



Agenda

City Council Meeting

City Council Chambers, City Hall
Wednesday, June 26, 2019
6:30 P.M.

1. Call To Order By The Mayor
2. 19-192. Review and approve agenda
3. 19-193. General business and appearances
4. 19-194. Consideration of the Consent Agenda
 - a. Approve 6/12 meeting minutes
 - b. Accept Gin Lane as a Public Highway
 - c. Noise ordinance waiver request: Stone Cutters Way
 - d. Award contract for Wayfinding signage
 - e. Street Closure Request: UMV Toy Run, 8/10
 - f. Committed Funds Resolution
 - g. FY20 Tax Anticipation Note (TAN), Grant Anticipation Note (GAN) and Bond Anticipation Note (BAN)
 - h. Payroll and bills
5. 19-195. Appointment to the ADA Advisory Committee
6. 19-196. Berlin St. speed limit, 2nd public hearing
7. 19-197. Downtown Improvement District report and budget request
8. 19-198. Zoning fixes

9. 19-199. Ordinance amendments, 1st reading: Chapter 5. Fire Department
10. 19-200. Other business
11. 19-201. Council reports
12. 19-202. Mayor's report
13. 19-203. City Clerk's report
14. 19-204. City Manager's report
15. Adjournment

Minutes of the Montpelier City Council Meeting
June 12, 2019 6:30pm
City Council Chambers

In attendance: Mayor Anne Watson (Chair), Councilors Dona Bate, Conor Casey, Lauren Hierl, Glen Hutcheson, and Jack McCullough. Councilor Ashley Hill was not present. City Clerk John Odum acted as secretary.

- 19-176. The proposed agenda was approved by unanimous consent.
- 19-177. General business and appearances: Stephen Whitaker spoke in regards to a parking ticket he received for parking too close to a hydrant and concerns about new parking lot behind Mowatt property. He also asked that CV Fiber, EC Fiber and CVPSA concerns be on an agenda.
- Sigrid Olsen introduced herself as a member of the Social and Economic Justice Advisory Committee
- Holly Wilkins of United Motorcyclists of Vermont spoke regarding consent agenda item c.
- 19-178. Consideration of the Consent Agenda: The Clerk asked for and received the addition of a liquor license (Abbey Group) Items c (Street closure request: United Motorcyclists of VT Toy Run, 8/10) and item o (Juneteenth Proclamation) were tabled for discussion. Brief discussion followed. The Clerk noted a corrected typo in the minutes. Councilor Casey moved approval of the consent agenda as amended. Councilor McCullough seconded. After further discussion, the motion carried unanimously (5-0) at 6:44
- The Council took up consent item o (Juneteenth Proclamation) for discussion. Councilor McCullough read the proclamation aloud, and then moved adoption of the proclamation. Councilor Bate seconded. After brief discussion, the motion carried unanimously at 6:48.
- The Council took up consent item c. (Street closure request: United Motorcyclists of VT Toy Run, 8/10). Coming forward for discussion were Holly Wilkins, Don Hammond, Michael Parent (Mt Sinai Shriners). Police Chief Tony Facos participated in discussion. Also offering comments were Vicki Lane, Peter Kelman, Stephen Whitaker, Ken Russell, Thomas Moore, and Lauren Sales. Councilor Hutcheson moved to postpone action to the next meeting on June 26. Councilor Hierl seconded. The motion carried unanimously at 7:10.
- 19-179. The Mayor opened the 1st public hearing on proposed changes to the Berlin Street speed limit at 7:10. Public Works Director Tom McArdle introduced discussion. Comments were offered by Gene Leon, Vicki Lane, James Brady, Peter Lux. Mary Carole Dobbins, Noah Sexton, Bob Tilley, Kevin Casey, Laura Smith Riva, Melissa Kaserick, Stephen Whitaker, and Lauren Sales.

Councilor Hierl left the meeting. The public hearing was closed at 7:58. Councilor McCullough moved to approve 1st reading and set the date of 2nd hearing to June 26th. Councilor Hutcheson seconded and the motion carried unanimously (4-0).

The Mayor called a recess at 8:00. The meeting was reconvened at 8:09.

- 19-180. Page Guertin, James Brady, and Michael Lazorchak came forward for a discussion of Conservation Commission activities. No formal action.
- 19-181. The Mayor introduced the discussion of the TIF Validation Resolution. Councilor Bate moved to approve the validation resolution and Councilor Casey seconded. Discussion included Paul Giuliani and comments from Sandy Vitzthum and Stephen Whitaker. The motion carried unanimously (4-0) at 8:39.
- 19-182. Corey Line and Kevin Casey came forward for a discussion of the Alternative Transportation Fund budget. Comments were offered by Peter Lux. Councilor McCullough moved the Council adopt the budget as proposed. Councilor Casey seconded. The motion carried 4-1 (Councilor Bate voting nay, Mayor Watson and Councilors McCullough, Casey, and Hutcheson voting aye).
- 19-183. The Council received a winter operations debrief from Tom McArdle and Brian Tuttle. No formal action taken.
- 19-184. The Mayor opened the 2nd public hearing on proposed ordinance amendments to Chapter 2, Administration at 9:22. There were no public comments. The Mayor closed the public hearing at 9:22. Councilor McCullough moved to approve the Chapter 2 changes. Councilor Hutcheson seconded. The motion carried unanimously at 9:23.
- 19-185. The Mayor opened the 1st reading of the proposed ordinance amendments to Chapter 3. Public Works, at 9:23. Discussion followed. No public comments were offered. The Mayor closed the public hearing at 9:33. Councilor McCullough moved to pass 1st reading and schedule 2nd reading for the meeting on June 26. Councilor Hutcheson seconded and the motion carried unanimously.
- 19-186. City Manager Fraser opened discussion of the strategic outcomes work plan. After discussion, Councilor McCullough moved to approve the strategic action plan. Councilor Casey seconded and the motion carried unanimously at 9:39.
- 19-188. Councilor Bate expressed concerns about the efficacy of the flashing pedestrian lights. Brief discussion followed.

