



**CITY OF
MONTPELIER
MONTPELIER,
VERMONT**

Agenda for City
Council Meeting
Wednesday,
October 13, 2010
07:00 P.M.

- 1) 10-244. Call to Order by the Mayor
- 2) 10-245. General Business and Appearances
- 3) 10-246. Consideration of the Consent Agenda:
 - a) Consideration of the minutes from the City Council's September 8th and September 22nd Regular Meetings.
 - b) Ratification of the Police Union Contract for July 1, 2010 to June 30, 2011.
 - c) Council was polled for the following request, although staff realized after that this would not affect meter revenue as it is scheduled to take place on a Saturday. As an FYI, Council can now ratify the vote granting permission for Hunger Mountain Co-op to have one parking space reserved in front of City Hall on November 6th, from 10:00 A.M. to 4:00 P.M., in order for the folks at Flat Bread to park, and sell food from, their van to coincide with the Food and Wellness Expo which will be taking place in the City Hall Auditorium that day.
 - d) Consideration of a request from Andrew Brewer for permission to close Langdon Street on Sunday, October 31st, from 9:00 to 11:00 A.M. for a 5K Halloween Running Race. The start/finish line will be in front of Onion River Sports, and their parking lot will be used for registration and awards. (Mr. Brewer has been working with the Police Chief on this event.)

- e) Consideration of adopting and signing "A Proclamation of Recommitment to Full Implementation of the ADA".
- f) Consideration of accepting the low bid of \$25,600 submitted by Lucky's Trailer Sales, South Royalton, VT, for the dump body, plow and spreader for replacement Truck #3 for the Public Works Department, and authorize the City Manager to make this purchase.
- g) Consideration of authorizing the City Manager to sign the proposal from Bore Tech of St. Johnsbury, Vermont, to supply and install 50' of 16" HDPE sleeve for the replacement of a culvert on Berlin Street for \$12,540. The cost for this project will use the Capital Improvements Program funds for the Granite Street culvert replacement. The culvert in this area has failed and is in dire need of replacement this fall prior to the onset of winter. Staff solicited bids from the two known contractors capable of performing this type of trenchless technology construction.
- h) Acting as the Liquor Control Commission, City Council Members may now ratify the issuance of the following permits:
 - 1) Catering Permits to Vermont Hospitality Management, d/b/a New England Culinary Institute, for a Wedding on September 27th, from 5:00 to 9:00 P.M. at the Wood Art Gallery; a Poetry Reading Reception on October 2nd, from 5:45 to 10:00 P.M. at the VCFA Chapel; a Reception on October 2nd, from 4:45 P.M. to 6:00 P.M. at the Wood Art Gallery; a Dinner on October 2nd, from 5:45 to 8:00 P.M. at the Wood Art Gallery; a Reception and Dinner on October 3rd, from 5:00 to 9:00 P.M. at National Life's Hopkins House; a Dinner on October 5th, from 5:00 to 9:00 P.M. at National Life's Hopkins House; a Wedding/Dinner on October 9th, from 5:45 P.M. to 12:00 A.M. at the VCFA Chapel; and for a Wedding Reception on October 9th, from 4:45 to 6:00 P.M. at the Wood Art Gallery.
 - 2) Application for a Catering Permit from Langdon Street Pub Company, d/b/a McGillicuddy's Irish Pub, for a Political Fundraiser on Tuesday, October 19th, from 4:00 to 8:30 P.M. at the AGC Training Building, 3 Miles Bridge Road.
 - 3) Application for a Catering Permit from Langdon Street Pub Company, c/b/a McGillicuddy's Irish Pub, for a "Contractor Night" on Thursday, November 4th, from 5:00 to 10:00 P.M. at Cody Chevrolet on River Street.

i) Approval of Payroll and Bills

3) 10-246. Consideration of the Consent Agenda:

a) The Public Works Department conducted a city-wide road condition survey rating ? rating roads on a scale of 0-100 with 100 being a road in excellent condition. Mill Road has a condition index rating of "13".

6) 10-249. Consideration of a proposal by the Public Works Department to perform road rehabilitation work on Mill Road that will result in a gravel surface as the finished project.

b) It is an unfortunate fiscal reality that Montpelier, not unlike many towns, faces road construction and other infrastructure maintenance demands far exceeding available funding. Considering the rural nature of the road with very low traffic volume, the road has not been given priority for funding.

c) Public Works proposes an alternative to provide some relief to residents and to achieve a more predictable routine maintenance effort in the future. The proposal consists of surface rehabilitation involving the pulverization of the asphalt surface into a gravel consistency. This process is also known as reclaiming and is a common method used to prepare a road for a new asphalt surface. In this case, the proposal will leave a gravel surface while deferring approximately \$110,000 for the application of bituminous concrete pavement.

d) A layer of recycled asphalt pavement (RAP) will be spread over the reclaimed road to provide support and to achieve a serviceable riding surface. The RAP material will be relatively erosion resistant and calcium chloride will be added as a compaction aid and for dust control.

e) The DPW operating budget will be used for the project(s) and the work will be undertaken by DPW personnel. Two bids were received for the reclaiming machinery, rental equipment and chloride: All States Asphalt @ \$8,015.43 & Gorman Brothers @ \$8,244.80.

f) A letter was mailed on October 6th to the Mill & Corey Road residents to provide notification that the City Council will be considering the Public Works proposal. A copy of the letter will be provided to the Council

members.

Recommendation: Discussion with staff and allow an opportunity for residents and property owners to express any concerns they may have. Approval of the reclaiming proposal to revert to a gravel road surface and deferral of the application of the bituminous concrete pavement. Authorization for the City Manager to approve a contract with All States Asphalt for reclaiming services in the amount of their low bid.

5) 10-248. Consideration of the due date for the first installment of taxes.

- a) Council is aware that the due date for the first quarterly payment of taxes was set for October 1, 2010.
- b) Administration weighed the pros and cons of when to set the first due date since the bills were not able to be sent out until the third week in August. September 15th was out as it didn't allow for adequate billing notice.
- c) Three years ago, we had the first and second payment both due on November 15th. To do that again, would mean requiring more monies to be borrowed in anticipation of taxes than would be required if we set the first installment at an earlier time; October 1st was the earliest we could require based on when the tax bills were being mailed. That date would also give taxpayers more time between the first and second payment than if we had used the October 15th date.
- d) However, using the 1st rather than the 15th has resulted in confusion for some taxpayers. The City Treasurer and Tax Collector indicate that more than usual have missed the first installment. There are some very strong feelings by those presently late taxpayers about the 1st being used rather than the 15th.
- e) Council is being asked whether they want to extend the "official" due date of the first installment to October 15th which would negate late fees being imposed between the 1st and the 15th.

Recommendation: Discussion; direction to staff.

5) 10-248. Consideration of the due date for the first installment of taxes.

4) 10-247. Consideration of appointing a City representative to the Green Mountain Transit Agency.

- a) Harold Garabedian has been serving as the City's Alternate to this board; it has been suggested that Mr. Garabedian be appointed to fill the regular seat vacated by Nancy Wasserman.
- b) Staff would also like direction from Council as to whether they wish to advertise to fill the Alternate position that would then be vacated by Mr. Garabedian.

Recommendation: Possible appointment and direction to staff.

7) 10-250. First Public Hearing to consider amendments to the Water/Sewer Ordinances and Resolution to increase the ON/OFF fee for after hours; to add a hydrant use fee; to clarify the customer's responsibility for a sprinkler service; and to remove the language regarding the City performing service connections.

- a) Public Works staff is recommending ordinance and resolution changes, as part of the rate adjustments, for review and comments; their objective is to obtain concurrence to a list of recommendations outlined in a memo from Public Works Director Todd Law, dated June 9th, 2010.

Recommendation: Discuss the proposed amendments; if Council wishes to move forward, with or without further changes, set the date of the Second Public Hearing for October 27, 2010.

8) 10-251. Status Report on City Council Goals.

- a) After holding a workshop session in early April, the City Council formally adopted a Statement of Goals and Priorities on July 14th, 2010.
- b) At the time of adoption, City Council requested regular updates on the status of these goals and priorities.
- c) The City Manager has provided a document with comments on each item.

Recommendation: Review the Manager's Status Report, followed by a brief discussion.

- 9) 10-252. Reports by City Council
- 10) 10-253. Mayor's Report
- 11) 10-254. Report by the City Clerk-Treasurer
- 11) 10-254. Report by the City Clerk-Treasurer
- 12) 10-255. Status Reports by the City Manager
- 13) 10-256. Agenda Reports by the City Manager
- 12) 10-255. Status Reports by the City Manager

Adjournment

CITY OF MONTPELIER
Capital City of the State of Vermont

**A Proclamation of Recommitment
to
Full Implementation of the ADA**

WHEREAS, *On July 26, 1990, President George H. Bush signed into law the Americans with Disabilities Act (ADA) to ensure the civil rights of people with disabilities; and,*

WHEREAS, *This legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; and,*

WHEREAS, *The ADA has expanded opportunities for Americans with disabilities by reducing barriers and changing perceptions, increasing full participation in community life; and,*

WHEREAS, *The full promise of the ADA, however, will only be reached if public entities remain committed in their efforts to fully implement the ADA; and,*

WHEREAS, *On the 20th Anniversary of the Americans with Disabilities Act, the City of Montpelier celebrates and recognizes the progress that has been made by reaffirming the principals of equality and inclusion and recommitting our efforts to reach full ADA compliance.*

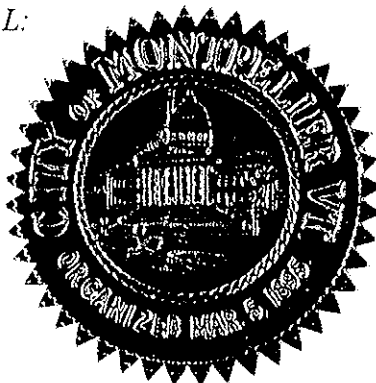
NOW, THEREFORE, BE IT PROCLAIMED that Members of the Montpelier City Council do hereby reaffirm our commitment to work toward full ADA compliance in the city of Montpelier.

Signed:

Mary S. Hooper, Mayor

City Council Members:

CITY SEAL:



William J. Fraser, City Manager

Attest:

Charlotte L. Hoyt, City Clerk

ARTICLE III. WATER DEPARTMENT

Sec. 3-300. CONSENT TO RULES.

This chapter and any rules and regulations of the Water Department shall be considered as stating the conditions upon which city water will be furnished, and every person using city water shall be considered, by so doing, to express his consent to conform to the requirements of this chapter and any rules and regulations of the department.

Sec. 3-301. COMPLIANCE WITH RULES.

Only in compliance with the provisions and requirements of this chapter and the rules and regulations of the Water Department can a person become, or having already become, can a person continue to be, a user of City water and enjoy or possess the privileges and advantages afforded by the city water system; and during the refusal or failure of any person to comply with such provisions, requirements, rules or regulations, all right of such person to use city water shall wholly cease.

Sec. 3-302. COMMISSIONER OF WATER DEPARTMENT.

The commissioner of the Water Department shall have the responsibility for the operation, control, maintenance, improvement and repair of the city water works, its appurtenances and all city property pertaining thereto, subject to the orders and ordinances of the City Council.

Sec. 3-303. WATER COMMISSIONER'S PLANS AND RECORDS.

The commissioner of the Water Department shall prepare and keep on file in his office, subject at all times to the inspection of any member of the City Council, such maps, plans and records as may be necessary to fully and properly show the location of all reservoirs, mains, service pipes, valves, cocks and other fixtures in use by the Water Department, and shall turn them over to his successor in office.

Sec. 3-304. APPLICATION FOR NEW WATER SERVICE.

The applicant shall state fully and truly all the purposes for which the water may be required, and shall submit a new application prior to making any alterations in that purpose. No person shall use water from the city water supply for purposes other than those stated in such application. New service connections will not be made between November 15 and April 15 of each year to be effective December 15, 1979. Exemptions may be granted by the Board of Water and Sewer Commissioners.

Sec. 3-305. NEW WATER SERVICE CHARGES AND REQUIREMENTS TO METER.

(a) A new service connection shall not be attached to a water main except on written application, signed by the owner of the premises to be supplied, or his duly authorized agent. The main shall be tapped and lateral pipe laid (by the City) to the property line and a water shut off installed, which portion shall become the property of the City upon inspection by the water department. A new water service charge shall not pertain to properties already serviced by the system unless an indirect connection is proposed. An indirect connection is defined as any change in the structure currently being served through an existing connection which will result in additional dwelling units, or in the case of non-residential and tax exempt space, where such change will result in additional building square footage. However, any modification

to, or alteration of, any existing service connection (which requires City participation) will be done as outlined in Section 3-305(f). (The work will only be done by the City if the service line is less than 2 inches in diameter. On service lines of 2 inches in diameter or larger,) (a) All work shall be performed by the applicant at his cost and inspected by the City prior to connection. An estimated cost for inspection shall be provided by the City and paid by the applicant, as outlined in Section (f). The applicant shall also be responsible for obtaining all construction and access permits as necessary for working in the public right of way.

(b) All water consumption shall be provided through a meter with shut-off valves on either side of the meter to allow for meter replacement and repair. Each separate use shall be individually metered.

- (1) Conversion from flat rate to meter rate will only be allowed if each separate use can be individually metered, unless the conversion is from a combined fixture/flat rate to a metered rate.
- (2) Any building whose ownership is condominiumized shall have separate meters for each unit. Separate shut-off valves will be provided for each unit for either the entire water service or individual water heaters, either in the public right-of-way or in the building, if provision is made in a condominium declaration allowing access for the City to enter upon the premises for the purpose of shutting off some or all of the water supply. Individual exemptions to this provision may be granted by the City Council.

(c) The Commissioner of the Water Department shall establish the design and specifications on all meters, each of which shall have a remote reading feature. The Water Department shall provide and install all meters.

(d) Reserved.

(e) All water usage shall be metered.

(f) For every new, direct connection, the property owner shall deposit sufficient funds with the City to cover the cost of labor and materials plus twenty percent (20%) overhead for making the connection to the water main. After making the appropriate connection, the unused balance, less twenty percent (20%) overhead will be refunded to the property owner.

(g) The following water service charges shall be paid by the property owner for each direct or indirect new connection requested:

Single Family	\$ 900.00	per dwelling unit
Two Bedroom or More		
Multi-Family/Condominium	600.00	per dwelling unit
One Bedroom Multi-Family/Condominium	400.00	per dwelling unit
Non-residential	.33	per square foot
Tax Exempt	1.00	per square foot

(h) A new connection charge shall not be charged to a property owner abutting an existing water main, if that property owner has previously requested and been denied the right to connect by the City because an adequate supply of water was not available at the time of the initial request.

Sec. 3-404. BUILDING SEWER FACILITIES.

(a) No unauthorized person shall uncover, make connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the commissioner. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Commissioner at least forty-five (45) days prior to the proposed change or connection.

(b) An operating connection charge, determined by the Board of Sewer Commissioners, shall be paid by the person requesting a sewer connection, which charge shall provide for the (installation and connection of a service line from the main sewer line within the street laterally to the property line or right-of-way) inspection of the building sewer from the connection with the public sewer to the building by the sewer department. All applicable construction and access permits shall be obtained prior to excavation in the public right of way.

(c) A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(d) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Public Works Specifications, Building and Plumbing Codes of the City of Montpelier.

(e) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted and discharged to the building sewer.

(f) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

(g) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the American Society for Testing and Materials and the Water Pollution Control Federation, Manual of Practice No. 9. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the commissioner before installation.

(h) The applicant for the building sewer permit shall notify the commissioner when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the commissioner or his representative.

(i) All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(j) New sewer connections will not be made between November 15 and April 15 of each year, to be effective December 15, 1979. Exemptions may be granted by the Board of Water and Sewer Commissioners.

Sec. 3-405. USE OF PUBLIC SEWERS.

