required before such assessment becomes a lien on the land or other property affected.

Section 9. Warrant for Collection of Special Assessment. If the owner of lands or other property assessed by authority of this title shall neglect for the space of thirty days after notice of such assessment has been mailed by the city treasurer, or in case of an appeal to the county court for the space of thirty days after the final decision of the county court, if such final decision upholds the assessment, has been recorded in the office of the city clerk, to pay to the city treasurer the amount of such assessment, the city treasurer shall issue a warrant for collection of the same and deliver said warrant to the city sheriff for collection.

Section 10. City Sheriff Authority to Sell Property. The city sheriff shall have authority to sell at public auction so much of said land or other property as will satisfy such assessment and all legal fees, and will proceed in the same manner in the collection of such assessment as collectors of town taxes are authorized and required by law to proceed in selling real estate at public auction for the collection of town taxes. The city sheriff shall receive the same fees as are provided by law for collectors of town taxes in proceedings in collection of town taxes. All other remedies given towns by law for collection of town taxes are given the City of Montpelier for collection of all legal assessments made under the provisions of this title.

Section 11. Lien Not Vacated. The pendency of proceedings on appeal from an assessment made under the provisions of this title shall not vacate the lien created by such assessment, but shall suspend the same until final determination of the proceedings.

Section 12. Sufficient Description. Whenever a description of lands or buildings is required in making assessments, or in the recording thereof, reference to the deed of conveyance to the last record owner thereof, giving the date of the same and the volume and page of the land records where the same is recorded, or the street upon which the same is situated and the number, shall be a sufficient description.

Section 13. Taking Property for Public Improvements. Whenever, under the provisions of this act, the city council is required to give notice for the taking of land or other property for public purposes or for the awarding of damages or for the laying of assessments, a

citation shall be issued. Said citation shall be signed by the city clerk, shall contain the names of all persons to whom notice is to be given and shall be issued not less than six nor more than sixty days before the time of hearing by the city council thereon. Notice shall be given to all owners and other persons having an interest of record in the land or other property affected.

Section 14. Citation and Time of Serving. Such citation shall be served by any sheriff, constable, or police officer in the city upon the persons named therein not less than six nor more than sixty days prior to the time of hearing. Service of such citation may be accepted by any or all persons named therein, by endorsing their acceptance in writing thereon.

Section 15. Citation Served on Non-residents. Such citation may be served on any person not an inhabitant of this state by leaving a true and attested copy of such citation, with the officer's return thereon endorsed, with or at the residence of the person's known agent or attorney, if the person has one in this state; and, if not, with or at the residence of the occupant of the land or buildings to which such hearing may appertain. If there is no such occupant, then such copy of said citation shall be left by said sheriff, constable, or police officer with the city clerk for such persons owning or otherwise interested in such land or other property. Said city clerk shall mail to the last known post office address of such person, in a registered package, a true and attested copy of such citation. Said city clerk shall make a certificate of the city clerk's doings touching said copy.

Section 16. Officer's Return. The return of such sheriff, constable, or police officer upon the original citation, and the certificate of the city clerk with the registry receipts, shall be prima facie evidence of the service of said citation as herein provided. Said citation and the return thereon, with said certificates of the city clerk and registry receipts, shall be made a part of the record of said proceedings, and shall be filed in the office of the city clerk.

Section 17. Citation Served on Persons Having Other Interests. If at any stage of the proceedings for the taking of land or other property for public purposes, or for the making of assessments thereon by the city council, or at any proceedings subsequent thereto, it shall appear that any person owning or having other interest of record in such land or other property shall not have been duly notified, the city council shall cause a citation to be issued and served on such person as above provided for persons originally cited. The city council shall further cause such proceedings to be postponed to such time as will permit such citation so issued to be served as provided in this title.

Section 18. Proceedings Not Voided for Failure to Give Notice. No proceedings instituted by the city council in pursuance of a citation issued as provided in this title nor any proceedings subsequent and pertaining thereto shall be void on account of failure to give notice to any person or persons interested therein, or for that reason be dismissed. Such proceedings shall be suspended until such person or persons are duly notified, whereupon the same proceedings shall be had in the same manner as if such person or persons are duly notified, whereupon the same proceedings shall be had in the same manner as if such person or persons had been duly notified by the original citation. If the person so notified shall appear, the person may be heard upon all matters therein pending in which the person may be interested.

Section 19. Correction of Citation Record. At the time of issue of the citation hereinbefore provided, a copy thereof, duly certified by the city clerk as a true copy, shall be filed in the office of the city clerk and an appropriate notice shall be entered in the land record index system under the name of each person owning land or other property affected. The filing of such copy and the entry of such notice shall serve to join any person or persons subsequently acquiring an interest of record in land or other property affected, as though such person or persons had been included in the original citation and as though service had been duly made or accepted as provided in this title.

TITLE XIV: GENERAL

Section 1. Oath of Office. All elective officials of the city shall, before assuming office, take, subscribe, and file with the city clerk the following oath:

"I solemnly swear or affirm that I will faithfully execute the office of of the City of Montpelier to the best of my judgment and abilities, according to law, so help me God or I so affirm."

Section 2. Savings Clause. The passage of this act shall not affect any ordinance, resolution, or by-law lawfully enacted, ordained, and established under the provisions of the acts hereby amended by this act, and not inconsistent with the provisions of this act, but the same shall be and remain in full force and effect until repealed, altered, or amended.

