



**CITY OF
MONTPELIER
MONTPELIER,
VERMONT**

Agenda for City
Council Meeting
Wednesday,
December 8, 2010
07:00 P.M.

- 1) Call to Order by the Mayor
- 2) 10-301. General Business and Appearances
- 3) 10-302. Consideration of the Consent Agenda:
 - a) Consideration of Minutes from the October 27th and November 10th, 2010 Regular City Council Meetings.
 - b) Consideration of becoming the Liquor Control Commission for the purpose of acting on the following:
 1. Ratification of the issuance of a Catering Permit to Yebba, Inc., d/b/a The Abbey Pub & Restaurant, for Cocktail Receptions held on November 17th and November 18th, from 3:00 to 6:00 P.M. in the Cedar Creek Room of the State House.
 2. Ratification of the issuance of a Catering Permit to Vermont Hospitality Management, Inc., d/b/a New England Culinary Institute, for a Dinner held on Tuesday, November 30th, from 5:00 to 8:00 P.M. at National Life's Hopkins House.
 3. Ratification of the issuance of a First Class Liquor License and Restaurant License to "Salt, Ltd.", the business vacated by Kismet at 207 Barre Street; they hoped to open on December 1st.
 4. Ratification of the issuance of a Catering Permit to Langdon Street

Café Collective, Inc., d/b/a Langdon Street Café, for Kellogg-Hubbard Library's "Evening at the Library" which was scheduled to be held on Saturday, December 4th, from 5:00 to 10:00 P.M.

5. Ratification of the issuance of a Catering Permit to Hyzer Industries, Inc., d/b/a Three Penny Taproom, for a Holiday Party scheduled to be held on Thursday, December 9th, from 5:00 to 8:30 P.M. at the Vermont College of Fine Arts.

c) Payroll and Bills

4) 10-303. Appointment to the Montpelier Planning Commission.

- a) Bethany Pombar has stepped down; staff advertised and has received letters of interest from the following:

- 1) Jon Anderson Dan Jones 74 East State Street 116 Northfield Street
Peter Gill William Fred Ritke Jones 153 Elm Street - #3 1 154 Barre
Street - #2

- b) Recommendation: Opportunity to meet the candidates; possibly enter into Executive Session in accordance with Title I, Section 313, Subsection (a) for the purpose of discussing; appointment to fill the unexpired 2-year term which will expire in August, 2011.

2) 10-301. General Business and Appearances

4) 10-303. Appointment to the Montpelier Planning Commission.

5) 10-304. Update on Central Vermont Solid Waste Management District's activity.

- a) The City's representative to this board is Mia Moore; she had provided a FY 2010 Report for Montpelier.
- b) Mayor Hooper also suggested that she attend an upcoming Council Meeting to provide an update on the CVSWMD's activity and answer any questions that Councilor's may have.

- c) Recommendation: Receive update from Mia Moore; opportunity for discussion.
- 6) 10-305. Update on the Kellogg-Hubbard Library's activity.
 - a) Executive Director Dan Pudvah requested an opportunity to also update the Council on the Library's activities and budgetary needs.
 - b) Recommendation: Receive update from Dan Pudvah; opportunity for discussion.
- 6) 10-305. Update on the Kellogg-Hubbard Library's activity.
- 7) 10-306. Further discussion on local options taxes and consideration of two amendments to the City's Charter.
 - a) Mayor Hooper has requested this item; she is suggesting the following:
 - 1) A rooms/meals/alcohol tax which would be dedicated to infrastructure improvements.
 - 2) A sales tax, some portion of which would go to property tax reduction and some portion to supporting the commercial districts, based on some collaborative approach with representatives of the districts.
 - b) Recommendation: Review and discuss information that the Mayor has requested staff provide; vote as to whether or not Council wishes to pursue.
- 7) 10-306. Further discussion on local options taxes and consideration of two amendments to the City's Charter.
- 8) 10-307. Introduction and discussion regarding the City's FY 2011-12 Budget.
- 9) 10-308. Mayor's Report
- 9) 10-308. Mayor's Report

- 10) 10-309. Report by the City Clerk-Treasurer
- 11) 10-310. Status Reports by the City Manager
- 12) 10-311. Agenda Reports by the City Manager

Adjournment



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Peter Gill	William Fred Ritke Jones
153 Elm Street - #31	154 Barre Street - #2

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Adjournment

CVSWMD FY 2010 Report for Montpelier

The Central Vermont Solid Waste Management District's mission is to provide leadership, education, and services for residents and businesses in reducing and managing their solid waste in order to protect public health and the environment to the greatest extent feasible. To meet this goal, the District Board of Supervisors developed and adopted a Zero Waste Solid Waste Implementation Plan (SWIP) titled *Working toward Zero Waste*. The goal of a Zero Waste approach to waste management is to cease producing "trash" that is disposed of and to utilize materials as resources for the production of something new and needed.

The CVSWMD is a union municipality consisting of 18 member cities and towns and the approximately 52,000 residents that live within them. The District's four full-time, two part-time office staff, and two full-time field staff implement the organizational programming and events to assist these 18 communities in complying with the solid waste management requirements of the State of Vermont.

FY10 was a challenging year for the CVSWMD. The six member towns of Bradford, Barre Town, Cabot, Calais, Northfield, and Hardwick saw this clearly when CVSWMD operated recycling depots transitioned to either the towns or private companies. While this move was certainly difficult for those towns, as well as CVSWMD staff, the District simply could not afford to continue to operate the depots. We are pleased to report that five of the six depots that the District previously ran are still in operation; with private haulers, accepting the same items and open on the same schedule. A private bag-drop business has set up near the site of the one depot that closed, in the Town of Hardwick, maintaining services in that community as well.

The District continues to work to provide programming to meet the needs of our member towns and residents. In FY10, the District reinstated Green Up Day Grants to help member towns cover the costs of town cleanups, and began to offer additional collection opportunities. CVSWMD programs included the following:

- **Organics Diversion Programs**—With food scraps comprising about 20% of the waste Vermonters produce every year, this waste stream is a critical one to tackle. In response, the District has developed a three-pronged approach to reaching the key sources of this waste: businesses/institutions, schools, and residents.

During FY10, the CVSWMD increased participation in the Business/Institution Organics Diversion program from 49 to 70. Participating businesses and institutions diverted an estimated 858 tons (more than 1.7 million pounds!) of food scraps to composting in FY10. Currently, 25 Montpelier businesses participate.

The 24 K-12 schools in the School Organics Program diverted an estimated 102.5 tons (205,000 pounds!) of food scraps. At the close of the 2009-2010 school year, 73% of public school students in District member towns were diverting food scraps to composting through the CVSWMD program. Union Elementary School and Montpelier High School have been part of the program since it was just getting off the ground in April 2004. Union has diverted a total of 38.34 tons since joining, 5.66 tons (11,320 lbs.) in FY 10 alone. Montpelier High School has diverted 29.15 tons since 2004; 4.35 tons were diverted during FY10. Main Street Middle School joined the program in November 2004, and has diverted an estimated 24.88 tons overall, 5.18 tons (10,360 lbs.) during FY10.

The District's Residential Organics Program helps residents manage their food scraps at home. In FY10, the District offered its composting booklet and free plans for building several types of compost bins on its Web site. In addition, the District sold Green Cones at a reduced cost to increase access to this useful backyard food digester that accepts meat, dairy, and other food scraps not typically put into compost bins. Participants in past CVSWMD Green Cone programs were surveyed this spring, and all respondents agreed, "the cones are an effective way to reduce trash in VT." For more information, see

www.cvswwmd.org/wp/home-composting-green-cones/

- **Recycling**—On February 6, 2010, the CVSWMD transitioned operations of the six depots it operated to towns and private haulers. Five of those depots remain in operation; a private hauler opened a bag-drop for recycling and trash near the site of the one depot that did close, maintaining service in that community.
- **Special Collections**—The District ran a variety of special materials collection events in FY10. Additional programming as well as more electronics, books, and textile collections will be underway in FY11.
 - Hazardous Waste*—683 households and 12 businesses utilized the five collections held during FY10. Collections are held from spring through fall each year, and educational materials are distributed at the events to help residents understand how to reduce the quantity of hazardous materials they use and the amount of waste produced. A total of 81,401 lbs. of mixed hazardous waste was collected in FY10, including paints, acids, bases, mercury, thinners, etc. The safe disposal of these materials cost the CVSWMD \$88,230. One of the five hazardous waste collections was held in Montpelier during FY10.
 - Electronics Collections*—The District collected 50.56 tons of electronics (computers, TVs, stereos, printers, copiers, fax machines, cell phones, etc.) for recycling in FY10 through the Barre Town Recycling Depot and special collections held in Tunbridge, Hardwick, Bradford, and Montpelier.
 - Cell Phone and Battery Boxes in Member Towns*—The District started to get this new (and free!) recycling opportunity underway in FY10. All member towns have been invited to participate in these collections and collection boxes are already in place in 12 towns.
- **Green Up Day Grants**— This service to our member communities had been suspended during FY09 but was reinstated for Green Up Day 2010. Towns were offered the opportunity to request up to \$500 in FY10. A total of \$5,122 was distributed to the 11 member towns that requested grants. The city of Montpelier requested and received \$500.
- **CVSWMD E-News**—The District publishes a monthly e-newsletter and regularly sends e-mail notices about special events to town clerk offices, select board chairs, legislators, and more. All residents from member towns are welcome to receive the e-communications. You can sign up at the CVSWMD Web site – www.cvswmd.org
- **Web Site**—The District continued to revise and update its Web site in FY 2010, including ongoing updates of the popular *A-Z Guide to Waste Reduction and Resource Handling* database and the Reuse Business Database. See www.cvswmd.org.

For more information about the CVSWMD and its programs, please see www.cvswmd.org.

The District's complete FY10 annual report is available online—www.cvswmd.org. Please contact the District with questions or concerns—802-229-9383 or comments@cvswmd.org

###

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

Caterer's Permit Number 2019

APPROVED

DISAPPROVED

Date:

Reason: _____

(for department use only)

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

From: Licensee name: Yebba Inc

d/b/a: The Abbey Pub + Restaurant

Street: 10212 VT Rte 105 Town/City: Enosburg Falls, VT

Contact name and phone number: rachel@abbeygroup.net Rachel Judd

Email or Fax # 802-933-4205

BE SURE TO READ INSTRUCTIONS BELOW, BEFORE COMPLETING APPLICATION.

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

Please answer the following questions:

1. Describe type of party to be catered: Cocktail reception
2. Location of catered party (street, town or city; if no address, describe location): Cedar Creek Room 115 State St. Montpelier
3. Date of catered party (not more than five days, unless specifically authorized: 11/17 + 11/18/10)
4. Hours of operation: Beginning 1500 hrs. Ending 1800 hrs. No. of Persons 40

Signed: [Signature] Date: 11/15/10
(caterer)

We recommend: approval disapproved

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

Town/City Clerk's signature
Of CATERED location.

Town/City
Fax Number or email address: _____

Date

SUBMIT AT LEAST 5 DAYS PRIOR TO DATE OF FUNCTION

Submit to Town/City Clerk for recommendation.

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

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

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

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

Caterer's Permit Number 1488.005 catr 01

APPROVED

DISAPPROVED

Date: _____

Reason: _____

(for department use only)

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

From: Licensee name: Vermont Hospitality Management

d/b/a: New England Culinary Institute

Street: 56 College Street Town/City: Montpelier

Contact name and phone number: Erica Kaskel 802-225-3334

Email or Fax # erica.kaskel@neci.edu

BE SURE TO READ INSTRUCTIONS BELOW, BEFORE COMPLETING APPLICATION.