(a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

BORE TECH

1323 Industrial Parkway, St. Johnsbury, VT 05819 Phone: 802-748-6555
TOLL FREE: 866-748-6555 Fax: 802-748-6822

Owner City of Montpelier
Address: 39 Main St
Montpelier, Vt 05602
Contact Kurt
Telephone: 802-223-9508
Fax: 802-223-9525

Project: Rt 5 Crossing Location Montpelier, Vt
Jack & Bore Directional X
Scope of Work: Supply & Install 100' of 12" Steel Sleeve \$ 42,800.00
Supply & Install 50' of 16" Steel Sleeve \$ 29,880.00
Supply & Install 50' of 16" HDPE Sleeve \$ 12,540.00
Price:

Special Conditions: Assume Soil, No Rock or Cobble

Other Notes: Bore Tech will assist in the old pipe Grouting (no materials)

Responsible for:

Contractor	Railroad insurance, inspection or other associated Railroad crossing cost
Contractor	Disposal area for drilling fluids within 3 miles of jobsite
Bore Tech	Supplying and delivering assembled pipe or conduit to work area
Contractor	All layout, utility layout, grade and site preparation in a timely manner
Contractor	Concrete slab in pit for jack & bore machine
Contractor	Adequate access to work area with equipment and materials
Contractor	Excavation of existing underground utilities for verification as requested without additional cost to Bore Tech
Contractor	Supplying water to boring location (hydrant, water truck, or other)
Contractor	Traffic control and sign package, if required
Contractor	Excavator to load and unload racks and pipe from trailer and work with crew when required
Contractor	Any backfilling, paving, or site restoration
Contractor	Erosion control, seeding & mulching
Bore Tech	Fusion of pulling head and HDPE pipe, if required
Contractor	Excavation of jacking and receiving pits if needed
Contractor	Stone bedding, if required
Contractor	Dewatering, if required
Contractor	Shoring or engineering of shoring, if required
Contractor	Trench box and ladder to meet OSHA regulations if needed
Contractor	Excavation permits, fees or bonds
Contractor	Dig Safe notification -- also naming Bore Tech LLC
Contractor	Bore Tech will not be responsible for damages to any Utility not located and marked correctly

Other Condition

YES	Price based on non-union labor
NO	Price based on prevailing wages if applicable
YES	If rock, blasted rock, or cobble are encountered price is to be negotiated BEFORE any work is to continue
YES	Change orders must be signed Before work can proceed
YES	No back charges without prior written authorization from subcontractor
YES	Minimum mobilization charge of \$0.00

Essential Terms & Conditions

Price is based on the representations to Bore Tech that this project involves only non-union labor and that there is no rock, blasted rock or cobble unless otherwise noted on this contract. If either of these representations is not accurate, the price will increase and Bore Tech has the discretion, but not the obligation to stop work, until the increased price is agreed upon, in writing, by the parties. Any backcharge against Bore Tech will not be valid or enforceable unless written notice is by certified mail to Bore Tech within 3 day of the first occurrence of the event that gives rise to the backcharge. In the event of any dispute or legal action, Bore Tech shall be entitled to recover its attorney's fees and associated costs. This quote including all of the essential terms & conditions, shall become part of the subcontract between Bore Tech and the contractor and shall supercede and control over any other inconsistent or contradictory term set forth in the subcontract between Bore Tech and the Contractor.

Bore Tech Representative (Tom Villeneuve)
DATE: 10/4/2010

Contractor Representative Signature
DATE:

PLEASE NOTE OUR PAYMENT POLICY:

Payment in full is due within 30 Days of invoice
18% interest will be charged on all overdue amounts.
No retainage will be held, payment within thirty (30) days

TRENCHLESS TECHNOLOGIES OF NEW ENGLAND, INC.
SOUTH BURLINGTON, VT 05403

•TEL: 802-860-4709 •FAX: 802-861-2325

Contractor: City Of Montpelier		Date: September 29, 2010	
Address: Montpelier VT		Contact: Kurt Motyka, PE	
Phone: 802-223-9508		FAX: 802-223-9524	
QTY	PROPOSAL	COST	EXT. COST
	Rte #2 Storm Drain Installation		
	Sub Contract To : Supply and install a 18" steel casing with a 12" corrugated PVC liner under the road. Approx 55 LF, contingent on verification of utilities by Dig Safe. We will also infill existing drain pipe with approx 2 1/2 yds of grout		\$16,950.00
	If excavation/trucking/concrete, etc Is needed. It shall be done on a time and material basis		

NOTES:

PIPE BORING TECHNOLOGIES ARE GENERALLY DEFINED AS "BEST EFFORT TECHNOLOGY" AND 100% ACCURACY CANNOT BE GUARANTEED ON GRADE SENSITIVE SHOTS.

ACKNOWLEDGED

1. THE CONTRACTOR SHALL SUPPLY EXCAVATOR AND OPERATOR DURING ENTIRE PROCESS, FOR THE HANDLING OF EQUIPMENT AND PIPE. RAMMING TOOL WEIGHT IS 2800 LBS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DIGSAFE AND LOCATING OF ALL SERVICES AND UTILITIES AS WELL AS GRADES AND ELEVATIONS FOR NEW PIPE. CONTRACTOR SHALL BE RESPONSIBLE FOR THE SUPPORT OF THE ADJACENT UTILITY POLE, RELOCATING OF EXISTING CATCH BASIN, AND ROAD PATCHING AND REPAIR
3. WHEN NEEDED THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL LAUNCHING AND RECEIVING PITS, BACK ABUTMENTS, EXCAVATION AND RESTORATION, TRENCH BOXES, PERMITS, TRAFFIC CONTROL, SUPPORT BLOCKS OR SPACERS, ANNULAR FILL, INTERIOR OR EXTERIOR GROUTING, SAND, BRICK, DEWATERING AND GRAVEL/CLEAN STONE TO MAINTAIN A STABLE LAUNCHING PIT FLOOR. THE LAUNCHING PIT FLOOR SLOPE SHOULD = THE SLOPE OF THE CASING BEING DRIVEN.
4. IN THE EVENT OF AN UNSUCCESSFUL BORE (REJECTION OR DEFLECTION), DUE TO EXCESSIVE CONDITIONS (LEDGE, LARGE BOULDERS, ETC.), THE REMAINDER OF INSTALLATION WILL BE COMPLETED BY OTHERS VIA OPEN CUT OR OTHER MEANS AND CUSTOMER WILL BE CHARGED FOR FOOTAGE BORED AND THE DEPOSIT FEE ONLY. ANY REMAINING PIPE WILL BELONG TO SUBCONTRACTOR. CONTRACTOR SHALL BE RESPONSIBLE FOR PIPE CLEANOUT.
5. MINIMUM 35'X6' LAUNCHING PIT IS REQUIRED.
6. TERMS: NO RETAINAGE/ ONE THIRD DEPOSIT DUE WITH SIGNED CONTRACT AND DEDUCTED FROM FINAL BILLING INVOICE/ BALANCE DUE UPON COMPLETION. PROPOSAL VALID FOR 10 DAYS
7. CONTRACT BASED UPON WORKING HOURS OF MON-THRU FRI, 0700-1700

TTNE REPRESENTATIVE SIGNATURE

Tom Loyer

UNDERGROUND SPECIALISTS



*CITY OF MONTPELIER
MONTPELIER, VERMONT*

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- d) However, using the 1st rather than the 15th has resulted in confusion for some taxpayers. The City Treasurer and Tax Collector indicate that more than usual have missed the first installment. There are some very strong feelings by those presently late taxpayers about the 1st being used rather than the 15th.
- e) Council is being asked whether they want to extend the "official" due date of the first installment to October 15th which would negate late fees being imposed between the 1st and the 15th.

Recommendation: Discussion; direction to staff.

6) 10-249. Consideration of a proposal by the Public Works Department to

perform road rehabilitation work on Mill Road that will result in a gravel surface as the finished project.

- a) The Public Works Department conducted a city-wide road condition survey rating ... rating roads on a scale of 0-100 with 100 being a road in excellent condition. Mill Road has a condition index rating of “13”.
- b) It is an unfortunate fiscal reality that Montpelier, not unlike many towns, faces road construction and other infrastructure maintenance demands far exceeding available funding. Considering the rural nature of the road with very low traffic volume, the road has not been given priority for funding.
- c) Public Works proposes an alternative to provide some relief to residents and to achieve a more predictable routine maintenance effort in the future. The proposal consists of surface rehabilitation involving the pulverization of the asphalt surface into a gravel consistency. This process is also known as reclaiming and is a common method used to prepare a road for a new asphalt surface. In this case, the proposal will leave a gravel surface while deferring approximately \$110,000 for the application of bituminous concrete pavement.
- d) A layer of recycled asphalt pavement (RAP) will be spread over the reclaimed road to provide support and to achieve a serviceable riding surface. The RAP material will be relatively erosion resistant and calcium chloride will be added as a compaction aid and for dust control.
- e) The DPW operating budget will be used for the project(s) and the work will be undertaken by DPW personnel. Two bids were received for the reclaiming machinery, rental equipment and chloride: All States Asphalt @ \$8,015.43 & Gorman Brothers @ \$8,244.80.
- f) A letter was mailed on October 6th to the Mill & Corey Road residents to provide notification that the City Council will be considering the Public Works proposal. A copy of the letter will be provided to the Council members.

Recommendation: Discussion with staff and allow an opportunity for residents and property owners to express any concerns they may have. Approval of the reclaiming proposal to revert to a gravel road surface and deferral of the application of the bituminous concrete pavement. Authorization for the City

Manager to approve a contract with All States Asphalt for reclaiming services in the amount of their low bid.

- 7) 10-250. First Public Hearing to consider amendments to the Water/Sewer Ordinances and Resolution to increase the ON/OFF fee for after hours; to add a hydrant use fee; to clarify the customer's responsibility for a sprinkler service; and to remove the language regarding the City performing service connections.

a) Public Works staff is recommending ordinance and resolution changes, as part of the rate adjustments, for review and comments; their objective is to obtain concurrence to a list of recommendations outlined in a memo from Public Works Director Todd Law, dated June 9th, 2010.

Recommendation: Discuss the proposed amendments; if Council wishes to move forward, with or without further changes, set the date of the Second Public Hearing for October 27, 2010.

- 8) 10-251. Status Report on City Council Goals.

a) After holding a workshop session in early April, the City Council formally adopted a Statement of Goals and Priorities on July 14th, 2010.

b) At the time of adoption, City Council requested regular updates on the status of these goals and priorities.

c) The City Manager has provided a document with comments on each item.

Recommendation: Review the Manager's Status Report, followed by a brief discussion.

- 9) 10-252. Reports by City Council
10) 10-253. Mayor's Report
11) 10-254. Report by the City Clerk-Treasurer
12) 10-255. Status Reports by the City Manager
13) 10-256. Agenda Reports by the City Manager

Adjournment

CITY OF MONTPELIER
MONTPELIER, VERMONT

Agenda for City Council Meeting

City Council Chambers, City Hall

Wednesday, October 13, 2010 at 7:00 P.M.

- 1) 10-244. Call to Order by the Mayor
- 2) 10-245. General Business and Appearances
- 3) 10-246. Consideration of the Consent Agenda:

a) Consideration of the minutes from the City Council's September 8th and September 22nd Regular Meetings.

b) Ratification of the Police Union Contract for July 1, 2010 to June 30, 2011.

c) Council was polled for the following request, although staff realized after that this would not affect meter revenue as it is scheduled to take place on a Saturday. As an FYI, Council can now ratify the vote granting permission for Hunger Mountain Co-op to have one parking space reserved in front of City Hall on November 6th, from 10:00 A.M. to 4:00 P.M., in order for the folks at Flat Bread to park, and sell food from, their van to coincide with the Food and Wellness Expo which will be taking place in the City Hall Auditorium that day.

d) Consideration of a request from Andrew Brewer for permission to close Langdon Street on Sunday, October 31st, from 9:00 to 11:00 A.M. for a 5K Halloween Running Race. The start/finish line will be in front of Onion River Sports, and their parking lot will be used for registration and awards. (Mr. Brewer has been working with the Police Chief on this event.)

e) Consideration of adopting and signing "A Proclamation of Recommitment to Full Implementation of the ADA".

f) Consideration of accepting the low bid of \$25,600 submitted by Lucky's Trailer Sales, South Royalton, VT, for the dump body, plow and spreader for replacement Truck #3 for the Public Works Department, and authorize the City Manager to make this purchase.

g) Consideration of authorizing the City Manager to sign the proposal from Bore Tech of St. Johnsbury, Vermont, to supply and install 50' of 16" HDPE sleeve for the replacement of a culvert on Berlin Street for \$12,540. The cost for this project will use the Capital Improvements Program funds for the Granite Street culvert replacement. The culvert in this area has failed and is in dire need of replacement this fall prior to the onset of winter. Staff solicited bids from the two known contractors capable of performing this type of trenchless technology construction.

h) Acting as the Liquor Control Commission, City Council Members may now ratify the issuance of the following permits:

1) Catering Permits to Vermont Hospitality Management, d/b/a New England Culinary Institute, for a Wedding on September 27th, from 5:00 to 9:00 P.M. at the Wood Art Gallery; a Poetry Reading Reception on October 2nd, from 5:45 to 10:00 P.M. at the VCFA Chapel; a Reception on October 2nd, from 4:45 P.M. to 6:00 P.M. at the Wood Art Gallery; a Dinner on October 2nd, from 5:45 to 8:00 P.M. at the Wood Art Gallery; a Reception and Dinner on October 3rd, from 5:00 to 9:00 P.M. at National Life's Hopkins House; a Dinner on October 5th, from 5:00 to 9:00 P.M. at National Life's Hopkins House; a Wedding/Dinner on October 9th, from 5:45 P.M. to 12:00 A.M. at the VCFA Chapel; and for a Wedding Reception on October 9th, from 4:45 to 6:00 P.M. at the Wood Art Gallery.

2) Application for a Catering Permit from Langdon Street Pub Company, d/b/a McGillicuddy's Irish Pub, for a Political Fundraiser on Tuesday, October 19th, from 4:00 to 8:30 P.M. at the AGC Training Building, 3 Miles Bridge Road.

3) Application for a Catering Permit from Langdon Street Pub Company, c/b/a McGillicuddy's Irish Pub, for a "Contractor Night" on Thursday, November 4th, from 5:00 to 10:00 P.M. at Cody Chevrolet on River Street.

i) Approval of Payroll and Bills

4) 10-247. Consideration of appointing a City representative to the Green Mountain Transit Agency.

a) Harold Garabedian has been serving as the City's Alternate to this board; it has been suggested that Mr. Garabedian be appointed to fill the regular seat vacated by Nancy Wasserman.

b) Staff would also like direction from Council as to whether they wish to advertise to fill the Alternate position that would then be vacated by Mr. Garabedian.

Recommendation: Possible appointment and direction to staff.

5) 10-248. Consideration of the due date for the first installment of taxes.

a) Council is aware that the due date for the first quarterly payment of taxes was set for October 1, 2010.

b) Administration weighed the pros and cons of when to set the first due date since the bills were not able to be sent out until the third week in August. September 15th was out as it didn't allow for adequate billing notice.

c) Three years ago, we had the first and second payment both due on November 15th. To do that again, would mean requiring more monies to be borrowed in anticipation of taxes than would be required if we set the first installment at an earlier time; October 1st was the earliest we could require based on when the tax bills were being mailed. That date would also give taxpayers more time between the first and second payment than if we had used the October 15th date.

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e) Council is being asked whether they want to extend the "official" due date of the first installment to October 15th which would negate late fees being imposed between the 1st and the 15th.

Recommendation: Discussion; direction to staff.

6) 10-249. Consideration of a proposal by the Public Works Department to perform road rehabilitation work on Mill Road that will result in a gravel surface as the finished project.

a) The Public Works Department conducted a city-wide road condition survey rating ... rating roads on a scale of 0-100 with 100 being a road in excellent condition. Mill Road has a condition index rating of "13".

b) It is an unfortunate fiscal reality that Montpelier, not unlike many towns, faces road construction and other infrastructure maintenance demands far exceeding available funding. Considering the rural nature of the road with very low traffic volume, the road has not been given priority for funding.

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Recommendation: Discussion with staff and allow an opportunity for residents and property owners to express any concerns they may have. Approval of the reclaiming proposal to revert to a gravel road surface and deferral of the application of the bituminous concrete pavement. Authorization for the City Manager to approve a contract with All States Asphalt for reclaiming services in the amount of their low bid.

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Recommendation: Discuss the proposed amendments; if Council wishes to move forward, with or without further changes, set the date of the Second Public Hearing for October 27, 2010.

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a) After holding a workshop session in early April, the City Council formally adopted a Statement of Goals and Priorities on July 14th, 2010.

b) At the time of adoption, City Council requested regular updates on the status of these goals and priorities.

c) The City Manager has provided a document with comments on each item.