Section 3. Title of Charter. This act shall be designated as the Charter of the City of Montpelier. A copy of this act shall be kept in the office of the city clerk of the City of Montpelier, to which copy shall be affixed a certificate under the hand of the secretary of state and the seal of the State of Vermont that the laws therein contained are statute laws of the State of Vermont, and such certified copy shall be an authentic record of such laws.

Section 4. Continuation in Office. The mayor and council members of said city, and all city officials holding office therein by virtue of the general laws of this state or the acts hereby amended shall hold office until expiration of their current terms of office, unless such office shall sooner become vacant under the provisions of the general laws of this state, or the provisions of this act.

Section 5. Amendment of the Charter. This act may be altered, amended, or repealed by the general assembly whenever the public good shall require. A copy of all acts in alteration, amendment, or repeal shall be kept in the office of the city clerk of the City of Montpelier, and said copy shall be certified by the secretary of state as provided in the preceding section.

Section 6. Transfer of Property, Rights, Privileges, and Franchises. All property, rights, franchises, rights of action, land records, and other records belonging or appertaining to the former town and village of Montpelier shall belong and appertain to the City of Montpelier. All rights, privileges, and franchises heretofore granted to the Village of Montpelier, by any act of the legislature, or existing under any law, or by virtue of any contract relating to the water works formerly possessed by said village, and hereby confirmed under the City of Montpelier.

Section 7. Penalties, Forfeitures or Suits Not Affected. This act shall not affect a penalty or forfeiture incurred under any acts amended by this act, nor any suit or proceeding had or commenced in a civil or criminal cause before this act takes effect, but the proceedings therein shall, when necessary, conform to the provisions of this act.

Section 8. Continuation of Acts not Amended. The provisions of this act, so far as they are the same as those of acts hereby amended, shall be construed as a continuation of such acts, and not as new enactments. Nothing in this act shall exempt the city from the legal jurisdiction of the water conservation board.

Section 9. Application of State Statutes. Except when changed or modified by the provisions of this act, or by any legal regulation or ordinance of said city, all provisions of the statutes of this state, relating to towns or town officers shall apply to said city, and to the several officers thereof corresponding to like officers of towns. In such statutes the words "selectmen" and the "board of civil authority" shall include "city council" and the words "first selectmen" shall include "mayor".

Section 10. Inconsistent Acts Repealed. All acts and parts of acts affecting the charter of the City of Montpelier inconsistent with this act are hereby repealed.

Section 11. Separability of Provisions. If any provision of this act, or the application of such provision to any person, body, or circumstances, shall be held invalid, the remainder of this act, or the application of such provisions to persons, bodies, or circumstances other than those as to which it shall have been held invalid, shall not be affected thereby.

Section 12. Charter Effective. This act shall take effect when adopted by the majority vote of the legal voters of the city of Montpelier present and voting at an annual or special meeting of said city duly warned for that purpose, and upon legislative approval in accordance with the laws of the State of Vermont.

The amendments to the Charter of the City of Montpelier as approved by the voters on March 1, 1994, are ratified effective June 20, 1994.

New ☐
Renewal ☐

If this is a renewal
with changes please
indicate below, if there
are no changes, it is not
necessary to complete each year.

VERMONT DEPARTMENT OF LIQUOR CONTROL
Enforcement & Licensing Division
OUTSIDE CONSUMPTION PERMIT

Approved/Disapproved

Office Use Only

Name of Licensed Premise (Corporation/Partnership/Individual, d/b/a)

d/b/a Langdon Street Cafe

Address 4 Langdon St. Town/City Montpelier VT.

License Number 5546-001-3RST-0 Email or Fax # meg@langdonstreetcafe.com

Outside consumption would be in the area described below: (describe fully, including size, physical barriers, etc.)

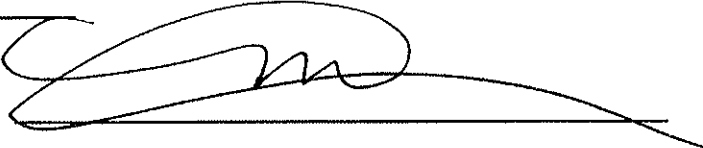
The ^{sheriff's} parking lot across the street from the cafe will be the
beer garden, with double fenced in snow fence barrier

Outside Consumption time period (hours) from 5 pm to Midnight

Permanent Use ☐ from 5 pm to Midnight

Month/Day Sept 17th 1984 Month/Day Sept 18

Occasional Use ☒ Day(s) Requested

Signature of Licensee 

APPROVED BY LOCAL CONTROL COMMISSIONERS

Town/City Clerk Signature

Date

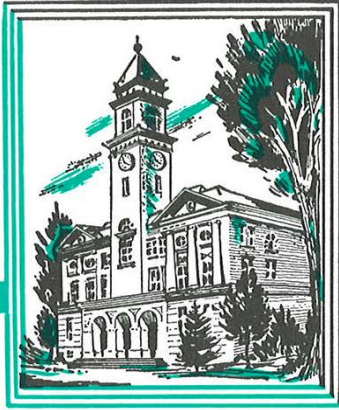
APPROVED BY DEPARTMENT OF LIQUOR CONTROL

Investigator/Enforcement Office

Signature

Date

Please remember that this outside consumption permit is an extension of your license to serve alcohol beverages, and that the same rules apply in this area as do in the regularly licensed premise area.