Councilor Casey gave a scooter/ebike update before noting that the single-use plastic bag ban passed and was waiting for the Governor's signature. He also requested a follow-up conversation on the budgeted child care.

Councilor Hutcheson noted his weekly constituent meetings at Bagito's.

Councilor McCullough reported that a constituent asked about the possibility of introducing an ordinance controlling balloon releases in the city. He also congratulated the High School boys and girls ultimate teams (along with Coach Anne Watson) on their state championships.

- 19-189. The Mayor noted two conferences the previous week regarding downtown and historic preservation and arts. She complimented the new painting on the Heney lot before noting her desire for Council discussions on transportation and energy efficiency. Finally, she expressed her intent to have further dialogue with Barre Street residents on the scoping study.
- 19-190. The City Clerk reported the passing of Larry Bolduc. He also reported that Crystal Chase had returned to work and thanked Sheila Healy, Cindy Larson, Lee Youngman, and Jennifer Loughran for their help in covering clerk duties in her absence. The Clerk then reported that Councilor Hutcheson was helping to preserve the recently discovered Civil War letters in the city's vault, that recording fees were about to go up, and that water bills were coming due. Finally, he noted his completion of a professional development program as well as his coming participation in a conference.
- 19-191. The City Manager also congratulated the High School ultimate teams, noting that both were undefeated. He noted that the downtown Master Plan process is starting and decisions will have to be made on the Barre/Main intersection. Finally, he reported on a possible grant fund source regarding renewables.

Without objection, the Mayor adjourned the meeting by acclaim at 9:55.



CITY COUNCIL Agenda Item #19-194(b)

Date: June 26, 2019

Consent X Discussion

SUBJECT: Caledonia Spirits Development Agreement: Approval of easement conveyance to City (water main, river access & public street; Approval of "Certificate of Completion and Opening of a Highway for Public Travel"

SUBMITTING DEPARTMENT: Public Works

RECOMMENDED ACTION: Approve a motion to accept the grant of an easement conveyance and approve the "Certificate of Completion and Opening of a Highway for Public Travel" which is to be known as "GIN LANE" and shall be a Class 3 Town Highway. A majority of the City Council must sign the certificate to indicate approval.

STRATEGIC OUTCOME/INITIATIVE: Community Prosperity; Economic Development; Sustainable Infrastructure: Complete Major Projects (water main); Thoughtfully Planned Built Environment: Increase parkland & recreational play areas (river access trail)

PRIOR ACTION: City Council approval of development agreement

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: 19 V.S.A. Chapter 007 "Laying Out, Discontinuing, and Reclassifying Highways"

BACKGROUND INFORMATION: The City entered into development agreement with Caledonia Spirits dated June 19, 2017. Said agreement provided for, among other items, the relocation of the city's water main, the construction of a public railroad crossing, the development of a river access to include a trail and river frontage and the construction of a public highway extending from Barre Street to the Caledonia Spirits together with provisions for a suitable public turnaround.

The new relocated water main has been constructed, tested and put into service. The public highway has also been constructed, inspected and is in accordance with approved plans and specifications. The Director of Public Works recommends the highway be accepted as a class 3 public highway and the easements be accepted. The Certificate of Completion and Opening of a Highway for Public Travel was prepared by the Director of Public Works and is presented for approval. A survey conducted by a licensed registered surveyor was commissioned and accompanies the certificate and is duly referenced in the easement deed.

SUPPORTING DOCUMENTS: Certificate of Completion and Opening of a Highway for Public Travel; Easement Plan for City of Montpelier, Barre Street, Montpelier, VT by Richard W. Bell Land Surveying, Inc. dated May, 2019; **The easement document will be provided early next week**

INTERESTED PARTIES: Caledonia Spirits, adjoining land owners, and residents of the city of Montpelier

CITY MANAGER'S APPROVAL:

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

CERTIFICATE of COMPLETION and OPENING
of a HIGHWAY for PUBLIC TRAVEL

VTrans Use Only
Certificate Year: _____
Highway Class: _____
Town Highway #: _____
Mileage: _____

John Odum _____, City _____ Clerk of the _____ City _____ of _____
(Clerk's Name) (City/Town/Village) (City/Town/Village)
Montpelier _____, Vermont.
(City/Town/Village Name)