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

Please answer the following questions:

1. Describe type of party to be catered: dinner

2. Location of catered party (street, town or city; if no address, describe location): _____
Hopkins House at National Life

3. Date of catered party (not more than five days, unless specifically authorized: 11/30/2010

4. Hours of operation: Beginning 5:00 PM hrs. Ending 8:00 PM hrs. No. of Persons 7:30 PM

Signed: [Signature]
(caterer)

Date: THURS NOV 18, 2010

We recommend: approval _____ disapproved _____

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

Town/City Clerk's signature
Of CATERED location.

Town/City
Fax Number or email address: _____

Date _____

SUBMIT AT LEAST 5 DAYS PRIOR TO DATE OF FUNCTION

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FIRST/SECOND CLASS LIQUOR LICENSE AND TOBACCO APPLICATION

License Year: May 1st through April 30th of following year

Please file application in duplicate

Salt, Ltd.

Print Full Name of Person, Partnership, Corporation, Club or LLC

Doing Business As - Trade Name

Street and street number of premises covered by this application

207 Barre Street

Town or City & Zip Code

Montpelier, VT 05602

Telephone Number

802-338-1202

Mailing Address (if different from above)

Email Address: SaltCafe.Vt.com☒ FIRST CLASS ☐ SECOND CLASS ☐ TOBACCO☒ RESTAURANT☐ HOTEL☐ CABARET☐ CLUB

Fee for ANY FIRST class license paid to town/city \$100.00 /Fee to DLC \$100.00

Fee for ANY SECOND class license paid to town/city \$50.00 /Fee to DLC \$50.00

Fee for TOBACCO ONLY license paid to town/city \$10.00

TO THE CONTROL COMMISSIONERS OF THE TOWN/CITY OF Montpelier, VERMONT
 Application is hereby made for a license to sell malt and vinous beverages under and in accordance with Title 7, Vermont Statutes Annotated, as amended, and certify that all statements, information and answers to questions herein contained are true; and in consideration of such license being granted do promise and agree to comply with all local and state laws; and to comply with all regulations made and promulgated by the Liquor Control Board. Upon hearing, the Liquor Control Board may, in its discretion, suspend or revoke such license whenever it may determine that the law or any regulations of the Liquor Control Board have been violated, or that any statement, information or answers herein contained are false.

MISREPRESENTATION OF A MATERIAL FACT ON ANY LICENSE APPLICATION SHALL BE GROUNDS FOR SUSPENSION OR REVOCATION OF THE LICENSE, AFTER NOTICE AND HEARING.

If this premise was previously licensed, please indicate name Kismet

I/we are applying as:

☐ INDIVIDUAL☐ LIMITED LIABILITY COMPANY☐ PARTNERSHIP☒ CORPORATION

Please fill in name, address, and place of birth of individual, partners, directors or members.

LEGAL NAME

STREET/CITY/STATE

Sydney Maria Podhagzer 62 Ward Street, Burlington, VT 05401 New York, New York

Are all of the above citizens of the UNITED STATES? ☒ Yes ☐ No
 (Note: Resident Alien is not considered a U.S. Citizen)

If naturalized citizen, please complete the following:

Name	Court where naturalized (City/State/Zip)	Date
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CORPORATE INFORMATION:

If you have checked the box marked CORPORATION, please fill out this information for stockholders (attach sheet if necessary).

LEGAL NAME	STREET/CITY/STATE
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<u>Sall, Ltd.</u>	<u>207 Bank Street, Montpelier, VT 05602</u>
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Date of incorporation <u>10/12/10</u>	Is corporate charter now valid? <u>yes</u>
---------------------------------------	--

Corporate Federal Identification Number 27-3643785

Have you registered your corporation and/or trade name with the Town/City Clerk? _____ and/or Secretary of State? ☒ (as required by VSA Title 11 § 1621, 1623 & 1625).

ALL APPLICANTS

HAVE ANY OF THE APPLICANTS EVER BEEN CONVICTED OR PLED GUILTY TO ANY CRIMINAL OR MOTOR VEHICLE OFFENSE IN ANY COURT OF LAW (INCLUDING TRAFFIC TICKETS BY MAIL)

☐ YES	☒ NO
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If yes, please complete the following information: (attached sheet if necessary)

Name	Court/Traffic Bureau	Offense	Date
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Do any of the applicants hold any elective or appointive state, county, city, village/town office in Vermont? (See VSA, T.7, Ch. 9, §223) ☐ YES ☒ NO If yes, please complete the following information:

Name	Office	Jurisdiction
------	--------	--------------

Please give name, title and date attended of manager, director, partner or individual who has attended a Liquor Control Licensee Education Seminar, as required by Education Regulation No. 3:

NAME: _____
TITLE: _____
DATE: _____

(If you have not attended an Education Seminar prior to making application, please contact the Liquor Control Investigator in your area regarding this mandatory training.)

FOR ALL APPLICANTS: DESCRIPTION /LOCATION OF PREMISES (Section 4)

Description of the premises to be licensed: A small restaurant serving local cuisine

Does applicant own the premises described? no If not owned, does applicant lease the premises? yes

If leased, name and address of lessor who holds title to property: Holly Tuft, Trevor Cole

Are you making this application for the benefit of any other party? No

FIRST CLASS APPLICANTS ONLY: No first class license may be issued without the following information.

HEALTH LICENSE #: Food 11813 Lodging _____ (if licensed as a Hotel)

VERMONT TAX DEPARTMENT: Meals & Rooms Certificate/Business Account # 440-273643785F-01

Business is devoted primarily to: (Circle one)

FOOD (restaurant)

ENTERTAINMENT (cabaret)

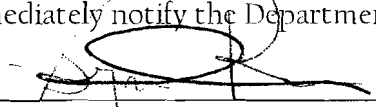
HOTEL

CLUB

If you are considering Outside Consumption service on decks, porches, cabanas, etc. you must complete an Outside Consumption Permit. Please request this form from your Town/City or from the Department of Liquor Control.

CABARET APPLICANTS ONLY:

Applicant hereby certifies that the sale of food shall be less in amount or volume than the sales of alcoholic beverages and the receipts from entertainment and dancing; if at any time this should not be the case, the applicant/licensee shall immediately notify the Department of Liquor Control of this fact.


Signature of Individual, Partner, authorized agent of Corporation or LLC member

no cabaret, sorry.

ALL APPLICANTS MUST COMPLETE AND SIGN BELOW

The applicant(s) understands and agrees that the Liquor Control Board may obtain criminal history record information from State and Federal repositories prior to acting on this application.

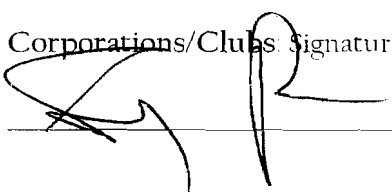
I/We hereby certify, under pains and penalties of perjury, that I/We are in good standing with respect to or in full compliance with a plan approved by the Commissioner of Taxes to pay any and all taxes due the State of Vermont as of the date of this application. (VSA, Title 32, §3113).

In accordance with 21 VSA, §1378 (b) I/We certify, under pains and penalties of perjury, that I/We are in good standing with respect to or in full compliance with a plan to pay any and all contributions or payments in lieu of contributions due to the Department of Employment and Training.

If applicant is applying as an individual: I hereby certify that I/We are not under an obligation to pay child support or that I/We are in good standing with respect to child support or am in full compliance with a plan to pay any and all child support payable under a support order. (VSA, Title 15, §795).

Dated at 11/23/10 in the County of Washington and State of VT,
this 23 day of November, 2010

Corporations/Clubs: Signature of Authorized Agent Individuals/Partners: (All partners must sign)



Director
(Title)

Upon being satisfied that the conditions precedent to the granting of this license as provided in Title 7 of the Vermont Statutes Annotated, as amended, have been fully met by the applicant, the commissioners will endorse their recommendation on the back of the applications and transmit both copies to the Liquor Control Board for suitable action thereon, before any license may be granted. For the information of the Liquor Control Board, all applications shall carry the signature of each individual commissioner registering either approval or disapproval. Lease or title must be recorded in town or city before issuance of license.

Montpelier, Vermont, ~~11-11-10~~
Town/City Date

APPROVED

DISAPPROVED

Approved/Disapproved by Board of Control Commissioners of the City or Town (circle one) of _____

Total Membership _____ members present

Attest, _____
City or Town Clerk

TOWN OR CITY CLERK SHALL MAIL APPLICATION DIRECTLY TO THE DEPARTMENT OF LIQUOR CONTROL, 13 Green Mountain Drive, Montpelier, VT 05602. If application is disapproved, local control commissioners shall notify the applicant by letter.

No formal action taken by any agency or authority of any town board of selectmen or city board of aldermen on a first or second class application shall be considered binding except as taken or made at an open public meeting. VSA Title 1 §312.

NOTICE: After local action, all new applications are investigated by the Enforcement and Licensing Division prior to approval/disapproval of the license by the Liquor Control Board.

SECTION 5111 AND 5121 OF THE INTERNAL REVENUE CODE OF 1954 REQUIRE EVERY RETAIL DEALER IN ALCOHOLIC BEVERAGES TO FILE A FORM ANNUALLY AND PAY A SPECIAL TAX IN CONNECTION WITH SUCH SALES ACTIVITY. FOR FURTHER INFORMATION, CONTACT:

THE BUREAU OF ALCOHOL, TOBACCO & FIREARMS (TTB)
DEPARTMENT OF THE TREASURY
550 MAIN STREET, CINCINNATI, OH 45202

(513) 684-2979

Please complete and include with your liquor license application

Please fill in for Individual, Partners, or Directors

Applicant/s Personal Information

Legal Name: Sigmar M. Podhanger Address: 62 Wood Street, Burlington, VT 05401
Date of Birth 12/27/71 Place of Birth New York, New York Sex F SS# 009-70-6314

Legal Name: _____ Address: _____
Date of Birth _____ Place of Birth _____ Sex _____ SS# _____

Legal Name: _____ Address: _____
Date of Birth _____ Place of Birth _____ Sex _____ SS# _____

Legal Name: _____ Address: _____
Date of Birth _____ Place of Birth _____ Sex _____ SS# _____

Legal Name: _____ Address: _____
Date of Birth _____ Place of Birth _____ Sex _____ SS# _____

Legal Name: _____ Address: _____
Date of Birth _____ Place of Birth _____ Sex _____ SS# _____

Stockholder's Personal Information:

Legal Name: _____ Address: _____
Date of Birth _____ Place of Birth _____ Sex _____ SS# _____

Legal Name: _____ Address: _____
Date of Birth _____ Place of Birth _____ Sex _____ SS# _____

Legal Name: _____ Address: _____
Date of Birth _____ Place of Birth _____ Sex _____ SS# _____

Attach additional sheet if necessary

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

Caterer's Permit Number 5546-001
- CATR-01

APPROVED

DISAPPROVED

Date:

Reason: _____

(for department use only)

To: Board of Selectmen/Alderman at catered location and Vermont Liquor Control Board.
From: Licensee name: Langdon St. Cafe Collective Inc.
d/b/a: Langdon Street Cafe
Street: 4 Langdon St Town/City: Montpelier
Contact name and phone number: Meg Hammond 595-2233
Email or Fax # meg@langdonstreetcafe.com

BE SURE TO READ INSTRUCTIONS BELOW, BEFORE COMPLETING APPLICATION.

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

Please answer the following questions:

- Describe type of party to be catered: Kellogg-Hubbard Library's
"Evening at the Library"
 - Location of catered party (street, town or city; if no address, describe location):
K-H Library, Montpelier
 - Date of catered party (not more than five days, unless specifically authorized: Dec. 4th 2010
 - Hours of operation: Beginning 5pm hrs. Ending 10pm hrs. No. of Persons 150
- Signed: [Signature] Date: 11/25/10
(caterer)

We recommend: approval disapproved

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

Town/City Clerk's signature
Of CATERED location.

Town/City
Fax Number or email address: _____

Date

SUBMIT AT LEAST 5 DAYS PRIOR TO DATE OF FUNCTION

Submit to Town/City Clerk for recommendation.

