



**CITY OF
MONTPELIER
MONTPELIER,
VERMONT**

Agenda for City
Council Meeting
Wednesday, July 28,
2010
7:00 P.M.

- 1) 10-177 Call to Order by the Mayor
- 2) 10-178 General Business and Appearances
- 3) 10-179 Consideration of the Consent Agenda:
 - a) Consideration of the Minutes from the July 14, 2010 regular Meeting.
 - b) Consideration of approval of payroll and bills.
 - c) Consideration of the following permits with the City Council acting as the Liquor Control Commission.
 1. Request for approval for catering permits
 - a. Ratification of the request for a catering permit for the Black Door Bistro to cater for the Lost Nation Theater Cabaret on Wednesday, July 28, 2010 from 6:30 p.m. to 9:30 p.m. at City Hall, Main Street.
 - b. Council was polled by phone and staff received the necessary four (4) votes indicating approval.
 - d) Request for approval to close 60 State Street parking lot on Sept. 11, 2010 including a Noise Waiver Request.

- e) Request for approval for Montpelier Elks Club at 203 Country Club Road to have a Montpelier Palooza Metal Fest on Saturday, August 28th from 5:00 p.m. to 12:00 a.m. There will be a BBQ, a number of bands, with a 60' x 130' tent. Trained Norwich Cadets will be the security. A noise variance and outside consumption permit have also been requested.
- f) Authorization of City Manager to sign Assignment of Assets document prepared by the City Attorney. This assigns all physical assets of Montpelier Net to Summit Technologies, Inc. In return, Summit will remove and dispose of all installed hardware and relieve the City of any further liability or obligation. Copies of the Assignment document and the inventory of equipment have been provided.
- g) Planning Commission
 - 1. Request the extension of the terms of the following Planning commission members from July 23rd to August 25, 2010. Staff will advertise these to the public at large and to those members whose terms expired on July 23rd and 24th. The applications will be brought before the Council at their August 25, 2010 meeting. The extension is needed for Jesse L. Moorman, chair; David Borgendale, Vice Chair; Alan Goldman and Missa Aloisi.

Recommendation: Approve extension.

- h) Authorize the City manager to award bids for the Hubbard Street Slope project pending proper bid submissions and prices within available funding. Bids will be opened on August 3rd with results provided to the Council.
- 3) 10-179 Consideration of the Consent Agenda:
 - 4) 10-180 Senior Center
 - a) At the July 14th Council Meeting the Senior Center Advisory Board was requested to consider and reply as to the acceptance of the proposed Organizational Statement and Plan for the Senior Center as drafted by City Councilor Sarah Jarvis.
 - b) At a special meeting of the MSAC Advisory Board on Tuesday, July 20, 2010, the Advisory Board voted not to accept the proposal as drafted and

have come back with a revised proposal which council received in their packets.

Recommendation: Discussion and direction.

5) 10-181 Carr Lot/Transit Center Project Update

- a) The City Manager has provided a memo detailing progress to date and decision points.
- b) The City must prepare for two different project paths pending the results fo the FEMA appeal.
- c) The Manager will review the memo and options.

Recommendation: Receive report, discussion; authorize the City Manager to proceed with the project as outlined in the Manager's memo.

6) 10-182 Berlin Pond Ordinance second reading (convene as Health Board)

- a) Council will reconvene as the Local Board of health.
- b) Local board of Health takes up the ordinance relating to the Protection of Berlin Pond. A Motion must be made to accept the findings and to enact the ordinance as a health order.
- c) After this motion is concluded, a motion must be made to reconvene as the City Council

Recommendation: Adopt ordinance and health order.

7) 10-183 Montpelier Downtown Re-designation

- a) Consideration of authorizing City staff to purse a re-designation as a Designated Downtown with the State of Vermont. While the application comes from the municipality, it is done in conjunction with Montpelier Alive, Montpelier's downtown revitalization organization. Downtown designation provides significant benefits to Montpelier including eligibility for tax-credits, preference for grants, and technical assistance.

Recommendation: Authorize the City Manager to sign the necessary document(s) to request Re-designation.

7) 10-183 Montpelier Downtown Re-designation

8) 10-184 Discussion of proposed Charter Changes/Ballot items

- a) The City Manager has provided the Council with the required timelines for charter change votes.
- b) The Council has indicated that it may proceed on charter changes relating to the Treasurer position, District Energy operation, local options taxes, merger with Berlin Fire District #1.
- c) The Council has indicated that it may proceed with a bond vote relating to the District Energy project.

Recommendation: Select items for inclusion on November ballot, direct staff to prepare the items for formal approval.

9) 10-185 Council Reports

10) 10-186 Mayor's Report

11) 10-187 Report by the City Clerk-Treasurer

12) 10-188 Status Reports by the City Manager

13) 10-189 Agenda reports by the City Manager

- a) Discussion of Police Union negotiations, possible executive session under 1 V.S.A §313 (a) (1) where premature disclosure of information will place the city at a substantial disadvantage.

13) 10-189 Agenda reports by the City Manager



**CITY OF MONTPELIER
MONTPELIER, VERMONT**

Agenda for City Council Meeting

City Council Chambers, City Hall
Wednesday, July 28, 2010 at 7:00 p.m.

- 1) 10-177 Call to Order by the Mayor
- 2) 10-178 General Business and Appearances
- 3) 10-179 Consideration of the Consent Agenda:
 - a) Consideration of the Minutes from the July 14, 2010 regular Meeting. 
 - b) Consideration of approval of payroll and bills.
 - c) Consideration of the following permits with the City Council acting as the Liquor Control Commission.
 1. Request for approval for catering permits
 - a. Ratification of the request for a catering permit for the Black Door Bistro to cater for the Lost Nation Theater Cabaret on Wednesday, July 28, 2010 from 6:30 p.m. to 9:30 p.m. at City Hall, Main Street. 
 - b. Council was polled by phone and staff received the necessary four (4) votes indicating approval.
 - d) Request for approval to close 60 State Street parking lot on Sept. 11, 2010 including a Noise Waiver Request. 
 - e) Request for approval for Montpelier Elks Club at 203 Country Club Road to have a Montpelier Palooza Metal Fest on Saturday, August 28th from 5:00 p.m. to 12:00 a.m. There will be a BBQ, a number of bands, with a 60' x 130' tent. Trained Norwich Cadets will be the security. A noise variance and outside consumption permit have also been requested. 
 - f) Authorization of City Manager to sign Assignment of Assets document prepared by the City Attorney. This assigns all physical assets of Montpelier

Net to Summit Technologies, Inc. In return, Summit will remove and dispose of all installed hardware and relieve the City of any further liability or obligation.

Copies of the Assignment document and the inventory of equipment have been provided. 

g) Planning Commission

1. Request the extension of the terms of the following Planning commission members from July 23rd to August 25, 2010. Staff will advertise these to the public at large and to those members whose terms expired on July 23rd and 24th. The applications will be brought before the Council at their August 25, 2010 meeting. The extension is needed for Jesse L. Moorman, chair; David Borgendale, Vice Chair' Alan Goldman and Missa Aloisi.

Recommendation: Approve extension.

- h) Authorize the City manager to award bids for the Hubbard Street Slope project pending proper bid submissions and prices within available funding. Bids will be opened on August 3rd with results provided to the Council.

4) 10-180 Senior Center

- a) At the July 14th Council Meeting the Senior Center Advisory Board was requested to consider and reply as to the acceptance of the proposed Organizational Statement and Plan for the Senior Center as drafted by City Councilor Sarah Jarvis.
- b) At a special meeting of the MSAC Advisory Board on Tuesday, July 20, 2010, the Advisory Board voted not to accept the proposal as drafted and have come back with a revised proposal which council received in their packets. 

Recommendation: Discussion and direction.

5) 10-181 Carr Lot/Transit Center Project Update

- a) The City Manager has provided a memo detailing progress to date and decision points. 
- b) The City must prepare for two different project paths pending the results fo the FEMA appeal.
- c) The Manager will review the memo and options.

Recommendation: Receive report, discussion; authorize the City Manager to proceed with the project as outlined in the Manager's memo.

6) 10-182 Berlin Pond Ordinance second reading (convene as Health Board)

- a) Council will reconvene as the Local Board of health.
- b) Local board of Health takes up the ordinance relating to the Protection of Berlin Pond. A Motion must be made to accept the findings and to enact the ordinance as a health order. 
- c) After this motion is concluded, a motion must be made to reconvene as the City Council

Recommendation: Adopt ordinance and health order.

7) 10-183 Montpelier Downtown Re-designation

- a) Consideration of authorizing City staff to purse a re-designation as a Designated Downtown with the State of Vermont. While the application comes from the municipality, it is done in conjunction with Montpelier Alive, Montpelier's downtown revitalization organization. Downtown designation provides significant benefits to Montpelier including eligibility for tax-credits, preference for grants, and technical assistance. Recommendation: Authorize the City Manager to sign the necessary document(s)to request Re-designation. 

8) 10-184 Discussion of proposed Charter Changes/Ballot items

- a) The City Manager has provided the Council with the required timelines for charter change votes.

- b) The Council has indicated that it may proceed on charter changes relating to the Treasurer position, District Energy operation, local options taxes, merger with Berlin Fire District #1.
- c) The Council has indicated that it may proceed with a bond vote relating to the District Energy project.

Recommendation: Select items for inclusion on November ballot, direct staff to prepare the items for formal approval.

9) 10-185 Council Reports

10) 10-186 Mayor's Report

11) 10-187 Report by the City Clerk-Treasurer

12) 10-188 Status Reports by the City Manager

13) 10-189 Agenda reports by the City Manager

- a) Discussion of Police Union negotiations, possible executive session under 1 V.S.A §313 (a) (1) where premature disclosure of information will place the city at a substantial disadvantage.



**CITY OF MONTPELIER
MONTPELIER, VERMONT**

Agenda for City Council Meeting

City Council Chambers, City Hall
Wednesday, July 28, 2010 at 7:00 p.m.

- 1) 10-177 Call to Order by the Mayor
- 2) 10-178 General Business and Appearances
- 3) 10-179 Consideration of the Consent Agenda:
 - a) Consideration of the Minutes from the July 14, 2010 regular Meeting. 
 - b) Consideration of approval of payroll and bills.
 - c) Consideration of the following permits with the City Council acting as the Liquor Control Commission.
 1. Request for approval for catering permits
 - a. Ratification of the request for a catering permit for the Black Door Bistro to cater for the Lost Nation Theater Cabaret on Wednesday, July 28, 2010 from 6:30 p.m. to 9:30 p.m. at City Hall, Main Street. 
 - b. Council was polled by phone and staff received the necessary four (4) votes indicating approval.
 - d) Request for approval to close 60 State Street parking lot on Sept. 11, 2010 including a Noise Waiver Request. 
 - e) Request for approval for Montpelier Elks Club at 203 Country Club Road to have a Montpelier Palooza Metal Fest on Saturday, August 28th from 5:00 p.m. to 12:00 a.m. There will be a BBQ, a number of bands, with a 60' x 130' tent. Trained Norwich Cadets will be the security. A noise variance and outside consumption permit have also been requested. 
 - f) Authorization of City Manager to sign Assignment of Assets document prepared by the City Attorney. This assigns all physical assets of Montpelier

Net to Summit Technologies, Inc. In return, Summit will remove and dispose of all installed hardware and relieve the City of any further liability or obligation.

Copies of the Assignment document and the inventory of equipment have been provided. 

g) Planning Commission

1. Request the extension of the terms of the following Planning commission members from July 23rd to August 25, 2010. Staff will advertise these to the public at large and to those members whose terms expired on July 23rd and 24th. The applications will be brought before the Council at their August 25, 2010 meeting. The extension is needed for Jesse L. Moorman, chair; David Borgendale, Vice Chair' Alan Goldman and Missa Aloisi.

Recommendation: Approve extension.

- h) Authorize the City manager to award bids for the Hubbard Street Slope project pending proper bid submissions and prices within available funding. Bids will be opened on August 3rd with results provided to the Council.

4) 10-180 Senior Center

- a) At the July 14th Council Meeting the Senior Center Advisory Board was requested to consider and reply as to the acceptance of the proposed Organizational Statement and Plan for the Senior Center as drafted by City Councilor Sarah Jarvis.
- b) At a special meeting of the MSAC Advisory Board on Tuesday, July 20, 2010, the Advisory Board voted not to accept the proposal as drafted and have come back with a revised proposal which council received in their packets. 

Recommendation: Discussion and direction.

5) 10-181 Carr Lot/Transit Center Project Update

- a) The City Manager has provided a memo detailing progress to date and decision points. 
- b) The City must prepare for two different project paths pending the results fo the FEMA appeal.
- c) The Manager will review the memo and options.

Recommendation: Receive report, discussion; authorize the City Manager to proceed with the project as outlined in the Manager's memo.

6) 10-182 Berlin Pond Ordinance second reading (convene as Health Board)

- a) Council will reconvene as the Local Board of health.
- b) Local board of Health takes up the ordinance relating to the Protection of Berlin Pond. A Motion must be made to accept the findings and to enact the ordinance as a health order. 
- c) After this motion is concluded, a motion must be made to reconvene as the City Council

Recommendation: Adopt ordinance and health order.

7) 10-183 Montpelier Downtown Re-designation

- a) Consideration of authorizing City staff to purse a re-designation as a Designated Downtown with the State of Vermont. While the application comes from the municipality, it is done in conjunction with Montpelier Alive, Montpelier's downtown revitalization organization. Downtown designation provides significant benefits to Montpelier including eligibility for tax-credits, preference for grants, and technical assistance. Recommendation: Authorize the City Manager to sign the necessary document(s)to request Re-designation. 

8) 10-184 Discussion of proposed Charter Changes/Ballot items

- a) The City Manager has provided the Council with the required timelines for charter change votes.

- b) The Council has indicated that it may proceed on charter changes relating to the Treasurer position, District Energy operation, local options taxes, merger with Berlin Fire District #1.
- c) The Council has indicated that it may proceed with a bond vote relating to the District Energy project.

Recommendation: Select items for inclusion on November ballot, direct staff to prepare the items for formal approval.

9) 10-185 Council Reports

10) 10-186 Mayor's Report

11) 10-187 Report by the City Clerk-Treasurer

12) 10-188 Status Reports by the City Manager

13) 10-189 Agenda reports by the City Manager

- a) Discussion of Police Union negotiations, possible executive session under 1 V.S.A §313 (a) (1) where premature disclosure of information will place the city at a substantial disadvantage.

CITY OF MONTPELIER
MONTPELIER, VERMONT

Agenda for City Council Meeting
City Council Chambers, City Hall
Wednesday, July 28, 2010 at 7:00 p.m.

- 1) 10-177 Call to Order by the Mayor
- 2) 10-178 General Business and Appearances
- 3) 10-179 Consideration of the Consent Agenda:

- a) Consideration of the Minutes from the July 14, 2010 regular Meeting.
- b) Consideration of approval of payroll and bills.
- c) Consideration of the following permits with the City Council acting as the Liquor Control Commission.

1. Request for approval for catering permits

- a. Ratification of the request for a catering permit for the Black Door Bistro to cater for the Lost Nation Theater Cabaret on Wednesday, July 28, 2010 from 6:30 p.m. to 9:30 p.m. at City Hall, Main Street.

- b. Council was polled by phone and staff received the necessary four (4) votes indicating approval.

- d) Request for approval to close 60 State Street parking lot on Sept. 11, 2010 including a Noise Waiver Request.

- e) Request for approval for Montpelier Elks Club at 203 Country Club Road to have a Montpelier Palooza Metal Fest on Saturday, August 28th from 5:00 p.m. to 12:00 a.m. There will be a BBQ, a number of bands, with a 60' x 130' tent. Trained Norwich Cadets will be the security. A noise variance and outside consumption permit have also been requested.

- f) Authorization of City Manager to sign Assignment of Assets document prepared by the City Attorney. This assigns all physical assets of Montpelier Net to Summit Technologies, Inc. In return, Summit will remove and dispose of all installed hardware and relieve the City of any further liability or obligation.

Copies of the Assignment document and the inventory of equipment have been provided.

- g) Planning Commission

1. Request the extension of the terms of the following Planning commission members from July 23rd to August 25, 2010. Staff will advertise these to the public at large and to those members whose terms expired on July 23rd and 24th. The applications will be brought before the Council at their August 25, 2010 meeting. The extension is needed for Jesse L. Moorman, chair; David Borgendale, Vice Chair; Alan Goldman and Missa Aloisi.

Recommendation: Approve extension.