Recommendation: Review the Manager's Status Report, followed by a brief discussion.

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Adjournment

Montpelier City Council

2010-2011 Goals and Priority Initiatives - Adopted July 14, 2010

Progress report – October 8, 2010 by William Fraser, City Manager

Human and Social Well-Being: *Maintain and enhance the quality of life in Montpelier for the present and future generations by improving Montpelier's downtown, neighborhoods, and public services for businesses, residents, and visitors.*

1. Determine future direction of the Senior Center and Senior Services – local or regional, what is the scope of services offered? Present location or new facility? How are user fee structure managed?
 - ✓ *While more focus has been given to the building, a steering committee has been formed to look at the organization and operation of the senior center. Decision has been made to keep the center in its present location. User fee issues are not yet resolved.*
2. Perform fiduciary duty and review role of the City Council with regard to the Recreation Department, their facilities and program management.
 - ✓ *The Manager and Mayor have raised this issue with the School Department. The Superintendent will provide a status memo outlining duties, management and financial operations of the rec department. The Council and School Board will discuss the issue after receipt of the information.*
3. Maintain cost-effective and high quality public services by answering fire and police calls, maintaining roads and sidewalks, providing clean water and functioning sewers, providing housing and other community facilities, and supporting local businesses.
 - ✓ *Ongoing.*
4. Support the creative initiatives in the community that provide cultural and artistic opportunities for residents and visitors.
 - ✓ *City funded the arts grant program and recently awarded grants for community arts initiatives.*
5. Complete the ADA Transition Plan and implement improvements for accessibility.
 - ✓ *ADA committee is meeting regularly and working on the transition plan and other accessibility related issues.*

Efficient Infrastructure, Services and Built Environment: *Maintain and enhance the City's Infrastructure and Services.*

1. Decide how to proceed on Transit Center project.
 - ✓ *In July, Council adopted Manager's recommendation for dividing FTA and FHWA funding into independent projects. City has successfully appealed floodway determination and is working on restoring all federal permits to complete the project.*
2. Adopt a capital plan net of debt service that protects, preserves and invests in the City.
 - *Council will be presented a recommended budget and capital plan in December.*
3. Continue efforts to improve pedestrian and bike access, create bike paths, and maintain sidewalks and bridges.
 - ✓ *Ongoing. Grants have been sought for sidewalk extensions and improvement of the Main St/Barre St intersection. Carr Lot FHWA project includes a bike/ped bridge.*
4. Work with State to assure a safe railroad system which does not harm existing businesses, residents or disrupt municipal projects.
 - ✓ *State granted an extension of existing lease for access to parking lots. City is actively working with property owners to develop an alternate access which will serve businesses while maintaining a safe distance from rail tracks.*
5. Evaluate alternatives for street lighting expenses.
 - ✓ *City has entered an agreement with Honeywell for this evaluation.*
6. Continue to support the city workforce and provide excellent services.
 - ✓ *Ongoing.*
7. Decide the future of City buildings – 58 Barre St, Rec. Center, Main St. School.
 - ✓ *58 Barre St will hold a renovated senior center and units of senior housing. A funding package has been assembled for this project. School Department officials indicate that they have no immediate plans to change the present uses of 55 Barre St or MSMS.*

Good Governance: *Engage citizens in decision-making to insure that the city continues to provide quality infrastructure and services that are cost-effective, fiscally prudent, and sustainable.*

1. Investigate Shared Services, Planning and Regionalization with neighboring communities.

- ✓ ***The City has actively participated in and provide funding for the regional public safety effort being led by the Chamber of Commerce. The City continues to explore opportunities for regional water and sewer services including completing a merger with Berlin Fire District #1.***
2. Continue efforts through technology and good practices to make city government (and related information) as open and accessible to the public as possible.
 - ✓ ***Ongoing. City is broadcasting, webcasting and archiving meetings. All agendas and packets are posted on line. All assessing information including tax maps now posted on line.***
 3. Complete the reappraisal and appeal process so that the property tax system is based on fair and equitable values.
 - ✓ ***Reappraisal process has been completed except for the Board of Civil Authority work. The number of appeals both to the assessor and to the BCA are significantly lower than with prior reappraisals.***
 4. Decide whether to propose alternate revenue sources such as local options taxes.
 - ✓ ***The Council decided not to propose local options taxes for the November election.***
 5. Complete the enVision Montpelier process to establish long-term goals, targets, and strategies to make Montpelier an economically successful and sustainable state capital. Adopt a new Master Plan.
 - ✓ ***Master Plan was adopted in August incorporating the work of the enVision Montpelier process. Planning Department, Planning Commission and City Council are now gearing up for the related re-zoning process.***
 6. Engage outside consultant to assist the City Manager in an operations review.
 - ***No work has been done on this to date.***
 7. Conduct a follow up National Citizen Survey in 2011.
 - ***Contact will be made with NCS in October to make arrangements for this to occur in 2011.***
 8. Review the entire Committee structure within City government.
 - ***No work has been done on this to date although it is on the council agenda for initial discussion.***
 9. Address the water fund deficit including reconsideration of merger with Berlin Fire District #1, securing agreements with large customers, reviewing the rate structure and opening discussions with Berlin about a shared water system.
 - ✓ ***Merger re-vote is on November ballot. Negotiations with large customers are in progress. Rate study is underway. Discussions have been held with Berlin about the water system.***
 10. Establish a process to review existing ordinances and possible amendments to the city charter (such as appointing the Treasurer and District Energy authorization).
 - ✓ ***Full systematic review process has not occurred but charter change votes regarding the Treasurer and District Energy are on the November ballot.***

11. Continue to strive for excellence in government by treating all citizens with respect and dignity.

✓ *Ongoing and high priority.*

Economic Security and Wealth Creation: *Support and encourage responsible and safe economic growth and development for the city.*

1. Recognize housing as a primary economic development activity. Take affirmative steps to develop 500 new housing units in the city over the next five years. Such steps may include a TIF district, use of the housing trust fund or discussions with the housing task force and developers to create an effective strategy.

✓ *Pro-housing policy was a key part of Master Plan discussions. Decision was made not to pursue TIF district right now. Housing trust fund was used to develop housing at 58 Barre St.*

2. Develop a common definition of economic development (such as increasing the grand list or assisting with business location) and establish a strategy consistent with the definition.

• *Council conducted a discussion on this issue with no conclusions.*

3. Pursue and support a District Energy initiative to provide stable and renewable heat to institutions, businesses, and residents and to take advantage of emerging technologies for power production.

✓ *City staff and council have invested a considerable amount of work on this project. Charter change votes are being presented on November 2nd.*

4. Recognize, support, and maintain the city's historic character as well as support local businesses and institutions. Consider impact of vacant properties.

• *Ongoing to some extent. No specific discussion of vacant properties has occurred.*

5. Work to develop Sabin's Pasture to enhance the natural and recreational amenities for residents while encouraging family housing.

• *TPL effort with Sabin's Pasture has concluded. City has worked on indirect projects such as Barre/Main intersection and Master Plan but has not worked directly on Sabin's Pasture this year.*

6. Continue emergency planning for city residents, including the CAN program.

✓ *Ongoing.*

Healthy Natural Environment: *Conserve and enhance the city's natural resources.*

1. Take action to prevent ice jam flood risks and continue with flood mitigation efforts. Work with the Army Corps of Engineers and the State of Vermont to complete the flood mitigation study.

✓ ***Army Corps flood mitigation study is actively underway. City has also studied floodway issues.***

2. Continue and expand practices which result in energy conservation, reduced consumption of fossil fuels, reduced greenhouse gas emissions, and waste reduction.

✓ ***Ongoing. Recent energy improvements resulted in savings of \$83,000 in energy use. Master Plan sets goals for further reductions. Solar Panels installed and operating at WWTP. RFP being developed for Solar panels and net metering. Energy Advisory Committee formed.***

3. Continue with water conservation efforts and improvements in the water system to account for lost water.

✓ ***Ongoing. City maintains a leak detection and repair operation. Water lines are upgraded as financially feasible.***

4. Take action to protect and preserve Berlin Pond as the city's water source.

✓ ***City has vigorously defended in court our ability to manage Berlin Pond. Council adopted new health orders and ordinances related to Berlin Pond. City has commented on proposed state rules to make clear our authority to regulate the pond.***

**CITY of MONTPELIER
DEPARTMENT of PUBLIC WORKS**

M E M O R A N D U M

TO: William J. Fraser, City Manager
FROM: Todd C. Law, PE, Director
DATE: October 8, 2010
SUBJECT: Bid Opening: Parts for Truck #3

On October 5, 2010 at 10:00 am, DPW staff opened and reviewed the bids received for the dump body, plow and spreader for replacement Truck #3. It is recommended that the low bid, submitted by Lucky's Trailer Sales of South Royalton, VT, be accepted, in the amount of \$25,600. The amount budgeted for this purchase was \$47,000 minus the \$31,531 for the cab and chassis. This leaves \$10,131 underfunded which we propose we pay for with the surplus money (\$9,308) from the purchase of truck #23. This will leave an unfunded amount of \$823 which we propose to get from the Equipment fund balance.

A bid was also submitted by FAX by Iroquois Manufacturing, which was found at 1:30 pm. After reviewing the bidding instructions, which clearly state that "it is the responsibility of the vendor to call 223-9510 to verify that the FAX has been received...", we have agreed not to include this bid as it was not received by anyone nor was it available at the 10:00 am deadline for the bid opening at City Hall.

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

*To accept the low bid of **\$25,600** submitted by Lucky's Trailer Sales, South Royalton, VT, for the dump body, plow and spreader for replacement Truck #3 for the Public Works Department, and authorize the City Manager to make this purchase.*

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

#3 Dump Body, PLOW, SPREADER

PURCHASE NO.		DATE OF OPENING	
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36
37	38	39	40
41	42	43	44
45	46	47	48
49	50	51	52
53	54	55	56
57	58	59	60
61	62	63	64
65	66	67	68
69	70	71	72
73	74	75	76
77	78	79	80
81	82	83	84
85	86	87	88
89	90	91	92
93	94	95	96
97	98	99	100

109400.83.01	10/05/2010
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DEPARTMENT

PUBLIC WORKS

[illegible]

PREPARED BY:

M. B. R.

AWARDED BY:

BORE TECH

1323 Industrial Parkway, St. Johnsbury, VT 05819 Phone: 802-748-6555
TOLL FREE: 866-748-6555 Fax: 802-748-6822

Owner City of Montpelier
Address: 39 Main St
Montpelier, Vt 05602
Contact Kurt
Telephone: 802-223-9508
Fax: 802-223-9525

Project: Rt 5 Crossing Location Montpelier, Vt
Jack & Bore Directional x
Scope of Work: Supply & Install 100' of 12" Steel Sleeve \$ 42,800.00
Supply & Install 50' of 16" Steel Sleeve \$ 29,880.00
Supply & Install 50' of 16" HDPE Sleeve \$ 12,540.00
Price:

Special Conditions: Assume Soil, No Rock or Cobble

Other Notes: Bore Tech will assist in the old pipe Grouting (no materials)

Responsible for:

Contractor	Railroad insurance, inspection or other associated Railroad crossing cost
Contractor	Disposal area for drilling fluids within 3 miles of jobsite
Bore Tech	Supplying and delivering assembled pipe or conduit to work area
Contractor	All layout, utility layout, grade and site preparation in a timely manner
Contractor	Concrete slab in pit for jack & bore machine
Contractor	Adequate access to work area with equipment and materials
Contractor	Excavation of existing underground utilities for verification as requested without additional cost to Bore Tech
Contractor	Supplying water to boring location (hydrant, water truck, or other)
Contractor	Traffic control and sign package, if required
Contractor	Excavator to load and unload racks and pipe from trailer and work with crew when required
Contractor	Any backfilling, paving, or site restoration
Contractor	Erosion control, seeding & mulching
Bore Tech	Fusion of pulling head and HDPE pipe, if required
Contractor	Excavation of jacking and receiving pits if needed
Contractor	Stone bedding, if required
Contractor	Dewatering, if required
Contractor	Shoring or engineering of shoring, if required
Contractor	Trench box and ladder to meet OSHA regulations if needed
Contractor	Excavation permits, fees or bonds
Contractor	Dig Safe notification - also naming Bore Tech LLC
Contractor	Bore Tech will not be responsible for damages to any Utility not located and marked correctly

Other Condition

YES	Price based on non-union labor
NO	Price based on prevailing wages if applicable
YES	If rock, blasted rock, or cobble are encountered price is to be negotiated BEFORE any work is to continue
YES	Change orders must be signed Before work can proceed
YES	No back charges without prior written authorization from subcontractor
YES	Minimum mobilization charge of \$0.00

Essential Terms & Conditions

Price is based on the representations to Bore Tech that this project involves only non-union labor and that there is no rock, blasted rock or cobble unless otherwise noted on this contract. If either of these representations is not accurate, the price will increase and Bore Tech has the discretion, but not the obligation to stop work, until the increased price is agreed upon, in writing, by the parties. Any backcharge against Bore Tech will not be valid or enforceable unless written notice is by certified mail to Bore Tech within 3 day of the first occurrence of the event that gives rise to the backcharge. In the event of any dispute or legal action, Bore Tech shall be entitled to recover its attorney's fees and associated costs. This quote including all of the essential terms & conditions, shall become part of the subcontract between Bore Tech and the contractor and shall supercede and control over any other inconsistent or contradictory term set forth in the subcontract between Bore Tech and the Contractor.

Bore Tech Representative (Tom Villeneuve)
DATE: 10/4/2010

Contractor Representative Signature
DATE:

PLEASE NOTE OUR PAYMENT POLICY:

Payment in full is due within 30 Days of invoice
18% interest will be charged on all overdue amounts.
No retainage will be held, payment within thirty (30) days

TRENCHLESS TECHNOLOGIES OF NEW ENGLAND, INC.
SOUTH BURLINGTON, VT 05403
•TEL: 802-860-4709 •FAX: 802-861-2325

Contractor: City Of Montpelier		Date: September 29, 2010	
Address: Montpelier VT		Contact: Kurt Motyka, PE	
Phone: 802-223-9508		FAX: 802-223-9524	
QTY	PROPOSAL	COST	EXT. COST
	Rte #2 Storm Drain Installation		
	Sub Contract To : Supply and install a 18" steel casing with a 12" corrugated PVC liner under the road. Approx 55 LF, contingent on verification of utilities by Dig Safe. We will also infill existing drain pipe with approx 2 1/2 yds of grout		\$16,950.00
	If excavation/trucking/concrete, etc Is needed. It shall be done on a time and material basis		

NOTES:

PIPE BORING TECHNOLOGIES ARE GENERALLY DEFINED AS "BEST EFFORT TECHNOLOGY" AND 100% ACCURACY CANNOT BE GUARANTEED ON GRADE SENSITIVE SHOTS.