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

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

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

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

Caterer's Permit Number 6910-001-CATR-011

APPROVED

DISAPPROVED

Date:

Reason: _____

(for department use only)

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

From: Licensee name: HYZER INDUSTRIES INC.

d/b/a: THREE PENNY TAPROOM

Street: 108 MAIN ST. Town/City: MONTPELIER

Contact name and phone number: SCOTT KERNER (802) 223-8277

Email or Fax # SCOTT@THREEPENNYTAPROOM.COM

BE SURE TO READ INSTRUCTIONS BELOW, BEFORE COMPLETING APPLICATION.

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

Please answer the following questions:

1. Describe type of party to be catered: HOLIDAY PARTY

2. Location of catered party (street, town or city; if no address, describe location): _____

VERMONT COLLEGE OF FINE ARTS

3. Date of catered party (not more than five days, unless specifically authorized: 12/9/10

4. Hours of operation: Beginning 5 pm hrs. Ending 8:30 pm hrs. No. of Persons 75

Signed: [Signature] Date: 12/1/10
(caterer)

We recommend: approval disapproved

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

Town/City Clerk's signature
Of CATERED location.

Town/City
Fax Number or email address:

Date

SUBMIT AT LEAST 5 DAYS PRIOR TO DATE OF FUNCTION

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

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 - b) Separate toilet and lavatory facilities available for both men and women.



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: Local Options Taxes/Charter Change Proposal
Date: December 3, 2010

In connection with the discussion on local options taxes and proposed charter changes, attached is the following:

- 1) Memo from me regarding time line requirements for a charter change vote on March 1, 2011.
- 2) Copy of state statute 17 VSA 55, section 2645 regarding charter changes.
- 3) Draft of two possible charter change items relating to sales tax and rooms/meals/alcohol tax.
- 4) Summary of potential revenues and tax impacts from local options tax.
- 5) Summary of receipt data from all Vermont communities with local options taxes.
- 6) Copy of state statute 24 VSA 138 regarding local options taxes.
- 7) Copy of Tax Department circular TB-37 regarding administration of local options sales taxes.
- 8) Copy of Tax Department circular TB-25 regarding administration of local options rooms, meals and alcohol taxes.



CITY OF MONTPELIER, VERMONT
- THE SMALLEST CAPITAL CITY IN THE UNITED STATES -

Mayor Mary S. Hooper

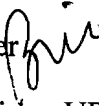
City Council:

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Jim Sheridan
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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: Charter Amendment Time Line - UPDATED
Date: December 3, 2010

The Mayor is proposing March charter votes for local option tax items. I have updated my memo from April 16th to reflect the deadlines and requirements for such a proposal.

I've attached the full statute regarding Charter Amendments but will excerpt the key dates and develop timelines as they would apply to the March 1, 2011 election.

The statutes allow for charter amendments to be initiated either by the legislative body (the City Council) or by petition of five percent of the registered voters. The hearing and adoption process is similar but not identical depending on how the amendment is initiated. For our purposes, I will focus on amendments proposed by the Council.

- 1) The first requirement is that an official copy of the proposed charter amendments must be filed with the City Clerk at least 10 days prior to the first public hearing on the amendment. That means that a draft of the amendment must be on a Council agenda in sufficient time to allow for formal adoption of the item and the timely filing of that item with the Clerk.
- 2) Charter Amendments require two public hearings. The first public hearing MUST be held more than 30 days prior to voting day. The second must be held in advance of the election but the timing is otherwise not specified.
- 3) If the Council changes the proposed amendment based on comments heard at the first public hearing, the revisions must be posted publicly and filed with the Clerk at least 20 days prior to the election day.

- 4) Otherwise, notices of the charter change must be warned and publicized in the same manner as the annual or special town meeting.

Working backward from the election dates the following dates hit the timing requirements precisely with **no room for error or accounting for weekends:**

Voting Day

March 1, 2011

20 days for revisions	February 9, 2011
30 days/ 1 st Pub. Hearing	January 29, 2011
10 days for filing with Clerk	January 19, 2011

Using our regular meeting (and budget workshop/hearing) schedules we would more realistically be looking at the following:

2 nd Public Hearing	February 23, 2011
20 days for revisions	February 9, 2011
1 st Public Hearing (at least 30 days in advance of voting)	January 20, 2011
Adopt language to file with Clerk (at least 10 days prior to 1 st PH)	January 5, 2011 (last budget workshop)
One working meeting to discuss possible amendment(s) if needed	December 22, 2010

With this schedule, there are 3 council meetings (December 8, 15 & 22) to prepare something for for a March ballot.

TITLE 17: Elections , Chapter 55: Local Elections

§ 2645. Charters, amendment, procedure

(a) A municipality may propose to the general assembly to amend its charter by majority vote of the legal voters of the municipality present and voting at any annual or special meeting warned for that purpose in accordance with the following procedure:

(1) A proposal to adopt, repeal or amend a municipal charter may be made by the legislative body of the municipality or by petition of five percent of the voters of the municipality.

(2) An official copy of the proposed charter amendments shall be filed as a public record in the office of the clerk of the municipality at least ten days before the first public hearing and copies thereof shall be made available to members of the public upon request.

(3) The legislative body of the municipality shall hold at least two public hearings prior to the vote on the proposed charter amendments. The first public hearing shall be held at least 30 days before the annual or special meeting.

(4) If the proposals to amend the charter are made by the legislative body, the legislative body may revise the amendments as a result of suggestions and recommendations made at a public hearing, but in no event shall such revisions be made less than 20 days before the date of the meeting. If revisions are made, the legislative body shall post a notice of these revisions in the same places as the warning for the meeting not less than 20 days before the date of the meeting and shall attach such revisions to the official copy kept on file for public inspection in the office of the clerk of the municipality.

(5) If the proposals to amend the charter are made by petition, the second public hearing shall be held no later than ten days after the first public hearing. The legislative body shall not have the authority to revise proposals to amend the charter made by petition. After the warning and hearing requirements of this section are satisfied, proposals by petition shall be submitted to the voters at the next annual meeting, primary or general election in the form in which they were filed, except that the legislative body may make technical corrections.

(6) Notice of the public hearings and of the annual or special meeting shall be given in the same way and time as for annual meetings of the municipality. Such notice shall specify the sections to be amended, setting out sections to be amended in the amended form, with deleted matter in brackets and new matter underlined or in italics. If the legislative body of the municipality determines that the proposed charter amendments are too long or unwieldy to set out in amended form, the notice shall include a concise summary of the proposed charter amendments and shall state that an official copy of the proposed charter amendments is on file for public inspection in the office of the clerk of the municipality and that copies thereof shall be made available to members of the public upon request.

(7) Voting on charter amendments shall be by Australian ballot. The ballot shall show each section to be amended in the amended form, with deleted matter in brackets and new matter underlined or in italics and shall permit the voter to vote on each proposal of amendment separately. If the legislative body determines that the proposed charter amendments are too long

or unwieldy to be shown in the amended form, an official copy of the proposed charter amendments shall be maintained conspicuously in each ballot booth for inspection by the voters during the balloting and voters shall be permitted to vote upon the charter amendments in their entirety in the form of a yes or no proposition

(b) The clerk of the municipality, under the direction of the legislative body, shall announce and post the results of the vote immediately after the vote is counted. The clerk, within 10 days after the day of the election, shall certify to the secretary of state each proposal of amendment showing the facts as to its origin and the procedure followed.

(c) The secretary of state shall file the certificate and deliver copies of it to the attorney general and clerk of the house of representatives, the secretary of the senate and the chairman of the committees concerned with municipal charters of both houses of the general assembly.

(d) The amendment shall become effective upon affirmative enactment of the proposal, either as proposed or as amended by the general assembly. A proposal for a charter amendment may be enacted by reference to the amendment as approved by the voters of the municipality. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 100; 1981, No. 239 (Adj. Sess.), § 22, eff. May 4, 1982; 1983, No. 161 (Adj. Sess.); 1987, No. 63.)

Draft Charter Changes

For discussion on December 8, 2010

Ballot Article 1: Shall the voters amend the Charter of the City of Montpelier to allow for a local sales tax as follows?

Add New Section:

Title XII - Section 2:

- (a) Local option taxes are authorized under this section for the purpose of affording the City an alternative method of raising municipal revenues. Accordingly:
- (b) The City Council will assess a sales tax of one percent; with the provision that 20% of revenues collected from the sales tax will be dedicated for economic development and/or business promotion.
- (c) Any tax imposed under the authority of this section shall be collected and administered by the Vermont department of taxes, in accordance with state law governing such state tax or taxes; provided however, that a sales tax imposed under this section shall be collected on each sale that is subject to the Vermont sales tax using a destination basis for taxation.
- (d) Of the taxes reported under this section, 70 percent shall be paid to the City of Montpelier for calendar years thereafter. Such revenues may be expended by the City of Montpelier for municipal services only and not for educational expenditures. The remaining amount of the taxes reported shall be remitted monthly to the state treasurer for deposit in the PILOT special fund established in Sec. 89 of No. 60 of the Acts of 1997. Taxes due to the City of Montpelier under this section shall be paid by the State on a quarterly basis.

Existing Sections 2 through 10 shall be renumbered as Sections 3 through 11.

Ballot Article 2: Shall the voters amend the Charter of the City of Montpelier to allow for a local rooms/meals and alcohol taxes as follows?

Add New Section:

Title XII - Section 2:

- (a) Local option taxes are authorized under this section for the purpose of affording the City an alternative method of raising municipal revenues. Accordingly:
- (b) The City Council will assess rooms, meals and alcohol taxes of one percent; with the provision that 100% of revenues collected from the rooms, meals and alcohol taxes will be dedicated for infrastructure improvements and maintenance.

(c) Any tax imposed under the authority of this section shall be collected and administered by the Vermont department of taxes, in accordance with state law governing such state tax or taxes.

(d) Of the taxes reported under this section, 70 percent shall be paid to the City of Montpelier for calendar years thereafter. Such revenues may be expended by the City of Montpelier for municipal services only and not for educational expenditures. The remaining amount of the taxes reported shall be remitted monthly to the state treasurer for deposit in the PILOT special fund established in Sec. 89 of No. 60 of the Acts of 1997. Taxes due to the City of Montpelier under this section shall be paid by the State on a quarterly basis.

Existing Sections 2 through 10 shall be renumbered as Sections 3 through 11.

LOCAL OPTIONS TAX INFORMATION

		<u>Sales</u>	<u>Meals</u>	<u>Rooms</u>	<u>Alcohol</u>	<u>R, M, A Comb.</u>	<u>ALL</u>
Revenue (70%) est.		463,975	132,599	20,531	25,662	178,792	642,767
Local PILOT increase est.		59,654	17,048	2,640	3,299	22,988	82,642
TOTAL		523,629	149,647	23,171	28,961	201,780	725,409
FY11 Gen Fund Budget	10,346,129	5.1%	1.4%	0.2%	0.3%	2.0%	7.0%
FY11 Mun Prop Tax - ALL	7,603,418	6.9%	2.0%	0.3%	0.4%	2.7%	9.5%
FY11 Mun Prop Tax - City only	6,596,004	7.9%	2.3%	0.4%	0.4%	3.1%	11.0%
Current Municipal Tax Rate	0.9174						
Current Municipal Grand List	829,293,153	0.0631	0.0180	0.0028	0.0035	0.0243	0.0875
Average Res. Property	228,000	\$143.96	\$41.14	\$6.37	\$7.96	\$55.48	\$199.44
Amount to Spend to Break Even		\$14,396.29	\$4,114.30	\$637.04	\$796.24	\$5,547.58	\$19,943.87
Weekly Average		\$276.85	\$79.12	\$12.25	\$15.31	\$106.68	\$383.54
Total Grand List required		890,060,682	845,430,278	831,332,645	831,967,823	851,381,281	916,155,168
New Grand List required		60,767,529	16,137,125	2,039,492	2,674,670	22,088,128	86,862,015
Percent of GL increase required		7.3%	1.9%	0.2%	0.3%	2.7%	10.5%
Equivalent Avg. Residential Units		267	71	9	12	97	381
Equivalent "National Lives"		1.38	0.37	0.05	0.06	0.50	1.97

Survey Question: The City should collect alternate revenues (e.g. sales tax, rooms/meals/alcohol tax) to reduce reliance on property taxes and bring in more funding from non-residents.