CITY HALL

CITY of MONTPELIER

Vermont

THE CAPITAL CITY OF THE STATE OF VERMONT

MEMO

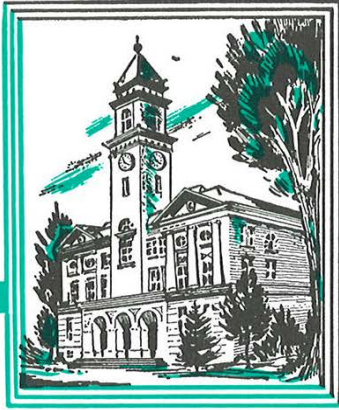
TO: City Council
FROM: Gwendolyn Hallsmith
RE: Master Plan Corrections and Adoption
DATE: September 2, 2010

I have attached a list of the changes you requested in the Master Plan at the first public hearing last week. We have not incorporated them into the original document yet, we will do that once you have adopted the plan with all the amendments. There are also a couple of minor changes that were suggested since you met, including mention of the MSAC in the appropriate parts of the plan, and a couple of modifications that were proposed by members of the Housing Task Force.

I am sorry that I won't be available at the upcoming hearing to answer your questions; I had been planning to be away on that date since January, and had already purchased my airline tickets when you set the date of the hearing. Jesse Moorman, the Chair of the Planning Commission, Clancy DeSmet, and Garth Genge will be at the hearing if you have further questions and changes.

With the attached changes, it is my hope that the plan is ready for adoption on September 8th. This has been a long process, with hundreds of volunteers giving thousands of hours to the city to produce the plan. No plan of this scope can make everyone perfectly happy, the very process of sustainability planning means that we aim to strike a balance among a wide spectrum of interests. We need to promote housing development; the Growth Center designation and all we are doing to make our zoning and development support more user-friendly is oriented toward that. We cannot do it at the expense of our natural resource base, or in the long term our city will be less vibrant, valuable, and safe.

I believe this plan strikes an appropriate balance between these important goals, and I recommend it to you for adoption.



CITY HALL

CITY of MONTPELIER

Vermont

THE CAPITAL CITY OF THE STATE OF VERMONT

MEMO

TO: City Council
FROM: Gwendolyn Hallsmith, Harold Garabedian, Dick Saudek
RE: Charter Changes for District Energy
DATE: September 2, 2010

The following is a list of changes that would be needed to the City Charter. As you can see from the marked up sections, the majority of changes simply adds heat and electricity to the existing city services, and the authority to issue revenue bonds and to collect the fees follow.

___ Underlined text = insertion

[] Bracketed text = deletion

Table of Contents

Title XII: ASSESSMENT AND COLLECTION OF TAXES; ESTABLISHMENT OF WATER AND HEAT RATES

Section 12[10]. Tax Collector

Section 10. Energy Rates

Section 11. Energy Meters

Title XIII: PUBLIC WORKS; ASSESSMENTS; TAKING PROPERTY FOR PUBLIC PURPOSES

Section 4. Special Assessments – Energy Improvements

Section 5[4]. Special Assessments - Sewers and Drains

Section 6[5]. Right of Appeal

Section 7[6]. Record of Special Assessments

Section 8[7]. Notice and Time of Payment

Section 9[8]. Record of Payment

Section 10[9]. Warrant for Collection of Special Assessment

Section 11[10]. City Sheriff Authority to Sell Property

Section 12[11]. Lien Not Vacated

Section 13[12]. Sufficient Description

Section 14[13]. Taking Property for Public Improvements

Section 15[14]. Citation and Time of Serving

Section 16[15]. Citation Served on Non-residents
Section 17[16]. Officer's Return
Section 18[17]. Citation Served on Persons Having Other Interests
Section 19[18]. Proceedings Not Voided for Failure to Give Notice
Section 20[19]. Correction of Citation Record

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TITLE XI: INDEBTEDNESS; SINKING FUND; BONDS AND NOTES FOR IMPROVEMENTS

Section 1. Powers. ... The word "improvement", as used in this title, shall include, apart from its ordinary signification, the acquisition of land, the construction or purchase or remodeling of buildings or additions, the purchase and installation of furnishings or equipment for any new or existing improvement or department, the construction of water works, the construction of sewers and sewage treatment or disposal plants, the construction of streets or bridges or sidewalks, the acquisition and construction of facilities for the production and delivery of heat or electricity and of devices, facilities and other measures to meter electricity, conserve energy or to promote efficient energy use, and the acquisition or construction of any other work or improvement for which municipalities of the state may now or hereafter be authorized to raise money.

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Section 22. Special Indebtedness for Water Purposes, [or] Sewage Disposal and Heat and Electricity Improvements.

For the purpose of owning, operating, extending, adding to, improving, conducting, controlling, and managing its public water works system, a public sewage disposal system, heat or electricity facilities and devices, facilities and other measures to meter electricity, conserve energy or to promote efficient energy use, or [both] any combination thereof, the city, by action of the city council, in lieu of the issuance of bonds or the levy of taxes and in addition to any other lawful methods or means of providing for the payment of indebtedness shall have the power to provide for or to secure the payment for all or a part of the cost of purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating, or managing its said water works system, [or a] public sewage disposal system heat or electricity facilities and devices, facilities and other measures to meter electricity, conserve energy or to promote efficient energy use, or [both] any combination thereof, by pledging, assigning, or otherwise hypothecating all or any part of the net earnings or profits derived, or to be derived from the operation thereof.

...

Evidences of indebtedness issued as authorized herein shall be payable solely from the net earnings or profits derived, or to be derived from the operation of such public water works system, [or] sewage disposal system, heat or electricity facilities and devices, facilities and other measures to meter electricity, conserve energy or to promote efficient energy use, or [both] any combination thereof and shall not constitute a municipal indebtedness nor impose an obligation or liability upon the city to pay the same from any funds of the city other than such net earnings or profits.