- h) Authorize the City manager to award bids for the Hubbard Street Slope project pending proper bid submissions and prices within available funding. Bids will be opened on August 3rd with results provided to the Council.

- 4) 10-180 Senior Center

a) At the July 14th Council Meeting the Senior Center Advisory Board was requested to consider and reply as to the acceptance of the proposed Organizational Statement and Plan for the Senior Center as drafted by City Councilor Sarah Jarvis.

b) At a special meeting of the MSAC Advisory Board on Tuesday, July 20, 2010, the Advisory Board voted not to accept the proposal as drafted and have come back with a revised proposal which council received in their packets.

Recommendation: Discussion and direction.

5) 10-181 Carr Lot/Transit Center Project Update

a) The City Manager has provided a memo detailing progress to date and decision points.

b) The City must prepare for two different project paths pending the results fo the FEMA appeal.

c) The Manager will review the memo and options.

Recommendation: Receive report, discussion; authorize the City Manager to proceed with the project as outlined in the Manager's memo.

6) 10-182 Berlin Pond Ordinance second reading (convene as Health Board)

a) Council will reconvene as the Local Board of health.

b) Local board of Health takes up the ordinance relating to the Protection of Berlin Pond. A Motion must be made to accept the findings and to enact the ordinance as a health order.

c) After this motion is concluded, a motion must be made to reconvene as the City Council

Recommendation: Adopt ordinance and health order.

7) 10-183 Montpelier Downtown Re-designation

a) Consideration of authorizing City staff to purse a re-designation as a Designated Downtown with the State of Vermont. While the application comes from the municipality, it is done in conjunction with Montpelier Alive, Montpelier's downtown revitalization organization. Downtown designation provides significant benefits to Montpelier including eligibility for tax-credits, preference for grants, and technical assistance.

Recommendation: Authorize the City Manager to sign the necessary document(s)to request Re-designation.

8) 10-184 Discussion of proposed Charter Changes/Ballot items

a) The City Manager has provided the Council with the required timelines for charter change votes.

b) The Council has indicated that it may proceed on charter changes relating to the Treasurer position, District Energy operation, local options taxes, merger with Berlin Fire District #1.

c) The Council has indicated that it may proceed with a bond vote relating to the District Energy project.

Recommendation: Select items for inclusion on November ballot, direct staff to prepare the items for formal approval.

9) 10-185 Council Reports

10) 10-186 Mayor's Report

11) 10-187 Report by the City Clerk-Treasurer

12) 10-188 Status Reports by the City Manager

13) 10-189 Agenda reports by the City Manager

a) Discussion of Police Union negotiations, possible executive session under 1 V.S.A §313 (a) (1) where premature disclosure of information will place the city at a substantial disadvantage.

ARTICLE VI

AN ORDINANCE RELATING
TO THE PROTECTION
OF BERLIN POND

BE IT ORDAINED BY THE CITY COUNCIL IN ITS CAPACITY AS THE LEGISLATIVE BODY OF THE CITY OF MONTPELIER, THAT THE CODE OF ORDINANCES OF THE CITY OF MONTPELIER, VERMONT, BE AMENDED BY ADDING ARTICLE VI TO CHAPTER 7 WHICH READS AS FOLLOWS:

Sec. 7 - 600. Entry upon or activity within Zones 1 and 2 of the Berlin Pond Source Protection Area, as designated and delineated on the source Plan, (WSID #5272) prepared by Dufresne & Associates, dated February 23, 2001, approved by the Vermont Department of Environmental Conservation, are prohibited unless directly related to or required for water supply testing, protection, enforcement or improvement purposes.

Sec. 7 - 601. Existing structures and improvements located within 200 feet of the shoreline of Berlin Pond or the margin of any of its tributaries may continue in their present form, use, location and condition; provided, however, that an existing structure, improvement or land condition shall be removed immediately if its is found likely to cause or contribute to any contamination or pollution of Berlin Pond or any of its tributaries.

Sec. 7 - 602. All activities, structures, improvements and land uses within Zone 3 of the Berlin Pond Source Protection Area, as designated and delineated on the above-referenced Plan, involving the use, transportation, storage, generation, manufacture or disposal of hazardous materials, or any other substance, activity or product likely to affect water quality, human health or public drinking water treatment, are prohibited, except for the customary use, transportation and storage by a household. This section shall not proscribe or prevent the construction, installation and maintenance of improvements intended to abate, contain or mitigate the effects of hazardous materials, nor shall it be deemed to affect the transportation of any such substance or product in conformance with applicable state and federal standards.

Sec. 7 - 603. Existing structures and improvements and land uses within Zone 3 of the Berlin Pond Source Protection Area may continue in their present use, location and condition, and may be altered for the purpose of mitigating, correcting or removing potential sources of contamination or pollution. An existing structure or other improvement located within the Berlin Pond Source Protection Area shall be removed immediately if it is determined to be, or is likely to be, causing any condition adversely affecting water quality.

Sec. 7 - 604. The provisions of this Ordinance shall not be deemed to be a limitation of the City's jurisdiction and regulatory authority over Berlin Pond, its

tributaries and the City's public water supply system, but shall serve to supplement all municipal, state and federal orders, rules, regulations and statutes presently in effect or as may hereafter be enacted or adopted.

Sec. 7 - 605. By its adoption of this Ordinance, the City of Montpelier does not waive or relinquish any right, benefit, authority or prerogative it now possesses with respect to Berlin Pond and its tributaries.

Sec. 7 - 606. This Ordinance is designated a civil ordinance under 24 V.S.A. §1971(b).

Sec. 7 - 607. A true copy of this Ordinance shall be delivered to the Selectboards and the Planning Commissions of the Towns of Berlin, Williamstown and Northfield, and shall be engrossed as required by law.

Sec. 7 - 608. Any person violating this Ordinance shall be subject to the monetary penalty established in Sec. 1-9 of this Code in addition to any other civil remedy available to the City to prevent, abate or enjoin such violation.

Sec. 7 - 609. This Ordinance shall take effect thirty days from the date of adoption.

Approved and adopted at a regular meeting of the Montpelier City Council held on the 28th day of July, 2010.

ATTEST: _____
CHARLOTTE L. HOYT
City Clerk

JPG:ja
[8881-109]

Request to Cater Malt and

Vinous Beverages &

Spirituuous Liquors

Caterer's Permit Number 5834-001-CATRO1

APPROVED

DISAPPROVED

Date: _____

Reason: _____

(for department use only)

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

From: Licensee name: 10 GEM LLC

d/b/a: The Black Door BISTRO

Street: 44 MAIN ST Town/City: MONTPELIER, VT

Contact name and phone number: PHIL GENTILE @ 223-7070

Email or Fax # 223-7003

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: Lost Nation Theater Cabaret

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

City Hall, Main St, Montpelier

3. Date of catered party (not more than five days, unless specifically authorized): 7/28/10

4. Hours of operation: Start 6:30 pm End 9:30 pm # Of Persons Attending Approx 100

Signed: [Signature] Date: 7/17/10
(caterer)

We recommend: approval ☐ disapproved ☐

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

Town/City Clerk's signature
Of CATERED location.

Town/City

Date

Fax Number: 223-7003

SUBMIT AT LEAST 15 DAYS PRIOR TO DATE OF FUNCTION

Submit to Town/City Clerk for recommendation. Town/City Clerk will mail to Vermont Liquor Control Board, Green Mountain Drive, Drawer 20, Montpelier, VT 05620-4501.

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.



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: Carr Lot/Transit Center Project
Date: July 23, 2010

As you are aware, the so-called Carr Lot project originally consisted of several parts – a transit center (which included upper floor housing and/or office space), a bike path, a parking structure, a riverfront park and a tourist information center. The city approved an \$800,000 bond as the local match for this project. The bond vote was worded as follows:

“To see if the voters will authorize the City Council to borrow a sum not to exceed \$800,000 for the City’s share of the acquisition and development of the Capital District Master Plan Carr Project: the purchase of the so-called Carr Lot and the construction of improvements thereon for a park and/or public transit center and/or a tourist information/welcome center and/or a public parking lot and/or a transportation path.”

Related to the bond vote were earmarks for federal funding from the Federal Transit Agency (FTA) and the Federal Highway Agency (FHWA). FTA provided \$1,967,357 as part of an 80%-20% grant. FHWA provided \$1,490,250 as part of a 100% grant and \$3,680,000 as part of an 80%-20% grant. Presently there is approximately \$4.9 million remaining FHWA money and \$1.9 million remaining FTA money plus the city’s \$800,000 bond money as local match.

Since obtaining the funding package, the city successfully completed a costly and lengthy Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI) with FTA for the Transit Center at the Carr Lot sight. This normally means the project can proceed. We also completed the EA work for FHWA but had not yet been awarded a FONSI due to lingering questions about the bike path location. Additionally, preliminary EA work was done for two parking garage sites but was not brought to completion. As the EAs were being completed, it appeared that we were on our way to orderly completion of the project.

What's changed?

Since the project began and funding was obtained, many circumstances have changed which have either delayed work or altered the way that we think about this project.

- The project originally hoped to include a parking garage. Difficulty in finding an appropriate site led to a council vote to discontinue efforts on a garage.
- Rising costs over time have continually required the city to update our estimates and re-evaluate what is possible within the available resources.
- The level of contamination on the Carr Lot became a greater issue than originally anticipated. It resulted in the lot being closed to the public and prompted EPA involvement. The EPA required a proposal for a testing plan (which took a year to approve), the testing work and results analysis (another year) and approval of a site mitigation plan based on those results (another half a year). We now know the extent of contamination, what is needed to move ahead with a project and what the costs are.
- Just as the EPA issues were being resolved, we learned that FEMA was revising flood maps for the first time in 30 + years. In the draft mapping, the Carr Lot was placed in the floodway which precludes construction of any new buildings although parking, bike path, open space etc. could still occur there. The city performed some river hydraulic analysis and has appealed the floodway determination. That appeal is pending but has held up work for over four months. This situation caused FTA to suspend our FONSI.
- The national recession has led to Congress seeking any source of funds for new projects. This has resulted in federal agencies reviewing all “old” earmarks and awards which have not begun construction. The city has been put on notice that our funding may be at risk if we do not make progress quickly.
- Most recently, changes in the way the state handles rail issues in this area has caused us to re-think certain aspects of the project, particularly how well the Carr lot might connect with the rest of downtown. Rail issues have also forced the city to look more closely at the area near Montpelier Beverage and the Association for the Blind.
- The City has obtained a separate grant for a District Energy project which potentially could include a transit center. It also may require some of the parking at the Carr lot.

What are our guiding assumptions?

As we consider options, we need to take the above information and history and convert it to a series of assumptions and understanding from which to base decisions. The following are the assumptions I have made in forming this recommendation for action.

- The federal money will be taken from us if we have not made measurable progress. This is a real threat which has been communicated to us from both the federal agencies and Senator Leahy's office. The FTA money seems to be particularly at risk given the uncertainty of whether any building will be allowed on the Carr Lot and, if not, where a transit center might go.

- Given the above time crunch, there is not enough time to complete another full Environmental Assessment, get it approved and move the project forward. Such an effort will also erode the available funds for final construction. This means that the transit center must either go on the Carr Lot, possibly at the District Energy site or at a location which qualifies for a “categorical exclusion” which is, essentially, an existing building which can be converted. Examples might be the Thrush Tavern, City Hall, the State Visitor Center or other such locations.
- New railroad crossings will be difficult if not impossible to get approved. Therefore any bike path planning needs to carefully consider how to cross the tracks.
- Contamination issues preclude any housing or green park from being built on the Carr Lot site. Alternate open space (Farmers Market home?) could be built.
- Time is very short to identify a private developer for upper floor work and, without a parking garage in the project, availability of parking may restrict interest and opportunities for upper floors.
- Purchasing the Carr Lot may be difficult to negotiate and may require condemnation.

How do we proceed?

The FTA money has been earmarked for a transit center. FHWA money is identified for downtown revitalization. We have been looking at these as a single source of money for a single unified project.

We should “de-couple” these funding sources. A new Transit Center, wherever it may be built, should be constructed within the \$1.9 million FTA funding and considered as a project on its own. That not only allows the money to go where the center goes but lowers the risk of lost money if the center cannot be successfully re-located but other project aspects can be completed.

FHWA money should be used to complete the remaining aspects of the project. The Bond vote calls for “the purchase of the so-called Carr Lot and the construction of improvements thereon for a park and/or public transit center and/or a tourist information/welcome center and/or a public parking lot and/or a transportation path.” All but the transit/welcome center can reasonably be accomplished with the \$5 million.

Once we think about these as two separate projects and funding sources we should take the following steps:

Transit Center:

- File the FEMA floodway appeal. (already done). If successful, put the Transit Center on the Carr Lot.
- While waiting for the decision, seek possible alternative locations and obtain FTA guidance as to whether they are practical under federal rules.
- Issue some sort of public solicitation or RFP to ascertain interest in upper floor (at least a single second floor) development at a Transit Center at the Carr lot.
- Continue consideration of a transit center co-located with the District Energy plant as a open option.

Downtown project:

- Begin taking active steps to acquire the Carr Lot. Whether the transit center is located there or not, it is central to providing parking, the bike path, open space and a gateway to the community. Acquiring the lot is consistent with the public vote.
- Take active steps to acquire the Montpelier Beverage Building, Association for the Blind building and the vacant lot which was formerly the Tomasi Block. This will re-open vehicle access to the back of Main St and will also allow for a bike/ped bridge to be constructed across the North Branch to 60 State St. This bridge will connect two sides of town and also provide a safe alternative to walking on the railroad trestle. We can study construction of a new building adjacent to the Savoy but do not have funds for that in this grant. We could also pursue private options. The two building owners have been informed that this is being discussed. This resolves FHWA concerns in withholding a FONSI and could be done as an EA amendment rather than full new EA.
- Design the bike path to connect to the new bridge. Determine whether the existing crossing from the Carr Lot to the Capital Plaza lot is permanent. The project can include advanced safety gating to address rail concerns. If this crossing is not feasible, pursue other options either under the rail bridge, over the tracks or along Capital plaza property. The owners of both 60 State Street and Capital Plaza were informed of all these issues and options in a personal meeting with me.

Is there enough money?

\$1.9 million is sufficient to build a transit center on the Carr Lot site and certainly sufficient to renovate an existing building for transit use. If funds were a problem we would redesign the center to fall within existing resources. We previously assumed we would use FHWA money to cover any shortfall.

With matching money, the FHWA funds exceed \$5 million. The City already has an enhancement grant for the design of a bike/ped bridge over the North Branch. Although this described project is ambitious, it is within reach financially.

Project costs (and these are very rough estimates and aimed high) might look like this:

Acquisition of the three parcels near Main St (based on reappraisal)	\$900,000
Demolition of two buildings (including permitting etc)	\$500,000
Construction of bike/ped bridge	\$500,000
Miscellaneous (engineering, unexpected, etc)	\$500,000
Acquisition of Carr Lot and environmental clean up	\$1,000,000
Carr Lot improvements (incl. retaining wall, bike path, amenities)	\$1,000,000
TOTAL	\$4,400,000

Remaining funds would be used to acquire any additional rights of way (60 State St, Capital Plaza etc)

This would not address traffic concerns at State St./Barre St. nor would it address a potential new building to replace the two that were removed. These issues would be included in the HUD/DOT grant which we have pursued.

On Wednesday evening, July 14, 2010, the City Council Members met in the Council Chamber.

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

10-163. Call to Order by Mayor:

Mayor Hooper called the meeting to order at 6:05 P.M.

10-164. Adoption of Goals.

City Manager Fraser said he had tried to formulate and articulate the conversations they had in April and June. He took last year's goals which they had set up in categories to match the enVision Montpelier work that set the broad categories. He arbitrarily knocked off the ones that didn't appear to be of high interest this year or had been completed. What seemed clear when you jump to the second page on Economic Security and Wealth Creation there was the need for housing? He thought about the questions they asked the citizens on the survey. We recognize housing as a primary economic development activity and will take affirmative steps to develop new housing. He included TIF because it was on the list. We said we wanted to talk about economic development in general and housing in particular.

Some of the new goals are the ADA transition plan. He took the locally grown food off the list because they haven't spent a lot of time on it. He left the creative stuff in because it has come up quite a bit. He talked about maintaining the services we have such as providing clean water and functioning sewers. He left the Recreation Department in because that is open for discussion. He took parking off but it certainly can be put back on.

Under the transit center project he specifically took the Carr Lot Transit Center project off in the event we need to find an alternate location. He kept the capital plan and bike path on. He added to work with the State to be sure there are safe railroads. He added alternatives for street lighting expenses. He also kept EC Fiber on the list.