Strongly Agree	39%	Somewhat Disagree	14%
Somewhat Agree	38%	Strongly Disagree	10%

Fiscal Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010 Use
Sales Receipts												
Burlington	298,881,941	244,543,296	236,276,966	231,921,751	254,536,076	269,599,258	269,816,852	257,626,996	242,224,820	223,699,285	195,254,453	210,031,625 gen rev
Dover	24,042,534	22,045,062	24,817,091	21,436,245	25,207,462	23,094,808	27,714,631	24,545,887	21,841,414	27,304,564	25,679,532	26,547,683 ec dev
Killington	52,323,441	47,843,192	53,555,841	48,674,594	54,065,218	50,344,523	59,471,138	50,668,346	48,299,936	50,260,288	44,394,790	43,440,012 ec dev
Manchester	146,631,383	139,998,516	124,660,734	119,051,048	125,975,103	131,751,814	136,425,246	143,935,456	140,208,352	126,049,212	104,840,891	93,752,407 gen rev
Middlebury	72,682,838	69,046,247	67,535,642	67,832,985	65,360,666	66,932,625	72,950,988	76,220,957	80,120,526	80,274,835	74,118,036	76,551,856 bridge
Rutland Town	105,214,421	94,632,885	85,089,671	64,548,353	59,779,487	59,542,223	60,962,380	67,377,685	75,044,897	134,381,943	115,322,831	112,208,441 gen rev
South Burlington	283,774,284	278,302,406	260,195,211	283,116,389	274,195,232	289,610,459	297,507,587	330,936,861	326,826,660	337,776,955	322,657,696	302,263,011 gen rev
Stratton	533,889	663,942	615,832	23,548,451	23,054,238	21,497,795	25,330,919	23,787,611	22,652,347	26,512,005	25,011,271	26,879,441 gen rev
Williston	269,778,992	301,657,203	320,408,663	347,881,621	322,740,123	366,729,543	410,052,729	428,421,664	434,810,130	416,105,058	368,652,575	345,746,090 gen rev
Winhall (effective July 1, 2010)	20,979,750	21,955,984	30,618,484	3,717,078	5,919,752	5,595,533	7,686,409	7,159,264	7,048,849	7,031,348	6,340,366	5,908,199 town hall
Montpelier	53,474,237	164,173,269	52,539,179	56,371,802	57,289,368	59,570,287	64,626,186	65,964,837	65,554,088	65,008,366	66,239,647	106,661,762
Meals Receipts												
Brattleboro		23,209,173	23,769,364	23,380,337	23,586,616	25,205,818	26,736,478	27,516,243	29,715,148	29,709,622	30,316,606	31,411,514 capital
Dover		9,636,354	10,656,161	9,045,074	9,947,561	9,321,114	9,772,911	9,596,151	9,099,305	9,244,967	8,843,419	9,070,163 ec dev
Killington		18,064,388	19,411,270	18,047,144	18,337,226	17,489,733	18,306,861	17,483,965	17,256,953	16,409,253	14,182,941	12,982,014 ec dev
Manchester		19,344,750	19,520,644	19,126,583	19,764,686	20,392,410	20,383,130	21,313,070	22,703,839	22,115,722	20,433,723	20,538,023 gen rev
Middlebury		13,265,939	13,502,724	13,295,949	12,651,406	13,239,678	14,346,602	14,633,456	15,303,113	16,007,868	15,868,710	16,057,584 bridge
Rutland Town		3,795,531	3,676,201							11,312,675	6,358,329	gen rev
South Burlington		51,303,314	55,153,307	54,747,811	52,853,095	53,888,636	55,708,971	59,074,324	60,181,143	63,196,606	65,554,045	65,695,748 gen rev
Stratton			5,991,509	4,836,657	6,041,767	6,141,026	6,377,680	8,081,491	9,150,968	7,651,900	6,359,089	6,046,715 gen rev
Stowe		25,756,744	26,759,291	27,039,778	26,385,963	25,949,410	27,475,840	27,423,739	29,066,393	30,644,351	30,012,786	30,071,330 capital
Williston		6,699,408	6,548,559	7,597,826	10,284,712	14,932,799	20,848,863	21,426,206	22,402,815	23,089,464	24,095,090	26,081,458 gen rev
Winhall (effective July 1, 2010)		3,033,809	2,564,187	2,196,296	2,086,839	1,850,001	1,925,052	1,900,992	1,853,049	1,850,602	1,890,727	1,852,425 town hall
Burlington*	54,299,812											gen rev
Rutland City	30,569,120	32,024,260	33,244,833	34,971,606	38,639,474	40,559,215	41,628,360	42,667,117	32,181,560	35,777,620	35,938,153	gen rev
Montpelier	13,646,759	14,102,087	13,967,771	14,010,861	14,618,195	15,995,448	17,434,167	18,190,824	18,528,495	18,227,847	18,942,730	
Rooms Receipts												
Brattleboro		5,988,143	6,063,379	6,438,255	7,332,765	8,305,873	8,168,006	8,867,504	8,904,718	9,065,322	8,723,783	9,031,847 capital
Dover		12,880,235	10,656,161	11,266,932	12,965,127	11,362,254	11,393,956	11,516,764	10,551,430	9,744,317	8,642,644	10,737,434 ec dev
Killington		29,854,480	32,788,707	31,998,215	32,389,403	30,057,101	30,170,555	29,616,196	28,057,396	27,480,785	21,838,112	20,433,913 ec dev
Manchester		18,568,376	18,412,015	17,797,597	17,504,521	18,428,607	19,564,955	19,982,584	19,803,889	18,505,027	17,431,719	16,912,073 gen rev
Middlebury		3,534,282	3,844,161	3,651,791	3,649,498	4,419,256	5,500,330	5,336,385	5,803,962	6,136,819	5,817,999	5,659,237 bridge
Rutland Town												gen rev
South Burlington		25,876,885	26,730,910	26,373,214	26,598,138	27,546,732	28,918,306	32,910,405	37,187,644	38,362,981	37,509,376	37,126,929 gen rev
Stratton								7,002,674	5,404,451	8,594,806	7,888,195	8,624,350 gen rev
Stowe		32,447,151	35,902,169	36,900,268	35,983,098	34,674,157	35,384,292	36,542,027	38,857,725	43,448,526	39,993,247	39,718,554 capital
Winhall (effective July 1, 2010)		2,019,404	7,058,322	1,734,303	1,977,858	1,795,690	1,626,046	1,964,269	1,883,357	1,978,134	1,613,615	1,784,070 town hall
Burlington*	9,060,081											gen rev
Rutland City	7,811,254	8,930,564	8,564,067	7,989,100	8,366,570	8,311,626	8,113,015	9,162,467	2,726,625	3,223,494	2,988,328	gen rev
Montpelier	2,563,328			3,467,924	2,568,586		2,916,183	2,802,704	2,818,524	2,760,368	2,775,317	2,932,978

Fiscal Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010 Use
Alcohol Receipts												
Brattleboro		3,264,802	3,116,679	3,094,221	3,157,099	3,527,910	3,723,233	3,734,945	4,195,013	4,110,890	3,943,503	4,010,058 gen rev
Dover		3,424,527	3,725,477	3,421,529	3,647,709	3,351,677	3,422,428	3,228,765	2,762,645	2,882,779	2,820,245	3,252,941 ec dev
Killington		7,578,685	8,423,294	7,770,236	7,945,322	7,552,957	7,799,605	7,743,858	7,661,565	6,666,699	6,873,886	7,151,215 ec dev
Manchester		4,199,039	4,161,117	4,176,685	4,319,131	4,593,590	4,660,835	5,008,293	5,260,872	4,988,788	4,904,492	4,974,932 gen rev
Middlebury		1,968,528	2,008,922	2,021,653	1,918,837	2,078,330	2,261,034	2,192,736	2,339,403	2,539,926	2,503,572	2,581,743 bridge
South Burlington		5,421,263	5,744,348	5,722,666	5,393,171	5,929,482	6,351,084	7,390,647	7,824,551	8,011,544	7,916,368	7,843,324 gen rev
Stratton					1,669,668	1,985,532	2,281,971	2,120,052	2,145,245	2,412,543	2,194,195	2,348,151 gen rev
Stowe		6,751,731	7,016,405	7,135,309	7,074,229	6,861,434	7,539,588	7,581,148	7,955,622	8,207,635	8,229,291	8,596,186 capital
Williston				570,199	1,009,484	1,657,835	2,054,481	2,139,702	2,393,040	2,445,496	2,790,419	3,034,044 gen rev
Burlington*		16,417,080										gen rev
Rutland City		4,969,738	5,196,006	5,354,408	5,281,967	5,564,760	5,561,980	5,601,623	5,743,097	4,608,126	4,948,324	5,009,092 gen rev
Montpelier		2,327,898	2,395,228	2,577,304	2,673,843	2,832,266	3,137,724	3,249,485	3,326,425	3,401,237	3,241,211	3,666,040

* Burlington's charter allows them to assess a gross receipts tax which includes rooms, meals, alcohol, admissions, amusements. The original rate was 1.0% in 1986, changed to 1.5% in 2000 and 2.0% in 2003

The Vermont Statutes Online

Title 24: Municipal and County Government

Chapter 5: COUNTY OFFICERS; POWERS AND DUTIES

24 V.S.A. § 138. Local option taxes

§ 138. Local option taxes

(a) Local option taxes are authorized under this section for the purpose of affording municipalities an alternative method of raising municipal revenues to facilitate the transition and reduce the dislocations in those municipalities that may be caused by reforms to the method of financing public education under the Equal Educational Opportunity Act of 1997. Accordingly:

(1) the local option taxes authorized under this section may be imposed by a municipality;

(2) a municipality opting to impose a local option tax may do so prior to July 1, 1998 to be effective beginning January 1, 1999, and anytime after December 1, 1998 a local option tax shall be effective beginning on the next tax quarter following 90 days' notice to the department of taxes of the imposition; and

(3) a local option tax may only be adopted by a municipality in which:

(A) the education property tax rate in 1997 was less than \$1.10 per \$100.00 of equalized education property value; or

(B) the equalized grand list value of personal property, business machinery, inventory, and equipment is at least ten percent of the equalized education grand list as reported in the 1998 Annual Report of the Division of Property Valuation and Review; or

(C) the combined education tax rate of the municipality will increase by 20 percent or more in fiscal year 1999 or in fiscal year 2000 over the rate of the combined education property tax in the previous fiscal year.

(b) If the legislative body of a municipality by a majority vote recommends, the voters of a municipality may, at an annual or special meeting warned for that purpose, by a majority vote of those present and voting, assess any or all of the following:

(1) a one percent sales tax;

(2) a one percent meals and alcoholic beverages tax;

(3) a one percent rooms tax.

(c) Any tax imposed under the authority of this section shall be collected and administered by the department of taxes, in accordance with state law governing such state tax or taxes; provided however, that a sales tax imposed under this section shall be collected on each sale that is subject to the Vermont sales tax using a destination basis for taxation. A per-return fee of \$9.52 shall be assessed to compensate the department for the costs of administration and collection, 70 percent of which shall be borne by the municipality, and 30 percent of which shall be borne by the state to be paid from the pilot special fund. The fee shall be subject to the provisions of 32 V.S.A. § 605.