TITLE XII: ASSESSMENT AND COLLECTION OF TAXES; ESTABLISHMENT OF WATER AND HEAT RATES

Section 10. Thermal Energy Rates. The city council shall establish rates to be paid for the use of heat and improvements supplied by the city for the production and distribution of heat, and such rates shall be called heat rates. Such heat rates shall be and are hereby made a lien in the nature of a real estate tax upon the real estate so supplied with heat and/or improvements for the delivery of heat, and shall be collected and enforced under such regulations and ordinances as the city council shall prescribe.

Section 11. Heat Meters. The city council may provide for use of meters or other devices as a basis of charging users of heat supplied by the city system, and may in its discretion provide for use of such devices by all users of specified classes.

Sec. 12. Electricity Meters. The city council may provide for meters to measure the delivery of electricity for the purpose of selling electricity at wholesale or by net metering pursuant to 30 V.S.A. § 219a or for other uses as authorized by law."

Section [10]4213. Tax Collector.

TITLE XIII: PUBLIC WORKS; ASSESSMENTS; TAKING PROPERTY FOR PUBLIC PURPOSES

Section 1. Laying Out Streets, Sidewalks, Sewers and heat or electricity facilities and devices and facilities and other measures to conserve energy or to promote efficient energy use. The city council, upon notice to persons affected, may lay out, of any convenient width, alter, maintain, establish, and change the grade of and discontinue any street, road, highway, lane, alley,[or] sidewalk, or any heat or electricity facilities and devices, facilities and other measures to conserve energy or to promote efficient energy use,energy improvement in said city and appraise and settle the damage therefore; and may make, maintain, and repair such common sewers and sewage disposal plants and facilities for the production and distribution of heat or electricity within or without the City of Montpelier as the public health or the convenience of individuals shall require. The city council may take land and other property necessary to accomplish such purposes on making compensation for the same, causing their proceedings to be recorded in the city clerk's office in said city.

Section 3. Special Assessments – Streets,[and] Sidewalks and Heat Production and Distribution Improvements. The city council, in laying out or establishing new streets,[or] highways, facilities for the production and distribution of heat or electricity, and in making, altering, or repairing sidewalks, and in grading, paving, acadamizing, curbing, and guttering streets and highways, either at the time of laying out or improving the street or making the sidewalk or after its completion, shall have the power and may upon notice to the owners of adjoining lands assess the owners of such lands so much of the expense of making such new street or sidewalk or street

improvements, or heat or electricity improvements including land damage for new streets, as the city council shall adjudge such lands to be benefited thereby.

inserted as a new 4; renumber existing Sections 4 – 19 to Sections 5 - 20.

Section 4. Special Assessment – Heat and Electricity Improvements. The city council shall have the power to create an Energy District of the City of Montpelier or part thereof, and to incur indebtedness for or otherwise finance by any permitted means acceptable facilities for the production and delivery of heat or electricity and of devices, facilities and other measures to meter electricity to conserve energy or to promote efficient energy use, on properties within the district. Participation by any property owner in these improvements is subject to city council approval. Persons who participate with an eligible project or projects shall be subject to the requirements of this special assessment. The city council shall establish the criteria and procedures for participation in this special assessment.

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Re: Section 11 Insert as second sentence

The liens for all city assessments shall not be vacated or dissolved.

INTERLOCAL AGREEMENT
AND PLAN OF MERGER

- (1) Parties: City of Montpelier and Berlin Fire District No. 1
- (2) Purpose: By merger, City to acquire all operating assets, franchises, easements, licenses and permits of the Fire District, including the Fire District's receivables, bank accounts and liabilities.
- (3) Debt: Fire District bonds (VMBB) due \$16,128.57 December 1, 2001/2003, and \$1,587.92 June 1, 2001; \$1,105.43 June 1, 2002; and \$576.56 June 1, 2003. Fund debt service payment account (\$51,655.62) out of invested proceeds of collected accounts receivables and other available unrestricted Fire District funds. Deposited for investment with the Bond Trustee (Stratevest). No negative arbitrage consequence. In the alternative, effect an early redemption or defeasance of the bonds through application of available funds.
- (4) Approval: Initially, Montpelier City Council and Berlin Fire District No. 1 Prudential Committee (24 V.S.A. §§1482 and 3305, No. 317 of the Acts of 1957, et al.), and Agency of Natural Resources, Department of Environmental Conservation. Electoral approval by City and Fire District voters and subsequent ratification by General Assembly (24 V.S.A. §1485).
- (5) Due Diligence: Water test reports, usage history, surveys and plans, engineering review, repair logs, inspection.
- (6) Continuation: Berlin Fire District No. 1 and City of Montpelier vote to merge. Upon General Assembly ratification, Fire District charter is abolished. Assets formerly owned by Berlin Fire District No. 1 become the property of the City of Montpelier. Available Fire District reserves and funds applied to prepay water service for Fire District users.
- (7) Rates: City rates applied uniformly throughout service area. However, all existing connections are grandfathered to the City's present and future lowest residential rate as per existing agreement. Future connections to be controlled by then-existing City rates (commercial/residential) and connection fees. All property in Berlin

served by Montpelier subject to Montpelier water ordinances and lien for service. (Section 7 of No. 318 of Acts of 1957)

(8) Term: Indefinite term, until approved by voters in the City and in the Fire District.

(9) Extended Service: As agreed upon by City Council and Board of Selectmen under existing law.

(10) Administration: Maintenance, testing, billing, etc., folded into Montpelier's system.