Under good governance he kept shared services.

City Manager Fraser continued to review the draft goals and priority initiatives. he record. He added that the city has a Master Plan and needs to set hearings. They have talked about having a consultant to do an operations review. They talked about doing the Citizens Survey every two years so he added that to the list. He thought it was important to say the Council is going to address the water fund deficit.

There had been talk about reviewing ordinances and another suggestion about looking at amendments to the city charter. He put something in about supporting a district energy initiative. He included work to develop Sabin's Pasture to enhance the natural and recreational amenities for residents while encouraging housing. He took out the Trust for Public Lands.

Under the flood mitigation efforts he added a sentence about working with the Army Corps of Engineers and the State of Vermont. He added a goal to take action to protect and preserve Berlin Pond as the city's water source.

Mayor Hooper said they could look at the "must do" items, look at the calendar and get realistic about action items that have to come before the City Council. That conversation will focus the Council in terms of some of the other projects they may be interested in pursuing.

Council Member Golonka said he would like to hear about EC Fiber from Council Member Hooper.

Council Member Hooper said it all sounds very positive but with no forward motion. The latest plan is to get enough money privately to build a hub and build out to towns immediately that are joining to use that to demonstrate the project.

Mayor Hooper said she would be happy taking it off the list, but she doesn't want the rest of the world to think we are not interested in it.

Council Member Sherman said she participates with the Harris Webster sidewalk crew and they would be happy to see more maintenance kept on the list. It looks like under efficient infrastructure we mention pedestrians and bike paths but we need to maintain sidewalks and bridges.

Council Member Jarvis said in terms of the capital plan her goal would be to increase it which is different than maintaining it. What does maintain mean?

Council Member Hooper said he was curious about the open space and natural resources inventory. He has seen that on the list as long as he has been here and never seen any piece of it.

Mayor Hooper said if they take EC Fiber off they should also take this off. She would like someone to offer a motion to adopt the draft they have before them. She would like to move on to a “must do” list.

City Manager Fraser asked if they had said what they wanted to say about economic development.

Mayor Hooper said a lot more needs to be said about that. However, having looked at the calendar and the things they have to do she doesn't see that the Council has time to be spending on that. They are all in agreement on housing.

Council Member Jarvis said one thing she would like to see is the Council working closer with Montpelier Alive. She is excited about the new Director with all of his experience in downtowns and economic development issues. She would love that to be a goal. Maybe the goal isn't working with Montpelier Alive but focusing on supporting our existing businesses and drawing new businesses and working with Montpelier Alive on other entities. She would love to see Montpelier become a city pushing on economic development and see the Planning Department spending a lot more time on that issue as well. She would like more in here rather than less.

City Manager Fraser said they have for many years a specific plank in the platform that talked about downtown and MDCA. At some point MDCA matured and the Council supporting them wasn't such an active role and he thinks that evolved into the recognized historic character and support of local businesses. We used to say to preserve and protect Montpelier's downtown.

Council Member Weiss asked Council Members Jarvis and Hooper as members on the Committee on Expense and Revenue if they are satisfied that the recommendation made to the Council is included in the goal and initiatives.

Mayor Hooper said one of the principal recommendations of this group was an operational review of city government.

Mayor Hooper said she would like to go back to the economic development discussion. We need to have a conversation about what we mean about this. She agrees that it is important. She believes they have arrived at a consensus on housing development. She isn't sure they all have a common understanding about what they mean by economic development and she thinks they need to have that conversation. We need to inventory our assets without an end game in mind.

City Manager Fraser said a lot of this is in the Master Plan.

Council Member Jarvis said one of the most important goals they can have is focusing on taxes. She doesn't want to have that as a goal. She would love to say to reduce taxes but she doesn't know if that is a realistic goal. We need to focus on how we might reduce taxes and to her that means in large part growth, both growth within our business and residential grand list.

Mayor Hooper said they need to provide some direction in terms of what it is we mean.

Council Member Jarvis said she is not in favor of #2. This segment is really important to her.

City Manager Fraser said they could say to identify areas where Council action is needed to provide economic security for our residents in accordance with the Master Plan and in collaboration with Montpelier Alive.

Mayor Hooper said they need to create wealth and economic security.

Council Member Jarvis said she would like them to come out with a strong statement saying that we want to spend some time and energy trying to figure out how we can provide economic security.

City Manager Fraser said they could say identify areas where Council's action is needed to expand the grand list, stabilize the tax rate and provide economic security for our residents.

Council Member Weiss said he would like to include in Mr. Fraser's list the word budget. He would like to be specific and call it a no growth budget, but that is a difficult goal.

City Manager Fraser said if they stabilize the tax rate it affects expenses and revenues.

Mayor Hooper said she thinks they really need to spend time being thoughtful about what it is we mean rather than throwing out ideas.

Council Member Sheridan said his preference is #3, #7, #11 and #3. These items are things you do when you are on the Council no matter what council you are in his opinion. It's a way of culling out the list a little bit. Is he not going to support the city workforce and provide excellent services if he doesn't say it?

Council Member Sherman said the goals are a public document as well.

Council Member Sheridan said those are policies and not necessarily goals. Goals are things they want to try to accomplish. These are things he thinks every Council every year would feel is just a general policy of the city.

City Manager Fraser said he specifically asked for the first couple to be included on the list and his thought that providing services and doing all those kinds of things is core; it is actually the most important thing and it is the most time consuming certainly in terms of the staff during the day. What we really spend on the Council is what we really deal with projects and future planning and policies. While the Council is all thinking about economic development and those kinds of things the staff are answering fire calls. He feels it is important that the Council make a statement that amongst everything it does it also pays attention to all of the services being delivered. It is a reminder to themselves and the community that it is an important goal for us to do that. We could almost have a preamble that says the city is committed to providing excellent service.

Council Member Sheridan said his point is they aren't going to stop doing any of them just because we don't say it here.

Mayor Hooper said she would recommend leaving this as it is.

Council Member Golonka said he agrees with Council Member Sherman.

Mayor Hooper said one of the things that is on the list we must do is the charter change and understanding whether or not we should separate out the Clerk-Treasurer position and make the Treasurer position an appointed position rather than an elected one. She wonders if there should be something in this statement so we do have it on our list of things to get done.

Council Member Jarvis said that might come out of the operations review in the governance section. The charter changes should be done in November.

Council Member Weiss asked the Mayor if they had to also identify other charter changes.

City Manager Fraser said under 10 in Good Governance you could say include the election/appointment of Treasurer, district energy, local options tax, etc.

Motion was made by Council Member Jarvis, seconded by Council Member Hooper to adopt the goals as amended. The vote was 6-0, motion carried unanimously.

City Manager Fraser would prepare the 2010-2011 Goals and Priority Initiatives and they will be attached to the minutes.

Council Member Weiss said he would like to move as follows, that in February 2011 at a regular or special meeting the Council shall assess the status of each goal and priority. Council Member Golonka seconded the motion. The vote was 5-1, with Council Member Sherman voting against the motion.

Mayor Hooper said she wants to talk about the list of things that have to get done. The City Manager gave them a document called Goals Discussion Outline. This is as useful reminder of the work that needs to be done. She was looking at the “must do” items they have in front of them and thinking about the timeframe for doing that. There are bond votes they are going to have to consider with the district heat and the potential of the revote on the Carr Lot as well as the charter changes that include the fire district, the district heat and the Clerk-Treasurer position and local options tax. When you start looking at the Council’s time to accomplish that the City Manager gave us an outline for doing charter changes. We need to have agreed upon the charter changes by August 25th, and that starts in motion the series of hearings we will need to have. In addition, there are the Master Plan hearings. She believes they need to have a meeting on the Carr Lot Transit Center and the public needs to be aware of our thought process. They are looking at another Senior Center meeting. That takes us into the budget season just dealing with that list. What is going unsaid is there are a lot of things that will not be done and left behind.

She and Council Member Golonka were having a discussion today and she is worried about how to think about financial issues. She would love for the Council to spend an hour understanding the finances of the community and what some of the factors are that we ought to be considering. She wants to know if Council Members believe there is anything else that needs to be added to this list of things that have to get done before budget time.

Council Member Jarvis said she would argue that having a discussion about economic development is a must do item.

Mayor Hooper said the agenda for the next three or four months is the Master Plan, Carr Lot, Senior Center, district heat and the charter changes associated with the water district and the Clerk-Treasurer.

Assistant City Manager Bev Hill said Suzanne Day called late this afternoon. She brought in a picture and wanted to present it to the Council. Next year, May 21st, will be the 100th Anniversary of the Dedication of City Hall. Suzanne Day and her husband live on Hubbard Park Drive and their daughter Jennifer Day Minano works for someone who had this picture and wanted to donate it to the city. The diner is sitting just about where the bus pulls up in the front. First In Fitness used to be the Community Hall. Next year is a big year and we should do something to celebrate 100 years of operating city government in this building.

10-166. Consideration of the Consent Agenda:

- Consideration of the Minutes from the June 9 and June 23, 2010 Regular Meetings.
- Consideration of approval of payroll and bills.
- Consideration of becoming the Liquor Control Commission for the purpose of acting on the following:

Request to cater malt and vinous beverages and spirituous liquors.
Consideration of a request by Vermont Hospitality Management (New England Culinary Institute) for a reception on Friday, July 16, 2010 at the T.W. Wood Art Gallery/VCFA

Consideration of a request by the Vermont Hospitality Management (New England Culinary Institute) for a reception on Saturday, July 17, 2010 at Noble Lounge/VCFA.

- Consideration of street closings requests.

State Street between 130 State and Governor Davis Avenue – August 15, 2010 from 2 P.M. to 10:00 P.M. – State House lawn for the Great Community Picnic with food being prepared by NECI and local restaurants. A noise variance is also requested.

Summer Street – from Spring Street to Winter Street – Meadow neighborhood block party on Saturday, July 31, 2010 from 3:00 P.M. to 10:00 P.M. with a rain date of Saturday, August 7, 2010. Also, requested is a noise variance.

Loomis Street from Park Avenue to Liberty Street on Saturday, August 28, 2010 from 4:00 P.M. to 8:00 P.M. for the Eighth Annual Block Party. Rain date is Saturday, August 29, 2010 from 2:00 P.M. to 6:00 P.M.

- Request for approval from Uncommon Market on Elm Street to reserve one parking space (1st parking space in front of the School Street side of their store) on Thursdays and Fridays, July 29th and 20th; August 19th and 20th; September 16th and 17th; and October 7th and 8th.
- Request to Approve Highway Pavement Markings Contract

Three bids were received. Council has been provided with tabulation of bids.

Staff recommends bid be awarded to Hi-Way Safety Systems, Inc., of Rockland, MA in the amount of \$6,127.21 and authorizes the City Manager to sign all contracts and other documents.

Approval of Payroll and Bills:

Payroll Warrant dated June 10, 2010, in the amount of \$26,454.70 and \$108,357.23.

Community Development Warrant dated June 16, 2010, in the amount of \$12,500.

General Fund Warrant dated June 30, 2010, in the amount of \$32,838.57 and \$373,079.07.

Payroll Warrant dated July 8, 2010, in the amount of \$115,753.81 and \$28,682.16.

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

Council Member Weiss said he would like to talk about the Uncommon Market request.

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

- 10-166(A) Request for approval from Uncommon Market to reserve one parking space (1st parking space in front of the School Street side of their store) on Thursdays and Fridays, July 29th and 30th; August 19th and 20th; September 16th and 17th; and October 7th and 8th.

Council Member Weiss asked if the request by the Uncommon Market, if approved, require that the Uncommon Market folk to apply for a vendor permit and pay a fee.

City Manager Fraser said they haven't contemplated that.

Sharon Allen from the Uncommon Market said they would go back into the market to the pay.

City Manager Fraser said it isn't really a vending cart. It is a transaction sale there related to the business. It's a sidewalk sale.

Assistant Manager Hill said she wants to make sure it is understood that when this is requested to bag a meter they are responsible for paying for the cost of the meter for the days requested.

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

10-168

Appointments

- District Energy Committee

The following people have applied:

Barry McPhee	Bill Neuburger
Edith Pike-Begunska	Johanna Miller
Karl Bissex	Ken Jones
Tim Heney	Justin McCabe
Carl Etnier	Paul Markowitz (withdrew)

Planning & Development Director Hallsmith said Karl Bissex and Carl Etnier couldn't be here tonight. She does have biographical information about them. Karl Bissex is a local energy consultant that has been active on our district energy committee already. Paul Markowitz withdrew his name from consideration. The other candidates are present. She envisions the committee overseeing our energy development. The energy development is larger than the district energy plant. It is also the PACE Program and the Clean Energy Assessment District Program. The committee can serve as a vital advisory group to the city on energy issues which are increasingly pressing and also costly. She knows that some of the committee members are interested in an energy item that is on tonight's agenda.

Mayor Hooper said she had thought this was specifically for the district energy grant and associated activities. Now she is saying it would be advisory as it relates to energy. How does that interact with the Montpelier Energy Team?

Planning & Development Director Hallsmith said she thought this was formalizing more of the role of the Energy Team and they have invited members from all of the energy committees that have been formed, and there are a lot of people that are participating in ad hoc basis to apply for this committee. Several members who have been active on the Energy Team are being considered for the committee. The Energy Team is a larger ad hoc group as has been the District Energy Group and as has been a lot of the groups associated with energy. It seemed it would be a good idea to have a committee that would advise the

Council on those issues in general. Obviously, for the first period of time the energy grant they are working on that includes the energy plant and the Clean Energy Assessment District are the two top priorities for this group. The Clean Energy Assessment District and the plant are big projects that could encompass other forms of energy sales and services as well.

Mayor Hooper asked if she was imagining that this would supplant the other groups.

Planning & Development Director Hallsmith said other committees can continue to meet.

Mayor Hooper said this would be the group that talked to City Council about energy related issues.

Planning & Development Director Hallsmith said one of the downsides of ad hoc groups is special interests can come in enmasse and change the group's opinion if there isn't a fixed membership. Energy at this point is getting to that point in the city where we are contemplating millions of dollars of expenditure, and it is important that we have a fixed group that the Council appoints to advise the Council.

Mayor Hooper said she was thinking this as it just relates to grants but it is becoming a larger more formal advisory body and we should have a City Council member on it. Council Member Weiss has been serving on the District Energy Committee.

Council Member Jarvis asked Planning & Development Director Hallsmith what her suggestion was in terms of the number of people that should be appointed to the committee.

Planning & Development Director Hallsmith said they have been recruiting for this for some time. They haven't restricted it and have recruited a lot of people.

Mayor Hooper said she would be interested in seeing at some point what they are doing rather than just the name of the group.

Council Member Jarvis said usually when there is a formal committee they have a charge.

City Manager Fraser said the district energy project and the PACE project are both enormous and they are going to have plenty to do. He thinks the Council with an item like something that is on the agenda tonight refers it to the Energy Committee for review and come back with recommendations.

Mayor Hooper said she understood that this group would replace the Montpelier Energy Team and they do different things than what was just described. For example, there is a small group of people working on transportation issues.

Planning & Development Director Hallsmith said if the Energy Team is contemplating the city taking action and spending money and engaging taxpayers in energy related issues it isn't a bad idea for an energy advisory board to review it before it comes to the City Council. That is the piece they were looking for in the district energy project and the PACE project and moving forward to the bond vote, which is formalizing it rather than having it be the ad hoc group. This group isn't meant to stop the other initiatives, but as it interfaces with the city government and the city expenditure it does seem to her to make sense to make it more formal.

Ken Jones, President of the Montpelier Energy Team, said he did put his hat to be part of the District Energy Committee. It was his understanding that it would be focused on the district energy portion and the Energy Assessment District because of the grant funding. He would suggest they start with that as the focus because it is such a large set of projects. He thinks they should focus on those pieces. There are other activities going on, with transportation being a significant one. Not all of the people participating on the Energy Team have signed up to be a part of this. He would recommend the group that has asked to be a part of this be allowed to get started with that initial focus being on these two very large projects.

Mayor Hooper said there is a proposal to appoint this group of people, including Council Member Weiss, to a District Energy Committee.

Council Member Sherman moved that the Council form a Energy Committee with the members recommended in the agenda item to convene herewith. Council Member Hooper seconded the motion.

Mayor Hooper called for a vote on the motion. The vote was 5-0, with Council Member Weiss abstaining.

10.168. Appointments to the Development Review Board

Staff advertised the vacancy for the Development Review Board.