(d) Of the taxes collected under this section, 70 percent of the taxes shall be paid on a quarterly basis to the municipality in which they were collected, after reduction for the costs of administration and collection under subsection (c) of this section. Revenues received by a municipality may be expended for municipal services only, and not for education expenditures. Any remaining revenue shall be deposited into the PILOT special fund established by 32 V.S.A. § 3709.

(e) As used in this section, "municipality" means a city, town or incorporated village.

(f) Nothing in this section shall affect the validity of any existing provision of law or municipal charter authorizing a municipality to impose a tax similar to the local option taxes authorized in this section. (Added 1997, No. 60, § 88; amended 1997, No. 71 (Adj. Sess.), § 61, eff. March 11, 1998; 1999, No. 49, § 87, eff. June 2, 1999; 2001, No. 144 (Adj. Sess.), § 25; 2003, No. 66, § 53b, see effective date note set out below; No. 68, §§ 66, 68, eff. June 18, 2003; 2003, No. 152 (Adj. Sess.), § 15; 2005, No. 215 (Adj. Sess.), §§ 286, 293b, 293c; 2009, No. 160 (Adj. Sess.), § 8.)

TAX: LOCAL OPTION SALES TAX

TB-37

Replaces TB - 14

**SUBJECT: REQUIREMENT TO COLLECT
LOCAL OPTION SALES TAXES**

Issued: 03/16/07

Revised: 03/06/09

REFERENCES: 24 V.S.A. § 138

The purpose of this bulletin is to address the collection of Local Option Sales Tax imposed under the provisions of section 138 of Title 24, Vermont Statutes Annotated, July 1, 2002. The principles below will apply to any municipalities that enact Local Option Sales Taxes.

GENERAL RULES

Local Option Sales Tax is collected on a destination sales basis. A vendor located within the borders of a Local Option Sales Tax town, and any other registered vendor that delivers or sends items to a Local Option Sales Tax town must collect Local Option Sales Tax (1%) on sales that are subject to the state sales (6%) tax. If the property being delivered or sent is taxable, shipping charges are also subject to both taxes. Sales from a Local Option Sales Tax town where delivery is made to a non-local option town are not subject to the Local Option Sales Tax. Out-of-state vendors that have voluntarily agreed to collect Vermont state sales tax through their membership in the Streamlined Sales Tax Project (SSTP) must also collect Local Option Sales Tax.

Persons making amusement charges subject to state sales tax must also collect the Local Option Sales Tax on these charges if the entertainment or recreational facility is located in a Local Option Sales Tax town. Utility sales subject to state sales tax (electricity used commercially, cable TV and telecommunications, for example) are subject to the Local Option Sales Tax if the charge is for service provided at an address in a Local Option Sales Tax town. Charges for leases or rentals of tangible personal property subject to state sales tax are also subject to the Local Option Sales Tax if the property is located in a Local Option Sales Tax town. The Local Option Sales Tax does not apply to motor vehicles which are subject to the 6% purchase and use tax nor does it apply to automobile rentals.

Sales made from temporary sites are subject to the Local Option Sales Tax if the temporary site is in a Local Option Sales Tax town.

EXAMPLES

1. A customer purchases a tennis racquet at a store in Manchester which is a Local Option Sales Tax town. The vendor must collect the 6% state sales tax and the 1% Manchester Local Option Sales Tax.
2. A customer from Duxbury telephones a store in Williston and orders a table. The sale is not subject to the Local Option Sales Tax even though Williston is a Local Option Tax town, because the table will be shipped to Duxbury which has not adopted Local Option Sales Tax. However, if the vendor were located in Duxbury and the customer in Williston, the sale would be subject to the Williston Local Option Sales Tax because Williston is the destination of the table.

3. A vendor located in Jamaica sets up a temporary location at a craft fair in Stratton, a Local Option Sales Tax town. Sales of pillows made from the temporary location are subject to the Stratton Local Option Sales Tax. However, if the Vendor was from Stratton and the temporary location was in Jamaica, the sales would not be subject to the Local Option Sales Tax.

4. A salesperson working for a vendor located in Burlington visits a customer in Hinesburg and sells a wrench from an inventory in his van. This sale is not subject to the Burlington Local Option Sales Tax. However, if the vendor was from Hinesburg and the sale was made in Burlington the sale would be subject to the Burlington Local Option Sales Tax.

5. An electrical utility sells electricity subject to Vermont sales tax to commercial customers in several Vermont towns and cities. Sales made into Local Option Sales Tax towns such as Killington are subject to the Local Option Sales Tax.

6. A fuel oil dealer has offices in Barre from which customer accounts are serviced. A customer contacts the Barre office to establish accounts, close accounts or to handle issues regarding service or billing. After accounts have been established, fuel is delivered automatically depending on historical consumption patterns. When the dealer makes deliveries in towns that have a Local Option Sales Tax, sales which are subject to the state sales tax (such as deliveries to commercial accounts) are also subject to the Local Option Sales Tax. **Note:** Residential fuel deliveries are not subject to Vermont sales tax or to Local Option Sales Tax.

7. An operator of a business in Burlington (a Local Option Sales Tax town) orders a computer from a business located outside of Vermont who is not registered to collect Vermont sales tax. Therefore, the computer is subject to the 6% Vermont use tax, but there is no local option use tax. If the out-of-state business was registered to collect Vermont sales tax, the computer would be subject to the 6% state sales tax and the 1% Burlington Local Option Sales Tax.

8. An operator of a business in South Burlington (a Local Option Sales Tax town) purchases a computer from a Waterbury business. No state sales tax is collected because the purchaser holds a direct-pay permit. The transaction is subject to the South Burlington Local Option Sales tax, and the purchaser must accrue and pay the Local Option Sales Tax on their state sales tax return.

9. A leasing company located in Richmond collects Vermont sales tax on lease payments for a bulldozer located in Williston. These lease payments are subject to the Williston Local Option Sales Tax. However, if the leasing company were in Williston and the bulldozer in Richmond, no Local Option Sales Tax would be collected as Richmond is not a Local Option Sales Tax town. The tax on the first lease payment is determined by where the item is received and, to the extent the vendor has knowledge of the location of the bulldozer during subsequent lease periods, the tax is determined by the location of the bulldozer.

10. A vendor operates a roller-skating rink in Manchester (a Local Option Sales Tax town). Admission charges to skating rinks are amusement charges subject to Vermont sales tax. Tickets for admission can be purchased at outlets in various towns. Local Option Sales Tax is collected on the ticket sales regardless of the location of the ticket outlet.

11. A telecommunications service provider located in Randolph provides service to a customer located in Manchester. The charges are subject to the state sales tax and the Manchester Local Option Sales Tax.

REGISTRATION OF VENDORS

Local Option Sales Taxes may be collected by any vendor with a Vermont sales and use tax certificate of authority. No additional registration is required.

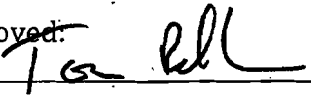
COLLECTION OF TAX FROM CUSTOMERS

The Local Option Sales Tax may be combined with the companion state sales tax and collected as a combined 7% sales tax. At the vendor's option, the state tax and local tax may be shown separately. If the one percent tax is collected separately, it is collected at \$.01 on each full dollar plus \$.01 on the excess over a full dollar if the excess is more than \$.50.

FILING RETURNS AND PAYING TAX

Vendors should report the Local Option Sales Tax they collect on their state sales tax returns utilizing their assigned filing frequency. Local Option Sales Tax is reported by jurisdiction in Part II of the return. Vendors should refer to the Department of Taxes website <http://tax.vermont.gov> to check for new local option towns or for additional information about local option tax. You may also contact the **Taxpayer Services Division** by e-mail at bustax@state.vt.us or by calling 802-828-2551 (option #3).


General Counsel

Approved: 
Commissioner of Taxes

**TAX: LOCAL OPTION MEALS & ALCOHOLIC BEVERAGES
TAX AND LOCAL OPTION ROOMS TAX**

TB-25

**SUBJECT: REQUIREMENT TO COLLECT LOCAL OPTION
MEALS & ALCOHOLIC BEVERAGES TAX AND
LOCAL OPTION ROOMS TAX**

Issued: June 3, 2003

Revised: September 12, 2008¹

REFERENCES: 24 V.S.A. § 138(b) (2) & (3)

This bulletin addresses the procedures for collecting and reporting the one percent Local Option Rooms Tax and the one percent Local Option Meals and Alcoholic Beverages Tax. The general principles apply to any jurisdiction that enacts one or both of these local option taxes pursuant to 24 V.S.A. §138(b).

This bulletin does NOT apply to the local taxes imposed by the City of Burlington or the City of Rutland, pursuant to their city charters. These two cities impose their own meals, entertainment and lodging tax as authorized by their city charters. They administer and collect the taxes. Vendors, who have businesses in Burlington or Rutland, should contact the city for information about these taxes. Similarly, this bulletin would not apply to any jurisdictions that, subsequent to the date of this bulletin, enact local taxes under authority granted by charter as opposed to under and in accordance with the provisions of 24 V.S.A. § 138.

GENERAL RULES

Local Option Meals & Rooms Tax applies to charges for rooms rented in a local option jurisdiction, and Local Option Meals and Alcoholic Beverages Tax applies to charges for meals, beverages and alcoholic beverages served in a local option jurisdiction. Vendors who deliver or cater meals or other items subject to the Vermont meals and rooms tax into a local option jurisdiction must collect and remit the Local Option Meals and Alcoholic Beverages Tax, even if their business location is outside of the local option jurisdiction. The Local Option Meals and Alcoholic Beverages Tax applies to all meals, beverages, alcoholic beverages that are subject to Vermont meals and rooms tax. The Local Option Rooms Tax applies to all lodging rentals that are subject to Vermont rooms tax.

¹ As originally issued, TB-25 addressed only Williston's Local Option Rooms and Local Option Meals & Alcoholic Beverages Taxes as Williston was the only municipality that had adopted those taxes pursuant to 24 V.S.A. § 138. Subsequent to the issuance date, other towns have adopted one or both of these taxes. The bulletin has been revised to apply generally to all such jurisdictions.

EXAMPLES

1. A restaurant in Williston (a jurisdiction that has enacted a Local Option Meals and Alcoholic Beverages Tax) serves a meal and alcoholic beverages to a patron. The cost of the meal and the alcoholic beverages are both subject to the Williston Local Option Tax.
2. An inn in South Burlington (a jurisdiction that has enacted a Local Option Rooms Tax) rents a room to a customer. The charge is subject to the South Burlington Local Option Tax.
3. A restaurant in Stowe (a jurisdiction that has enacted a Local Option Meals and Alcoholic Beverages Tax) contracts to cater an event in Waterbury, which is not a Local Option Tax jurisdiction. The restaurant furnishes the meal in Waterbury. The meal is not subject to the Stowe Local Option Meals and Rooms Tax as the meal is furnished in Waterbury.
4. A pizza shop in Brattleboro (a jurisdiction that has enacted a Local Option Meals and Alcoholic Beverages Tax) delivers meals to customers in Brattleboro and the adjacent jurisdictions. Local option tax applies only to the deliveries in Brattleboro. Likewise, a pizza shop located outside of Brattleboro must collect local option tax on deliveries into the jurisdiction of Brattleboro.
5. A mobile vendor sells sandwiches, coffee, and other food subject to Vermont meals and rooms tax at various locations during the day. Local Option Meals and Alcoholic Beverages Tax applies to any transactions that occur in a local option jurisdiction.
6. A real estate agency in Stratton (a jurisdiction that has enacted a Local Option Rooms Tax) rents out a vacation cottage located in Sunderland for one week. The transaction is subject to the Vermont rooms tax, however it is not subject to the Stratton Local Option Rooms Tax as the cottage is located in Sunderland.

REGISTRATION OF VENDORS

Any vendor with a Vermont meals and rooms tax certificate of authority is required to collect the Local Option Meals and Rooms Tax. No additional registration with the Department of Taxes is necessary.