(11) Entitlement: Berlin Fire District No. 1 relinquishes 100,000 gpd of its ^{300,000}~~200,000~~ gpd water entitlement for allocation by the City of Montpelier within Berlin Fire District No. 3, dedicating 50,000 gpd to or for the benefit of Central Vermont Medical Center, Inc.

JPG:cr
[8881-103]

ADDENDUM - INTERLOCAL AGREEMENT AND PLAN OF MERGER

The Interlocal Agreement and Plan of Merger approved by the Montpelier City Council on September 12, 2001 and by the Berlin Fire District No. 1 Prudential Committee on October 20, 2001 is amended as follows:

- (1) Future connection applications within the Fire District service area will be treated in all respects as connection applications within the City service area.
- (2) Existing Fire District water service and supply commitments will be honored by the City.
- (3) City water rates will be applied uniformly throughout the Fire District service area following a transition period.
- (4) The City will continue to maintain fire hydrants within the Fire District service area.
- (5) The City shall be entitled to collect Fire District accounts receivable to the extent the Fire District declines to do so.

February 27, 2002

INTERLOCAL AGREEMENT

THIS AGREEMENT, entered into by and between the CITY OF MONTPELIER (the "CITY") and BERLIN FIRE DISTRICT NO. 1 (the "FIRE DISTRICT") under authority of 24 V.S.A. §§1472 and 3305, Section 1 of No. 317 of the Acts of 1957, and Section 7 of No. 318 of the Acts of 1957:

IN CONSIDERATION OF ONE DOLLAR, and other good and valuable consideration, payment, sufficiency and receipt of which is mutually acknowledged, and in consideration of the several covenants, representations, undertakings and commitments set forth herein, the parties agree as follows:

1. The term of this Agreement shall be twenty-five years, commencing July 1, 2003, and shall renew itself automatically for another term of twenty-five years, subject to
 - a. the parties mutually terminating the same at any time;
 - b. either party terminating this Agreement upon five years' advance written notice to the other party; or
 - c. ratification by the General Assembly of the merger of the FIRE DISTRICT and the CITY as approved on March 5, 2002.
2. Notwithstanding the continued existence of the FIRE DISTRICT, CITY, effective July 1, 2002, has assumed the testing, monitoring, reporting and regulatory compliance functions of FIRE DISTRICT's public water supply system under permits and licenses granted to the CITY by the Secretary of the Agency of Natural Resources.
3. FIRE DISTRICT's public water supply system shall be integrated functionally into CITY's public water supply system in all respects, including rates, ordinances, maintenance, repairs, connections and capacity allocations.
4. All current FIRE DISTRICT water service and supply commitments will be honored by the CITY.
5. FIRE DISTRICT shall furnish CITY with data necessary for CITY to integrate FIRE DISTRICT service connections into CITY's meter reading, accounting and billing procedures. At uniform same intervals CITY shall bill FIRE DISTRICT property owners for water service furnished by CITY, such rates and charges to be a lien upon property connected to or furnished water as provided by law.

6. Within the FIRE DISTRICT, CITY shall have available to it all remedies available at law or in equity to perfect, enforce and collect water rates, fees and charges upon property within the FIRE DISTRICT served by the CITY.
7. The parties acknowledge that 100,000 gpd of FIRE DISTRICT's current allotment of water has been allocated to Central Vermont Medical Center, Inc.

IN WITNESS WHEREOF, the parties have caused these presents to be executed by its officers, duly authorized at a regular meeting of the Montpelier City Council on June 11, 2003, and at a regular meeting of the Berlin Fire District No. 1 Prudential Committee on June 10, 2003.

BERLIN FIRE DISTRICT NO. 1

By: William H. Keaton
Chairman, Prudential Committee

CITY OF MONTPELIER

By: [Signature]
City Manager

JPG:sg
[8881-103]

NOTICE

Notice is hereby given that the City Council of the City of Montpelier and the Prudential Committee of Berlin Fire District No. 1 will conduct joint hearings on the confirmation of the merger of the City and the Fire District on Wednesday, October 13, 2010, and on Wednesday, October 27, 2010, each commencing at 7:30 p.m., at City Council Chambers, City Hall, 39 Main Street, Berlin, Vermont.

Notice is further given that a proposition for confirming the merger of the City of Montpelier and Berlin Fire District No. 1 shall be considered at special meetings thereof to be held on November 2, 2010.

Approved September 22, 2010 by the Berlin City Council and the Berlin Fire District No. 1 Prudential Committee.

ASSIGNMENT

IN CONSIDERATION OF ONE DOLLAR and other good and valuable consideration, payment, receipt and sufficiency of which is hereby acknowledged, the CITY OF MONTPELIER, by these presents to assign, transfer and set over to SUMMIT TECHNOLOGIES, all of its rights, title, claim and interest in and to all personal property, equipment and fixtures forming a part of or associated with the enterprise known as "MONTPELIER NET", as identified on the attached Exhibit, together with the proceeds thereof.

By its acceptance of these presents, SUMMIT TECHNOLOGIES release and discharges the CITY OF MONTPELIER from all sums, claims and accounts owing to SUMMIT TECHNOLOGIES by the CITY OF MONTPELIER by virtue of or arising out of the enterprise known as MONTPELIER NET.

Executed this ____ day of July, 2010 in accordance with approval of its Montpelier City Council on July 28, 2010.