At the time the agenda went to press the following applications had been received:

The terms of Jeremy D. Hoff (who has moved away) and Daniel Richardson expire on August 8, 2010.

Daniel Richardson has requested reappointment.

Sabina Haskell has requested appointment to the vacancy.

S. Mark Sciarrotta has requested appointment to the vacancy.

Recommendation: Opportunity to meet the applicants; possible Executive Session in accordance with Title 1, Section 313, Subsection (a) for the purpose of discussing this appointment; return to public session; announce appointment to fill the expiring three-year terms, said term which will expire August 8, 2010.

Mayor Hooper asked the people requesting appointment to tell them why they wanted the appointment.

Sabina Haskell said she is new to town and has lived here since July of last year. She has been a reporter and an editor and is now PR Manager at Fairpoint. She loves the character of Montpelier and would like to be a part of the city. She has lived most of her time in southern Vermont and spent many years covering Select Board meetings and Act 250 and Planning Commission meetings. She understands there is a real necessity to keep the overall picture of who you want to be as community in mind when you are thinking about growth and preserving what you have.

Council Member Sherman asked if she had read the zoning regulations.

Ms. Haskell said she hasn't read them all but has started. She knows there are a lot of things that go into zoning regulations.

Council Member Sherman asked if she had attended any meetings.

Ms. Haskell replied she has not..

S. Mark Sciarrotta said he has been a resident of Montpelier for about five years but has worked in Montpelier for 12 or 13 years at the Farmer's Market and at the Attorney General's Office. He is an attorney and a lot of his experience is in land use and environmental law. Right now he is working for an electric transmission company. Previously he worked for the Attorney General's Office so he has seen environmental law and zoning law from the development side and from the enforcement and regulatory side. He has some zoning experience through representing the Act 250 Board. He has also represented the Agency of Natural Resources and the Vermont Water Resources Board when he worked at the Attorney General's Office. He was excited to see the opening. He also loves Montpelier and thinks he can bring some experience to the Board.

Council Member Sherman asked if he thought there might be any instances where he would have a conflict of interest with the Development Review Board and the line of work he does.

Mr. Sciarrotta said he didn't think so. This opportunity is great for him because at his old job at the Attorney General's Office he was essentially conflicted out of everything. In that job he wasn't allowed to sit on boards because there was always potential for conflict because the Attorney General's Office represents the state. The electric transmission companies are exempt from local zoning and Act 250 because they have a special regulatory regime under Title 30 they fall under so there wouldn't be any conflicts there. When he first moved to Montpelier he bought a house and read the zoning regulations.

Motion was made by Council Member Jarvis, seconded by Council Member Sherman to go into Executive Session at 7:25 P.M., in accordance with Title 1, Section 313, subsection (a), for the purpose of discussing the appointments to the development review board. The vote was 6-0, motion carried unanimously.

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

Motion was made by Council Member Sherman, seconded by Council Member Jarvis to come out of executive session at 7:35 P.M., in accordance with Title I,

Section 313, Subsection (a) whereby they had discussed appointments to the development review board. The vote was 6-0, motion carried unanimously.

Mayor Hooper thanked the candidates for applying for the DRB position.

Motion was made by Council Member Sherman, seconded by Council Member Hooper to reappoint Daniel Richardson and appoint Sabrina Haskell to the Development Review Board. The vote was 6-0, motion carried unanimously.

10-172. Consideration of a Power Purchase Agreement.

- Members of the Montpelier Energy Team will be present to discuss last-minute matters relating to the City's consideration of a "Power Purchase Agreement" with All Earth Renewables (AER).
- Under this agreement a number of solar panels would be installed on city-owned open space; through the group-net-metering capability of GMP's grid these would supply City Hall with some or all of its electrical power at little to no cost through the first five years and at significantly reduced rates over the longer term.
- The City must enter into this agreement by July 15th to qualify for incentives enabling this arrangement

Committee members and staff will be present to answer questions and discuss details.

City Council has received numerous documents from the Montpelier Energy Committee and city staff relative to applying for a Certificate of Public Good by the July 15th deadline.

Recommendation: Discussion and direction to staff.

Barry McPhee and Ken Jones appeared before the Council along with Will King from All Earth Renewables.

Mr. McPhee handed out analysis spreadsheets that Finance Director Gallup and he had put together with very conservative numbers for the payoff and final cost per kilowatt hour.

Mayor Hooper said Barry McPhee and Ken Jones are with the Montpelier Energy Team brought this proposal to her at the end of May and she and the City Manager have had some conversations with some members of city staff. On June 9th they asked the Council if this was an initiative they would like to proceed with and they said yes.

Barry McPhee said he learned about this one day meeting with Kate Stevenson who is Executive Director of Yestermorrow which recently had an installation done by All Earth Renewables called a power purchase agreement. This is an arrangement that depends on a group net meter grid.

The place to begin is to describe a group net meter grid. A group net meter grid allows someone to supply energy at one point into the grid, have the energy be measured that is being piped into the grid, and has other points on the grid draw from the energy credit that is being built up at the first point. There is Point A which is a solar panel or turbine feeding energy in, and you have Points B, C, D, E, etc. which can be designated as being allowed to draw any of the power that is being piped in from Point A.

All Earth Renewables has put some together on the Purchase Power Agreement in which if a client can identify an open unshaded piece of land they will install one or more of these all sun trackers which is a type of solar panel that precisely tracks the sun. All Earth Renewables owns the panels. They own the power and sell the power back to the client at a rate of 19 cents per kilowatt hour. The client gets back 19.05 cents per kilowatt hour between the standard rate of 13.05 cents per kilowatt hour plus 6 cents per kilowatt hour from GMP's Solar Program which is an incentive program to incentivize as many landowners as possible to supply power into its grid because it costs more for Green Mountain Power to go out and buy additional power during peak loads. This is one of the ways in which this works on both sides.

The proposal for Montpelier was originally to have the maximum number of panels possible which would have been 26, but the land available for Montpelier looks like it can only accommodate 10 of the sun tracker panels. The power that these will be able to supply to Montpelier will equal somewhere between 35 and 45 percent of City Hall's annual energy use. The way they have submitted an application for a Certificate of Public Good, which is step one in this project, is that they have designated City Hall as being the Point B on the grid to the Point A which is the piece of land adjacent to the water treatment plant up on Paine Turnpike.

They have submitted the Certificate of Public Good. The next step is signing an agreement with All Earth Renewables. Normally that happens during the 45 days of processing the Certificate of Public Good.

Planning Director Hallsmith said she didn't learn about this until today. She understands they need to use the net group metering allocation that is allowable under the state statute for municipalities to use. The way they get into this project is through group net metering under the municipal part of that statute.

Mr. King said it is set up as straight group net metering. The reason it is important to do it as group net metering for this project is because most likely City Hall is on what is called a time of use rate structure so you pay a very low per kilowatt hour price but you have a high demand charge, and also because there is no room for sun tracker so it has to be at another location. Using group net metering they can be anywhere in GMP's territory and then you can designate who you want to benefit from the power. In addition, if they set it up as group net metering the Public Service Board's rule is that the credit for the all kilowatt hours it produced are credited at GMP's general rate at 13.05 cents. You are actually getting more value for each kilowatt hour than if you were to directly connect to a building and offset it per kilowatt hour.

Planning & Development Director Hallsmith said she understands there is a limit to the amount of group net metering that any individual applicant can use. Under the current law it is limited to 250 kilowatt hours. That is the group net metering limit that we have been working with on the energy plant because the District Energy Plant is proposing to generate electricity as well.

Mr. King asked if they were talking about kilowatt hours or installed watts.

Mr. McPhee replied kilowatts.

Mr. King said there is a limit on the size of the project. The project has to be 150 kilowatts installed or less, or it is subject to a very different permitting process. That is why the original size of this project was the 26 because that is right under that threshold. This project is only about 58,000 installed watts or 58 kilowatts. That is where the limit is and not in the amount of power production itself which is the kilowatt hour.

Planning & Development Director Hallsmith said it is very important to have the Energy Committee look at these things comprehensively because they have been looking at group net metering for the electricity they are going to be generating in the cogeneration capacity with the district energy plant. They have been struggling with the 250 kilowatt limit. The state's facilities use 400 kilowatts, and

that is what they are targeting now as their generation capacity. She doesn't know the answer as to how this project would interact with that project and whether or not the 58 he is describing would limit them even more.

Mr. King said they are doing this in Hinesburg right now. They have a full 150 kilowatt project in a field in Hinesburg and they are putting a second one right next to it, so even though they are right next to one another they are designated as two completely separate projects and they are benefitting separate folks.

Planning & Development Director Hallsmith said if the district energy plant is benefitting the City and this is benefitting the city, would the two projects trip over each other under the 250 kilowatt limit?

Mr. King said there are 2 million kilowatt hours per year if you lump everything in for the city so the odds of being able to put together projects that would probably reach even 50 percent of that be very slim.

Mayor Hooper said the district energy plant they are talking about is a municipal project and this is a municipal project. Will the combination of the two projects push us over some sort of threshold? If we sign up for this do we lose our ability to participate in the district heating project?

Planning & Development Director Hallsmith added or even lowers the amount of the electricity we could sell under the group net metering. She would like the answer to that question before any other projects are approved because it is one of the critical pieces in their project that makes it economically viable.

Mr. King said their understanding is if they are separate projects they don't limit one another but that can certainly be confirmed.

Finance Director Gallup said she was stunned because of the new spreadsheet. They have had quite a series of spreadsheets. What this new one involves is a lot of questions she had about insurance costs, finance costs and additional maintenance costs. She told the Council in her memo that the first five years she felt comfortable that the numbers were solid and a pretty much break even with revenue and expenditures they could count on and project with quite a bit of accuracy but they didn't have the after five year numbers. Even if they purchase the solar panels for \$134,920 in year five, financed it over 10 years at 3 percent and insured them we would probably have a break even in year 14. As they get further out she gets a little unsure. At the end of five years there is an option to buy it at what they project will be 30 percent of the cost of the solar trackers.

Mr. King said the cost is fixed in their mind. The language in the power purchase agreement because of IRS rules makes them say fair market value, and in their mind it will be that price. The city is somewhat in the driver's seat because they don't have to purchase them.

Finance Director Gallup said the other option is to renew the purchase agreement with a revised rate of Green Mountain Power's new residential rate plus 4 cents per kilowatt hour. She isn't sure how they feel that is an option.

Mr. King said it is an option if the town can come up with the money to purchase the panels after five years.

Finance Director Gallup said it isn't financially in the city's favor.

Mr. King said financially he doesn't think it works out to be any more than what they project what the standard Green Mountain Power rates will be at that time.

Finance Director Gallup said the third option is the solar trackers are performing but they just decide they don't want to purchase them or lease them there would be a \$3,000 removal charge per tracker, which is \$30,000, to remove them from the site. That is the end of the five year options.

Mr. King said if they aren't producing though they are removed for free, so if they don't hold up their responsibilities there is no charge to have them removed.

City Manager Fraser said during the first five years the city gets the benefit of the reduced cost. These things send money to the meter and GMP buys and essentially pays for the power it gets, and it pays for it by reducing the city's electric bill at City Hall.

Mr. King said essentially. The city gets basically whatever kilowatt hours are produced. They take that number times the 6 cents times the 13 cents and monetize it as a credit on the bill.

City Manager Fraser said they essentially buy the power by giving the city a credit. The city then turns around and takes that amount of money and sends it back to All Earth Renewables as a lease so the city's electric bill doesn't change over the five years.

Mr. Kings said the only savings they would see in the first five years is already affixed at 19 cents so as GMP raises rates the city saves.

City Manager Fraser said then at the end of five years we still have to pay All Earth Renewables \$30,000 to take the equipment off the city's property. Is that what is being proposed?

Mr. King said the economic value of this in the first five years is positive economic value. It is dependent upon the increasing rates at Green Mountain Power so the city gets the wedge. As Green Mountain Power's rates increase the cost for the electricity generated here is going to stay fixed. If rates go down the city will be liable for that wedge. Most thoughts are that electricity rates are going to be increasing over the next five years and this is a fixed price power purchase agreement. The city gets the economic benefit of whatever that increased rate is. The decision five years from now is if you want to continue owning and gaining the solar panels or not. If the city agrees at that point they do not want the solar panels, then that \$30,000 is going to eat into whatever that benefit is.

Mr. McPhee said also during the first five years a net cost per kilowatt hour is zero. You are paying 19 cents and getting 19.05 cents back per kilowatt hour.

Mr. King said in terms of the removal fee everyone needs to go into these agreements for it to work. Thinking at the end of five years if things went well the city does want to purchase them you need to look beyond the first five years and really through the full 25 years. If folks just change their mind even though they produced what they said they would produce that puts them in a very difficult position so there is no fee if they don't work. With the kilowatt hours they are paying us for they do an audit at the end of the year, so if they made less during those five years than what is in the contract the city gets credited back money; you only pay for exactly what they produce so there is very little risk in those first five years. They just need to protect themselves after the five years.

City Manager Fraser said they should look at this as a 25 year project. Do we have assurances that the rates are going to stay low for 25 years? Do we expect that these will still be state of the art solar technology in 14 or 25 years? Are these designed to last this long?

Mr. Jones said from his perspective it is very difficult and people have lost their shirts trying to speculate what the future of energy is going to be, but in terms of the technology they are pretty confident that they know the production that is going to come out of a solar facility today. Could there be advances in technology so that it is significantly better? Yes, but the fact is you essentially have these in place with a known purchase price and with an unknown but a ballpark of what the cost of electricity is going to be in starting in five years and moving out. Even if the price of electricity doesn't escalate from five years to 25 years you'll have a known amount of production and a range within this 13, 14, 15

cent per kilowatt hour of what it would cost to purchase electricity. There is not much thought right now that there is going to be a technology break through that will drive down the price of electricity significantly because the days of large base load plants, especially in the northeast, are not there. There is a lot of energy going to wind power, but the costs for wind power are not at the sort of level of base load plant. If we can't put new base load plants in we are going to see increases in the prices. These systems in place with known production and you balance that with what you think the prices are going to be that gives you some certainty of what their value is over time. You care about the price per kilowatt hour.

Mayor Hooper asked if they could invest more wisely in a few years in something else.

Council Member Golonka said he isn't really comfortable with this back end charge. He would rather see more years tied on as a guarantee contract. If it isn't working after the first period his concern is they are buying into a partnership. He read something a couple of weeks ago that sun power comes out with a tracker that is about 24 percent efficient in terms of conversion. What would their panels be with regards to conversion rates? What would the city be getting with regard to conversion rates?

Mr. King said their panels are around 17 percent efficient, and the more efficient the panel the more you pay per watt. Everything in solar is watt. For that panel it will be a higher price per watt so you would have to look at whether the percentage of efficiency paid off.

Council Member Golonka asked why should the City of Montpelier partner with All Earth Renewables.

Mr. King said they were founded in 2005. This power purchase agreement works because of their relationship with NRG. The main credits that are available to offset the price of solar are tax credits so one of the reasons this is such an attractive proposition for municipalities because you are not a taxpayer. When looking at a renewable energy project you are typically having to finance the whole price or find investors who want to take those tax credits. Originally they started as Earth Turbines and the focus was more on wind turbines. They have a lot of experience with solar because NRG has solar trackers and sensor based trackers in front of the building, 36 of their trackers in a field and affixed with a roof. They have seen a real burst of activity, part of it because of the specific standards that are in place. They feel pretty good about where they are going. They have been developing this product since about 2006 so there have been ones out for 24 or 25 months now through several winters and several cycles.

They are involved in a 2.2 megawatt project in South Burlington and there will be 380 of the trackers here. The Town of Starksboro at Robinson School, the Town of Groton, Town of Waitsfield, Town of Hinesburg, the Episcopal Diocese at Rockpoint, and there are a lot of projects potentially in the works. It will be interesting to see where they are this time next year.

City Manager Fraser asked Barry McPhee and Ken Jones if they solicited proposals from these companies. Normally, we would have some type of procurement process. How is it we are looking at a contract with All Earth Renewables? What was that process?

Mr. McPhee said the process was what he described at the outset. He heard about it from somebody who runs a school who just had it installed. There are other solar companies in the state that are doing some version of taking advantage of group net metering for solar electricity installments, but none of those have the reach and put together in a way as comprehensive as All Earth Renewables that bring in all of the incentives. This is more ambitious in taking advantage of group net metering plus existing incentives than any of the other companies.