COLLECTION OF TAX BY VENDORS

The Local Option Meals and Alcoholic Beverage Tax may be combined with Vermont Meals Tax and collected as a single 10% tax (11% for alcoholic beverages). The Local Option Rooms Tax may be combined with Vermont Rooms Tax and collected as a single 10% tax. At the vendor's option, the state tax and the local option tax may be shown separately. If sales are made on a tax-included basis, notice must be made to the customer that the price includes both the Vermont sales tax and the local option tax. A vendor may not make sales on a tax-included basis for one tax while separately itemizing the other tax.

FILING RETURNS AND PAYING THE TAX

Vendors report and pay their Local Option Meals and Alcoholic Beverages Tax and Local Option Rooms Tax on their Vermont Meals and Rooms Tax Returns (MR-441). Returns are preprinted with the names of the jurisdictions that have a Local Option Meals and Alcoholic Beverages Tax or Local Option Rooms Tax or both as of the printing date. If additional

jurisdictions enact Local Option Meals, Alcohol or Rooms Tax during the year, vendors should write in the jurisdiction name and the amount of Local Option Tax collected for these jurisdictions. Vendors should visit our website <http://tax.vermont.gov> for updates on new local option meals and rooms jurisdictions.

Molly Bachman
General Counsel

Approved by:

Tom Pelham
Commissioner



*Office of the City Manager
City Hall - 39 Main Street, Montpelier, VT 05602*

Telephone: (802) 223-9502

Fax: (802) 223-9519

E-Mail: Wfraser@montpelier-vt.org

November 15, 2010

The Times-Argus
Att: Classifieds

Please insert the following with City of Montpelier notices on Thursday, November 18th

CITY OF MONTPELIER
Planning Commission Vacancy

Join the board whose job it is to think about the future of the city! There is currently an unexpired, 2-year term that needs to be filled; said term will expire in August, 2011. Letters (or e-mails) of interest, with some information about what your background is and why you're interested, should be submitted to the Office of the City Manager, City Hall - 39 Main Street, Montpelier, or e-mailed to spitonyak@montpelier-vt.org on or by noon on Thursday, December 2nd. City Council will make this appointment at their Wednesday, December 8th meeting. Applicants are encouraged to attend; all meeting rooms and facilities in City Hall are handicapped accessible. Questions: 223-9506.

William J. Fraser
City Manager

11/16 - 11/18/10 *WJF*

**BURAK &
MELLONI** PLC

Counsellors at Law

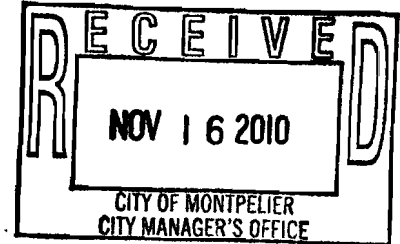
Michael L. Burak*
Jon Anderson
Thomas R. Melloni*
Michael B. Rosenberg*
Shane W. McCormack*†

Gateway Square • 30 Main Street
Post Office Box 787
Burlington, Vermont 05402-0787
Phone: 802 862-0500
Fax: 802 862-8176
www.vtlaw1.com

*Also admitted in New York
*Also admitted in the District of Columbia
†Also admitted in Massachusetts

November 15, 2010

Mr. William J. Fraser
City Manager
Montpelier City Hall
39 Main Street
Montpelier, VT 05602



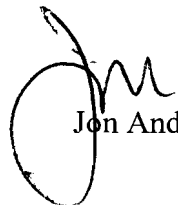
Dear Bill:

Please accept my application to be appointed by the Montpelier City Council as a member of the Planning Commission. A copy of my resume from my law firm's website is enclosed.

In the near future, the Planning Commission will focus on suggesting changes to the zoning ordinance in conformance with the recently adopted City Plan. I have a lot of experience that would enable me to be especially helpful. As a member of the Planning Commission in the late 1980's, I helped write several major revisions to the zoning ordinance. As a member of the City Council, I assisted in redrafting the zoning ordinance as directed by the City Plan adopted in the early 1990's. Because much of my practice as a lawyer focuses on zoning, I am familiar with zoning law and ordinances throughout the state. I also participated in drafting the state law for reviewing local zoning decisions. As Chairman of the Vermont Bar Association's Environmental Law Committee, I wrote the practice manual on zoning (copy enclosed). I review all decisions by the Environmental Court, which judges zoning appeals. I write and lecture frequently on zoning issues.

Please let me know if I can supply any additional information.

Very truly yours,


Jon Anderson

JTA\alb

Enclosures

S:\Client Matters\Admin\10000\Letters\jta fraser 11.15.10.doc

Jon T. Anderson



Jon T. Anderson

Email:

janderson@vtlaw1.com

Phone: 802-862-0500

Practice Areas:

- Commercial Litigation
- Environmental & Land Use
- Municipal & Public Financing
- Real Estate & Development

★ [Download vcard](#)

Jon practices in several areas in which he can use his engineering background and problem solving and project management approaches to serve clients. These areas include complex real estate projects and transactions including, especially, permitting and siting, litigation (especially over technical issues such as contaminated sites liability and clean up, valuation of complex property), administrative law including defense of environmental enforcement actions, utility regulation, environmental law, solid waste disposal including permitting and siting, land use including Vermont's Act 250, and zoning. Jon has been designated as one of the best lawyers in America in the field of environmental law.

After graduating from Yale Law School, Jon clerked for the Honorable Caleb M. Wright, a United States District Court Judge for the District of Delaware where he assisted with the preparation of decisions in several complex patent cases. After serving as Counsel to the Vermont Department of Public Service with Michael Burak, Jon joined Michael in private practice in 1985 and founded Burak & Anderson in 1989.

Jon regularly lectures at seminars on environmental and land use law issues and publishes widely in this field. With Jon's leadership, Burak Anderson & Melloni compiled and indexed summaries of all of the Vermont Environmental Court's planning and zoning decisions. A searchable index of such decisions is available in the Resources section of this website. Both the Planning and Zoning chapter for the Vermont Bar Association's Environmental Law Practice Manual and *Law and Land Use Development in Vermont* are also available from the firm's website [www.vtlaw1.com], or in printed pamphlets on request.

Jon frequently assists in the improvement of environmental law in Vermont. Jon chaired the State of Vermont Blue Ribbon Task Force on Hazardous Waste, which unanimously recommended the toxics use reduction and environmental assistance programs

implemented by Vermont. From 2000-2002 Jon authored the first draft of the permit process reform bill establishing the Environmental Court as the arbiter of all permit appeals. Jon also served as a member of the Vermont House of Representatives in 2006-2008 where he was a leader in improving environmental enforcement and adopting Vermont's groundwater bill.

Bar Admissions:

Vermont, 1980

U.S. District Court, District of Vermont, 1981

Education:

Yale University, J.D. 1978

Worcester Polytechnic Institute, B.S. Ch.E., with highest distinction 1975

Recipient, Salisbury Award (given each year to the top student in each discipline)

Brattleboro Union High School

Designated as one of the 121 Presidential Scholars

Honors and Awards:

Designated by Best Lawyers in the field of environmental law

Vermont Innkeeper of the Year – 2000

One of four smartest legislators – 2008

Professional Associations and Experience:

Appointed by Governor Kunin to Technical Advisory Committee on Solid Waste for the State of Vermont and to the Blue Ribbon Task Force on Hazardous Waste, 1990-2001

Interim Counsel to the Governor, 1990-1991

Montpelier Planning Commission, 1985-1988

Central Vermont Regional Planning Commission

Vermont Bar Association's Environmental Law Committee, Vice Chair, 1995-1998, Chair, 1998-2001

Vermont House of Representatives (on the Water Resources

Committee), Member, 2007-2008
Judge Advocate General Officer for the Vermont Guard, 2008-

Publications:

Decision Analysis in Environmental Decision-making: Improving the Concorde Balance, 5 Columbia Journal of Environmental Law 156 (1978)

Environmental Enforcements, Vermont Bar Journal & Law Digest, October 1995

Planning and Zoning Chapter Environmental Law Practice Manual, Vermont Bar Association (1st ed. 1998), (2nd ed. 2006)

Law and Land Development in Vermont (1st ed. 2002), (2nd ed. 2006)

A Commentary on the Permit Reform Bill, Vermont Bar Journal and Law Digest, Summer, 2004

Land Use Litigation is Different, Vermont Bar Journal and Law Digest, Winter 2005-2006

Approaches to Off-Site Mitigation of Agricultural and Forestry Soils, Vermont Environment Monitor, February 2005

Royal Tyler's Reaction to Slavery and the South, Vt. History (1977)

Recent Act 250 Decisions Threaten To Reduce Local Control, VLCT News

Environmental Enforcements, The Vermont Bar Journal & Law Digest, October 1995

Reopening Permit Threatens Land-Use Process, The Burlington Free Press, August 20, 1998

It's "Sprawl" in the Eye of the Beholder, New England's Environment, June 1999

Changes to Regional Plan Could Strangle Development, Vermont Business Magazine, November, 1999

Imprecise Tool for Measuring Sprawl Produces Misleading Results, AIV News & Views, January 14, 2000

There Are Some Ways Vermont Can Respond To Sprawl, The Burlington Free Press, June 16, 1999

Two Views On Making Local Plans Work For Towns In The Act 250 Process, VLCT News, February 2000

Legislators Challenged To Thoughtful Permit Reform, The Burlington Free Press, December 20, 2000

Defining the Limits of Act 250 Jurisdiction, The Vermont Bar Journal, Spring 2005

Scholarly Lectures:

Major Land Use Laws, NBI, January, 1995
Land Use Law Update in Vermont, NBI, July 27, 1995
Major Land Use Laws, NBI, March 22, 1996
Land Use Law Update in Vermont, NBI, September 18, 1996
Lead Paint Hazard, VT Bankers Association, October 17, 2006
Major Land Use Laws in Vermont, NBI, March 27, 1997
Advanced Real Estate Law in Vermont, NBI, December 2, 1997
Advanced Real Estate Law in Vermont, NBI, December 8, 1998
Major Land Use Laws in Vermont, NBI, August 18, 1999
Advanced Real Estate Law in Vermont, NBI, February 1, 2000
Land Use Law Update in Vermont, NBI, May 17, 2000
Major Land Use Laws in Vermont, NBI, December 15, 2000
Land Use Law Update in Vermont, NBI, November 30, 2001
Issues Affecting Brownfields Development Projects In Vermont, Lorman Education Service, December 3, 2002
Zoning and Land Use in Vermont, Lorman Education Services, November 12, 2002
Land Use Law Update in Vermont, NBI, November 13, 2002
Contaminated Property Transactions Seminar, NBI, October 2-3, 2002
Major Land Use Laws in Vermont, NBI, May 6, 2003
Practical Guide to Zoning and Land Use Law in Vermont, NBI, August 18, 2003
Zoning and Land Use in Vermont, Lorman Education Services, November 13, 2003
Vermont Land Use: Current Issues in Subdivision and Zoning Law, NBI, April 29, 2004
Permit Reform, Stormwater and other Hot Topics in Environmental Law, VT Bar Association, May 27, 2004
Basic Skills in Vermont Practice and Procedure, VT Bar Association, October 28, 2004
Zoning and Land Use Law, Lorman Education Services, February, 2005
Rural Land Use Issues in Vermont, NBI, May 18, 2005
How To Address Zoning, Act 250 and Other Environmental Issues in Assembling Complex Real Estate Deals in Vermont, NBI, August 31, 2005
Zoning and Land Use in Vermont, Lorman Education Services, December 1, 2005
Advanced Zoning and Land Use, Lorman Education Services, April 11, 2006
Complying with Vermont Land Use Laws and Regulations, NBI, May 10, 2006
Resolving Real Estate Title Defects, NBI, November 15, 2006