ACKNOWLEDGED

1. THE CONTRACTOR SHALL SUPPLY EXCAVATOR AND OPERATOR DURING ENTIRE PROCESS, FOR THE HANDLING OF EQUIPMENT AND PIPE. RAMMING TOOL WEIGHT IS 2800 LBS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DIGSAFE AND LOCATING OF ALL SERVICES AND UTILITIES AS WELL AS GRADES AND ELEVATIONS FOR NEW PIPE. CONTRACTOR SHALL BE RESPONSIBLE FOR THE SUPPORT OF THE ADJACENT UTILITY POLE, RELOCATING OF EXISTING CATCH BASIN, AND ROAD PATCHING AND REPAIR
3. WHEN NEEDED THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL LAUNCHING AND RECEIVING PITS, BACK ABUTMENTS, EXCAVATION AND RESTORATION, TRENCH BOXES, PERMITS, TRAFFIC CONTROL, SUPPORT BLOCKS OR SPACERS, ANNULAR FILL, INTERIOR OR EXTERIOR GROUTING, SAND, BRICK, DEWATERING AND GRAVEL/CLEAN STONE TO MAINTAIN A STABLE LAUNCHING PIT FLOOR. THE LAUNCHING PIT FLOOR SLOPE SHOULD = THE SLOPE OF THE CASING BEING DRIVEN.
4. IN THE EVENT OF AN UNSUCCESSFUL BORE (REJECTION OR DEFLECTION), DUE TO EXCESSIVE CONDITIONS (LEDGE, LARGE BOULDERS, ETC.), THE REMAINDER OF INSTALLATION WILL BE COMPLETED BY OTHERS VIA OPEN CUT OR OTHER MEANS AND CUSTOMER WILL BE CHARGED FOR FOOTAGE BORED AND THE DEPOSIT FEE ONLY. ANY REMAINING PIPE WILL BELONG TO SUBCONTRACTOR. CONTRACTOR SHALL BE RESPONSIBLE FOR PIPE CLEANOUT.
5. MINIMUM 35'X6' LAUNCHING PIT IS REQUIRED.
6. TERMS: NO RETAINAGE/ ONE THIRD DEPOSIT DUE WITH SIGNED CONTRACT AND DEDUCTED FROM FINAL BILLING INVOICE/ BALANCE DUE UPON COMPLETION. PROPOSAL VALID FOR 10 DAYS
7. CONTRACT BASED UPON WORKING HOURS OF MON-THRU FRI, 0700-1700

TTNE REPRESENTATIVE SIGNATURE

Tom Loyer

UNDERGROUND SPECIALISTS



CITY HALL

CITY of MONTPELIER

Vermont

THE CAPITAL CITY OF THE STATE OF VERMONT

Department of Public Works, City Hall, 39 Main Street, Montpelier, VT 05602
Phone 802.223.9508 FAX 802.223.9524 email: tmcandle@montpelier-vt.org

October 6, 2010

Dear Mill Road & Corry Road Residents:

We are writing to invite your input concerning a road maintenance strategy to improve the condition of Mill Road that is now being considered. The Montpelier City Council will discuss this initiative at their regularly scheduled meeting on Wednesday evening, October 13, 2010.

The idea being floated is to rehabilitate the road by pulverizing the asphalt surface into a gravel consistency. This process is also known as reclaiming and is a common method used to prepare a road for a new asphalt surface. In this case, however, the suggestion is to revert to a gravel surface and defer the application of bituminous concrete pavement. Once the reclaiming step is done, we would propose to add a layer of recycled asphalt pavement (RAP) which will aid in providing additional road base support and achieve a serviceable riding surface. This is an unusual strategy but one that we believe warrants consideration.

Our office conducted a city-wide road condition inventory and rated the roads based on a variety of factors to arrive at a "pavement condition index" (PCI). The roads receive a grade on a scale of 1-100 with a score of 100 representing excellent with no defects. It will probably not surprise you to learn that the condition of Mill Road is one of the worst in town with a PCI score of 13. Typically, a road with such a low PCI is referred to as being "unserviceable". This means that pavement patching and other maintenance practices are essentially ineffective. Poor pavement conditions also compromise snow and de-icing efforts.

A low PCI is an indicator that a rehabilitation project is necessary to restore the road. This involves the removal or reclamation (in-place recycling) of the existing surface and applying new asphalt pavement. The cost for the new pavement (hot mix) is prohibitive at about \$110,000. Given the ever-increasing demands and priorities on a limited roadway management budget, securing this level of funding for a low volume road has been difficult.

We now intend to inform the Montpelier City Council that sufficient funds are currently available in the budget to reclaim the paved surface and revert to a gravel road. We propose to hire a contractor's equipment for the recycling process, which will pulverize the existing asphalt into a gravel consistency that will be supplemented with our own recycled asphalt and gravel mix (RAP). This will result in a relatively erosion-resistant riding surface. A liquid calcium chloride will be blended into the material to aid in compaction and for lasting dust control. The majority of other work required to complete the

project has already been completed, including the restoration of drainage ditches, inspection and replacement of culverts, and excavation and removal of poor quality sub-base material.

Future consideration can be given to the application of an economical asphalt surface treatment, particularly if the residents are dissatisfied with the performance of the gravel surface. You are welcome to offer your thoughts in person or in writing to the City Council when this recommendation is considered. If you have any questions or would like further information, please feel free to contact this office. Should the proposal be approved, work would be scheduled for later this month.

Sincerely,

Thomas McArdle
Assistant Director of Public Works

C: Hon. Mary Hooper, Mayor
William Fraser City Manager
T. Andrew Hooper, City Council Representative, District #1
Thomas Golonka, City Council Representative, District #1
Todd Law, Director of Public Works
Michael Garand, Street Supervisor

CITY COUNCIL MEETING STATED MEETING & PUBLIC HEARING OCTOBER 13, 2010

On Wednesday evening, October 13, 2010, the City Council Members met in the Council Chamber.

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

10-244. Call to Order by Mayor

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

10-245. General Business and Appearances

Beth Allen, a resident of Montpelier, came before the city council to propose an ordinance to ban plastic shopping bags in all retail outlets and impose a 25 cent tax on paper bags and that tax would apply to everybody with the exception of those on assistance. Berkley, California passed this ordinance. They actually went on to include plastic bottled water in restaurants. That part is not included in the proposal she had printed. When you read Berkley's proposal you will see they did a lot of research. If this turns out not to be something that the City Council wants to deal with then perhaps they could bring it to the voters in March. She brought a copy of the Berkley Bag Reduction Ordinance for members of the Council to review.

Mayor Hooper said they could take this up at a later date because it isn't an agenda item tonight. Any citizen has the ability to petition something on to the ballot in March or November if you get 5 percent of the registered voters to sign on, which is about 300 signatures.

Council Member Sheridan said he is here tonight to speak for his family. He is here to thank particularly two individuals who went above and beyond the call of duty. The first one is Charlotte. All of us who work with Charlotte know what a constant professional she is, but he doesn't think a lot of people out in the city do. They had a medical crisis in his family about four weeks ago and he called Charlotte to see if he could get something from City Hall. It was after 9:00 o'clock at night. She had just gotten home from bowling so she was tired. There wasn't a hesitation or asking if this could be done at another time. Immediately the words out of her mouth were that she would meet him at City Hall. They ended up having to drive to Waterbury with what they had to enact so she drove up and back with him. She came out and did this for his family. It was something that couldn't wait. The next day was critical and it had to be done

that night. He wanted to say from his family to Charlotte the deepest appreciation and gratitude for what she did that night and the professionalism she showed. He wants all of the people out there to know what an absolute gem we have for our City Clerk and Treasurer.

The other person he wants to say thanks to is Barney Bloom who came along to perform his duties. He had to go down to Burlington and didn't get home probably until 1:00 o'clock in the morning, but again no word or complaint from him. There was no hesitation but just somebody willing to do their duty under whatever circumstances it took. Barney, from his family, to him their deepest gratitude and appreciation. You both are wonderful and what they did for us has helped us get through what is still a very hard and trying time for all of us. Thank you very much.

Barney Bloom said he would like to reciprocate the gratitude that has been expressed to Charlotte and him to the citizens of Washington County and people of Montpelier for the opportunity to be of service. It is a privilege, an honor and a pleasure to have the opportunity to do what they did that night and to do the little things all of us do every day. He deeply appreciates that opportunity. God made the country. Man made the city. But the Devil made the small town and that is why Montpelier is a helluva good place to live!

10-246. Consideration of the Consent Agenda

- Consideration of the Minutes from the City Council's September 8 and September 22, 2010 Regular Meetings.
- Ratification of the Police Union Contract for July 1, 2010 to June 30, 2011.
- Council was polled for the following request, although staff realized after that this would not affect meter revenue as it is scheduled to take place on a Saturday. As an FYI, Council can now ratify the vote granting permission for Hunger Mountain Co-Op to have one parking space reserved in front of City Hall on November 6th from 10:00 A.M. to 4:00 P.M. in order for the folks at **Flat Bread** to park and sell food from their van to coincide with the **Food and Wellness Expo** which will be taking place in the City Hall Auditorium that day.
- Consideration of a request from Andrew Brewer for permission to close Langdon Street on Sunday, October 31, 2010 from 9:00 to 11:00 A.M. for a 5K Halloween Running Race. The start/finish line will be in front of Onion

River Sports and their parking lot will be used for registration and awards. (Mr. Brewer has been working with the Police Chief on this event.)

- Consideration of adopting and signing ***“A Proclamation of Recommitment to Full Implementation of the ADA.”***
- Consideration of accepting the low bid of \$25,600 submitted by Lucky's Trailer Sales, South Royalton, VT, for the dump body, plow and spreader for replacement of Truck #3 for the Public Works Department, and to authorize the City Manager to make this purchase.
- Consideration of authorizing the City Manager to sign the proposal from Bore Tech of St. Johnsbury, Vermont, to supply and install 50' of 16" HDPE sleeve for the replacement of a culvert on Berlin Street for \$12,540. The cost for this project will use the Capital Improvements Program funds for the Granite Street culvert replacement. The culvert in this area has failed and is in dire need of replacement this fall prior to the onset of winter. Staff solicited bids from the two known contractors capable of performing this type of trenchless technology construction.
- Acting as the Liquor Control Commission, City Council Members may now ratify the issuance of the following permits:

Catering permits to Vermont Hospitality Management, d/b/a as New England Culinary Institute, for a Wedding on September 27th from 5:00 to 9:00 P.M. at the Wood Art Galley; a Poetry Reading Reception on October 2nd from 5:45 to 10:00 P.M. at the Vermont College of Fine Arts Chapel; a Reception on October 2nd from 4:45 to 6:00 P.M. at the Wood Art Gallery; a Dinner on October 2nd from 5:45 to 8:00 P.M. at the Wood Art Gallery; a Reception and Dinner on October 3rd from 5:00 to 9:00 P.M. at National Life's Hopkins House; a Wedding/Dinner on October 9th from 5:45 P.M. to 12:00 A.M. at the Vermont College of Fine Arts Chapel; and for a Wedding Reception on October 9th from 4:45 to 6:00 P.M. at the Wood Art Gallery.

Application for a Catering Permit from Langdon Street Pub Company, d/b/a as McGillicuddy's Irish Pub, for a Political Fundraiser on Tuesday, October 19th from 4:00 to 8:30 P.M. at the AGC Training Building on the Three Mile Bridge Road.

Application for a Catering Permit from Langdon Street Pub Company, d/b/a as McGillicuddy's Irish Pub, for a "Contractor Night" on Thursday, November 4th from 5:00 to 10:00 P.M. at Cody Chevrolet on River Street.

Application for an Educational Sampling Event Permit from Cameron Keitel to hold a Holiday Wine Tasting event on November 13th at 20 Bailey Avenue from 4:00 P.M. to 8:00 P.M. This event will be a winter wine tasting to be facilitated by Calmont Distributors for the purpose of educating consumers on new and existing wines featured at the Hunger Mountain Coop.

Application for two Catering Permits from Vermont Hospitality Management, d/b/a as New England Culinary Institute, for a reception and dinner at National Life's Hopkins House on October 18th from 5:00 to 9:00 P.M. and October 20th from 5:00 to 9:00 P.M.

- Approval of Payroll and Bills

General Fund Warrant dated September 22, 2010 in the amount of \$255,162.50, \$391,746.34 and \$37,736.28.

Payroll Warrant dated September 30, 2010, in the amount of \$31,631.70 and \$113,546.01.

General Fund Warrant dated October 6, 2010, in the amount of \$15,842.39 and \$430,757.67.

Payroll Warrant dated October 14, 2010, in the amount of \$111,543.35 and \$31,206.37.

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

Council Member Weiss said he would like the opportunity to discuss the Proclamation regarding the ADA.

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

19-246A. Consideration of adopting and signing ***"A Proclamation of Recommitment to Full Implementation of the ADA."***

Council Member Weiss told the Mayor and Council Members he fully supported the ADA Proclamation of Recommitment. However, there is a word at the end, "NOW THEREFORE PROCLAIMED to reaffirm our commitment." At some point we should hear from Mr. McArdle and Council Member Sheridan as to

what commitment really means. We are moving into a budget period. He knows there has been an informal complaint regarding handicapped bathroom facilities at the recreation field. There has been no way in which the ADA Committee or the city could meet that because the price tag is in the vicinity of \$80,000. If we vote on this he is asking specifically that when the Council works on budget we include whatever is going to be an appropriate budget item to begin to meet the ADA requirements that we so graciously are willing to admit.

Council Member Sheridan said the President is asking for a recommitment and trying to get 2010 entities to sign on to this. It is nothing more than saying we believe this should be taken seriously and we are taking it seriously. He thought it would be great to have the City of Montpelier as one of the entities to help them reach their goal of 2010. We are taking positive steps. We created the ADA Committee about a year ago and meeting once a month. They are reviewing projects and slowly putting together a transition plan that will highlight all of the deficiencies the city has towards complying. Only two other entities in Vermont have signed on to this so he thought it was a great way to show support from the state of Vermont since we are working on it in good faith. It isn't asking the Council to spend more than we are able to at this time.

Motion was made by Council Member Weiss, seconded by Council Member Sheridan to adopt and sign "a proclamation of recommitment to full implementation of the ADA. The vote was 6-0, motion carried unanimously.

Mayor Hooper suggested they rearrange the agenda. There are several folks who are interested in the different street treatment on Mill Road.

- 10-249. Consideration of a proposal by the Public Works Department to perform road rehabilitation work on Mill Road that will result in a gravel surface as the finished project.
- a) The Public Works Department conducted a city-wide road condition survey rating... rating roads on a scale of 0-100 with 100 being a road in excellent condition. Mill Road has a condition index rating of "13."
 - b) It is an unfortunate fiscal reality that Montpelier, not unlike many towns, faces road construction and other infrastructure maintenance demands far exceeding available funding. Considering the rural nature of the road with very low traffic volume, the road has not been given priority for funding.
 - c) Public Works proposes an alternative to provide some relief to residents and to achieve a more predictable routine maintenance effort in the future.
-

The proposal consists of surface rehabilitation involving the pulverization of the asphalt surface into a gravel consistency. This process is also known as reclaiming and is a common method used to prepare a road for a new asphalt surface. In this case, the proposal will leave a gravel surface while deferring approximately \$110,000 for the application of bituminous concrete pavement.

- d) A layer of recycled asphalt pavement (RAP) will be spread over the reclaimed road to provide support and to achieve a serviceable riding surface. The RAP material will be relatively erosion resistant and calcium chloride will be added as a compaction aid and for dust control.
- e) The DPW operating budget will be used for the project(s) and the work will be undertaken by DPW personnel. Two bids were received for the reclaiming machinery, rental equipment and chloride: All States Asphalt @ \$8,015.43 & Gorman Brothers @ \$8,244.80.
- f) A letter was mailed on October 6th to the Mill & Corey Road residents to provide notification that the City Council will be considering the Public Works proposal. A copy of the letter will be provided to the Council members.

Recommendation: Discussion with staff and allow an opportunity for residents and property owners to express any concerns they may have. Approval of the reclaiming proposal to revert to a gravel road surface and deferral of the application of the bituminous concrete pavement. Authorization for the City Manager to approve a contract with All States Asphalt for reclaiming services in the amount of their low bid.

Tom McArdle, Assistant Director of Public Works, said the idea of the proposal is to address a long standing need for resurfacing of Mill Road. Mill Road is one of several roads throughout Montpelier that have a very low sufficiency rating. They evaluated all of the roads a few years ago. They are ranked in terms of condition. It has to do with the amount of cracking, pot holes, drainage, and a number of criteria are looked at. Mill Road came in at "13." They have for many years proposed an aggressive street paving program through our Capital Improvement Program. Unfortunately, there are many requests and needs trying to use these limited funds. Mill Road and several other streets are continually put aside. They began to look at alternatives. One of those is in-place recycling of the asphalt surface. They have done cold mix paving with cold mix and chip sealed. There are a lot of other alternatives out there available to the city that is cost effective. They did that on Terrace Street. Upper Terrace Street is a cold mix chip sealed street. Hot mix asphalt is very expensive because it is a

petroleum product and is cost prohibitive. Last year they came to City Council with the idea of reclaiming the road and leaving it with a gravel base. The reclaiming process is something they would do for the road in preparation for resurfacing. When they reclaim the road they use equipment like a large rototiller that grinds the road up mixing the gravel and asphalt surface and regrade it. They fix the drainage systems and compact it with a chloride material to help stabilize it for dust control and as a compaction aid, and then they resurface it.

Last year they weren't able to resurface Bliss Road but only patch it. A man said he takes a walk up the road every night and walks beyond Bliss Road into the Town of East Montpelier where it is a gravel road and that is a nice road. Have you ever thought about converting it to gravel? It had been mentioned by their street supervisor. He has learned that several towns around the country have been converting their paved roads to gravel for this very same reason. In fact there is a web site and he was contacted by a reporter.