Ken Jones said he tries to keep his fingers on the pulse of the solar installations around the earth and what All Earth Renewables can offer is this relationship to municipalities. Most of the work right now with the tax incentives and the standard offer are funded by, owned by, operated by and the energy is used by folks that need a specific tax liability. Because municipalities don't have to have this kind of partnership, this is the only partnership of this magnitude that reaches out to folks who don't have a tax liability but still can take advantage of the low impact technology.

Council Member Weiss thanked Finance Director Gallup for her memo of July 9th in which she closes "We may have the award of this tax credit if we vote to go ahead with the program." What is the status of receiving this tax credit?

Finance Director Gallup said her understanding is that Bev Hill delivered an application so our application for a Certificate of Public Good did go in. She talked to Mr. King earlier and he said there was \$9.4 million in tax incentives and 25 applications for that funding.

Mr. King said they are in a queue that is fairly lengthy to install this arrangement and we may not make the cutoff point.

Council Member Weiss said if he understands correctly the 10 panels will be installed in Berlin.

Mr. King replied yes.

Council Member Weiss asked what permits this project has to obtain from the municipality of Berlin.

Mr. King said because of the size of the project Vermont made a decision to make the permitting for renewable energy at the state level; it's the Certificate of Public Good. Because the project is under that size requirement that is the only permit required. The Town of Berlin is notified, the Public Service Board, the Agency of Natural Resources, adjoining landowners, City of Montpelier, and there is a 30-day window of opportunity for folks to object or ask questions about the installation. If that arises the Public Service Board has a quasi hearing to hear all sides and then a determination is made. The only permit required has been filed.

Council Member Weiss said is he correct that the only folks during the appeal period are residents of Berlin.

Mr. King replied all of the adjoining landowners are in Berlin.

Council Member Weiss said therefore a Montpelier project going up in Berlin no one from Montpelier will be able to testify one way or the other on the project.

Mr. King said the City of Montpelier was a notified party and with a lot of towns they have worked with they have held separate public or open meetings for community members to come in and hear about the project and voice their concerns or support.

Mr. Jones said a Certificate of Public Good, because it is this regulated electricity generator, will allow essentially any customer of Green Mountain Power that will also affect to participate. They have to have a reason to participate, but because Montpelier is certainly a significant customer that is another reason. This, as any power plant because it will affect ratepayers the door is open for a lot of folks to participate.

Finance Director Gallup asked what he was saying about property taxes for solar panels.

Mr. King said so far solar installations had no impact on property taxes.

Finance Director Gallup asked if Montpelier has solar panels on land in Berlin is Berlin going to tax us for it.

Mr. King said to date that has not happened.

Mr. Jones said he works at the Tax Department and this is a question that is current up there because this can be considered personal property because you can in fact move them. In this case he doesn't believe Berlin taxes personal property; a very small number of towns do. That is certainly a topic that is current, especially with some of the very large installations going in which have the potential to have significant impacts on the grand list.

Mayor Hooper said the city has submitted provisionally the application for the Certificate of Public Good. What are the next steps the city has to take? What is the timeframe?

Mr. King said in normal circumstances, and this is a little abnormal because of the state ruling in the last week or so regarding the state tax credit – there was a state tax credit that makes all of this work on the books for 2010 only. The state determined to revoke that tax credit mid tax year so effective July 15th no more permits. You need to get your permit filed by July 15th in order to even be eligible. The second problem is that any time one of these projects happens any lost tax revenue, the 30 percent tax credit; the state is reimbursed for that loss of tax revenue from the Clean Energy Development Fund. That pool is the \$9.4 million and there are currently many more projects so it is unclear right now how the state is going to handle that, whether they are just going to go in the order of when things were installed and permitted and at a certain point there are just no more funds left. They are working to get an answer on that and have filed all of the paperwork necessary. They like to do the other steps during that 45-day window of waiting for the permit to come back, but this is a little different because they aren't sure of the timeline from the state.

Mayor Hooper said if the tax credits aren't available then it doesn't work financially.

Mr. King said in its current form it does not. They are certainly working on figuring out a way. There is still a 7 percent state tax credit that is still on the books and there is a renewable energy RERC rebate so they are seeing if there is a program they can develop that would utilize those two things in a way that comes back to folks who are interested. That program has yet to be determined. It would essentially halt things in their current form.

Mayor Hooper said if the City of Montpelier wanted to go forward with this, when do we have to sign the agreement?

Mr. King said if the tax credit is there ideally within those 45 days because that would allow them to move quickly in terms of the installation, and things have to be installed, energized by the 1st of next year. It has to be in this year and energized and producing power to qualify for that credit.

Mayor Hooper said 45 days would put them at the end of August. Is it possible to do that work?

Mr. King replied most definitely.

Mayor Hooper said the application is in so they have time to continue to seek more information to help them understanding the project.

Mr. Jones said it may very well be that the Clean Energy Development Board is going to have to extend some of their decision making because they are inundated with applications and they have to make their decision with regard to the tax credit in order for the full sequence of events to fold out so we should know in about a week as they assess the volume of their work.

Council Member Weiss said there have been no discussions about maintenance costs to the city and there has been no discussion about what permitting would be needed in Montpelier if we are going to install panels.

Mayor Hooper said there is time to do some more analysis. There are some significant questions that have been raised including what are the additional costs.

Finance Director Gallup said we need to review our purchase agreement also.

10-170. Senior Center

- a) Staff is requesting approval to apply for a Vermont Community Development Block Grant for 58 Barre Street. A combined application for both the housing portion and the MSAC. Public hearing to be held the week of August 23, 2010. Estimated total of \$550,000 with the maximum amount allowed for MSAC being \$300,000. Amounts to be determined once final insurance settlement is made.

Recommendation: Authorize the application for the Vermont Community Development Block Grant and for the City Manager to sign the necessary documents.

- b) Review and discussion of draft document prepared by Council Member Jarvis.

Recommendation: Authorize grant application. Provide additional direction to staff as necessary.

Garth Genge said Jeff Kantor and he had met with VCDP staff last week about the timely schedule for the housing and the Senior Center. The October 2nd Board meeting for the VCDP is part of the appropriate application period. The public hearing has to be held the week of August 23rd with 15 days notice prior to that. He is hoping to get permission to make the application. It will be a joint application for both the Senior Center portion and the housing. Right now there is a question with the Senior Center funding around the insurance so they aren't sure of the actual size it will be. The maximum available from VCDP for public facilities is \$300,000 so that would be the portion that would be going directly to the Senior Center. Right now they have allowed up to \$300,000 for the housing also. They have met with staff and it is positive, and they think it is a strong project and they would like permission to make the application and put the notice out.

There would be one grant application. The allocation of the dollars would be accordingly. They can only do \$300,000 for public facilities. They can get up to \$1 million from them but only \$300,000 can be applied for the public facility, the Senior Center portion. The application will be for a total of \$600,000.

Assistant City Manager Hill said when they hear on the insurance piece, will that \$300,000 be reduced depending on the insurance amount?

Mr. Genge said it could be reduced. At this point he would go for the full \$300,000 because that is less that the city would have to come up with. He thinks the \$300,000 for the Senior Center would be acceptable at this point.

Council Member Golonka said they are actively willing to sell St. Michael's facility. In fact, they have received permission from the Diocese to actually sell it. With this application that pushes back potentially renovating this space next year. What is the lease we have with the St. Michael's facility and what are our Plan B options?

Assistant City Manager Hill said there is no Plan B, and it is a month to month lease. It is a very informal lease.

Council Member Golonka said that is a concern on the timing issue.

Assistant City Manager Hill said Garth and she will be meeting with some people who are interested in that building and possibly participating in some portion of this other project.

Mayor Hooper said the question before them is whether they will authorize going ahead with the grant application for the two portions of the project.

Motion was made by Council Member Weiss, seconded by Council Member Sherman to authorize staff to submitted the application for the Vermont Community Development Block Grant and authorize the City Manager to sign the necessary documents. The vote was 6-0, motion carried unanimously.

Mayor Hooper said the Council needs to talk about the draft document that was prepared by Council Member Jarvis. They received feedback when it was presented at the Annual Meeting of the Senior Center awhile ago.

A letter had been received from Rebecca Sheppard, 6 Winter Street which was read into the record. The letter is attached to the minutes.

Council Member Weiss said regarding the advisory boards he thinks the Council might be wise to wait until they review the Section 501(c)(3) application because it will require a board. He would prefer to see what the application contains regarding a board.

Mayor Hooper asked if the Senior Center Advisory Board had taken a position on the proposal.

Assistant City Manager Hill replied no, they meet every other month and the next meeting is scheduled for August. Numerous members have talked about it individually. She is concerned there is some misunderstanding of what this was. She felt Sarah had explained explicitly that she did not want to dilute the Senior Center Activity Center. It was to keep that intact and to see if there were other resources needed by seniors in the city that could be provided by the city in some other way maybe in conjunction with the Activity Center or separately. The plan for the Activity Center will contain a resource room that can be used by the various agencies. Even with the little expanded area that has been planned for the redeveloped center space it is still very limited.

Elizabeth Dodge, a member of the Advisory Board but speaking for herself, said with a 501(c)(3) is to keep them separate because they cannot have the Senior Center and the 501(c)(3) organization intermingling. She basically has problem with another board. Who is going to direct that? Do they then not have a Center Director?

Mary Alice Bisbee, a resident of Montpelier, said she was very pleased with the idea of a new board. She thought of it more as being like an education board that has a little more authority than an advisory board. Advisory boards don't have

any authority at all. She would like to see it include the housing and all of the problems with seniors. She is a member of the Council on Aging Board. She thinks the Advisory Board might eventually just disappear and use the larger board to address the needs of all Montpelier seniors. It could be an elected board and very democratic. It is a good prospect for the future. There are a lot of problems right now with the feeling that the Senior Center is a bit of a clique. They play bridge; they go on trips. There isn't much there for lower income people and not much of an information center and there is no nutrition program. That is something for the future that is very important. This center is different from every other center in the state of Vermont in that it is connected with the city and not under the auspices of the Council on Aging or any other Area Agency on Aging. They receive no federal money. There are other organizational structures that might be a lot better than having it under the city government.

Jane Osgatharpe, a resident of Montpelier and a member of the Senior Center Advisory Board, said speaking for herself she wanted to give a little bit of personal reaction. At their Annual Meeting on June 16th they heard for the very first time the proposal from Sarah about a Senior Center Board which would contain representatives from city staff, City Council, Senior Center Advisory and representatives from outside agencies and/or community members. This was a great shock because they had not been consulted and she has no clue about what is the rationale or purpose of accomplishing this. It seems from what she is reading into all of this is there are two competing issues for the Montpelier Senior Activity Center. One is maintaining it as is and the other would be a global senior resources center, which is a wonderful concept, and something much broader than they have ever talked about. If they are talking about anything for the next five years she thinks from what she knows about available resources they have to stay with the model we have. If we want to look very long term, then something much broader for the whole community could potentially be figured out but it would be a huge endeavor and take many hours of planning and coordination between many different already existing programs. It doesn't seem to make sense at the moment, and it was done in a vacuum.

Jean Curran, a resident of Montpelier and an employee of the Central Vermont Council on Aging, said she would like to clear up what Mary Alice said that other senior centers are under the auspices of the Council on Aging. That is not true. They contract with senior centers to run the nutrition programs. It is true that Montpelier does not run a nutrition program and the Meals on Wheels Program in Montpelier are a separate entity. She as a resident of Montpelier applauds what the Senior Center has done. She is thrilled by what Sarah has put forward because it is at least exploring the possibility of broadening what the Senior Center has to offer, and that is not merely activities but reaches out to other seniors in the community who are not being served. What she finds

disturbing as a resident is every year we continue to vote more and more for the Senior Center. As someone who works in elder services she realizes the importance of the Senior Center and what it has to offer. What she finds disturbing is how little of the city's resources go to funding Meals on Wheels. Meals are an essential part of senior services. She is glad that Rebecca has mentioned that she is open to that idea as it moves forward. She realizes that any city has a limited amount of resources, but when you see more and more resources going to activities for people who are able to get to them and an extremely limited amount of resources going to people who cannot get there and are in need of services such as Meals on Wheels, and you see that the city is not stepping forward but expecting agencies to do that. Frankly, their agency can't do it alone. They serve 53 other towns and need the support of the Montpelier community. She as a resident would like to see the Senior Center move forward and broaden what it does. What they do is wonderful and would like them to continue it, but she would also like to see it broadened. She doesn't think any agency like the Council on Aging wants to come in and say you have to do it a certain way, but they would like to be able to sit down with the city and the Montpelier Senior Activity Center and explore the unmet needs. At the round table it was brought forth by many people that meals and nutrition is an unmet need. It was also brought forth that when we talk about the senior population we are talking about the majority population of the city of Montpelier. It was also brought forth that the city of Montpelier has three times the national average of folks 55 and over, many of them who may need Meals on Wheels. Right now they have the opportunity to look at what you have done well and also to look at what maybe is not being done well or not being met and ask what can you do. Can you do everything for everyone? No, but we could do better in some areas and hopefully this is an opportunity to address that.

Mayor Hooper told Jean that she said other municipalities are doing more to support their Meals on Wheels Program.

Ms. Curran said how other senior centers work is that many of them sponsor the Meals on Wheels Program. The Council on Aging contracts with them to sponsor the Meals on Wheels. They don't contract for senior centers to do activities. The funding they receive is federal funding and that gets contracted out to the senior centers for Meals on Wheels and for congregate meals. Many of those senior centers what the Council on Aging reimburses them is approximately half the price of the meal so those senior centers in those communities have to fund raise to provide the other portion of the funding. She as a citizen is upset every Town Meeting Day when they vote over \$100,000 for the Senior Center and just within the last few years they have come up with \$5,000 for Meals on Wheels. There is a waiting list for Meals on Wheels. If an elder is being discharged from the hospital and needs meals they can't rely calling the Meals on

Wheels and know they will receive a meal because they may not be able to. The Council on Aging just found out there are 13 people on the waiting list. This year they may be able to come up with the funds so there are no folks on the waiting list, but they may not be able to do that next year. What is the City of Montpelier going to do to help?

Mayor Hooper said her question is what are the towns of Berlin, East Montpelier and Middlesex doing to support that?

Ms. Curran replied there are many gap areas and they work with any group that is willing to try to meet those needs. Some of those communities may be able to get their meals through one of the other senior centers and they contribute towards the senior center. It came up at the round table as an unmet need and she for one is grateful that we are at least discussing it and hopes they go forward. She applauds what Sarah has put forth in her statement.

Assistant City Manager Hill said she is concerned about the implication that Montpelier doesn't work with Meals on Wheels. She is of the understanding that the Council on Aging contracted with NECI at National Life. The city does contribute \$5,000 and she isn't sure that all 16 people on the waiting list are Montpelier residents because the NECI meals prepared at National Life services just more than Montpelier. They service Berlin and Middlesex as well.

Mayor Hooper said she thinks the relationship with the group for Meals on Wheels contracts with NECI, both the National Life meals group and the other meals group. Montpelier contributes more than anyone else in the region.

Council Member Sheridan said Sarah's statement is very open ended. It allows for the possibility for the Senior Center to become more than what it is but it doesn't dictate that it has to. It wants to keep open the possibility of exploring it and if we can make it more to more people without burdening the budget, especially through partnerships, it is a very worthwhile goal to look into. There is a lot of fear about change. He attends the Center just about every day and talks with people in all kinds of programs there. There is some truth about what Mary Alice said about it being weighted toward seniors with disposable incomes. All you have to do is look at the newsletter and look at how many pages are devoted to trips to understand that is definitely something that is weighted to people of means. It's tough when you are in a situation of a set income, and he can speak from personal experience, that there is not a lot at the Center living on \$1,100 or \$900 going toward utilities and rent that he can really afford to do. He is interested in looking at what these partners can bring to the table and add. He isn't interested in what they want to come and dump because their budgets are being slashed and there are things they can't do any more. He is interested in

what they can bring to help us make this a senior center that does reach out to more people. It may not come to pass they can do anything but it may be that what it is will be all that it can be for the time being. We owe it to everybody in the city, especially those with less means, to see if we can make it more without breaking the bank or adding more people. There may be ways to get more volunteers involved. There needs to be an Advisory Board meeting to talk about what this means and have it flushed out. If the building is going to house a couple of condominiums they will need some group to manage that because issues will come up. What if someone in an apartment is a problem to the Senior Center or there is a problem with the trash or parking issue. Who is going to settle these things? He doesn't think the Senior Center Advisory Board wants to do this. What Sarah really tried to do is to lay out an open minded future that isn't set in concrete and see how we can move forward. He sees a lot of fear developing that some people don't want their little club to change. It is tough to do things there if you are a person with limited means. He likes what Sarah wrote. He knows it is unsettling to some people, but it isn't cast in stone at this point and we need to look at this.