Examining and Resolving Title Issues, NBI, December 5, 2006
Land Use and Zoning Law Litigation, NBI, February 13, 2007
Zoning and Land Use Law, NBI, June 12, 2007
Advanced Zoning and Land Use, Lorman Education Services,
March 29, 2007
Plat and Subdivision Law in Vermont, Lorman Education Services,
November 11, 2008
Trends in Water Regulation, Vermont Association of Commercial
Real Estate Brokers
Land Use and Zoning Law, NBI, April 13, 2009
Title Law in Vermont, NBI, May 11, 2009
Real Estate Closings A-Z, NBI, June 11, 2009

Other Community Service:

Board of Trustees of the Vermont Arts Council, Member, 1992-
1996
Vermont Lodging & Restaurant Association, Member, Treasurer,
1992-1998, Vice President, 1997-1998
Montpelier Downtown Community Association, Board Member,
1999-, Chair, 2003-
Pyralisk Arts Center , Board Member, 2000-, Secretary, 2000-
2004, Treasurer, 2004-
Montpelier Travel Information Council, Chair, 1996-
Committee to develop a transit center and park in downtown
Montpelier, Chair, 2002-
Montpelier City Council (three terms as President), 1988-1996
Vermont Board of Architects (by gubernatorial appointment),
1999-2000
Central Vermont Chamber of Commerce, Member, 1996-,
President, 1998-2000
White House Conference on Travel & Tourism, 1997

Sandy Pitonyak

From: Dan Jones [dan@siteprod.com]
Sent: Tuesday, November 16, 2010 9:28 PM
To: wfraser@montpelier.org; Sandy Pitonyak
Cc: Gwendolyn Hallsmith
Subject: Planning commission opening

Hello

I was informed by Gwen Hallsmith that there is an opening on the Planning Commission. I am a recent transplant to Montpelier. We came because this seemed to be a place that embodied the humanistic future we wanted to inhabit.

If, there is still the opening, I would like to put my name forward as a possible candidate.

Thanks so much for your consideration

Sincerely
Dan Jones
116 Northfield St.
225-6377

"Man can embody truth but he cannot know it"
YB Yeats

DANIEL JONES

116 Northfield St
Montpelier VT 05602
(802) 225-6377 (C) 617-817-3638
dan@siteprod.com

EXPERTISE:

Communications analysis and planning for public sector institutions; videography, production and publishing; documentary/industrial film direction; management; social entrepreneurship.

COMPETENCIES:

Conceptual development and integrative analysis, video production, interviewing, scriptwriting, research and production coordination; camera work; video marketing support; graphic design and layout; photo manipulation; Website development design.

EXPERIENCE:

Executive Director

No Limits Media
www.nolimitsmedia.org
2001-present

- Conceptual development, fundraising and management for a non-profit corporation specializing in media products for the community of people with disabilities. Major projects included: production of the Beyond Limits Television and Web site pilots (www.beyondlimits.tv); mounting and promotion of special photo exhibits with the United Nations <http://www.nolimitsmedia.org/thegift.html>;
- Productions for nonprofits with interests in disability training and advocacy.

President and Primary Consultant, Appropriate Media Services/SITE Productions

1979 - present

Telecommunications, video, cable and test project planning for industrial and institutional use. Projects included: City of Boston cable communications planning and development (police; fire; schools; distance learning; security and information systems; municipal buildings); research studies for urban cable systems (Staten Island; Chicago; St. Paul; Baltimore; Cambridge and Springfield, MA); Video publisher, Portraits of New England Travel series, contract video production for the Yale Alumni Association, City of Boston, Hampshire College etc.

Adjunct Professor in Video Production, Emerson College 1998-2005

Taught both introductory and advanced production courses including ENG and EFP production, basic studio production, post-production planning and introductory and advanced editing and basic sound design.

Adjunct Professor, Art Institute of New England 2000-01 Taught video production courses including basic production, single camera and editing.

EDUCATION

University of Rochester, BA Integrated Arts & History 1968

Emerson College, MA Mass Communications 1980

Special programs in creative arts and photography at Wesleyan University and at the Maine Photographic Workshops

Sandy Pitonyak

From: Peter Gill [pgillmail@gmail.com]
Sent: Thursday, November 18, 2010 2:21 PM
To: Gwendolyn Hallsmith; William Fraser; Sandy Pitonyak
Subject: Re: Planning Commission Vacancy
Attachments: Cover Letter- Planning Commission-Peter Gill.pdf; Resume- Planning Commission-Peter Gill.pdf; Standing References-Peter Gill.pdf

Good Afternoon,

I recently discussed applying for the vacant position on the Montpelier Planning Commission with Gwen Hallsmith. She recommended that I send a letter of interest and resume to you all.

Please find attached the following PDFs:

- Cover Letter
- Resume
- Standing References

Please let me know if you require any other information or a different format. Thank you.

Also, I am planning on attending the next planning commission meeting (Monday December 13 at 7 PM).

Sincerely,

Peter J. Gill

PETER J. GILL

153 Elm Street #3 Montpelier, Vermont 05602 • pgillmail@gmail.com • (802) 751-5076

November 18, 2010

Dear Mr. Fraser, Ms. Pitonyak, and Ms. Hallsmith,

Please accept this letter of interest for a seat on the City of Montpelier's Planning Commission.

The Planning Commission is an integral decision-making body of the city, and I can contribute my dedication and insight into that body. I am familiar with some of the processes of a city planning commission, and my educational background would allow me to contribute to the commission. As a Vermont Law graduate I have taken classes in land use, water resource management and environmental law.

Although I am a relatively new arrival to the city, I have an understanding of the city's character gained from a four month internship here in 2008. I am also somewhat familiar with the issues surrounding Sabin's Pasture, as it was a focal point during my course on land use.

I realize the Planning Commission holds a great responsibility, and, if appointed, I will be a dedicated and reliable member. My contributions will be thoughtful and sincere. I look forward to enthusiastically serving the City of Montpelier and creating solutions that are best for the community's present and future.

Sincerely,

Peter J. Gill

PETER J. GILL

153 Elm Street #3 Montpelier, Vermont 05602 • pgillmail@gmail.com • (802) 751-5076

EDUCATION

Vermont Law School, J.D. - Massachusetts Bar- 2009

- Negotiations Board Member- Competed in regional negotiation competition
- **Relevant Course Work:** Land Use, Water Resource Management, Environmental, Climate Change, Administrative, and Non-profit Organizations
- VLS Academic Excellence Award; Martin Luther King Jr. Scholarship recipient- Legal Aid of N.C.

University of Wisconsin - Madison, B.S. Geology 2004

- University League Research Scholarship recipient, 2004
 - **Relevant Course Work:** Sediments and fluids, Structural Geology, Biology, Analytical Chemistry
-

RELEVANT WORK EXPERIENCE

Superior Court of Alaska -Court Attorney- Bethel, AK (Salaried), 2009-2010

- Drafted judicial orders; Researched law; Managed court staff, law library and judicial caseload

Westlaw -Research Assistant- Vermont Law School (10 hrs/wk), 2008-09 School year

- Administered legal research training sessions for students and faculty

Legal Aid of North Carolina -Summer Associate- Raleigh, NC (40 hrs/wk), Summer 2008

- Conducted outreach in Spanish to migrant and seasonal workers; Created a legal memorandum on the transportation of farm workers in North Carolina; Inspected housing and field conditions

South Jersey Legal Services, Inc. -Summer Associate- Bridgeton, NJ (40 hrs/wk), Summer 2007

- Developed partnership with the NJ Department of Environmental Protection to insure safe drinking water on farms; Conducted client interviews

Milwaukee Waterkeepers -Intern- Milwaukee, WI (20 hrs/wk), 2005-06

- Organized and initiated a two-tiered citizen-based water monitoring program in cooperation with the state; Represented the organization at public hearings concerning local water and land developments; Reviewed scientific literature and WPDES permits; Wrote policy updates for organization's Website

Cedarburg Science -Ecological Consultant- Cedarburg, WI (20 hrs/wk), 2005-06

- Monitored water quality; Managed invasive species; and Conducted field studies

UW-Madison/Massachusetts Institute of Technology -Geology Project Assistant- 2004-05

- Researched geological formations in the Indian Himalayas, Tunisia, and Spain; Performed structural analysis, mapping, carbonate sedimentology, and seismic surveys
-

COMMUNITY-VOLUNTEER WORK

Bethel Art Guild -Volunteer- Bethel, AK, 2010

- Assisted non-profit organization obtain 501(c)(3) status; Restructured board and bylaw

International Law Society (ILS) -Treasurer and Subcommittee Co-Chair, 2006-2009

- Chaired subcommittee on Military Related Environmental Concerns (MREC); Conducted a global survey for the United Nations Environmental Program (UNEP);
- Managed budget for national conference entitled, *Understanding Genocide*, Fall 2008

VLS Mountaineers (VLS Outdoors Club) -Co-Chair/ Co-Founder, 2006- 2008

- Organized fall conference on recreation and conservation;
- Created opportunities for faculty and students to enjoy the outdoors

Tunbridge Elementary School -After School Instructor- VT (1.5 hrs/wk), 2006-2008

- Instructed students (K-6) on entomology, science, construction, and world cultures
-

PERSONAL INTERESTS AND ACTIVITIES

Kayak, fly fish, canoe, trail running, camp, international traveler, rock climb and mountaineer, paint and draw, teach, chess, piano, clarinet, mountain bike, make bread, Spanish proficiency, family and pets, cross-country and alpine skiing

PETER J. GILL

153 Elm Street #3 Montpelier, Vermont • pgillmail@gmail.com • (802) 751-5076

STANDING REFERENCES

- **DR. LYNN BROADDUS**
 - DIRECTOR OF ENVIRONMENT PROGRAMS AT THE JOHNSON FOUNDATION AT WINGSPREAD AND FORMER DIRECTOR OF THE MILWAUKEE RIVERKEEPER
 - **LBROADDUS@JOHNSONFDN.ORG**
 - **(262) 381-3344**
- **MARTHA JUDY**
 - PROFESSOR OF ENVIRONMENTAL PROBLEM SOLVING
 - **MJUDY@VERMONTLAW.EDU**
 - **(802)831-1345**
- **DAVID MEARS**
 - PROFESSOR OF WATERSHED MANAGEMENT AND DIRECTOR OF VERMONT LAW SCHOOL'S ENVIRONMENTAL LAW CLINIC
 - **DMEARS@VERMONTLAW.EDU**
 - **(802) 831-1627**
- **CHERYL NENN**
 - MILWAUKEE RIVERKEEPER
 - **CHERYL_NENN@MILWAUKEERIVERKEEPER.ORG**
 - **(414) 287-0207**

Sandy Pitonyak

From: gwenhs@gmail.com on behalf of Gwendolyn Hallsmith [ghallsmith@montpelier-vt.org]
Sent: Wednesday, November 24, 2010 11:32 AM
To: Sandy Pitonyak
Cc: William Fraser
Subject: Fwd: Board Commisioners
Attachments: CV-Ritke-Jones-2010.doc

Here's someone who is interested in the Planning Commission. Cheers, Gwen.

----- Forwarded message -----

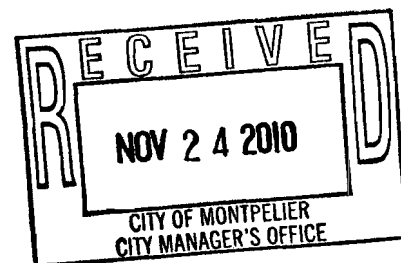
From: **william jones** <wjones@sover.net>
Date: Wed, Nov 24, 2010 at 11:23 AM
Subject: Board Commisioners
To: ghallsmith@montpelier-vt.org

Dear Ms. Hallsmith,

I apologize that I did not see your call for commissioners until yesterday afternoon. I'm very committed to community service, so I am interested in becoming a commissioner. Being practically on my way out the door to visit friends in Boston for Thanksgiving, I don't have time to write a decent cover letter; however, I have attached my CV, since I don't have time before I leave to do a resume. If you still have need and from the looks of my CV I might be someone you'd be interested in having served, let me know and I'll get the appropriate material to you first thing Monday.