They did Bliss Road and Murray Road last year and they came out very well. It was a cost effective approach. They aren't all good candidates for gravel. They need to be fairly level with low traffic volumes. Mill Road is another good candidate. It has very low traffic volume; the grade is pretty flat. The alternative is to wait and spend \$110,000 or do phase one which is the reclaiming and preparing the road for a future paved surface and defer paving to a later time.

Right now they consider the road unserviceable which is a condition that a road reaches where the road is so out of shape it is difficult to plow and the drainage is uncontrolled because of that. Because of the lack of proper shape the water ponds. There are pot holes and the freeze/thaw process works the pavement up. They patch it and it comes back because the road doesn't have any crown and shape.

They are back to the Council this year to suggest that they reclaim Mill Road for about \$8,000. There are a couple of prices from contractors who do this kind of work and they defer the application of a hot mix asphalt surface.

He gave them a price of \$110,000 to pave it with hot mix asphalt. That's the Cadillac. The other alternative is the cold mix surfaces. The \$110,000 is four inches of asphalt which is the Public Works standard for city streets. It's the minimum amount they would apply on a roadway. The cold mix is still in the \$60,000 to \$70,000 range. We can always come back and do that at a later time as they can with Murray Road and Bliss Road. The idea is to turn this into a gravel road. The city has a very nice new grader and crews that can maintain it. For dust control they would mix into the gravel a calcium chloride which is a liquid chloride. They can also spread that during the summer months when

things dry out so they can keep the dust down. The pot holes are easier to maintain. They are not patching it but grading it, and it is a very short process to grade the road probably two or three times a year.

Mayor Hooper asked what they had heard from folks on Bliss and Murray Roads about this change. She knows on Bliss Road there were some concerns that it would be wet.

Assistant Public Works Director McArdle said there were and he expects they will hear some of those comments tonight. Regarding maintenance they don't generally hear when people are happy with something but hear when something isn't working. Silence is a good thing. He did receive a couple of positive remarks and they were happy with it, particularly the guy who takes a walk and now it compares favorably with the rest of the smooth graveled road.

Council Member Sherman asked if they widen the roads or make them narrower when they convert to gravel.

Assistant Public Works Director McArdle replied there is no change in alignment or width. It is about 19 or 20 feet wide and it will stay that way.

Council Member Sherman asked if there was a culvert on either side for drainage.

Assistant Public Works Director McArdle replied yes. This is another reason why it is a good candidate. It's an open ditch driveway culvert system. It isn't a closed system with curbs and catch basins. It is an open drainage system.

Council Member Weiss asked what was the distance of the road to be treated is.

Assistant Public Works Director McArdle replied about 2,000 feet.

Mayor Hooper asked if there was any concern about what they apply for dust control. Does that affect wells? We used to worry about what we put on for dust control because of contamination of water supplies.

Assistant Public Works Director McArdle replied it is a liquid calcium chloride; it's a salt. When they first started using it the recommendation from the manufacturer and the vendors is that more is better. They even heard something about retarding ice formation. They have scaled that down. They have worked with VTrans on doing a couple of studies on overall effectiveness several years back. It does permeate the gravel but pretty much stays in place and it is diluted as it moves through the soil so there is not an effect on well water. The state is

using it and they do look to the State Materials and Research Lab for a lot of the city's information. They aren't aware of any well contamination. That was also raised by folks on Bliss Road. Mrs. Guild has a well fairly close to the road and that was one of her concerns. The wells are generally in the 200 to 300 foot range and it takes many years for the surface water to actually become groundwater and work into the wetlands or into the water supply. It's not a concern.

Mayor Hooper said although it isn't a concern should they test nearby wells to get a baseline.

Assistant Public Works Director McArdle said they really don't have the staffing to do that. He researches it through the state which does have the resources to do that work as do many towns.

A member of the public asked if sodium chloride was the same as road salt.

Assistant Public Works Director McArdle said this is a calcium chloride. All they need to do is moisten the soil. There is optimum compaction moisture content and that is what they are trying to achieve. That will help retain the water so it doesn't evaporate. Because it is moist there will be no dust.

Greg Hebert, a resident at 360 Mill Road, said where he lives is at the end of Mill Road where it turns up into Corry Road. Corry Road is now currently a dirt/gravel mix. Their address is Mill Road but his driveway is off Corry Road so they have exposure to both paved elements and the dirt road going up the hill. The city did a lot of maintenance in 2008 on Corry Road because there was a great deal of water runoff from Corry Road. They are still experiencing some of that in their driveway. Their driveway gets a lot of wash out. Knowing the bid on the reclaiming it would seem there wasn't the same process gone through for both the asphalt or the cold mix. Were those bid out as well to get a competitive bid?

Assistant Public Works Director McArdle replied it would be.

Mr. Hebert said it looked like the only process that was competitively bid out was the reclaiming versus the other options to see what the upfront costs might be. They are concerned about long term maintenance costs as well because it clearly looks like reclaiming the road is the cheapest initial offering, but does a paved road need calcium chloride sprayed three times a year? Does it need to be graded three times a year? What are fuel costs and equipment costs? He would imagine once they have a paved road there would be very different budget options. On a one year cost clearly reclaiming the road is the least expensive, but

what are the five year and ten year costs? From a personal perspective as a resident on the road it is not too hard to figure out that once you take a paved road away from your home generally your home value goes down. We all enjoy Vermont's dirt roads and he takes a few to work every single day. When you have a paved road and it is taken away you are looking at a decrease in value of your home. Montpelier has been through a lot over the last couple of years in terms of assessing home values and there is a situation here where they may be losing value. Even if the road looks better and drives better there is still a real concern with the value of homes.

Assistant Public Works Director McArdle said we can always do a hot mix afterwards when this process is done and we may end up in a place where we just reclaimed Mill Road and spent \$8,000 there.

Mr. Hebert asked why are we coming back to Mill Road to look at it for a paving process? He feels if they do this it might be a long time again before Mill Road gets considered for paving when we know the city has lots of priorities and lots of paving priorities to go along with that. It feels like the options of maintaining the road as is, and we know it's not pretty, but we have residents, walkers, bike riders and small children and some elderly folks who like to walk, but this is a different surface. Is the gravel road really going to be an even better surface for us? It doesn't feel like this at this juncture.

Mr. McArdle said regarding the bid process they did not bid for prices for or request quotes. They use average unit prices through their own bidding process for projects and state projects so there is a resource to use. They use cost estimating that way. They wouldn't put it out to bid as a contract for something they know they can't afford to do. He did not provide the Council or residents those various price ranges not thinking they had the funds for that option. He provided the City Council with their standard hot mix black top cost estimate using unit prices from a bid they had this year for hot mix. They are probably looking at about three quarters of the price for the hot mix which is why they looked at that as a viable option for that type of low traffic volume and low speed roadway.

As far as the long term costs that is a valid point. They did invest in a grader. Those are budgeted personnel and equipment costs so they could price that out if City Council would like to know what those costs are over time. They might have done something for Bliss Road last year, but that is a valid question. A graveled road does require more maintenance than a paved road. Selecting the right candidate of the roadway to make this recommendation is also important in keeping those costs down. Fairly level, low volume road with low truck traffic are all things that deteriorate a road more rapidly. In some cases where traffic

volume is heavy and you get the grade you are looking at grading it off every few weeks. They would probably be grading the road two or three times a year. He lives on a graveled road and likes to see it graded at least three times a year but it is usually only twice. That road gets a lot of traffic. That is a valid point and a valid question but probably not so much an issue with this type of road.

When will paving ever be considered again? That is a valid question for City Council. They are doing this because they have a problem with maintaining this roadway and don't have the funds to really present any other options. There were some paving funds this year and some of the money was obtained from savings in last year's budget from a mild winter. Isabelle Circle received the benefit of that. This year they paved Cherry Avenue and a piece of Ridge Street. They will retain it in their program for resurfacing but how it is ever considered for resurfacing he can't address that questions. It depends on how their budget strategy goes with maintaining any and all of our roads.

Regarding biking and walking the graveled roads he is familiar with they can be very smooth and friendly to bicyclists. When you get into kids and their tricycles though that's a different story. They aren't very good for scooters and skateboards but they don't design their roads for that type of use anyway. Many of the graveled roads can be very smooth. You are more likely to need the knobby tires on your bike than a smooth street tire.

Mr. Hebert asked if the preparation of a road as a graveled road is it the same work they would do to pave the road.

Assistant Public Works Director McArdle replied yes. The road is alligator cracked and it has lost its crown. It needs to be re-profiled. The reclaiming process is what they would do to straighten that out. The other option would be to put a lot of hot mix to bring the crown back. It is not uncommon to see some short term hot mix pavement on a road in this shape to buy a little time.

Mr. Hebert said Washington Electric has a facility there and they don't have a lot of traffic to it now, but they have paved their little turnaround circle as well. It was clear there was heavy truck traffic when they built that facility. Is there a weight concern on that road? Is there a concern that those trucks would damage the type of road we have in mind for reclamation?

Assistant Public Works Director McArdle said when he talks about truck traffic they are looking at 4 to 5 percent of the daily volume as trucks. That is every day trucks and buses coming and going and that over time can begin to affect your sub base. The gravel is what really carries the load. The asphalt on top gives the ridability and provides a comfort level. It helps to shed water quickly but it is

really a comfort factor. The trucks going to Washington Electric is an occasional thing. This road will more than adequately handle that occasional truck. If they were looking at a warehouse type of facility where they were getting tractor trailers every day a graveled road couldn't handle that type of loading. The gravel and the rock in the gravel are offset; that is really what carries the load. It disperses the point loading you get from tires to the sides so it gives the snowshoe effect. You would be looking at 6 to 8 inches of asphalt for heavy truck traffic. Four inches is a residential type of street asphalt design.

Mr. Hebert said they had the heavy rain about two or three weeks ago. Corry Road is a dirt/gravel mix and it washed out right down the road. The culvert was put in during 2008 and then a grate put in to move the water under the road to the other side, but on their side they still get a great deal of runoff. Most of the residents' wells are actually uphill from Corry Road. Even with the dry summer we had there is water running down the hill. The water table because the reservoir is so high and they are all spring fed making their water above them and it is coming downhill. A great deal of water travels down through there. There is the concern there will be that same kind of wash out coming through.

Assistant Public Works Director McArdle said he remembers back in the '80's putting in a couple of under drain perforated pipes in Corry Road. There are some springs in there that were compromising the sub grade material. Corry Road is probably the one that should be paved because of its grade because when the water comes along it doesn't take very much to begin to erode the secondary channels in the roadway. The grade of Corry Road makes that more of a candidate for paving but that requires more maintenance.

James Miles from 34 Mill Road said he has been a lifetime resident there. From what he has seen the road is shot but it has never received a lot of maintenance through the years. It is obvious they are going to turn it to dirt. They have already run the paint lines out and it has been sent out for bid. He is pretty familiar with the maintenance of a back road. He worked for an excavation contractor for years. Is there going to be any type of maintenance schedule put in place? Are you going to grade it three times a year? Are you going to chloride it three times a year? Is it going to be a hit and miss sort of thing?

Assistant Public Works Director McArdle said it would be on an as needed basis. It is hard to tell if it is going to need three times a year grading or whether once will do it, or if it will take five times. The reason this is a more attractive option is our street superintendent comes from a background of graveled road maintenance. He has learned quite a bit from working with Mike Garand as to what is needed to maintain a graveled road. Living on one himself for the past 15 years he has seen what should be done and what has been done. His

background has been maintaining paved roads and closed drainage systems and traffic systems. He believes that Bliss and Murray Roads, the Hubbard Park Roads and Gould Hill Road they are up there probably three or four times a year grading. Again, it depends on the weather conditions. If we have a wet summer they may need to grade a little bit more. They have done a lot of work on the drainage systems. As Greg mentioned, it is a very active spring area so they have replaced culverts and put in new drainage ditches. They have not patched the culvert crossings with asphalt pending this decision. If the decision is to retain it as a paved road they will patch the pot holes and pave in the trenches and patch it until they can get some funding for paving it. That may be the Council's direction to look to some of those paving options as one outcome of this meeting.

Mr. Miles asked if the city had done much up the street. He was there when the hydro project was put in and the road was destroyed because of truck traffic. You could see the clay coming through the pavement and all they did was topcoat it. When they grind this up on the edges there will probably be a foot of pavement and in the center there will be three inches. He is the first place on the street so it doesn't really affect him. He has all new construction in the 80's. The neighbors at the end of the road are going to need mud tires.

Assistant Public Works Director McArdle said he looked at the soils when the culverts were installed. It is an exploratory observation so you can see the soils. Where they have problems with the road surface they use a geo grid and stabilization fabric so it is as needed. They did a lot of it on Bliss Road. Their approach would be to make repairs where needed. If they run into some poor soils they can replace that with our own crews, which is how they are addressing a lot of the work now. If they find some weak soils, they would take out that soil; replace it with gravel and the geo grid and fabric.

Conrad Gordon, a resident on Middle Road, said he lives in the fourth house on the left. First, he would rather have asphalt than dirt because he has an 820 lb. motorcycle. His biggest concern is maintenance. Maintenance is not done on Mill Road. Very rarely do you see anything done. They just put some culverts in. There are huge pot holes in them since they did it and nobody has filled them. For some reason the Public Works Department does not come to Mill Road and do very much. They changed his culvert and he is thankful for that. They have a deaf kid on the road and he had some lights put in. The lights have bent over so far they shine back on the grass and they are paying for those three street lights. Nothing is said or done about maintenance for them. A lot of their water comes from Route 12. The State has directed it down behind his house. He had to put some more culverts in to handle it when the rain gets heavy. It is a rural neighborhood but it is still a city street. He thinks he pays the same tax

rate as they do on State Street. If it is a good dirt road he isn't against it, but if it isn't maintained he is against it. Maintenance doesn't happen on Mill Road at all, and never has. He has been there for over 30 years, and it does not happen there. They have never had trouble plowing the road all winter. It's always plowed, but it is not maintained at all! When they put the power plant in they crushed the road. Everett Porter couldn't even drive in his driveway and the city did nothing. He finally complained enough that they sent Chief Hoyt up to take pictures and they repaved it. Maintenance is nonexistent. They dug out the gutter by the road and the city went so close to the asphalt they cracked it. It didn't take very long, and that was fairly new pavement. He has no faith!

Mayor Hooper thanked him for coming and said she is sorry for the frustration he is experiencing.

Don Fleury said he has lived on Mill Road for 64 years and worked for the City of Montpelier for 22 years. Like Mr. Gordon said, they don't maintain that road very well. They put in a patch by the power plant and there are pot holes they put a patch on this winter and they have been up there three times with cold patch and they didn't even get out of the truck. The sides of the road are higher than what this road is. Charlie was going to have the grader take them off 8 or 10 years ago and it was never done. He lived up there when it was dirt and it was nothing but a mud hole. Three of us had to dig ditches around the back of their houses because there was so much water there. If you put chloride on the road it makes the road slippery for motorcycles. There was a guy from Graniteville who took a spill on it quite a few years ago. He and his neighbors like to walk their dogs up and down the road and they get the chloride on their feet and when they lap it their mouth is sore. His sister when she was a kid put some of that chloride in her mouth and it burned the inside of her mouth.

Linda Gordon, a resident at 268 Mill Road, from Don's area where all of the water comes from she wonders what that will do to the resurfaced road. She said they were very glad to have the new culvert put in by the city and they also had to put in two more culverts in their yard because of the water running off the back hill. It has affected their foundation. They are just surrounded by water.

Assistant Public Works Director McArdle said they have done a lot of the ditching and culvert work. He will readily admit that has been long deferred and it was about time they were able to get up there and do some work. They are trying to do a lot more of this in-house with the city crews and taking a much more aggressive approach with roads like this. He can't answer for the past but he can address the now and the future, and that is they are trying to address these problems. As much as it is a problem for the neighbors when they do maintain

them properly they are a lot less of a headache for everybody. Those in the maintenance crew, particularly if they are out cutting ice or have troubles controlling water, they would much rather do it in the summer than in the winter when it is bare knuckle cold. He hears them loud and clear and apologizes for the lack of maintenance but they fully intend to do a better job on that type of work. He will look at the street lights. They don't have a street light type of inventory regular review process. A lot of what he does is to react to outages. He isn't aware of a pole tipping. If they are on Green Mountain Power poles they will notify the power company. They have a good track record with Green Mountain Power on fixing lights.