CITY OF MONTPELIER

By: _____
Duly Authorized Officer

Accepted this ____ day of _____, 2010

SUMMIT TECHNOLOGIES

By: _____
Duly Authorized



CITY OF MONTPELIER, VERMONT

" THE SMALLEST CAPITAL CITY IN THE UNITED STATES "

Mayor Mary S. Hooper

City Council:

Tom Golonka
Andy Hooper
Sarah Jarvis
Jim Sheridan
Nancy Sherman
Alan Weiss

William Fraser,
City Manager
wfraser@montpelier-vt.org

Beverlee Pembroke Hill
Assistant City Manager
bhill@montpelier-vt.org

MEMORANDUM

To: Mayor Hooper & City Council Members
From: William Fraser, City Manager
Re: Draft Charter Change Language re: Treasurer, etc.
Date: September 2, 2010

Shall the Voters amend the Title III, Section 17 and Title V, Section 9 of the City Charter to provide for appointment of the City Treasurer by the City Council? This amendment would also make a wording change from Zoning Board of Adjustment to Development Review Board and eliminate the elected Board of Auditors.

Title III Section 17. Council Appointments. The city council shall, pursuant to Title X of this charter, appoint a city manager, city treasurer, city attorney and city representative to the Central Vermont Regional Planning Commission and may remove any such appointee and appoint another. The city council shall also appoint the following officers, none of whom shall be members of the city council: members of the Montpelier housing authority, housing and building code board of appeals, ~~board of adjustment~~, development review board, and planning commission. The city council shall appoint only such other officers as it is specifically required to do by law. Any appointment made by the city council to fill a vacancy shall be only for the balance of the unexpired term in which the vacancy occurred.

Title V Section 9. Election of Officers. At the annual meeting the said city shall elect from among the legal voters thereof a mayor for a term of two years; a city clerk for a term of three years; ~~a city treasurer for a term of three years; three auditors for a term of three years commencing in 1985~~; one commissioner of Green Mount Cemetery for a term of five years; one park commissioner for a term of five years, two school commissioners, each for a term of three years, except that three school commissioners shall be elected in 1974 and each third year thereafter; and one council member from each district for a term of two years, who shall hold office until their successors are duly elected and qualified.

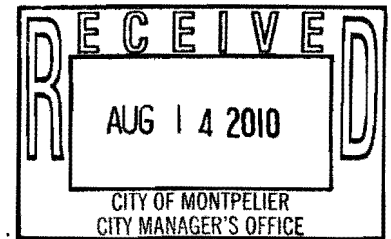
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Gallagher

McKEE, GIULIANI & CLEVELAND

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GLORIA K. RICE
JOHN P. RILEY
GLENN C. HOWLAND
ELIZABETH H. MAGILL



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

OF COUNSEL
FREDERICK G. CLEVELAND

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

July 19, 2010

TO: Participating Municipalities
FROM: J. Paul Giuliani
RE: Vermont Municipal Bond Bank Refunding

On July 15, 2010, the Vermont Municipal Bond Bank issued and sold \$40,750,000 of 2010 Series 4 refunding bonds for the purpose of providing debt service reductions to a number of Vermont municipalities whose bonds had been sold to the Bond Bank in 2000 and 2001. Attached to this memorandum is a copy of your municipality's revised debt service schedule showing the savings to be realized. Your bond payments due on each December 1 will be reduced by the savings credit amount shown on that schedule.

In order to take advantage of these debt service savings, the following action must be taken expeditiously:

- (1) -The enclosed Municipality Certificate as to Municipal Bond should be approved at a regular or special meeting of your legislative body. It must be dated and signed by all or a majority of the legislative body and the Treasurer. Note that if an Arbitrage and Use of Proceeds Certificate or Tax Certificate is attached, please do not detach.
- (2) The enclosed IRS Form 8038-G, must be dated and signed by the Treasurer. Please enter or verify the Municipality's federal employer identification number on line 2.
- (3) Copies of the enclosed materials, executed as outlined above, should be placed in your records that relate to the Municipal Bond that is being refunded.
- (4) The executed Municipality Certificate as to Municipal Bond and Form 8038-G should be sent to me by mail, fax or e-mail attachment as soon as possible. Due to constraints placed on the Bond Bank by the Internal Revenue Code, it is essential that I receive the Certificate and Form 8038-G no later than September 15, 2010.

Please do not hesitate to call me at the office or at home (223-2185) if you have any questions regarding this refunding, or communicate with me via e-mail: jpglaw@comcast.net.

VERMONT MUNICIPAL BOND BANK
SERIES 2010-4 REFUNDING BONDS
(2001-1)

Municipality Certificate as to Municipal Bond

We, the Treasurer and at least a majority of the City Council of the City of Montpelier (the "Municipality") **HEREBY CERTIFY** as follows:

1. Reference is made to the Tax Certificate or Arbitrage and Use of Proceeds Certificate, including Schedule A-2, and IRC Section 148 Certification (the "Prior Certificates") given in connection with a certain "Municipal Bond(s)" as defined in the Prior Certificates. The covenants, certifications, representations and warranties made in the Prior Certificates with respect to each Municipal Bond and the project financed by the proceeds thereof continue to be accurate and complete in all material respects and the Municipality expects to continue to comply with the covenants in the Prior Certificates.

2. As to expectations expressed in the Prior Certificates concerning events that were to occur prior to the date of this Certificate, such expectations have been fulfilled in all material respects. All of the proceeds and earnings on the proceeds of each Municipal Bond have been spent substantially in accordance with such expectations.

3. As to expectations in the Prior Certificates relating to periods that have not yet occurred, such expectations (and the representations and covenants on which such expectations were based) are hereby ratified and confirmed as of the date of this Certificate.