Best Wishes,

William



--

Gwendolyn Hallsmith, Director
Department of Planning and Community Development
City Hall
39 Main Street
Montpelier, VT 05602
ghallsmith@montpelier-vt.org
802-223-9506

William Fred Ritke Jones

154 Barre Street, #2
Montpelier, VT 05602
wjones@sover.net
802-262-6057

Education Ph.D., Rhetoric and Linguistics, Indiana University of Pennsylvania,
Indiana , PA, 2004

Dissertation Study : *Forces in Space: A Bakhtinian Exploration o Adult
Online Writing Groups* —Examined the centripetal and centrifugal forces
acting within the heteroglossia of online collaborative writing- groups and
how these forces affected social cohesion and task performance.

Advisor : Dr. Gian Pagnucci
Committee : Dr. Gary L. Dean
Dr. Michael M. Williamson

Comprehensive Examination Areas
Composition Pedagogies and Technical Communications
Learner-Centered Online Learning Spaces
Technology and Literacy (Identity/Space Issues)
Adult Education Theories

Graduate Certificate, Organizational Development and Management,
Fielding Graduate University, Santa Barbara, CA, 2009.

M.A., English Literature, Virginia Commonwealth University , Richmond
, VA , 1993. Thesis : *Thinking of the Key: Self-Unification through
Composition*

B.A., English Literature, Christopher Newport University , Newport News
, VA , 1991. Graduated cum laude with a 3.8 GPA in major.

Professional Experience **President and CEO, CyberMations/Mad River Educational Services,**
June, 2008-present

Duties

Conduct Professional Writing workshops including for ESL people
Conduct Training Workshops for Online Teams
Design, Establish and Maintain Online Learning Communities
Intervene in dysfunctional online teams

Academic Coordinator—TutorVista.com, August, 2010-Present

Duties

Collaborate with management to create solutions and opportunities

Supervise, Train and Manage tutors
Mentor weak tutors
Collaborate with Quality Control to ensure a superior product

Adjunct Instructor (online), Heald College, April, 2010-present

Courses Taught

English Composition
Developmental Writing

Adjunct Instructor (online), Grand Valley State University, Jan, 2009-May 2009.

Courses Taught

English Composition

Assistant Professor of English, Texas A&M University-Corpus Christi, Fall 2007-June 2008

Courses Taught

Professional Writing-Graduate Online
Teaching TESOL Composition-Graduate Face-to-Face
Teaching Writing and Literature-Undergraduate Face-to-Face
Freshman Composition-Face-to-Face

Assistant Professor of Composition, Western New Mexico University , Fall 2005-Spring 2007

Courses Taught

Advanced Composition—Face-to-Face and Online
Freshman Composition—Face-to-Face and Online
Technical Communications
Freshman Research Writing
Introduction to Literature

Instructor, Madison Area Technical College , Madison , WI , Fall 2003-2005

Courses Taught

Developmental Writing—Face-to-Face and Online
Freshman Composition—Face-to-Face and Online
Freshman Research Writing—Face-to-Face and Online
Business Communications--Online
Technical Writing—Face-to-Face and Online
Online Documentation—Online

Course Developed

Online Documentation--Online

Graduate Assistant, Indiana University of Pennsylvania , Fall 2000-Spring 2002

Responsibilities and Accomplishments

Co-Wizard, OakMOO

Served as face-to-face and Online Writing Center Tutor

Writer and Editor for Graduate Student Newsletter

Designed and Created Website for Pennsylvania College English Association

Designed and Created Website for IUP Writing Center

Designed and Created MOO Learning Environment for International Course

Taught Introduction to Literature Course entirely in OakMOO

English Instructor, Korea University, Seoul , South Korea , Fall 1996-Fall 2000

Proposed and Developed Composition Program as Curriculum Development Chair

Courses Taught

Conversational English

Beginning English Composition

Intermediate English Composition

Advanced English Composition

Business Communications

English Instructor (temporary one year position) Richard Bland College

Petersburg , VA Summer 1993-Summer 1994

Courses Taught

Developmental Writing

Freshman Composition

Research Writing

Introduction to Literature

Additional Adjunct Teaching Experience

Adjunct Instructor, St Vincent College , Indiana , PA Spring 2003

Adjunct Instructor, Indiana University of Pennsylvania , Indiana , PA, Spring 2003

**Adjunct Instructor, Westmoreland County Community College ,
Indiana , PA Spring, 2002-Spring, 2003**

**On-line Instructor, University of Phoenix , Spring 2002-Summer,
2003**

**Adjunct English Instructor, Rappahannock Community College ,
Gloucester , VA Summer 1994- Summer1996**

**Adjunct English Instructor, J. Sargeant Reynolds Community
College , Richmond , VA , Summer 1992- Summer 1993**

Courses Taught

Developmental Writing

Freshman Composition

Research Writing

Business Writing

Technical Writing

Introduction to Literature

Relevant Non- Academic Work Experience	Part-Time Technical Writer and Editor, SMIPC, Seoul, South Korea, 1998-2000 Created reports and proposals for consumption by American investors. Edited correspondence and technical documents to assure that American audiences would understand content
---	---

**Editor for Korea University Math and Sciences Department, Seoul,
South Korea, 1999-2000**
Edited documents that would appear in American academic journals

Consulting Experience	Portfolio Assessment Team, Spellman College , Summer, 2002 Brian Huot and Michael M. Williamson, Team Leaders Assessed portfolios of first year writing students
----------------------------------	---

**Rhone-Poulenc-Rhorer Pharmaceuticals, Seoul , South Korea Dec
2001-May 2002**
Developed and taught technical and business writing courses and
workshops

Shilla Hotel, Seoul , South Korea June 2000-Aug 2000
Conducted Three Day-Long Seminars on writing business correspondence
and on making business presentations in English.

Boehringer-Ingelheim Pharmaceuticals, Seoul , South Korea July

2000-Aug 2000

Conducted Intensive Five Week Course for Employees on writing business correspondence in English

Publications Ritke-Jones, W. (Ed.). (2010). *Virtual Environments in Corporate Education: Employee Learning and Solutions*. Hershey, PA: IGI Publishing.

Ritke-Jones, W. (2010). "Using coaching and roleplay in virtual environments to promote transformative learning in collaborative groups." In William Ritke-Jones, (Ed.), *Virtual Environments in Corporate Education: Employee Learning and Solutions*. Hershey, PA: IGI Publishing.

Ritke Jones, W. (Jan 2007) "Why they don't work: Factors negatively affecting social cohesion in online collaborative groups," *Pennsylvania Association for Community Educators—Journal of Lifelong Learning*

Ritke Jones, W. (2008). "Using cyberspace to promote transformative learning and consequently democracy in the workplace." *Handbook of Research on Virtual Workplaces and the New Nature of Business Practices*, Eds., Pavel Zemliansky and Kirk St. Amant.

Ritke Jones, W. (accepted for Dec 2010 publication in *Journal of Online Learning*) "Making online collaboration work by transcending gender stereotypes: A study of two mixed gender online groups"

Presentations (Accepted Proposal) "Establishing Communities of Practice in Graduate Writing Programs: Lessons for the Future. " Conference on College Composition and Communication, April 2010.

"How Five Successful Distance Education Programs Promote Online Community" Annual Conference on Distance Education and Learning, August, 2008.

"How Successful Online Programs Foster Community" Conference of the Association of Teachers of Technical Writing, April, 2008.

"Trading Places, Changing Minds: Using Second Life Virtual Reality to Promote Emancipatory Learning in Cross Cultural Writing Groups" Conference on College Communication and Composition, April, 2008

"Gender Fluidity in Online Collaborative Groups and Its Potential to Foster Holistic Growth" Southwest Popular Culture Association

Conference,
Feb 2008.

“ A Tale of Friends and Enemies: The Affect of Cyberspace on Social Cohesion in Online Collaborative Writing Groups” Accepted proposal for Conference on College Communication and Composition , March, 2007

“Did I Say That?: Fostering Critical Self-Reflection in Online Collaborative Groups” *Council on Programs in Scientific and Technical Communication* , October, 2006

“Posted Collaborations: Using Dialogic Theory to Analyze Social Cohesion and Task Performance in Online Groups” Great Plains Alliance for Computers and Writing , April, 2005

“Collaborative Theory for the Classroom.” Wisconsin Speaks , April, 2005

“ Let's Talk: Collaboration with Industry on Curriculum Development” Association of Teachers of Technical Writing , March, 2005 “ Conducting Research in Businesses,” Association of Teachers of Technical Writers , March, 2004

"Developing a MOO Pedagogy" Conference on College Communication and Composition," March 2003

"Cyberspace Cowboys: Dialogism in a MOO World" EAPSU , Oct, 2002.

“Audience Provoked: Teaching Audience Awareness to Asian Composition Students.” Pennsylvania Conference on Composition. March 2001.

“A Holistic approach to teaching English Communication skills to Korean Businesspeople.” Korea TESOL Conference. April 2000.

Confucian Influences in English Compositions written by Korean Students.” Korea TESOL mini-conference , Kwangju , South Korea . October 1998.

“Using Film to promote top-down listening Skills.” Korea TESOL Conference , Pusan , South Korea . March, 1997.

**Research
Interests**

Using Technology to Effect Transformative Learning in Intercultural Collaborative Writing Groups
Organizational Learning

Collaborating with Business to Create Technical Writing Programs Power
Structures in Online Collaborative Writing Groups
Gender construction in Online Groups
Constructivist Learning Environments

Service

Service to the Profession

Task Force--College Composition and Communication Committee on
Computers in Composition (charged with revising application process)

Service to Institutions

- Institutional Review Board, Western New Mexico University, 2005-present
- Assessment Committee, 2006-present
- Chair, Research Committee, 2006-present
- Instructional Resources Committee, Western New Mexico University, 2005-2006
- Leadership Development Project, (facilitating groups) WNMU, 2005-2006
- Member of team conducting online writing lab pilot, WNMU, 2006
- ENG I and II Assessment Committee, WNMU, 2005-2006
- Founding member of MATC Honors program committee
- Sponsor of Sigma Kappa Delta at MATC, English Honors Society for Two Year Colleges
- English I Committee, MATC, 2003-2005
- English II Committee, MATC, 2003-2005
- Team studying the effects of class size on student performance, MATC 2004-2005
- Graduate observer on Student Affairs Committee, Indiana University of Pennsylvania, Fall semester 2001- 2002
- Team member on Student assessment committee (charged with assessing English verbal skills), Korea University , Spring 1999-Spring 2000.
- Chair of Curriculum Development committee, Fall 1998-Spring 1999. Korea University .

Service to the Community

- Charter member of the Silver City Community Greenhouse Project
- Board member of Gila/Mimbres Community Supported Radio
- Volunteer, 2006 Silver City Blues Festival

Professional American Society of Training and Development (Boston chapter)

Organizations Society of Technical Communicators (Boston chapter)
Massachusetts Bay Organizational Development Learning
Group Association of Teacher of Technical Writing
Council on Programs in Scientific and Technical Writing
Conference on Communication and Composition
National Council of Teachers of English

References **Dr. Ed Hall, Chair**
Humanities Department
Western New Mexico University
Silver City, NM 88061
(505) 545-6526
lysander@cybermesa.com

Dr. Gian Pagnucci
English Department
Indiana University of Pennsylvania
Indiana , PA 15705
(724) 357-2265
pagnucci@iup.edu

Dr. Michael M. Williamson
English Department
Indiana University of Pennsylvania
Indiana , PA 15705
(724) 357-2671
mmwimson@iup.edu