The rural nature comment that was meant as a comment about the type of road it is. It is not in the downtown higher density area. This is a low density portion of the town. It is an open drainage system. Murray Road, Bliss Road, parts of Gallison Hill and Gould Hill are all what we consider rural portions of Montpelier. Montpelier is rural for that matter.

He understands the power plant road problem. They will take a more in depth look at what actually exists under this road for material. They are planning on doing some of the geo grids. It is a checkerboard. It is made out of a polypropylene; it's a plastic like material. The geo grid spreads the tire load so when you are constantly driving on poor yielding soil it develops a hole and pushes the soil up to the side. The geo grid will take that load and spread it to the side so the tire is actually being supported by a larger area. The more layers of grid you place for each successive layer the load is spread out even wider. In Vermont, and particularly in New England, we don't build frost free roads. The Interstate is one of the few where that process is done where there is four to five feet of gravel drainage systems down below frost level and you see very little frost heaving on the Interstate. While they may be able to bridge over poor soils unless it is de-watered you will see some deflation in the winter time, and as the frost comes out that is when you get the mud season and the soils on top that are thawed and the soils below still frozen and no place for the water to go so it becomes mud.

Mayor Hooper thanked everyone for coming in. It is the Council's job to listen to the concerns folks have, and this isn't a done deal. The city staff is responding to the City Council saying we have to figure out our capital budget and road maintenance problems because we are clearly not keeping up with the needs throughout the city. They asked the Public Works Department to see if there were roads that in fact it would make more sense to put into gravel. Last year we did Bliss Road and Murray Road just because they felt it would be a better way to make sure we had a decent road there. If you aren't maintaining an asphalt road how can we be assured they will maintain graveled roads given that they need

even more maintenance? Here is our dilemma. We are not putting enough money into our roads period and with the lesser traveled ones you are seeing the results of that. They are struggling with it.

A member of the audience said the street light is pulling the light pole over because the ground is so wet. You cannot walk out there without being almost up to your knees in mud and water. It is coming off Route 12.

Mayor Hooper said she has actually been an advocate for pulling out street lights. We are just not putting enough money into maintaining asphalt roads and this seemed like a good strategy for the lesser traveled roads where it made sense to make them into gravel. What are the long term costs versus the annual costs? Right now we are being somewhat driven by what the annual costs are because they are not catching up with the problem of the asphalt roads.

Council Member Sheridan said one question that wasn't answered was the question about how the dirt roads affect the value of homes. The appraiser can probably speak to it as well as anybody.

City Manager Fraser said the question came up on the two roads they converted and they did look at that. On Bliss Road and Murray Road they didn't see real change in the values compared to other comparable properties. Part of the formula covers what part of the road you are located on. How much that weighs in he doesn't know. They did convert two roads last year and he knows every winter and every year has been different. What has been our maintenance experience on those two roads? He has not received any complaints from any residents.

Assistant Public Works Director McArdle said their maintenance requirements for Bliss and Murray Roads are less because they are controlling the drainage there. There is a better surface. It is easier to maintain. With the pot holing and the road so out of shape the water is the enemy and it is the number one enemy for roads, foundations and everything. When you control drainage your maintenance effort is less. He can only believe their requirement to maintain Mill Road would be equally less. What they have heard is they haven't done any maintenance on this road but they are at a point where they can. They recognize the problem and recognize they are spinning their wheels. This is the proposed treatment.

Council Member Sheridan said he is going to feel a lot better supporting something like this if the maintenance is really looked after. He lived for 18 years on a dirt road and for 12 years lived on a private road and in those 12 years he learned a lot about dirt roads and that is what led him to be a Selectman in

Duxbury where he learned a lot more. When you have a wet road you almost have to plan possibly depending on the weather grading once a month. They were grading roads every three to four weeks on roads with water problems because that is what it took if you didn't want it to be destroyed. Water is the main enemy of dirt roads. You have got to have not only grading it well and crowning it but you need to have good ditch systems, good culverts and good facings on the culverts and keeping the brush cut back to let the sun in. Public Works ought to be prepared to send a grader over there once a month if this place really has water problems like some of the roads he lived on because you are going to lose deterioration more if you don't stay on top of grading it. He can feel a lot better about this if they are going to make a concerted effort to stay on top of the maintenance and say we will do it three times a year.

Council Member Weiss said he believes two motions are in order. He moved to approve the reclaiming proposal for Mill Road to revert to a gravel road surface. Council Member Jarvis seconded the motion.

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

Council Member Weiss said a second motion is to authorize the City Manager to approve a contract with All States Asphalt for reclaiming services in the amount of their low bid. Council Member Jarvis seconded the motion.

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

Mayor Hooper assured the folks they listened carefully to what they were saying and particularly the issue about maintenance. If they have any concerns you know Public Works telephone number and you can call the Council and Mayor with your concerns.

10-248. Consideration of the due date for the first installment of taxes.

- a) Council is aware that the due date for the first quarterly payment of taxes was set for October 1, 2010.
- b) Administration weighed the pros and cons of when to set the first due date since the bills were not able to be sent out until the third week in August. September 15th was out as it didn't allow for adequate billing notice.

- c) Three years ago, we had the first and second payment both due on November 15th. To do that again would mean requiring more monies to be borrowed in anticipation of taxes than would be required if we set the first installment at an earlier time; October 1st was the earliest we could require based on when the tax bills were being mailed. That date would also give taxpayers more time between the first and second payment than if we had used the October 15th date.
- d) However, using the 1st rather than the 15th has resulted in confusion for some taxpayers. The City Treasurer and Tax Collector indicate that more than usual have missed the first installment. There are some very strong feelings by those presently late taxpayers about the 1st being used rather than the 15th.
- e) Council is being asked whether they want to extend the “official” due date of the first installment to October 15th which would negate late fees being imposed between the 1st and the 15th.

Recommendation: Discussion; direction to staff.

Tax Collector Hill said hopefully it is explained in the agenda item as to what has happened. She thinks Charlotte and she anticipated it might be a problem even ahead of time but because of their other needs to get cash going we tried it. There were people who came in last week and this week who were obviously shocked. When they pointed out that the coupon does say October 1st they do see it but they thought the date has always been the 15th as a due date for an installment on a tax. It did lead to confusion. People who came in had never been on her delinquent list before and most were people who tended to pay a couple of weeks ahead of the due date in the past. The Manager received at least one call from someone who was very angry feeling this type of confusion intentionally leads to unfair charges to people who are already stressed. This time it is a very different circumstance and isn't going to result in a lot of money to the city in fees but the goodwill it could create by the Council giving an extension to the 15th. The next installment is on November 15th and then we will be on the regular tax schedule. The goodwill this could create is worth more. This date has created some real honest confusion. She believes the Council has the authority to do this because they set the due date for the tax payments. Anybody who has paid the penalty they will credit it towards their next installment.

Motion was made by Council Member Golonka, seconded by Council Member Sheridan to extend the due date for the first installment of taxes to October 15th. The vote was 6-0, motion carried unanimously.

10-247. Consideration of appointing a City Representative to the Green Mountain Transit Agency.

- a) Harold Garabedian has been serving as the City's Alternate to this board; it has been suggested that Mr. Garabedian be appointed to fill the regular seat vacated by Nancy Wasserman.
- b) Staff would also like direction from Council as to whether they wish to advertise to fill the Alternate position that would then be vacated by Mr. Garabedian.

Recommendation: Possible appointment and direction to staff.

Nancy Wasserman has asked the City Council to appoint someone else because she isn't able to continue in her duties. The suggestion is that our Alternate Harold Garabedian be appointed.

Motion was made by Council Member Sheridan, seconded by Council Member Hooper to appoint Harold Garabedian as the City's representative to the Green Mountain Transit Agency.

City Manager Fraser asked if the motion included directing the city advertise for an alternate member.

Both Council Members Sheridan and Hooper agreed with the friendly amendment.

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

Council Member Sherman said Harold Garabedian would be the second representative along with her.

10-249. First Public Hearing to consider amendments to the Water/Sewer Ordinances and Resolution to increase the ON/OFF fee for after hours; to add a hydrant use fee; to clarify the customer's responsibility for a sprinkler service; and to remove the language regarding the City performing service connections.

- a) Public Works staff is recommending ordinance and resolution changes as part of the rate adjustments for review and comments; their objective is to obtain concurrence to a list of recommendations outlined in a memo from Public Works Director Todd Law, dated June 9, 2010.

Recommendation: Discuss the proposed amendments; if Council wishes to move forward, with or without further changes, set the date of the Second Public Hearing for October 27, 2010.

Mayor Hooper opened the Public Hearing at 8:30 P.M.

City Manager Fraser said Todd had a list of things he had identified and talked to the Water Rate Committee this summer.

Public Works Director Law said some of the things are correcting some issues with the ordinances and resolutions that are actually in practice right now.

For resolutions the on/off fees haven't changed since he has been here. Currently there is a \$20 fee for turning on or off water service to a customer during working hours. That increases to \$30 after working hours. The proposal is to go up to \$75 which would adequately cover for the expense of their employee coming in, time and a half overtime, and a minimum of 2 hours. Thirty dollars is exceeded usually in the first hour of their employee being here.

There is also a resolution for a hydrant use permit. Currently, we have water trucking companies and contractors coming in and utilizing a hydrant at the DPW garage. They are being billed at the current water rates. They use the hydrant. There is wear and tear on the hydrant and they have to maintain it. They pay a very reasonable fee which he feels is too low. They proposed actually having a hydrant use permit which would be a fee based on the size of a truck. What they have proposed is for anything up to 2,500 gallons is \$100. \$125 up to 5,000 gallons, and \$150 up to 7,500 gallons. That isn't real steep but it is per truck.

Council Member Weiss said he doesn't understand – water is water! 2,500 gallons cost 4 cents and the next 5,000 drops to 2 ½ cents and 7,500 gallons drops it to 2 cents. Why aren't we charging the same for the water no matter how much they take?

Public Works Director Law said right now they are paying \$7.51 per 1,000 gallons. This boosts it up. He thinks this is somewhat reasonable. It definitely gives us more than what we are currently getting.

Council Member Weiss said why the more you take the cheaper it gets.

Council Member Hooper said it is \$75 to use the hydrant plus \$25 for every 2,500 gallons. There is a fixed fee of \$75 to get water here.

There were a couple of modifications to the ordinances to mirror what actually the practice is. Currently, the ordinance states that the city will be involved with service connections and specifically making the connections to the sewer and water public systems to the property line. That really isn't the practice. Their crews are not set up to do that work. They don't have the equipment for it. It is actually beneficial for the customer to hire a contractor to do this. They are better set up and do it more often. They have the safety equipment the city doesn't have. We are a maintenance division and not an installation of services. We have had cut backs in water and sewer for the past 15 years and we are down to 6 or 7 employees. At some point in time you give up doing anything else to do this. Since he has been here the city hasn't made any connection to water and sewer and it has been on a contract basis. It is more efficient and probably more cost effective than them doing the work.

Currently the water ordinance doesn't address much on a sprinkler service. The past practice has been the owner of the building is responsible from the connection to the public water system into the building which leaves us a little vulnerable. The fact we have 200 pounds of pressure in the downtown and if we don't own a valve to that sprinkler system anybody can get on that and exercise that. If the city owns the valve we tell people they cannot operate that because it could cause issues with our system. With the high pressures we have if you turn on or off a valve too fast you can cause water hammer which can cause breaks throughout the system. What they propose is actually to loosen up a little bit of the past practice but put something in the ordinance that says who is responsible for what for a sprinkler service. It somewhat mirrors a water shutoff to the water connection for a domestic service where the city owns up to the shutoff. The difference with a sprinkler system is we would own up to the valve. It would be just off the water main into the building. The city would maintain the ownership of that valve so they can control it exclusively. We do not allow contractors or residents to operate our valves. The building's owner will give up a little bit but they will have to maintain that section. There was a leak on a sprinkler service last week that was on the valve itself. We do assume a little liability, but the balance is they would like to be in charge of that and have exclusive use of that valve.

Assistant City Manager Hill said we service the Berlin Fire District and there are hydrants in that district. If somebody wants to use that they would have to call them.

City Manager Fraser said technically they are under our operating and maintenance agreement with them. They still call us. We fully operate that system. They follow our rules and regulations and would charge the same fee.

Public Works Director Law said this actually speaks to the hydrant at the DPW garage. The reason for that is that when they do their hydrant flushing sediment gets riled up and people will complain about dirty water because of the sediment that is disturbed during hydrant flushing. It would be the same thing here. He would not recommend going out into the system to allow someone to utilize a hydrant for this. Truck it from the DPW garage. It is the dead end of our system. The only people affected are our wastewater system and our own DPW garage and not any residents or users. Even with flushing sprinkler systems which is a requirement we get the same thing. The other issue is they receive dirty water complaints when there is a break. That is why it is restricted to just the one at the DPW garage.

Assistant City Manager Hill said the Berlin Fire District before we took it over allowed their customers to tap into the hydrants as long as they had an okay from the Fire Department.

Mayor Hooper closed the public hearing at 8:48 P.M.

Motion was made by Council Member Sheridan, seconded by Council Member Hooper to approve first reading and set the second public hearing for October 27th. The vote was 6-0, motion carried unanimously.

10-250. Status Report on City Council Goals.

- a. After holding a workshop session in early April the City Council formally adopted a Statement of Goals and Priorities on July 14, 2010.
- b. At the time of adoption City Council requested regular updates on the status of these goals and priorities.
- c. The City Manager has provided a document with comments on each item

Recommendation: Review the Manager's Status Report followed by a brief discussion.

City Manager Fraser said when the Council adopted the goals in July he was asked by the Council as a group to provide periodic updates. The City Manager provided a report to the Council which he reviewed.

Council Member Weiss thanked the City Manager for doing this. This is an important document. Therefore, he moved that the Council receive the Status

Report on City Council Goals so it becomes a part of the Council record. Council Member Hooper seconded the motion.

City Manager Fraser said he wanted to highlight the consultant project and the survey.

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

10-251. Reports by City Council

Council Member Sherman reminded Council Members that Friday is a fundraiser for the Montpelier Senior Activity Center. It's a Kickoff for the Capital Campaign. Council Members should attend. It's also an Art Walk night.

Council Member Jarvis reported that Gerry Tarrant, who is a partner in her law firm, is among the team who has been awarded the contract by the state to review their analysis about the state's involvement in the District Energy Project. He and she talked about whether or not there might be any conflict in interest and decided there wasn't for her. He disclosed to the state his involvement with her because he felt he might be pressured from her to make it look to the state that it would work. If it does become a conflict of interest she will recuse herself.

Council Member Sheridan reported they are moving forward on the Senior Center. All committees are moving forward on their assignments and this looks like something that is going to happen. This has been to him the bright spot in the city for the fall.

Council Member Weiss said the Energy Advisory Committee met on October 5th and helped to finalize its document which will be circulating soon. They will be meeting again on October 26th to see if there are any reactions to the content of the document and if so what that committee can do to help with the passage of charter amendments without prejudice. Tomorrow evening with Council Member Sheridan the four town safety commission will be meeting and they will be looking at the first draft of the consultant's report and copies will be made available to the Council.

10-252. Mayor's Report

Mayor Hooper reported she attended the last of the funding proposals for the Senior Center and we should be hearing from the Community Development Block Grant by October 25th, which will be the final piece except for the Capital Campaign.

City Manager Fraser said there is a lot of money. People do need to understand that some of the money is allocated for the housing portion and some is allocated for the Senior Center. When citizens see headlines that say \$671,000 for the Senior Center they assume it is all for the Senior Center, but it's not. It is for the combined renovation of 58 Barre Street and a lot of that particular money is targeted for the housing portion of the project. The Community Development grant some is targeted for housing and some for the Senior Center.

Mayor Hooper said in addition to the Senior Center there are 14 units of housing that we are creating in the downtown.

Assistant City Manager Hill said there are 12 one-bedroom apartments and 2 two-bedroom apartments.

Mayor Hooper said the housing is going to be managed by the Montpelier Housing Authority like the Pioneer Street Apartments.

Assistant City Manager Hill said the two bedroom apartments will be at market rate and the others will be based on income.

Mayor Hooper said Gwen has sent a couple of notes about opportunities to learn more about alternatives to the zoning ordinances. She thinks that will be really important to pay attention to because we will be thinking about this differently.