Council Member Jarvis said she wanted to explain the rationale for why she drafted this. It came out of her frustration about the lack of any decision making at the round table. She is on the Facilities Committee for 58 Barre Street and it seemed very clear that some serious decisions needed to be made about the future of the Senior Center, both the physical building and what is going on inside of it and these decisions needed to be made quickly because they are really trying to fast track the facility renovation. When she attended the round table discussion in May her hope was they had convened the Senior Center folks, community members, service organizations and make some decisions about the future of the Senior Center and be able to push those forward in our capital campaign and make decisions about the building. The meeting was very interesting with a great group of people and lots of ideas but there were no decisions. In her mind she saw just a continuation of what has happened in terms of interaction of the Council, or what hasn't happened really, since we took over the responsibility for the Senior Center, and she saw this going on and on and on without anybody making any real decisions. Basically, she made a decision to write something that people could react to. This is not a decision. This is a proposal, and this is exactly what she hoped would happen. The core of it is the decision about whether the mission of the Senior Center changes. Is it the Senior Center Advisory Committee that makes that decision? Is it the City Council that makes that decision? Is it the whole community? She doesn't know the answer, but somebody has to step forward and make a proposal and try to get a decision to be made. Going back to the facility because our timeline is pretty quick in terms of applying for grants and also for fundraising her thought was to make a short term decision, which is basically no changes and the Senior Center Activity Center

will continue as it is with its mission as it is doing classes and social interaction and trips, but let's explore the future possibilities.

Mayor Hooper said she was unaware that the Advisory Board had not formally looked at this and she thinks they certainly should have an opportunity to do that.

Garth Genge said the decisions on the timeline specifically for the capital campaign and the facilities they need answers for the applications for some of the funding. The capital campaign has to start because according to the timeline they need to know where they are at by December.

Council Member Jarvis said the need for the capital campaign in her mind is that this is a major fundraising activity and we need to be able to present to future donors this is what we are raising money for. Right now in the short term we are raising money for an activity center but we may be a center that expands. We are going to explore whether they should offer other resources. Although they would like to have a formal reaction from the Advisory Board she thinks pretty quickly they need to be able to tell the capital campaign folks this is what you should say to your donors.

Council Member Sheridan asked the Advisory Board not to meet until after the Council meeting so they could hear what was said here and discuss that as well as what Sarah wrote. It is hope they will meet as a Senior Advisory Board very soon, maybe within the next two weeks, to talk about this meeting, what Sarah wrote and what everybody thinks the future should be and how we should move forward.

Assistant City Manager Hill said one of the discussions they will have going forward deals specifically with the nutrition and meals part of the facility and whether or not that will continue. They assume there will be a kitchen, but how they will operate that and whether they will do it as they have in the past by hiring their own employee and running their own program or contracting with some other entity to run the program, or whether there will be a combination of funding to build the kitchen and how it is used and run in the future. That is part of the planning process they are going through.

Mr. Genge said the 501(c)(3) application is fairly lengthy and the capital campaign is almost a given entity and how it is formulated, and that can be discussed and worked out as they go along but he would like to give the attorney the permission to start the application.

Mayor Hooper said they approved that at the last Council meeting.

Ms. Osgatharp thanked Sarah and told her that helped her understand her proposal. She is doing the capital campaign for the Senior Center and has been waiting for the same kind of clarity before they put things out there because they need to be able to tell people what they want the money for and she wanted guidance from this meeting.

Mayor Hooper said they are at the point where they can settle on what it is and how they will move forward. The biggest disservice they have done to the Senior Center is not get clear about who is responsible for what, when, where and how, and that was part of the effort to get at the governance issue.

Council Member Weiss said the discussion about food activities, insurance, etc. is basically not germane problem right now. The problem they are going to face is if people give money to 501(c)(3) foundation in the year 2010 they expect a tax write off. If the IRS does not approve the application until the year 2011 he isn't sure how that works out.

Council Member Jarvis said it is retroactive for six months.

Assistant City Manager Hill said she would include that in the Council Members' packets this week.

Council Member Jarvis said the capital campaign has got to get started as quickly as possible because they are talking about wrapping it by the end of this year so there are only five months left. Are we waiting now for a reaction from the Advisory Committee to make a decision about the capital campaign?

Assistant City Manager Hill said that was fully covered in the June 23rd meeting.

Council Member Jarvis said what is stopping the capital campaign from getting started is you don't have a vision to present to donors. Have we made a decision that yes in the short term the Activity Center stands as it is but we are exploring a change or expansion of the Senior Center? That is a decision we have to make before the capital campaign starts. Should we just make that decision right now? Or, are we waiting for feedback from the Advisory Board? Is the Council comfortable making that decision or do we want to hear from other folks first?

Council Member Sheridan said he is comfortable making it, but if they could meet within a week or two then we could hear what the Senior Center Advisory Board thinks.

Council Member Jarvis asked if it would come back to the Council on August 11th. Now we are talking about the end of August.

Council Member Sheridan said he thinks they should meet special just for this one agenda item so the next time the Council meets it can have an answer, which is July 28th.

Assistant City Manager Hill said she believes some of them believe they can raise that amount of monies for the center as it presently exists under its present mission. If a general letter went out saying we are going to rebuilding our center that was destroyed by fire and as part of that rebuilding we have agreed to a capital campaign to raise \$50,000 or more. She doesn't know that the people contributing to that would require the knowledge about whether or not we are going to expand services in the future.

Mayor Hooper said the bottom line for her is going forward she believes the Senior Activity Center has to be more than what it is today. We are all in agreement that there is a need within this community. We very much want it to be what it is, but we also have needs that we have to meet. She would not be comfortable saying the only thing we are going to do in that building is exactly what we have always done in that building. If that comes back to the Council as a proposal from the Senior Advisory Committee she is going to have a hard time seeing her way to voting to support city funds going exclusively to that. She will be direct and clear on that one. She would hope they could find a way to have it all, and we are very clear that we intend to support the Senior Activity Center as it is today but we want us to find a way to also provide these other important needs within our community. And it is not just the ones we have talked about today. It would be very unfortunate if the Advisory Board came back to the Council and said we are just doing what we are doing today and not do anything else. We have to do more than this.

Mary Alice Bisbee said she wanted to mention they need a draft document that the Advisory Board presents after our meeting, a draft of what the Advisory Board will recommend.

Ellen Carroll from Montpelier said she agrees they can leave things as they are for now, but she does believe in change. At the present time she doesn't see well, doesn't walk well and doesn't drive, and she doesn't have the opportunity to go to the Senior Center because the bus is not being used to pick up people. She would like to see that changed before she dies. She agrees with Jim Sheridan that too many trips. Too much time is spent on planning trips and having trips, and that really makes it an elite club.

Garth Genge said he has talked to a few people who were involved in the development of this and \$50,000 would be a very low number.

Council Member Golonka said he is concerned they are trying to do too much in too short of a timeframe. There is an urgency here to get it back to where it was, and he doesn't even know if they can get it back to where it was. You are talking about expanding it, and he thinks they need to focus on getting it back to where it was first. If those expanded services go regional he won't support it. If they go to Barre and Berlin and East Montpelier and suddenly we are footing a bill for a regional center he can't support that. He knows expanding services in Montpelier makes a lot of sense and incorporating our Meals on Wheels for Montpelier residents does a lot of good for Montpelier but as soon as it starts breaking that barrier down he doesn't think he can support it. He wants to be on the record on that.

Assistant City Manager Hill said the one thing she is slightly optimistic about at the detriment of the selling of the church is that without our working with them over the parking issue the sale of that building is going to be a convoluted long term project. She believes that before the St. Michaels building can be sold a parking arrangement would have to be worked out with the city.

Mayor Hooper said she hopes they have provided some interaction and clarity here.

Mayor Hooper called for a short break at 9:20 P.M. and the meeting was reconvened at 9:28 P.M.

10-167. Berlin Pond: Health Order, Ordinance and Trespass Order – Second Reading.

Council will reconvene as the Local Board of Health.

Local Board of Health takes up the draft ordinance relating to the protection of Berlin Pond. A motion must be made to accept the findings and to enact the ordinance as a health order.

After this motion is concluded, a motion must be made to reconvene as the City Council.

The City Council will conduct the second reading of the proposed ordinance. Amendments may be considered leading to a motion to approve the ordinance as amended and directing the City Clerk to distribute copies of the ordinance in accordance with Section 7-612 after its effective date.

Trespass Order – Conduct the second reading and consideration of any amendments.

Council Member Weiss said the Council tabled that on the 23rd of June so we have to take it off the table for discussion.

Motion was made by Council Members Jarvis, seconded by Council Member Sheridan to take the Berlin Pond: Health Order, Ordinance and Trespass Order – Second Reading off the table. The vote was 6-0, motion carried unanimously.

City Manager Fraser said for this discussion the Health Officer is a member of the Board of Health and can participate in the discussion as the Health Officer.

Mayor Hooper said she has asked they look at reorganizing the Health Order and the Ordinance that is in front of them. They need to issue something cleanly as the Health Order. We need to write the ordinance as it relates to protecting the uses within the pond area. She believes the trespass portion of the ordinance is ready to go. The question before the Council is, do you agree? If you do agree, then should we leave everything on the table pending additional information from our attorney who can be present at the next meeting? The second choice would be to just leave on the table the Health Order and the Pond ordinance as it relates to the protection findings, which is Section 6, but continue with the trespass. The other choice is to take everything off the table. The Council doesn't have to be a Health Board for the trespass portion.

Motion was made by Council Member Golonka, seconded by Council Member Jarvis to table the Health order and the ordinance. The vote was 6-0, motion carried unanimously. .

Mayor Hooper opened the public hearing on Chapter 13 which relates to trespass on Berlin Pond or any tributary of our land adjacent thereto at 9:32 P.M. Since there was no one that came forward to testify that Mayor Hooper closed the public hearing.

Motion was made by Council Member Sheridan, seconded by Council Member Sherman to approve adoption of the trespass portion of the ordinance at its second reading. The vote was 6-0, motion carried unanimously.

Council Member Hooper has left the council meeting.

10-171. Expansion of Justice Center Re-Entry Program.

The Montpelier Community Justice Center is seeking approval to submit a grant for expanding its Restorative Reentry Program in response to this RFP. While

the proposal has not yet been drafted, the Directors of the Montpelier Community Justice Center and the Greater Barre Community Justice Center have met with Joanne Pereira and Tom Dunn of Probation and Parole, the Montpelier and Barre Chiefs of Police, and State's Attorney Tom Kelly to determine their priorities regarding who to serve. The consensus was to develop a program for offenders reentering the community from prison that would be less intensive than the current Circles of Support and Accountability (COSA) and more intensive than the Reparative Probation Program that would help people become productive citizens, cease causing harm, and work their way back into the good graces of the community. Department of Corrections, police and the State's Attorney also feel it is important to serve people throughout the county and use the results to develop support for the CJsCs from other communities.

Recommendation: Discussion and direction to staff regarding a possible grant application.

Yvonne Byrd, Director of the Montpelier Community Justice Center, said the Legislature authorized \$650,000 for Community Justice Centers and that was contingent to go through an RFP process. The Department of Corrections issued an RFP basically looking for proposals for offender reentry and keeping people from entering the adult criminal justice system. The Director of the Barre Community Justice Center and she met about two weeks ago with the folks from the Department of Corrections Probation and Parole along with the State's Attorney and the Police Chiefs from Barre and Montpelier. There are a number of choices about what kind of program they can propose to do with the money which might be \$50,000 per Justice Center. It was a lively discussion with a number of different ideas. By the end of the meeting the consensus seemed to be to use it to do more reentry programming. Right now Montpelier and the Barre Justice Centers have transitional housing grants that were awarded for FY 10 and will have for FY 11. This program is working with people coming out of jail and doing really intensive services so they are safely in our communities and become productive citizens. Their hope was we could do more of that. What she is looking for is City Council approval for the city to apply for this grant which is due a week from Friday.

Mayor Hooper inquired if there was a local match.

Community Justice Center Director Byrd replied there was no match. They aren't looking to restrict who they work with other than they be people coming out of jail and under the Department of Corrections supervision for a year. The two Justice Centers serve people throughout Washington County. They are looking at house people in the communities they are from. For example, right now with the

FY 10 grant they are working with three people, two clearly from Montpelier and are living in Montpelier. One is from Northfield and is living in Northfield. In the transitional housing grant proposal for FY 11 they have been using the COSA model. She is looking to do it a little bit differently than with COSA. She thinks they could do some things that raise the accountability.

Council Member Sheridan asked if they would have to hire new people to do this.

Community Justice Center Director Byrd replied they would. They are totally tapped out right now in terms of support.

Council Member Sheridan asked how they are going to pay for their benefits, etc.

Community Justice Center Director Byrd said the grant would cover the pay and benefits..

Council Member Sheridan said on Attachment C it says no employee benefits.

Community Justice Center Director Byrd explained that means through the Department of Corrections. That is the standard state contract language. It just means anybody who is a contractor with the Department of Corrections doesn't get benefits from the Department of Corrections.

Council Member Golonka said back in December they were going through the budget process and there were some shortfalls in her budget which she was going to fill with grant money. How do you accomplish that? Does any of this money go towards that?

Community Justice Center Director Byrd replied yes. The amount of the FY 11 transitional housing grant is not totally nailed down. She has submitted the budget asking them to pare down the numbers and that should be covered.

Council Member Golonka asked when she anticipated having a proposal. He doesn't like approving proposed grants without content.

Community Justice Center Director Byrd said it would probably be done the day before it is due because she doesn't know how to get it done any sooner.

Council Member Golonka said in terms of state grants, are there any strings attached in regard to retaining the program after their funding is cut off. That's his concern with all of these grants. They fund them for a short amount of time and then we are expected to pick them up and continue using Montpelier money.

Community Justice Center Director Byrd said all she knows is the Legislature put out \$650,000 this year earmarked for Community Justice Centers. If there are people who think this is a good idea and want it to continue the hope is it will continue. Her hope is that all of the people they have served so far would have gotten the benefit they are expected to have from the program and we're all better off for it.

Council Member Jarvis said this is a way for us to try to use some state funding to fill some of the gaps that are left by the state.

Community Justice Center Director Byrd said she would like to see them receive this additional capacity because it would allow them to staff what they are doing differently and hiring someone close to full time. They would let us merge the two programs in terms of delivery.

Council Member Sherman asked how many people she thought this would allow them to serve.

Community Justice Center Director Byrd said right now they have five with the other and they could probably serve another four.

Council Member Sherman asked how long the services continue.

Community Justice Center Director Byrd said the hope is they work with people for a year. She is aware that as they get toward the end of the year if the money goes away, but those people who are towards the end of the program need a lot fewer services.

Council Member Sherman asked if it was primarily one on one.

Community Justice Center Director Byrd replied no, instead of each person having their own COSA group they would have a community board of four volunteers who would each follow three people. There would still be a fair number of meetings and would be similar to our reparative program but with more structured kind of meetings and working with people the first few months just around stabilizing their lives and picking up life skills. They would meet with the panel to identify what they needed to do and contract activities to do that and be hooked up with services. A second phase which is essential would be a

restorative justice piece where it would be activities around learning and developing and understanding empathy about the harm they have done. The other piece would be life planning to live a different life. The community panel would be where this would all be talked about and activities were identified and contracted for.

Council Member Sherman asked if they helped them finding jobs and housing.

Community Justice Center Director Byrd replied the housing would be the carrot for someone signing on with us.

Council Member Weiss said within the RFP the first question states the transmittal letter and it states has sole and complete responsibility for the completion of all services. In the discussion she has had with other community leaders who is going to sign the transmittal letter?

Community Justice Center Director Byrd said it would have to be Bill as City Manager.

Council Member Weiss asked if Montpelier would take the lead on this.

Mayor Hooper said they would for the city's grant. This is our Justice Center. Yvonne has been working with the Barre folks and Barre and Montpelier are going to submit their own grants.

Council Member Weiss said the second piece of this is the RFP states specifically on page 4 there has to be participation of host communities. Who are those host communities and what responsibility as a signer of this do we have?

Community Justice Center Director Byrd said the host community would be Montpelier. That is the case with our basic grant from the Department of Corrections.

Mayor Hooper asked if they are trying to create a nexus between the Justice Center and the municipalities so the Justice Centers aren't a free floating entity.