4. Also attached hereto is a new Internal Revenue Service Form 8038-G executed by the Treasurer of the Municipality. The information set forth in said Form is accurate and complete to the best of our knowledge. We have been instructed by the Vermont Municipal Bond Bank and bond counsel that each Municipal Bond is now treated as a "refunding bond" as of the date hereof for purposes of Form 8038-G.

5. With respect to each Loan Agreement between the Municipality and the Vermont Municipal Bond Bank (the "Bond Bank"), and all amendments thereto, under which each Municipal Bond was issued, within thirty (30) days following a request by the Bond Bank, the Municipality agrees to furnish the Bond Bank with its most recent financial statements, explanatory notes and other financial and operating information as the Bond Bank may request. In addition, the Municipality agrees to notify the Bond Bank immediately of any material event which has or may have an effect upon its financial condition or its ability to perform fully and timely any covenant, obligation or undertaking set forth in each Loan Agreement or each Municipal Bond. As used in this paragraph, a material event is any one of the following:

(a) Actual or anticipated delinquency or default of payment of principal or interest on each Municipal Bond or any other debt obligation of the Municipality;

(b) Any actual or anticipated default or breach on the part of the Municipality with respect to any term or provision of each Loan Agreement or like agreement to which the Municipality is a party; or

(c) Any release, substitution or sale of property securing repayment of each Municipal Bond.

6. No portion of the proceeds of each Municipal Bond have been or will be invested, directly or indirectly, in Federally insured deposits or accounts other than (A) investments of unexpended Municipal Bond proceeds for an initial temporary period until the proceeds are or were needed for the Project, and (B) investment of a debt service fund.

7. With respect to any amounts received from condemnation, insurance, or disposition of any part of the Project financed by each Municipal Bond or any other amounts set aside by the Municipality, which are or were pledged to, expected to be used or used for the payment of debt service on each Municipal Bond, the Municipality will so notify the Bond Bank and will either invest such amounts in obligations of the State of Vermont or other State or of any political subdivision thereof, the interest on which is exempt from Federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, invest such amounts in obligations having a yield that is less than the lesser of the Municipal Bond or the Bond Bank Bonds, or comply with the provisions of any Accounting Memorandum attached to the Prior Certificates, unless specifically advised in writing to the contrary by the Vermont Municipal Bond Bank.

8. The Project financed by each Municipal Bond is and will be owned by the Municipality and will not be leased to any person who is not a state or local government unit. The Municipality has not and will not enter into any contracts or other arrangements, including without limitation, management contracts, capacity guarantee contracts, take or pay contracts or put or pay contracts, pursuant to which such persons have a right to use or make use of the Project on a basis not available to members of the general public.

IN WITNESS WHEREOF, we have hereunto set our hands on behalf of the Municipality this ____ day of _____, 2010.

CITY OF MONTPELIER

By: _____

All or a majority of its City Council

And By: _____

Its Treasurer

City of Montpelier (Bike Path Lighting)						
Date	Loan Principal	Loan Coupon (Yield)	Interest	P & I	Annual P & I	Adjusted Debt Service
12/01/10	20,000.00		5,843.50	25,843.50	25,843.50	25,843.50
06/01/11			5,407.50	5,407.50		5,407.50
12/01/11	20,000.00		5,407.50	25,407.50	30,815.00	25,407.50
06/01/12			4,960.50	4,960.50		4,960.50
12/01/12	20,000.00		4,960.50	24,960.50	29,921.00	24,960.50
06/01/13			4,500.50	4,500.50		4,500.50
12/01/13	20,000.00		4,500.50	24,500.50	29,001.00	24,500.50
06/01/14			4,029.50	4,029.50		4,029.50
12/01/14	20,000.00		4,029.50	24,029.50	28,059.00	24,029.50
06/01/15			3,548.50	3,548.50		3,548.50
12/01/15	20,000.00		3,548.50	23,548.50	27,097.00	23,548.50
06/01/16			3,057.50	3,057.50		3,057.50
12/01/16	20,000.00		3,057.50	23,057.50	26,115.00	17,028.06
06/01/17			2,559.50	2,559.50		2,559.50
12/01/17	20,000.00		2,559.50	22,559.50	25,119.00	16,390.43
06/01/18			2,055.50	2,055.50		2,055.50
12/01/18	20,000.00		2,055.50	22,055.50	24,111.00	17,093.41
06/01/19			1,546.50	1,546.50		1,546.50
12/01/19	20,000.00		1,546.50	21,546.50	23,093.00	16,446.43
06/01/20			1,034.00	1,034.00		1,034.00
12/01/20	20,000.00		1,034.00	21,034.00	22,068.00	19,513.57
06/01/21			518.00	518.00		518.00
12/01/21	20,000.00		518.00	20,518.00	21,036.00	20,518.00
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	240,000.00		72,278.50	312,278.50	312,278.50	23,781.10
						288,497.40

VERMONT MUNICIPAL BOND BANK
SERIES 2010-4 REFUNDING BONDS
(2000-1)

Municipality Certificate as to Municipal Bond

We, the Treasurer and at least a majority of the City Council of the City of Montpelier (the "Municipality") **HEREBY CERTIFY** as follows:

1. Reference is made to the Tax Certificate or Arbitrage and Use of Proceeds Certificate, including Schedule A-2, and IRC Section 148 Certification (the "Prior Certificates") given in connection with a certain "Municipal Bond(s)" as defined in the Prior Certificates. The covenants, certifications, representations and warranties made in the Prior Certificates with respect to each Municipal Bond and the project financed by the proceeds thereof continue to be accurate and complete in all material respects and the Municipality expects to continue to comply with the covenants in the Prior Certificates.