Council Member Weiss reported that the Vermont League of Cities and Towns will be holding a forum on zoning. Would it be appropriate for any of the Council Members to attend?

City Manager Fraser said their meetings are always worthwhile. He hasn't seen an agenda and doesn't know how it relates to Montpelier specifically.

Mayor Hooper said the critical question is it is more of the smart growth zoning as opposed to the conventional land use zoning. She said she would like an update on when the Taylor Street Bridge is opening.

City Manager Fraser replied that the Public Works Department and the Fire and Police Departments are scheduled for November 17th for their department

updates. They were originally scheduled to be done with the Taylor Street Bridge at the end of October which was their original target date. The new end date is in December around Christmas time. The reason for it is not because of any delays or inefficiencies. The bridge itself structurally was in worse shape than they had anticipated so it took more time to do because there was more things wrong with the bridge than the original assessment. They need to finish all of the sand blasting and some specialized kind of painting has to be done. October 26th was the original end date for the project. The company who is doing the bridge is a very well regarded bridge contractor.

Mayor Hooper said folks have been pretty tolerant of the traffic conditions and if we are looking at a winter closure of the bridge when we have more traffic in town it will push people beyond their tolerance.

City Manager Fraser said that was the reason to work through December and get it completed before January than to close it down for the winter. It's not the city's call.

Mayor Hooper said she would like to have an agenda item on the nonexistent bike path. She would like to have a public discussion about what is happening and what peoples' expectations are of that.

City Manager Fraser reported there was new news. They had a meeting yesterday with the Federal Highway over in the Carr Lot. They said the reason it took longer to get a decision to the city about the permit they needed was because the city had asked for an expedited review of new rail tracks going on the other side of the river down through the bike path route. There were a couple of concerns from the Federal Highway's perspective. One was the bike path and they said they would just reroute the bike path to the current tracks. The state said no that it was their siding. The state has apparently filed information and preliminary applications with the Federal Highway Administration and others. There are a couple of complications, one of which is the bike path. Also, as part of the Federal environmental improvements that were part of the Pioneer Street Bridge is that one of the historic preservation criteria was the former bridge would be reused on the bike path, and that is a condition of those permits. If there is no bike path that creates an issues that needs to be resolved. Those are the kinds of things they are working through. Apparently, the state is moving ahead with bringing plans to a conclusion. He specifically asked about the bike path and the answer he received was they were trying to fit it in alongside the rails so we can still have it. Having the bike path on the next agenda would be a great idea and maybe they can invite the state to come in and brief them.

Mayor Hooper reported that the city's representative on the Capitol Complex Commission asked her what the duties were in terms of representing the city on the Commission. It came up specifically because they are going to be talking about the Districting Heating Plant which is located in the Capitol Complex. The city's representative is Paul Carnahan. His area of expertise is with design and historical preservation, or is he representing the position of the city with regard to the district heating plant. She didn't have a good answer for him.

Council Member Weiss said at some point the Council needs to sit down and look at every committee and what its charge is, etc.

City Manager Fraser said Sandy Pitonyak is pulling together a list with all of the members on it and it will be on a future agenda.

Mayor Hooper said the Capitol Complex Commission is a little bit different because it isn't one of the city's committees but we appoint someone to represent the city.

Mayor Hooper said she received a nice letter some time ago from the Chittenden Bank, now a division of People's United Bank, wanting to know who the city's representative is on the Harry Sheridan Scholarship Committee and she would hope they would continue to ask Alan to represent us on that committee.

10-253. Report by the City Clerk-Treasurer

City Clerk Hoyt reported that the ballots are available if anyone wants to vote early. They just received the new shelving for the vault and are pleased with the results. Also the last date to register to vote for the General Election and Special City Meeting is Wednesday, October 27th.

10-254. Status Reports by City Manager

City Manager Fraser spoke about the proposed rail extension and said they were continuing to work with the various property owners and getting very close on an ability to have an alternate access to the back parking lot out at the North Branch.

He had a nice meeting with Green Mountain Power who are seeking to start an initiative to put in electric car chargers around the state and they would like Montpelier to be one of the locations where people can come in and charge their car. They are hoping to include that with the transit center. In fact, they would

like to do some of this by solar so they talked about installing solar panels on the transit center.

They met with both Federal Transit and Federal Highway yesterday and they were very pleased with the direction we are taking. We now have the FEMA decision which was very important to them. They told us if we could get the CE approved by Federal Highway they would premise all of their rules on that. That was very encouraging. There is still a lot of regulatory stuff to go through but that is moving along very nicely. He is very pleased with the work that Jeff Tucker has been doing for the city as its project manager.

He mentioned that the Mayor and the team presented the application for the community development program and they expect to hear very shortly about that.

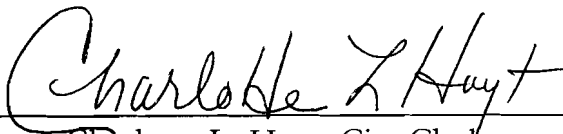
Council Member Hooper and he attended the Vermont League of Cities and Towns' Town Fair last Thursday. There was an outstanding presentation on the city's web casting, with a lot of interest.

City Manager Fraser noted as a community event that one half of the Council Members were represented at the Central Vermont Home Health Fashion Show.

Adjournment:

After motion duly made and seconded by Council Members Jarvis and Sheridan the Council Meeting adjourned at 9:17 P.M.

Transcribed by: Joan Clack

Attest: 
Charlotte L. Hoyt, City Clerk

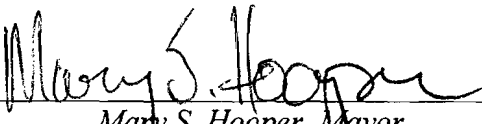
CITY OF MONTPELIER
Capital City of the State of Vermont

**A Proclamation of Recommitment
to
Full Implementation of the ADA**

- WHEREAS, On July 26, 1990, President George H. Bush signed into law the Americans with Disabilities Act (ADA) to ensure the civil rights of people with disabilities; and,*
- WHEREAS, This legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; and,*
- WHEREAS, The ADA has expanded opportunities for Americans with disabilities by reducing barriers and changing perceptions, increasing full participation in community life; and,*
- WHEREAS, The full promise of the ADA, however, will only be reached if public entities remain committed in their efforts to fully implement the ADA; and,*
- WHEREAS, On the 20th Anniversary of the Americans with Disabilities Act, the City of Montpelier celebrates and recognizes the progress that has been made by reaffirming the principals of equality and inclusion and recommitting our efforts to reach full ADA compliance.*

NOW, THEREFORE, BE IT PROCLAIMED that Members of the Montpelier City Council do hereby reaffirm our commitment to work toward full ADA compliance in the city of Montpelier.

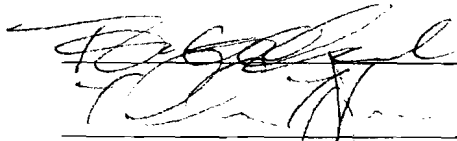
Signed:

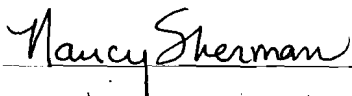


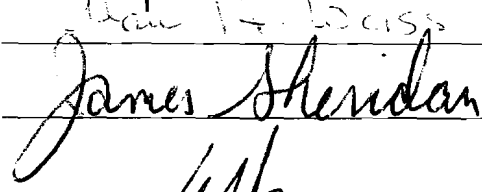
Mary S. Hooper, Mayor

City Council Members:





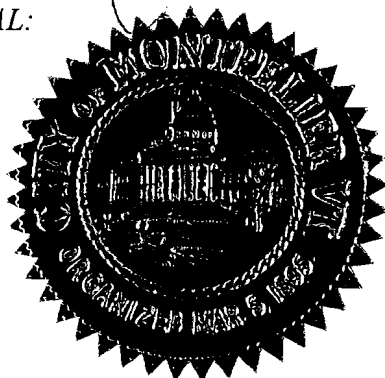


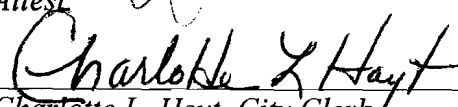




William J. Fraser, City Manager

CITY SEAL:



Attest:


Charlotte L. Hoyt, City Clerk



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: Police Union Contract Ratification
Date: October 8, 2010

On September 21, 2010 the city's bargaining team (Council Member Jim Sheridan, Finance Director Sandy Gallup, Police Chief Tony Facos and me) reached tentative agreement with the Police & Dispatchers union. The agreement was substantially along the lines of the terms reviewed with you in July. I received word on October 3rd that the Union had voted to ratify the agreement. On behalf of the city's bargaining team, I recommend that the Council ratify the agreement as well.

Here's a summary of the the key issues.

- 1 year contract
- 1.5% wage increase except 2.0% for dispatchers
- New health plan included in its entirety
- Administrative changes on posting times for vacations and work schedules
- Elimination of the retirement/sick leave clause which was arbitrated last year
- Updated wording change on short term disability
- Implementation of new Corporal arrangement. Less corporals, higher corporal pay, more authority, more defined role.
- Increase in differential pay for evening and overnight shifts.
- Minor change in health club benefit.

A copy of the full text of the proposed agreement (as alterations to the existing contract) is attached.

From William Fraser, City Manager
September 22, 2010. Tentative Agreement reached on September 21, 2010

1) Article 7. HOURS OF WORK

Section 2. Work Week: (b) add new sentence, Work schedules shall be posted 30 days in advance.

2) Article 8. OVERTIME

Section 1. Overtime: Overtime work shall be paid at time and one-half the straight time hourly rate determined by dividing weekly pay by forty (40). Compensatory time off may be taken in lieu of overtime pay at the rate of one and one-half hours of compensatory time for each hour of overtime worked, if requested by the employee and granted by the Chief in his/her sole discretion. The use of compensatory time shall not be unreasonably denied. Overtime shall be computed to the next quarter hour. Upon 30 days notice, all requests for compensatory time off shall be granted.

3) Article 11. VACATIONS.

~~Section 3. Subject to the operating needs of the Department, the City will honor employees' requests for scheduling of vacation leave if such requests are submitted in writing at least thirty (30) days prior to the commencement of the vacation leave.~~ Upon written notice of at least 30 days, an employees' request for planned vacation time shall not be unreasonably denied subject to the operating needs of the department. Seniority will control in the event of any conflict between employees over vacation scheduling where operating requirements permit.

**4) Article 12. SICK LEAVE, WORK-RELATED INJURY LEAVE AND DISABILITY
INCOME INSURANCE,**

Section 4. As an incentive program, each employee who works three consecutive work schedules without using sick leave will be granted a bonus of eight hours pay. Eight hours of personal leave may be granted in lieu of eight hours pay, if requested by the employee and granted by the Chief of Police in his/her sole discretion. The use of bonus personal leave, once accrued, shall not be unreasonably denied. Upon thirty (30) days notice, all requests for bonus personal leave time shall be granted. The employee would then be able to again start earning the incentive upon the start of the next work schedule. Should an employee not take any sick leave for twelve consecutive work schedules an additional bonus of eight hours pay. This additional bonus may be taken as eight hours of personal leave, in lieu of eight hours pay, if requested by the employee and granted by the Chief of Police in his/her sole discretion. The use of bonus personal leave, once accrued, shall not be unreasonably denied. Upon thirty (30) days notice, all requests for bonus personal leave time shall be granted. Except as required by applicable law, the aforesaid bonuses shall not be considered in determining base pay, wage adjustments, overtime or any other benefits under this Agreement. The aforesaid bonuses shall not be cumulative.

~~Section 7. Fifty percent (50%) of the employee's accumulated sick leave balance shall be applied toward the employee's years of credited service for retirement purposes, if vested upon separation in good standing.~~

Section 9. Short Term Disability Income Insurance. The City will provide, at a total cost to the City, Short Term Disability Income Insurance for the employees of the Police Department. No compensation payments under this agreement may be used to supplement benefits under this program, except that paid sick leave may be used to supplement the maximum weekly benefits under this program up to a total of one hundred percent (100%) of the employee's base weekly salary or wage. An employee who is disabled by reason of sickness or injury shall file a timely claim for coverage under the city's short term disability plan, usually not later than fourteen (14) calendar days following the onset of the disability

5) ARTICLE 15 - PROBATIONARY PERIOD.

The probationary period for all new employees and newly promoted employees, except dispatchers, shall be nine (9) months from the date of hire, unless extended as hereinafter provided.

The probationary period for dispatchers shall be six (6) months from the date of hire, unless extended as hereinafter provided.

Dispatchers shall receive a progress report and shall be evaluated in writing prior to the expiration of the initial six (6) month probationary period. It is the responsibility of the City for completion of the evaluation prior to the expiration of the probationary period. Should the City fail to provide said written evaluation, it will be deemed that the employee has successfully completed their probationary period.

The initial six (6) month period may be extended by the Chief for an additional three (3) months, provided the employee is given written notice of the reason(s), including any deficiencies, for the extension prior to the expiration of the initial six (6) month period.

All other employees or newly promoted employees shall be evaluated prior to the expiration of the initial nine (9) month probationary period. All other employees shall be evaluated in writing prior to the expiration of the initial nine (9) month period. It is the responsibility of the City for completion of the evaluation prior to the expiration of the probationary period. Should the City fail to provide said written evaluation, it will be deemed that the employee has successfully completed their probationary period.

The initial nine (9) month period may be extended by the Chief for an additional three (3) month period, provided that the employee is given written notice of the reason(s), including any deficiencies, for the extension of the employee's probationary period prior to the expiration of the initial nine (9) month period. The Union shall be notified in writing when an employee satisfactorily completes the employee's probationary period. This notification shall be given no later than one week following said completion.

In the event that an employee is absent from work during the employee's probationary period, including any extension thereof, the employee's probationary period shall be extended for the total amount of time that the employee was absent from work.

Employee evaluations under this article and any matter relating thereto shall not be subject to the grievance and arbitration procedure under Article V of this contract, except the failure to evaluate the employee within the time set forth in this article.

The reason(s), including any deficiencies, for the extension of the employee's probationary period, and any matter relating thereto, shall not be subject to the grievance and arbitration procedure under Article 5 of this contract, except the failure to give written notice to the employee within the time set forth in this Article.

Written notice shall be sufficient if hand-delivered to the employee or if placed in the employee's box at the police station. If the notice is placed in the employee's box at the police station, the date and time of such notice shall be deemed to be the date and time stamped upon the notice or the envelope containing the notice by use of the time clock in the police Department.

Notwithstanding anything contained in this Article, the City shall retain the right to discharge or demote a probationary employee at any time during the employee's probationary period, including any extension thereof allowed under this Article, without just cause and without access to the grievance process set forth in Article 5.

6) Article 17. PROMOTIONAL VACANCIES AND ASSIGNMENTS.

A. Promotions.

Following notice by the Department of its intent to fill a promotional vacancy ~~assignment~~, members of the bargaining unit who desire to be considered for the ~~assignment~~ promotion shall notify the Chief of Police in writing of that desire according to the posted notice.

When the City decides to fill a promotional vacancy, a notice shall be posted by the Chief in a conspicuous place within the Department for fifteen (15) days. The position shall be filled by competitive examination. Any such examination shall be in writing and oral, and upon such matters that will further test the knowledge and aptitude of the applicant for the requirements of the position to be filled.

Upon prior written consent of the applicant, such applicant's scores from each area of testing shall be posted in the Police Department for a period of three (3) days prior to the effective date of the promotion. Upon prior written consent of the applicant, the Union shall receive all results of said applicant's tests upon written request.

The Chief of Police shall consult with the supervisors and review performance appraisals as part of any decision on offering the assignment.

B. Detective Assignment

The assignment of an officer to the position of detective is made in order to provide for greater experience and opportunity for increased responsibilities to more members of the department. This assignment is not considered a promotion.

Compensation shall be based upon the wage scale for detective as defined in this agreement. Officers so assigned would retain their step placement in the wage scale and move to

the appropriate classification. (Example: pay grade 14-IX would then move to 15-IX for the assignment.) Periodic wage adjustments and step increases would be in accordance with the collective bargaining agreement. At the conclusion of the assignment the officer would retain the wage scale of the detective's position and remain at that pay grade until such time that the pay classification steps of the patrol officer equals the detective's pay grade. This provision will not apply to an officer who is assigned to detective for six (6) months or less.

It is intended that the assignment to detective would be for no less than two (2) years. It is recognized that there is a large operational need for a detective, and as such, the position should remain filled unless there is an operational need to reassign the officer.