Community Justice Center Director Byrd said they always support Justice Centers in the connective live-in municipality. That might be in there because they can offer these grants to other organizations in communities that don't have Justice Centers. For example, in Bennington County if an organization was applying for this they would have to have an endorsement of their community.

Council Member Weiss said he has another question relating to the budget. How much money will be included in the budget to reimburse the City of Montpelier for direct and indirect costs?

Community Justice Center Director Byrd replied a little. There is that budget item that is in all of the department budgets around allocations. It is a percentage for FTE so that would be between \$2,000- \$4,000.

Council Member Weiss said we are going to add employees. We are going to add costs for telephone, TV, computers, etc. and the city is just going to absorb that in this project.

Council Member Jarvis said the employee gets paid out of the grant.

Council Member Weiss said the city is providing private space, furniture, telephone, use of the copy machine, use of all of the IT equipment, postage. In preparing the budget will there be an allocation for the city to cover the direct and indirect costs? If the answer is no, it isn't favorable.

Community Justice Center Director Byrd said for their basic grant they do have the requirement of an in kind match which is mostly in kind which covers those indirect costs they enumerate. Will they increase with this? Not really. She sees a negligible increase in utilization.

Council Member Sheridan asked Council Member Jarvis opinion as she was the closest to the organization.

Council Member Jarvis said she certainly would support this. The COSA Program that the Justice Center does is one of the most important functions it performs. She spoke about organizing volunteers and training them to work with offenders coming out of the Corrections system and helping them become productive, safe and integral members of the community is valuable. They have seen so many cuts in the state's Corrections budget we are going to see a lot more people getting out of jail and if we can play some part in helping those people be integrated into our community, and maybe some won't live in Montpelier, but they will work here or shop here and visit here, this is a great opportunity.

Council Member Sheridan said he agrees with all of that. If she thinks it is something the Justice Center can take on.

Council Member Jarvis said she does. She is heartened to hear they may be able to do some shifting of responsibilities so the new employee will be able to take on some of the existing COSA responsibilities.

Community Justice Center Director Byrd said what Police Chief Facos and Police Chief Bombardier suggested doing was writing a letter of support for this grant application for both Justice Centers. They would seek to have the police chiefs from all of the towns in Washington County sign.

Mayor Hooper said she would remind the Council that this state allocation was made available to the Department of Corrections specifically in response to

communities saying we are deeply concerned about the effect of offenders reentering our community without any sort of support system, that the costs they are trying to save by reorganizing the Corrections system cannot be shifted to the communities. This is an effort to prevent that cost shift.

Council Member Weiss said the question continues, if we get \$50,000 how much of it will actually go into the program as compared to salary and benefits and travel?

Council Member Jarvis said it is a service program so most of it will go to salary. That is what the program is.

Community Justice Center Director Byrd said most of the money will be for salaries. The operational expenses will be paid directly for services that we work with like grants, bus uses, loans for getting utility hookups, etc. and mileage going to meet with people in jail before we decide to take them on. The bulk of it is staff time.

Motion was made by Council Member Sherman, seconded by Council Member Sheridan to direct staff to proceed with writing the grant. The vote was 4-1 with Council Member Weiss voting against the motion.

10-169. Request for approval for preliminary application for HUD/DOT Grant.

Staff is requesting approval to submit a preliminary application for a TIGER II Planning Grant along with a Community Challenge Planning Grant.

Council has been provided an outline of these grants and the types of projects it could be used for by the Planning Director.

Recommendation: Approve city staff submission of the preliminary application for the JUD/DOT Grant and authorize the City Manager to sign the necessary documents.

Planning and Development Director Hallsmith said this is another grant opportunity and is not developed anywhere near to the point of applying for it yet. She learned about it last week. It is a federal grant, and as with all of the federal grants it means we have about a month to respond. Garth Genge and she have been watching this come along for awhile and have been anticipating it because the federal government made a commitment to have agencies work together on some projects. This is the result. It is a combined grant solicitation from HUD (Housing and Urban Development) and DOT (Department of Transportation) to support sustainable community development. They haven't seen these particular kind of grants come out of the federal government for awhile. The maximum you can apply for is \$3 million. The combined grant category is what caught her attention because it seems like an opportunity to address some of the real concerns we have about the issues associated with the increased train traffic through town and with some of the problems we are having with the Carr Lot project. On the back page of the memo she gave them if they combine the TIGER II Planning Grant and the Community Challenge Planning Grant activities, number 2 talks about planning activities related to the development of the freight corridor that seeks to reduce conflicts in residential areas with passenger and non-motorized traffic. DOT might fund the transportation planning activities along the corridor and HUD might fund changes that help with housing. She is meeting with the state staff tomorrow because they have HUD and DOT counterparts at the state so she will learn more then about what exactly eligible activities are and whether some type of work at the Barre and Main Street intersections would be appropriate for this grant. If it did work that it would be appropriate that using a grant like this to reorganize the property on that end of Main Street might be a good way to go. By reorganize she means essentially taking down the M&M Beverage building and the Association for the Blind building and perhaps building a new building on the end of the downtown block where they would move those two uses with housing upstairs. That would enable us to land the bicycle and pedestrian bridge that has been holding up our FONZI on the Carr Lot project with the Highway Administration. We have now lost our FONZI on the transit side because of the floodway issues, but we never had it with the Highway Administration because the bike and pedestrian bridge that was designed to cross over the North Branch River from the Carr Lot didn't have any place safe to land. It is a very constrained site and you can't land bikes and pedestrians in a parking lot according to the highway rules. That is one of the issues they have been struggling with on the Carr Lot. When it was redesignated a floodway our attention shifted to the floodway issues.

She has talked to the owners of the two buildings and has not been able to reach the owner of the lot, and they both share our concerns about access and parking and some of the disruption that the train is going to cause them. The cancellation

of the leases along there have made it difficult for M&M to operate and will also take up a lot of the parking for the Association for the Blind building. The Manager of the Association for the Blind even went so far to say they would be willing to write us a letter of support for the grant to do this urban renewal project because that is essentially what it would be, moving buildings around and changing configuration of that corridor.

City Manager Fraser said when the Act 250 application for Sabin's Pasture was submitted one reservation it had toward the development was the traffic at that intersection. In addition to meeting improvements in that intersection we could also be allowing for development of housing down at Sabin's Pasture.

Planning & Development Director Hallsmith said there is a lot of transportation and housing that hang on this application. That Barre and Main Street intersection is a big obstacle to a lot of different projects.

Mayor Hooper said she is seeking the Council's blessing to going ahead with the grant application with the notion there would be time to deal with the final application.

Planning & Development Director Hallsmith said it is due August 23rd. The preliminary application is due by July 21st. It is more than a Letter of Intent. If the Council likes this general concept she wants to check with the state tomorrow to see if this money could be used in that way and see how we can recruit them to help be part of the grant writing team because federal grants do tend to require a number of people working on them to get them done on time. If the Council likes the concept and it is eligible to move forward with at least the preliminary application she could then come back at another meeting before August 23rd with a final application. It looks like there is no match required. We are considered rural and we are a place under 50,000. There is a 20 percent match required on all of these grants but not in rural areas so it may be a matchless grant which would be good.

Council Member Weiss told Planning & Development Director Hallsmith that she finds these great federal funds and gets excited about them. In all fairness you bring it to the attention of the Council to see whether or not they may support them. On a scale of 1 to 10 what number of enthusiasm does she have for this proposal at this time?

Planning and Development Director Hallsmith said she thinks that intersection in this area of town is a big problem and if we could fix it we could achieve a lot of the growth goals we talked about earlier. It is a bottleneck. Now it is not only a bottleneck but a hazard, a public and safety hazard as these trains increase. Any

other time of the century would we get these building owners writing us letters of support to tear down these buildings, maybe not, so it also has that opportunistic aspect to it, that because of the increased problems there we may have support for real changes that we might not have otherwise. That is another good reason to go for the grant.

Council Member Weiss moved approval for submission of the preliminary application for the HUD/DOT grant and authorize the City Manager to sign the necessary documents. Council Member Jarvis seconded the motion. The vote was 5-0, motion carried unanimously.

10-176. Agenda Reports by City Manager:

- Set date for Master Plan Hearings

City Manager Fraser said for the Master Plan the Council needs to hold two public hearings. Both have to have at least 30 days notice, so if they warned them tomorrow they could hold them on August 16th or 17th so the earliest they could have a hearing would be on August 16th. Once this is done it has to go to the Regional Planning Commission for approval and they were hoping to get it in by September and certainly by October. Right now it is tentatively set for August 25th and September 8th.

Motion was made by Council Member Jarvis, seconded by Council Member Sheridan to hold the Master Plan hearings on August 25th and September 8th. The vote was 5-0, motion carried unanimously.

City Manager Fraser said on August 3rd the Department of Energy is hosting a public hearing on the District Energy Grant for the environmental assessment.

Planning & Development Director Hallsmith said it is really about the process for the environmental assessment because it won't be completed by then. It is to let the public know we are doing an environmental assessment, doing the project and to please come and hear about the project.

City Manager Fraser said it is actually being conducted by the Department of Energy who is coming from Colorado to hold the hearing on August 3rd. The hearing will be held in the Council Chambers at 7:00 P.M.

Planning & Development Director Hallsmith presented a brief update on the district energy plant. They have been working on the changed pipeline routes. They have been looking at the proposed pipeline routes and felt putting them in a

different configuration in the streets as opposed to along the railroad track was the shortest and cheapest distance from the plant to City Hall but it would not be an enabling route for all of the businesses. It would make it more expensive for businesses to hook up so they readjusted the routes with their consultant. They are looking at a couple of minor issues with how that works because hanging them off any of the bridges over the North Branch was not an option, especially not the Rialto Bridge so now they are looking at drilling it under the North Branch River which is interesting and expensive. We do need to get the district energy to this part of the town. They had a good meeting about helping us put together our public information materials for the bond vote and getting the public more familiar with the project. There is a meeting scheduled next week with our partners to talk about prequalifying, bidders and doing a performance build on design build that will be done in early October, which is the goal. We want really solid prices before we post the bond vote. Right now it's not even at 30 percent for completion of the design.

10-173. Mayor's Report.

Mayor Hooper said she would like at the next Council Meeting agenda to have an item on Carr Lot simply because there are so many public/private conversations and statements about who has done what and where. She thinks there should be a conversation at a Council meeting rather than in another public fashion.

10-172. Council Reports.

Council Member Sheridan said July 3rd celebration was the best one he has seen and certainly marched by more people than he has ever marched with before. The crowd at the State House lawn was the largest he has ever seen. It was well run and well put together and nice activities with no major incidents. Alan Weiss and he attended the River Street Open House and the business grand openings and got to play Mayor for the day and take part in the ribbon cutting. They gave them a really nice reception down there and we shouldn't forget they are a part of our downtown and there are important businesses there that contribute to our community.

Council Member Weiss said at 5:00 P.M. today at Montpelier High School they dedicated the tennis courts. Let the record show that they had special commendation for Sandy Gallup who helped them with some difficult financial periods of time. Last night on the Channel 3 News was Geoffrey Beyer, our Director of Parks, with a group of 8 or 10 young people who are there from countries throughout the world and working very hard to improve the parks in

Montpelier. This is the 14th year in which he has done this. It is a marvelous project and he deserves our commendations. Mr. Sheridan and he accomplished quite a bit and Paul Gilles is going to work with this group to put together whatever the legal package is and whether we need to review state statutes or charters for regionalization. Barre City, Barre Town, Berlin and Montpelier joined together awhile back to look at safety matters. One of the things that were presented to the Council is as they go forward they are going to form some kind of authority we need to understand what the legalities are in forming an authority. There is a gentleman who was responsible for establishing the Champlain Water Commission who is going to talk to them about how to get different towns involved with a combined unit.

Council Member Sherman said she is glad they have the transit center on the agenda for the next meeting. They all probably saw Jon Anderson in the paper saying what he thinks should happen. She has received a request about a problem on East State Street. People think there needs to be less parking right at the corner of West Street and East State Street because visibility is very low. The yellow street markings are washed out so maybe when they do the striping they can open that up a little bit. It's great to have a grand opening for new businesses but soon that Taylor Street Bridge is going to be reopened too and we should plan to have a ribbon cutting ceremony.

10-174. Report by City Clerk-Treasurer.

City Clerk Hoyt noted that the ballots for the Primary Election were available and anyone interested in voting early could get their ballots through the City Clerk's Office.

10-175. Status Report by City Manager.

He wants to remind the council that August 17th is the date of the lease cancellation and the state has given us information about public access. They told the city that on August 17th you won't be able to drive past M&M Beverage because it is going to be fenced off so that access around and down behind will not be available.

He noted the change in the Fire Chief Schneider's schedule.

Adjournment:

After motion duly made and seconded by Council Members Sheridan and Jarivs the council meeting adjourned at 10:30 P.M. The vote was 5-0, motion carried unanimously

Transcribed by: Joan Clack

Attest: _____
Charlotte L. Hoyt, City Clerk

A HEALTH ORDER RELATING
TO THE PROTECTION
OF BERLIN POND

WHEREAS, Berlin Pond and its tributaries have been designated by the Vermont Water Resources Board as Class A(1) waters of the State of Vermont; and

WHEREAS, Berlin Pond provides the primary public water supply source for the City of Montpelier and for precincts within the Town of Berlin; and

WHEREAS, the City of Montpelier and other entities have expended considerable resources to acquire, develop, improve, maintain and protect Berlin Pond and its tributaries, thereby ensuring its continued use as a primary public drinking water source; and

WHEREAS, the City of Montpelier, its City Council and its Local Board of Health are charged by law with protecting Berlin Pond, its tributaries, reservoirs and water supply components from damage, degradation, pollution and contamination, including the threat of contamination from emergent condition resulting from inadequate or failed on-site sewage disposal; and

WHEREAS, in the exercise of its responsibility and authority with respect to Berlin Pond, the City Council and the Local Board of Health have determined the necessity of promulgating, restating and establishing certain protective measures as set forth in this Health Order.

NOW THEREFORE, UNDER AUTHORITY OF CHAPTER 11 OF TITLE 18, VERMONT STATUTES ANNOTATED, THE FOLLOWING HEALTH ORDER IS APPROVED, TO BE EFFECTIVE IMMEDIATELY.

(1) Reference may be had to the Source Protection Plan (WSID #5272) Prepared by Dufresne & Associates, dated February 23, 2001, subsequently approved by the Vermont Department of Environmental Conservation, and to the findings therein.

(2) The findings and analysis in the Source Protection Plan pertaining to possible pollution, contamination, degradation and damage to Berlin Pond and its tributaries and are deemed to be conditions and activities constituting an emergent condition and potentially a collective public health risk.

(3) Additional human activity and changes in land uses in the proximity of Berlin Pond and its tributaries increases the likelihood of water pollution and contamination of the City's primary public water supply source.

(4) Notwithstanding the land use regulatory powers of those municipalities in which Berlin Pond, its tributaries and its watershed are located, the City asserts primary jurisdiction in the regulation of any and all activities within the Source Protection Area designated and delineated in the above-identified Plan, in concert with the regulatory authority of the Secretary of the Vermont Agency of Natural Resources and the Commissioner of the Vermont Department of Health.

(5) From time to time the City Council or the Local Board of Health shall proscribe specific activities and land uses which, in the opinion of the Council or the Board, constitute health hazards or significant public health risks, and shall provide notice of such prohibitions as provided by law to persons affected thereby.

(6) This Health Order is approved and issued under 18 V.S.A. §126(a)(1) and (2).

(7) A true copy of this Health Order shall be delivered to the Selectboards of the Towns of Berlin, Williamstown and Northfield.

(8) The implementation of this Health Order shall be conditioned upon notice of intent and a statement of procedural rights being given as provided by law to all persons against whom relief or enforcement is sought.

Approved and adopted at a meeting of the Montpelier Local Board of Health City Council held on the 28th day of July, 2010.

ATTEST: _____
CHARLOTTE L. HOYT
City Clerk

JPG:ja
[8881-109]

City of Montpelier

List of Montpelier Net Equipment purchased 8/26/08

Item	Qty	Price
D-links	5	\$ 150.00
Proxim Base Stations	5	\$ 17,045.00
Proxim SU's	5	\$ 7,500.00 - at each client
Proxim CPE	8	\$ 8,000.00
Proxim Quickbridges	8	\$ 21,104.00
Canopy SM's	9	\$ 13,500.00
Canopy Ap's	5	\$ 5,000.00
Cisco Switch 12 port	6	\$ 4,200.00
Cisco Switch 24 port	2	\$ 1,990.00
Nomadix	1	\$ 3,295.00
Procera	1	\$ 4,995.00
Packetlogic	1	\$ 11,000.00
Non-Penetrating roof mounts	5	\$ 1,062.50
Roof pads 3/8" thick	5	\$ 667.25
8x16x4 Cement blocks	100	\$ 200.00
Tower Mounts	2	\$ 1,000.00
5' x 1.25" O.D Mast section	4	\$ 40.00
24" Y-Mounts	2	\$ 48.00
Power bricks (Tsunami)	4	\$ 1,972.00

Rest is
National life

Total \$ 102,768.75 ← replacement
Value

80% depreciated.