2. As to expectations expressed in the Prior Certificates concerning events that were to occur prior to the date of this Certificate, such expectations have been fulfilled in all material respects. All of the proceeds and earnings on the proceeds of each Municipal Bond have been spent substantially in accordance with such expectations.

3. As to expectations in the Prior Certificates relating to periods that have not yet occurred, such expectations (and the representations and covenants on which such expectations were based) are hereby ratified and confirmed as of the date of this Certificate.

4. Also attached hereto is a new Internal Revenue Service Form 8038-G executed by the Treasurer of the Municipality. The information set forth in said Form is accurate and complete to the best of our knowledge. We have been instructed by the Vermont Municipal Bond Bank and bond counsel that each Municipal Bond is now treated as a "refunding bond" as of the date hereof for purposes of Form 8038-G.

5. With respect to each Loan Agreement between the Municipality and the Vermont Municipal Bond Bank (the "Bond Bank"), and all amendments thereto, under which each Municipal Bond was issued, within thirty (30) days following a request by the Bond Bank, the Municipality agrees to furnish the Bond Bank with its most recent financial statements, explanatory notes and other financial and operating information as the Bond Bank may request. In addition, the Municipality agrees to notify the Bond Bank immediately of any material event which has or may have an effect upon its financial condition or its ability to perform fully and timely any covenant, obligation or undertaking set forth in each Loan Agreement or each Municipal Bond. As used in this paragraph, a material event is any one of the following:

(a) Actual or anticipated delinquency or default of payment of principal or interest on each Municipal Bond or any other debt obligation of the Municipality;

(b) Any actual or anticipated default or breach on the part of the Municipality with respect to any term or provision of each Loan Agreement or like agreement to which the Municipality is a party; or

(c) Any release, substitution or sale of property securing repayment of each Municipal Bond.

6. No portion of the proceeds of each Municipal Bond have been or will be invested, directly or indirectly, in Federally insured deposits or accounts other than (A) investments of unexpended Municipal Bond proceeds for an initial temporary period until the proceeds are or were needed for the Project, and (B) investment of a debt service fund.

7. With respect to any amounts received from condemnation, insurance, or disposition of any part of the Project financed by each Municipal Bond or any other amounts set aside by the Municipality, which are or were pledged to, expected to be used or used for the payment of debt service on each Municipal Bond, the Municipality will so notify the Bond Bank and will either invest such amounts in obligations of the State of Vermont or other State or of any political subdivision thereof, the interest on which is exempt from Federal income taxation pursuant to Section 103 of the Internal Revenue Code of 1986, invest such amounts in obligations having a yield that is less than the lesser of the Municipal Bond or the Bond Bank Bonds, or comply with the provisions of any Accounting Memorandum attached to the Prior Certificates, unless specifically advised in writing to the contrary by the Vermont Municipal Bond Bank.

8. The Project financed by each Municipal Bond is and will be owned by the Municipality and will not be leased to any person who is not a state or local government unit. The Municipality has not and will not enter into any contracts or other arrangements, including without limitation, management contracts, capacity guarantee contracts, take or pay contracts or put or pay contracts, pursuant to which such persons have a right to use or make use of the Project on a basis not available to members of the general public.

IN WITNESS WHEREOF, we have hereunto set our hands on behalf of the Municipality this ____ day of _____, 2010.

CITY OF MONTPELIER

By: _____

All or a majority of its City Council

And By: _____
Its Treasurer

Montpelier						
Date	Loan Principal	Loan Coupon (Yield)	Interest	P & I	Annual P & I	Adjusted Debt Service
12/01/10	105,000.00	4.9740%	30,176.25	135,176.25	135,176.25	135,176.25
06/01/11			27,564.90	27,564.90		27,564.90
12/01/11	105,000.00	5.0540%	27,564.90	132,564.90	160,129.80	132,564.90
06/01/12			24,911.55	24,911.55		24,911.55
12/01/12	105,000.00	5.1540%	24,911.55	129,911.55	154,823.10	129,911.55
06/01/13			22,205.70	22,205.70		22,205.70
12/01/13	105,000.00	5.2440%	22,205.70	127,205.70	149,411.40	127,205.70
06/01/14			19,452.60	19,452.60		19,452.60
12/01/14	105,000.00	5.3440%	19,452.60	124,452.60	143,905.20	124,452.60
06/01/15			16,647.00	16,647.00		16,647.00
12/01/15	100,000.00	5.4140%	16,647.00	116,647.00	133,294.00	116,647.00
06/01/16			13,940.00	13,940.00		13,940.00
12/01/16	100,000.00	5.4840%	13,940.00	113,940.00	127,880.00	85,676.99
06/01/17			11,198.00	11,198.00		11,198.00
12/01/17	100,000.00	5.5440%	11,198.00	111,198.00	122,396.00	82,280.50
06/01/18			8,426.00	8,426.00		8,426.00
12/01/18	100,000.00	5.5840%	8,426.00	108,426.00	116,852.00	85,166.20
06/01/19			5,634.00	5,634.00		5,634.00
12/01/19	100,000.00	5.6240%	5,634.00	105,634.00	111,268.00	81,727.41
06/01/20			2,822.00	2,822.00		2,822.00
12/01/20	100,000.00	5.6440%	2,822.00	102,822.00	105,644.00	95,694.99
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06/01/38						
	1,125,000.00		335,779.75	1,460,779.75	1,460,779.75	1,349,305.84