C. School Resource Officer Assignment

The assignment of an officer to the position of school resource officer is made in order to provide for greater experience and opportunity for increased responsibilities of safety and presence in the Montpelier School System. This assignment is not considered a promotion.

This officer benefits from this position with a schedule of day shift during the week, as well as other benefits. These benefits may be changed based on the operational needs of the department and the continued funding of this position.

~~Compensation shall be based upon the wage scale for a patrol officer with a corporal designation, as defined in Chapter 27, Section 4 of this agreement. Periodic wage adjustments and step increases would be in line with other patrol officers. The school resource officer may be assigned the rank of Corporal at the discretion of the Chief of Police.~~

It is intended that the assignment to school resource officer would be for no less than two (2) years. It is recognized the need of a school resource officer, and as such, the position should remain filled unless there is an operational need to reassign the officer or a loss of school funding for the position.

D. Senior Dispatcher

The assignment of a dispatcher to the position of Senior Dispatcher is made to provide for greater communication between the dispatch function and the patrol and management function of the police department. This position does not have any authority to discipline members of the collective bargaining unit. The main goal of the position is to provide a link between the dispatch management function and the management function of the police department by service as a "point" person for the dispatchers. This assignment is not considered a promotion.

Following notice by the department of its intent to make an assignment, dispatchers of the bargaining unit who desire to be considered for the assignment shall notify the Chief of Police in writing of that desire according to the posted notice.

The Chief of Police shall consult with the supervisors and review performance appraisals as part of any decision of offering the assignment. The Chief of Police will also consider experience and knowledge of the various systems within dispatch.

The compensation for this individual shall be started at a rate of 2.5% higher than the current highest paid dispatcher.

Add new "E". Corporals. Promotion to Corporal will follow the provisions of section 17A. The City shall have up to four (4) corporals in the bargaining unit who are assigned to general patrol. The School Resource Officer and Detective may also be corporals in addition to the four assigned to patrol. Effective upon the execution of this agreement, Corporals Mark Moody and Stephen Nolan will be promoted to Corporal without following the process outlined in section 17A.

7) Article 20. COMPENSATION

Section 1. Effective July 1, 2007, base pay rates will be increased by 2.75% for all classifications.

Effective July 1, 2008, base pay rates will be increased by 2.75% for all classifications.

Effective July 1, 2009, base pay rates will be increased by 2.75% for all classifications.

Effective July 1, 2010, base pay rates for dispatchers will be increased by 2.0%. Base pay rates for all other classifications will be increased by 1.5%.

Note: Corporals will be added to the same pay scale as the detective.

Section 2.

For fiscal year ~~2009-2010~~, 2010-2011 any community service officer or dispatcher that has reached the top step (Step XIV) in the schedule attached to Appendix 4 and referred in section 3 and 4 below, will receive a longevity bonus of four hundred dollars (\$440.00). Any police officer or detective that has reached the top step (Step XIV) in the schedule attached to appendix 4 and referred in section 3 and 4 below, will receive a longevity bonus of five hundred dollars (\$540.00). These will be paid ~~in the first pay period of July, 2009~~ in September of 2010.

8) Article 22. INSURANCE

Remove all of existing section 1 and replace with:

Section 1. Hospital and Medical Insurance.

- a) All eligible employees may opt to enroll in the CIGNA HDHP 2250 Value Insurance Plan with a \$2250/\$4500 deductible, combined with a Health Reimbursement Arrangement (HRA), \$3000/\$6000. This plan also includes a co-insurance after the deductible has been met.

- b) Employees shall pay deductibles, co-insurance and out-of-pocket expense as provided above, along with a contribution to the City's health insurance costs. Employee health insurance costs shall be paid through bi-weekly payroll deductions. The bi-weekly employee share for 2010 health insurance costs are as follows: \$13.38 for a single person plan, \$87.81 for a two person plan and \$125.28 for family coverage.

In the event an employee is off payroll for any reason, the employee shall remain responsible or their share of the health insurance cost.

If the City of Montpelier chooses to continue to provide the CIGNA HDHP 2250 Value Insurance Plan beyond calendar year 2010, employees shall continue to be responsible for a share of the City's cost of health insurance. The City's cost of health insurance includes premium and full HRA \$3000/\$6000 Plan. The employee share for 2011 shall be 5% for a single person plan and 20% for a two- person and family plan.

- c) The City of Montpelier shall rollover 10% of the year-end unused employer contribution (\$3000 for a single person plan and \$6000 for a two -person and family plan) to the individual employee HRA.

The rollover shall not exceed \$500 for a single person plan and shall not exceed \$1,000 for a two -person or family plan in any given year. In no event will the individual employee HRA annual available balance exceed \$3500 for a single person plan or \$7000 for a two- person or family plan.

- d) If the City of Montpelier chooses to continue to provide the CIGNA HDHP 2250 Value Insurance Plan beyond calendar year 2010, the City of Montpelier shall utilize a portion of the annual unused claim reserves associated with moving to the CIGNA HDHP 2250 Value Insurance Plan, as described, to maintain the current funding level of the HRA's for single, two-person and family plans and/or to offset insurance premium increases in the future.

Section 6. Section 125 Plan. The City may provide a Section 125 plan in accordance with all Federal and State laws. The City will contribute \$250 into the flexible spending plan of participating employees. In 2010 only, the City will reimburse any employee who did not participate in the Section 125 plan up to \$250 for documented vision expenses.

9) Article 23

Section 3. The City shall reimburse each regular police officer and each community service officer for the cost of one (1) pair of work shoes, weather protective footwear, work shoe repairs and authorized and approved Police related equipment up to the total sum of Two Hundred Dollars (\$200.00) per fiscal year. This payment will be issued in one payment to each police officer and community service officer on the second pay period in July of each year. Reimbursement will be made within 30 days after the officer submits receipts.

10) Article 27. CHAIN OF COMMAND AND CORPORAL DESIGNATION.

Section 3. Corporal Designation.

~~When an employee covered by this Agreement is assigned to the position of Corporal the employee shall be paid an additional hourly premium of fifteen cents (\$0.15 per hour). The hourly premium shall be added to the employee's straight time hourly rate, calculated to the next quarter hour. The hourly premium shall be in effect until such time as the employee no longer maintains the Corporal designation.~~

Employees ~~assigned~~ promoted to the position of Corporal will be given Corporal stripes (two chevrons per sleeve) to be worn on the uniform sleeves.

Section 4. Corporal Shift Assignments.

~~Only one Corporal will be assigned to each shift, as determined in Article VII, Section 3.~~

~~An employee designated as a Corporal will be assigned to a shift and with the understanding that he/she maintains the designation as long as the person remains assigned in the Corporal designation for the assigned shift. Any request for transfer from one shift to another, unless it involves a "swap" of one Corporal for another, will be deemed as a request to be removed from the assignment of Corporal.~~

~~Employees assigned to the position~~ The City intends to assign one corporal per patrol shift. Corporals will be assigned to shifts at the sole discretion of the Chief based on the operating needs of the department. Corporals agree to forgo their opportunity to make a statement of exclusion from the overtime list, as it pertains to non-unit supervisory positions. The School Resource Officer and Detective, if Corporals, may be exempted from this requirement upon approval by the Chief.

Section 5. Corporal Responsibilities.

In the event that a ~~Sergeant~~ non-unit supervisor who is assigned to a shift is on paid time off or is otherwise unavailable to perform the duties of a shift supervisor, and no other ~~Sergeant~~ non-unit supervisor agrees to assume responsibility of the shift, then the Corporal assigned to each shift will assume and be required to perform the duties of a non-unit supervisory position, on an acting basis.

In the event that ~~an assigned~~ a Corporal is on paid time off or is otherwise unavailable to perform the duties of a shift supervisor, and no ~~Sergeant~~ non-unit supervisor agrees to assume responsibility of the shift, the vacant Corporal shift will be filled by another Corporal. The Department shall make every attempt to cover a non-unit supervisory position with a ~~Sergeant~~ non-unit supervisor or Corporal.

Remaining paragraphs are unchanged.

11) ARTICLE 29. DIFFERENTIAL TIME AND PAY.

(c) All union employees that work between hours of 16:00 (4:00 PM) and 8:00 (8:00 AM) will receive an additional \$0.45 \$0.65 per hour worked for differential.

These rates will not be increased for overtime or extra duty worked.

12) Article 31. MEDICAL EXAM AND HEALTH CLUB MEMBERSHIP.

Section 2. The City will purchase a corporate health club membership for bargaining unit employees of the Police Department at First In Fitness. The bargaining unit employees who choose to be members of First in Fitness shall pay one half of the determined corporate monthly charge. The City will reimburse

employee up to 50% of the cost of employee health club membership. Should a member of the bargaining unit choose membership in another fitness facility, the City will reimburse the employee for up to 50% of the monthly charge, up to an amount equal to that paid for those members at First In Fitness.

Should a bargaining unit employee achieve a score of 50% or greater on the physical qualification test referenced in Article 32 Section 1, the city will reimburse 100% of the cost of employee health club membership at First In Fitness. Should an employee of the bargaining unit choose membership in another facility and score 50% or greater on the physical qualifications test, the City will reimburse the employee to 100% of the monthly charge, up to an amount equal to that paid for those members at First In Fitness. Should an employee of the bargaining unit score 50% or greater on the physical qualifications test and choose not to join a fitness facility, the City will reimburse the employee for approved physical fitness equipment, up to an amount equal to that paid for those members at First In Fitness.

13) Article 35. DURATION OF AGREEMENT

Section 2. Duration of Agreement. This Agreement shall be effective July 1, 2007, 2010, except as otherwise specifically stated in this Agreement. This Agreement shall expire June 30, ~~2010~~. 2011.

Section 3. Modification or Termination. Either party may notify the other party of its desire to terminate or modify this Agreement by written notice sent by registered or certified mail, postage prepaid, postmarked no later than November 1, ~~2009~~. 2010. Negotiations for a successor agreement shall commence as soon as possible after a timely notice.

Section 4. Failure to Notify. Should neither party send a timely notice to modify or terminate this Agreement as provided in Section 3, this Agreement shall be considered to have been automatically renewed until June 30, ~~2011~~, 2012, and from year to year thereafter unless a timely notice is sent postmarked no later than November 1 of any subsequent year.



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: Status Report on Goals
Date: October 8, 2010

After holding a workshop session in early April, you formally adopted a statement of goals and priorities on July 14, 2010. At the time of adoption you asked for regular updates on the status. I've attached a document with comments on each item. Those with check marks are either completed or actively in progress, those with dots are either incomplete, no work done or too early to begin.

I call to your attention some of the more significant portions of the report.

Key goals accomplished or which have seen notable progress:

- Decision made on future of 58 Barre Street and location of Senior Center there. Funding package nearly assembled for project completion. Work in progress to define services for the new senior center.
- Decision made on how to proceed with the "Carr Lot" project. FEMA appeal successful, FHWA approval process now defined, FTA re-approval process in the works.
- Reappraisal successfully completed.
- Master Plan was adopted using enVision Montpelier framework. New zoning effort just beginning.
- Charter change votes on Treasurer position, Berlin Fire District #1 merger and District Energy authorization are on the November ballot.
- Updated ordinance and health orders relating to Berlin Pond were adopted.

Key goals with active work being done:

- Completion of ADA Transition Plan
- Efforts to create a new, safe access to North Branch parking lot
- Participation in regional public safety discussions
- Webcasting and archiving city meetings, enhancing public transparency
- Flood mitigation study underway
- Energy advisory committee formed, District Energy project being developed

Key goals with some minor work done but not totally active:

- Discussions with School Board regarding Recreation Department
- Discussion of user fees and regional funding of senior center
- Active steps to develop 500 new housing units
- Discussions of increased or shared water service in Berlin

Key goals for which little or no work has been done to date:

- Capital plan will developed in November, December & January
- No work done yet to engage an outside consultant for operations review
- National Citizens Survey not slated to be done until 2011
- No discussion yet on committee structure in city government
- Systematic review of ordinances or charter has not occurred.
- Common definition of economic development was not reached
- No discussion of vacant properties has occurred.
- No direct work on development of Sabins Pasture has occurred.

In addition to work on the specifically enumerated goals, the city has since March:

- Adopted and implemented a revised vendor ordinance
- Worked on railroad issues relating to Stone Cutters Way and lease cancellation

- Successfully resolved a possible arbitration concerning health insurance
 - Negotiated a collective bargaining agreement with the Police
 - Resolved issues relating to operation of the REACH program
 - Conducted a Board of Health hearing on Vermont Compost and issued a decision
 - Closed FY10 in a strong financial position
 - Addressed the Hubbard Street slope failure
 - Closed out Montpelier Net
 - Turntable Park under construction
-
- Resolved enforcement issue at Wastewater Treatment Plant
 - Successfully obtained redesignation of our downtown district

**CITY of MONTPELIER
DEPARTMENT of PUBLIC WORKS**

M E M O R A N D U M

TO: William J. Fraser, City Manager
FROM: Todd C. Law, PE, Director
DATE: October 8, 2010
SUBJECT: Bid Opening: Parts for Truck #3

On October 5, 2010 at 10:00 am, DPW staff opened and reviewed the bids received for the dump body, plow and spreader for replacement Truck #3. It is recommended that the low bid, submitted by Lucky's Trailer Sales of South Royalton, VT, be accepted, in the amount of \$25,600. The amount budgeted for this purchase was \$47,000 minus the \$31,531 for the cab and chassis. This leaves \$10,131 underfunded which we propose we pay for with the surplus money (\$9,308) from the purchase of truck #23. This will leave an unfunded amount of \$823 which we propose to get from the Equipment fund balance.

A bid was also submitted by FAX by Iroquois Manufacturing, which was found at 1:30 pm. After reviewing the bidding instructions, which clearly state that "it is the responsibility of the vendor to call 223-9510 to verify that the FAX has been received...", we have agreed not to include this bid as it was not received by anyone nor was it available at the 10:00 am deadline for the bid opening at City Hall.

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

*To accept the low bid of **\$25,600** submitted by Lucky's Trailer Sales, South Royalton, VT, for the dump body, plow and spreader for replacement Truck #3 for the Public Works Department, and authorize the City Manager to make this purchase.*

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

#3 Dump Body, Plow, Spreader

PURCHASE NO.		DATE OF OPENING	
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
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93	94	95	96
97	98	99	100

109400.83.01	10/05/2010
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DEPARTMENT

Public Works

[illegible]

PREPARED BY:

AWARDED BY:

RESOLUTION

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

WATER USE RATES

RESIDENTIAL:

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

SEASONAL:

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

FIRE PROTECTION SPRINKLER SYSTEMS:

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

FIRE PROTECTION STANDBY CHARGE:

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

HYDRANT USE:

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

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

METERED:

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

In addition, a readiness-to-serve charge of **\$25.00** per meter per billing period shall be imposed on each residential, commercial, industrial, and governmental metered premise to partially offset fixed costs of the water system.

ON/OFF FEES:

During regular working hours, a charge of \$20.00 shall be made for turning off water service, and a charge of \$20.00 shall be made for turning on water service at the City curb stop. During non-working hours, these fees will be (\$30.00) \$75.00 respectively.

ON DEMAND WATER METER READING FEE:

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

SEWER USE RATES

RESIDENTIAL:

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

METERED:

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

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

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

NEW WATER CONNECTIONS

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

SEWER CONNECTIONS

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

tax exempt space, where such change will result in additional building square footage. (The property owner shall also deposit sufficient funds with the City to cover the cost of all labor and materials, plus twenty percent (20%) overhead for installing the connection to the sewer main. After making appropriate connections, the unused balance, less 20% overhead, will be refunded to the property owner.) All connections for (pumped) sanitary lines shall be performed by the applicant under City inspection and all costs thereof shall be borne by the applicant. The applicant is responsible for obtaining all construction and access permits as necessary to make the connection.

WATER AND SEWER RATES - DELINQUENCIES

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

WATER AND SEWER RATES - REFUNDS

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

WATER & SEWER UTILITY BILL ADJUSTMENT

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

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

EFFECTIVE DATES

Water and Sewer Rates for Metered use and all other rates were made effective July 1, 2009

Adopted this ____ day of October 2010.

SIGNED:

Mary Hooper, Mayor

Council Members:

CITY SEAL:

Charlotte L. Hoyt, City Clerk/Treasurer