\$ 20,553.75 depreciated
value



Montpelier Alive

• ENRICHING A VIBRANT DOWNTOWN •

BOARD OF DIRECTORS

Shawn Bryan, President
Community Member

Linn Syz, Past President
Vermont River Conservancy

Rob Hitzig, Vice-President
The Lazy Pear Gallery

James Bressor, Secretary
Norwich University

Peter Ricker, Treasurer
*Denis, Ricker &
Brown Insurance*

Jon Anderson
Burak, Anderson & Melloni

Pinky Clark
Thinkin' Pink

Gregg Gossens
Gossens Bachman Architects

Greg Guyette
Monarch Industries

John Mayfield
Julio's Cantina

Colleen Paull
Community Member

39 Main Street
Montpelier, VT 05602
director@mdca.org
(802) 223-9604
www.MontpelierAlive.org

Montpelier Alive's Vision:
Montpelier is a vibrant
community center with a
thriving downtown and
unique sense of place.

July 22, 2010

As the designated Downtown Community Association, Montpelier Alive's mission is to maintain and enhance the vitality of our downtown district. This mission is most effectively carried out in partnership with city government.

A unique opportunity is now before the City to continue to enhance the vitality of the downtown district. The opportunity before the City is to use the approximately \$800,000 in city funds and \$5,000,000 in federal grant funds already approved for the acquisition of the Carr Lot to implement the designs of the Carr Lot Committee and the City Master Plan. Those plans include continuation of the bike path, additional parking, creation of green spaces, a park at the confluence of the North Branch and Winooski Rivers, a pedestrian bridge across the North Branch to connect the Carr Lot locations with Main Street, stabilization of the Winooski River bank near the site, and the remediation of the pollution now at the Carr Lot.

Perhaps the greatest potential impacts of moving forward on the Carr Lot project with a pedestrian bridge are the long-term positive benefits of conveniently connecting the two ends of downtown. When geographic proximity is decreased, as is the case in Montpelier by river crossings, parking problems and traffic congestion increase and the economic health of businesses at the far ends of town suffer. Maximizing the city's pedestrian connectivity is a priority that is essential to ensuring a vibrant downtown.

The time for action is now. The City is at risk of losing the federal funds earmarked for this project if no progress is made on fulfilling the purpose for which the funds were authorized.

The first step is for the City Council to authorize the acquisition of the Carr lot. If the City and Mr. Carr are unable to negotiate an acceptable purchase agreement, then the City Council should move to acquire the property and allow the courts to establish a fair price.

With the Carr Lot property in hand, the City could then use the federal funds to remediate the property and begin to realize the vision that so many have worked on for more than two decades. Additional benefits of acquiring this property, in addition to those listed above, include a permanent home for the Farmers' Market and the beautification of one of the gateways into the city.

Finally, recent reactivation of the railroad has closed the railroad bridge to pedestrian traffic and is likely to create significant access problems behind the Main Street businesses that already struggle with delivery of merchandise. Creative use of these funds to acquire property between Shaw's and the Drawing Board could be considered as a way to open up access behind the Main Street storefronts, and also provide significantly improved pedestrian access across the North Branch.

These ideas are for naught, however, if the City fails to implement those elements of the earlier Carr Lot Plan that are still permissible by state and federal agencies. We realize that there will be challenges, and Montpelier Alive is prepared to collaborate with the City to make this plan a reality before federal funds are lost and an opportunity to enhance the downtown for generations to come is forfeited.

Beverlee Hill

From: Lucinda McCloud
Sent: Wednesday, July 21, 2010 11:47 AM
To: 'Rebecca Sheppard'
Cc: Beverlee Hill
Subject: Revised Plan

Draft 7/21/2010 as proposed by the Advisory Board of the Montpelier Senior Activity Center.

The Advisory Board of the Montpelier Senior Activity Center seeks the City Council's approval of the following Organizational Statement and Plan.

ORGANIZATIONAL STATEMENT

The City of Montpelier values its senior residents and understands the importance of the existing Senior Activity Center. Therefore, the City intends to, as soon as possible, reconstitute the existing Montpelier Senior Activity Center in the renovated facilities in the 58 Barre Street Building.

The mission of the existing Montpelier Senior Activity Center is to "Enhanc[e] the quality of life for older adults in Montpelier through opportunities that develop physical, mental, cultural and social well-being". This mission is carried out through daily classes, frequent trips, and regular opportunities for social interaction.

The newly-renovated facilities at 58 Barre Street will include a Resource room. The Senior Activity will offer this space to (and coordinate its use by) outside agencies from the community. These agencies will use the space to offer services to seniors and to help seniors navigate and connect to existing community services/resources. The City does not intend to offer, nor does it have the financial resources on its own to create, a senior service center.

PLAN

We propose the establishment of a Senior Services Coordinating Committee whose composition will be representatives from City Staff, City Council, the Senior Activity Center Advisory Board, and representatives from outside agencies and community members. Its goal is to assess and plan for the actual needs of seniors in the City of Montpelier. It will advise and report to the City Council.

We support the establishment of the Condo Association Board to oversee the operation of the 58 Barre Street Building, and the Advisory Board looks forward to being represented on the Condo Association Board.

The MSAC Advisory Board finds the idea of a renovated center very exciting. We look forward to getting back to our former selves. And a renovated facility will bring exciting new possibilities for activities and services. We look forward to having social service organizations come into the new facility to explain their missions and recruit people needing services as well as volunteers. We welcome the challenge of change.

New ☐

Renewal ☐

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

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

Approved/Disapproved

Office Use Only

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

MONTPELIER LODGE OF ELKS # 924

d/b/a MONTPELIER LODGE OF ELKS # 924

Address 203 COUNTRY CLUB ROAD Town/City MONTPELIER

License Number 1525-001-3CLV-01 Email or Fax # _____

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

See attached

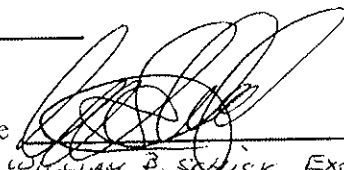
Outside Consumption time period (hours) from 5:00 P.M. to 12:00

Permanent Use ☐ from _____ to _____

Month/Day AUG 28 Month/Day _____

Occasional Use ☐ Day(s) Requested _____

Signature of Licensee



WILLIAM B. SCHICK EXALTED RULER FOR THE ELKS LODGE

APPROVED BY LOCAL CONTROL COMMISSIONERS

Town/City Clerk Signature _____

Date _____

APPROVED BY DEPARTMENT OF LIQUOR CONTROL

Investigator/Enforcement Office _____

Signature _____

Date _____

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

MONTPELIER LODGE of ELKS

We would like to host an event called Palooza Metal Fest on Saturday Aug. 28
The event involves the gathering of a number of bands.
To do so, we would like to extend our liquor license into the golf parking lot on the South side of our Lodge building

The actual event would be held in a 60' x 130' tent, and in our Lodge Hall.
Containment of the event would be within a 160' x 275' double fenced area.
The fencing would be on the East and West side. The South side would be the chain link fence which contains the golf carts, and North side the Lodge.
Fencing would also be provided around the tent.

At the access gate, attendees will be required to produce legal drinking age identification.

Drinking age individuals will have a colored wrist bracelet applied, while a different colored bracelet will be applied to nonlegal individuals.

A bracelet must be in place to be served alcohol.

Intoxicated individuals will not be permitted to attend the event.

Alcohol will be served at a station within the tent and in the Lodge Hall by Elk bartenders. No alcohol will be permitted to leave those areas.

Security will be placed at the entry and exits of the tent and Lodge to insure compliance with the alcohol restriction

Individuals will be visually checked for drinking condition, in the serving area, in the event area, and in the parking lot.

There would be at least 10 additional security people within the containment area.

We will require two sheriffs on the premises.

Some Elk members will be circulating within the event area, to help protect our interests.

Parking in our main parking lot will be addressed by event security.

We may require additional restrictions.

See attached drawing of the event location and limits.

BY _____ DATE _____
CHKD. BY _____ DATE _____

SUBJECT MONTPELIER LODGE
OF ELKS No 924

SHEET NO. _____ OF _____

JOB NO. _____

NOT TO SCALE

ELKS LODGE

GRASS & SHRUBS

ENTRY TO LODGE

PAVED DRIVE

GRASS

TENT

WOOD RAIL

EXISTING LICENSE
LIMIT

200

130

60

160

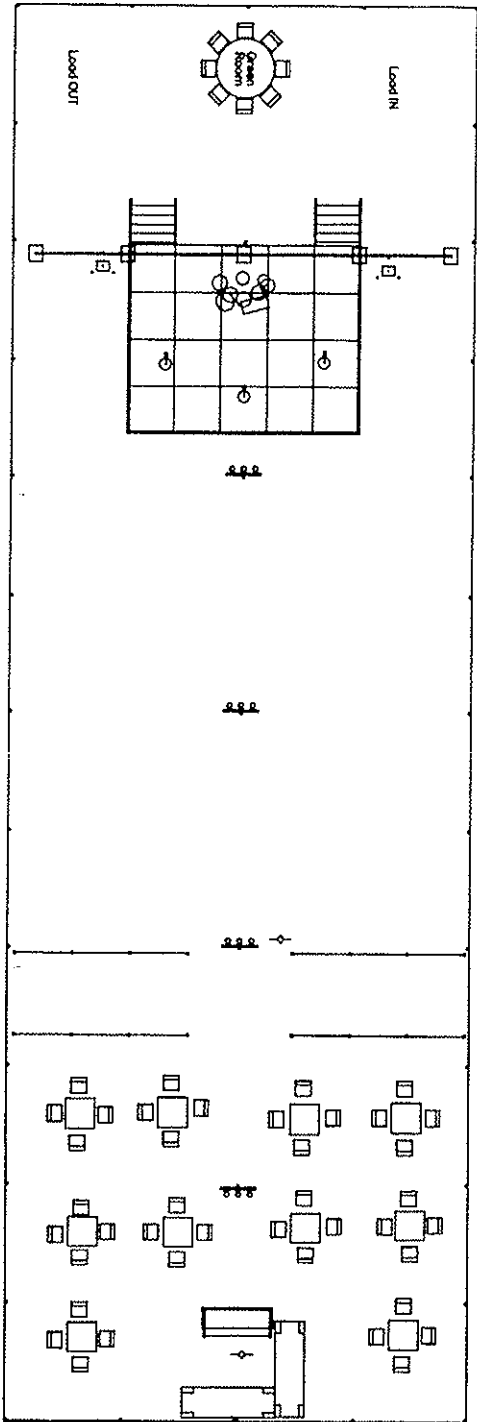
CHAIN LINK FENCE

GOLF CART CORRAL

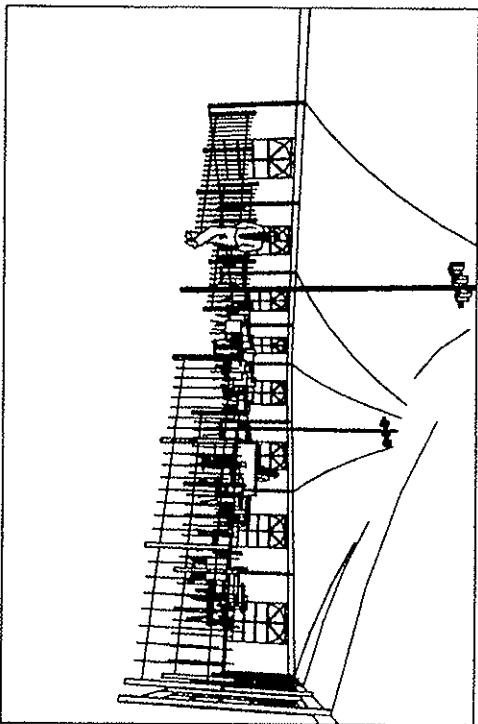
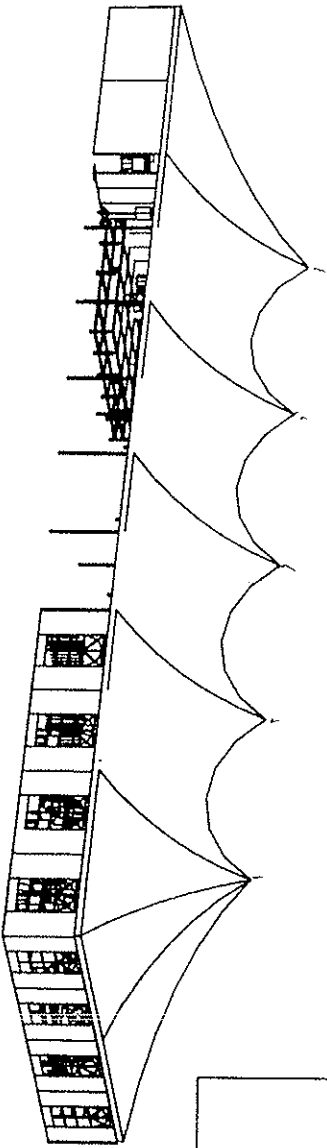
PARKING

COUNTRY CLUB ROAD

TOP OF BANK



MontpelierPalooza



Avalon Tent Co.

Date: Aug. 28, 2010
 Project: Music Festival
 @ Elks Club
 Organized by: Guy Delyea & Elks

Guy L. Delyea
802-431-5111
1 Franklin Street, Randolph, VT 05060
Montpelierpalooza.com

MontpelierPalooza Metal Fest

Objective: MontpelierPalooza began as a relatively small gathering of bands and fans of metal. As it grew, more bands were added and it was planned to be held in Montpelier at the Lamb Abbey.

Insurance, traffic management, security, numerous meetings with Bill Frazer (City Manager) and Tony Facos (Chief of Police), and a Liquor Control meeting had all been addressed when issues were raised with the building itself. Although this was to be an insignificant element for the event, the code issues raised were significant enough to warrant postponing the event.

We are now looking for a new venue and would be pleased to hold this event, expected to draw a crowd of 500 people or more, at the Montpelier Elks.

Security: A staff of at least 10 Norwich cadets trained and employed in private security has been retained for the event.

Siting/Staging: Avalon Tent Rentals of Williamstown are working with us to provide a tent which will house the primary stage, a green room (space for the bands before taking the stage and after leaving as well as to handle equipment), and a beer garden.

Liquor Control: We initially planned this event as a Bring Your Own Beer/Bottle event. Clearly this cannot be the case at any site that has a liquor license. However, our conversations with the Department Of Liquor Control also informed our security plans including a double fence surrounding the beer garden, ID check security at the main gate where bracelets are issued (one for those below 21 years of age and one for those over), and a second ID check at the beer garden to ensure enforcement.

Parking: We have a parking staff of at least 10 to direct traffic, open and close areas of parking, etc. We will provide our own snow-fencing and traffic cones to facilitate pedestrian and vehicle traffic.

Guy L. Delyea
802-431-5111
1 Franklin Street, Randolph, VT 05060
Montpelierpalooza.com

Food: We hope to re-acquire Vermont BBQ (award winning BBQ out of Randolph, VT) depending on the date and venue we finally set. In addition, we have arranged for a second BBQ offering simple fare during periods of high volume.

Music: Five bands have been retained from around New England. We intend to run two stages. A smaller, more intimate stage as well as a larger tented venue. The bands will cycle between the two stages providing a unique musical experience for guests.

Additional Vendors: T-Shirt sales and Facepainting/Airbrush Tattoos are planned to be available.

Duration: Originally scheduled for 5:00 PM to 12:00 PM.

Maintenance & Cleanup: We have retained a staff of 10 for general cleanup, Casella Waste Management to provide waste and recycling bins, and a tractor power broom for parking and general clean-up.

Insurance: We have retained event insurance for the event, pending a final date and venue and of course on its necessity.

ASSIGNMENT

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

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

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

CITY OF MONTPELIER

By: _____
Duly Authorized Officer

Accepted this _____ day of _____, 2010

SUMMIT TECHNOLOGIES

By: _____
Duly Authorized