Pursuant to Title 19, V.S.A., Chapter 7, this is to certify that the following described section of Class 3
(1,2,3 or 4)
Highway in the _____ City _____ of _____ Montpelier _____ was COMPLETED AND OPENED
(City/Town/Village) (City/Town/Village Name)
FOR PUBLIC TRAVEL on _____ June 21st _____, 2019
(Month - Day) (Year)

DESCRIPTION OF RIGHT OF WAY: GIN LANE

(Include road name and intersecting town highway numbers)

An easement for the construction, repair, replacement, and maintenance of a public street with an easement width of fifty (50') feet extending southerly a distance of 149.18' from the southerly ROW line of Barre Street (TH 10) over lands of Caledonia Spirits, Inc to the northerly ROW line of the Washinton County Railroad, thence across lands of the Washington County Railroad as per a public grade crossing agreement and extending to lands of Caledonia Spirits, Inc. abutting the southerly side of the railroad ROW.

As shown on a survey plat entitled "Easement Plan For City of Montpelier Barre Street Montpelier, Vermont" prepared by Richard W. Bell Land Surveying, Inc. and dated May, 2019 and bearing project #191223.

and as shown on a Highway Map of the _____ City _____ of _____ Montpelier _____,
(City/Town/Village) (City/Town/Village Name)
dated _____ May _____, 2019 _____, and filed in Book _____ on page _____ of the Records of
(Month - Day) (Year) (Book #) (Page #)
the _____ City _____ of _____ Montpelier _____ by the _____ City _____ Clerk of said _____ Montpelier _____
(City/Town/Village) (City/Town/Village Name) (City/Town/Village) (City/Town/Village)
incorporated herein by reference and attested to on said map by said _____ City _____ Clerk.
(City/Town/Village)

Dated at _____ Montpelier _____, County of _____ Washington _____ and State of Vermont,
(City/Town/Village Name) (County Name)
this _____ 26th _____ day of _____ June _____, A.D., 2019 _____.
(Date - Day) (Date - Month) (Date - Year)

(Selectman/Alderman/Trustee Signature)

(Selectman/Alderman/Trustee Signature)

(Selectman/Alderman/Trustee Signature)

(Selectman/Alderman/Trustee Signature)

(Selectman/Alderman/Trustee Signature)

(Selectman/Alderman/Trustee Signature)

BOARD
OF
SELECTMEN,
ALDERMAN,
or TRUSTEES

(Manager/Mayor Signature)
and the Manager/Mayor of the City/Town/Village of _____ Montpelier _____
(City/Town/Village Name)

_____, VERMONT _____,
(City/Town/Village Name) (Month - Day) (Year)

THE ABOVE IS A TRUE COPY OF THE DESCRIPTION OF CLASS _____ HIGHWAY COMPLETED AND OPENED
(1,2,3 or 4)
FOR PUBLIC TRAVEL, RECORDED IN BOOK _____ ON PAGE _____ OF THE _____ RECORDS
(Book #) (Page #)
OF THE _____ OF _____ ON THE _____ DAY OF _____,
(City/Town/Village) (City/Town/Village Name) (Date - Day) (Date - Month)
_____, AT _____ O'CLOCK, _____ M.
(Date - Year) (Time) (A or P)

ATTEST: _____
(Clerk's Name)
_____, CLERK OF _____, VERMONT
(City/Town/Village) (City/Town/Village Name)

Revision 12/2014

I CERTIFY THAT THIS PLAT IS AN ORIGINAL INK ON MYLAR DRAWING. RICHARD W. BELL L.S.

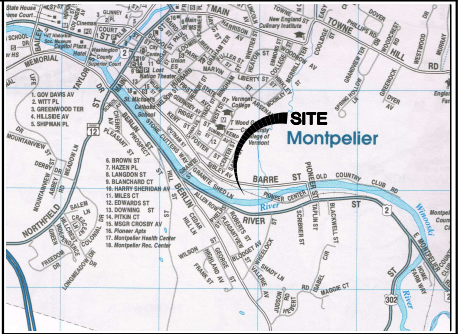
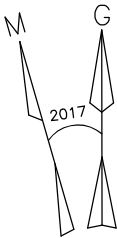
REFERENCES

1. PLAN ENTITLED "PORTION OF LANDS OF ZORZI AND AJA, MONTPELIER, VERMONT," DATED OCTOBER 2, 1987 BY DROWN AND MARSH, INC. OF WAITSFIELD, AND RECORDED AS SLIDE #181 OF THE CITY OF MONTPELIER LAND RECORDS.
2. PLAN ENTITLED "PORTION OF AJA AND ZORZI LAND, MONTPELIER, VERMONT," DATED DECEMBER 21, 1987 BY DROWN AND MARSH, INC. OF WAITSFIELD, AND RECORDED AS SLIDE 181A OF THE CITY OF MONTPELIER LAND RECORDS.
3. PLAN ENTITLED "PORTION OF ZORZI-AJA PROPERTY, MONTPELIER, VERMONT," DATED DECEMBER 3, 1987, BY DROWN AND MARSH, INC. OF WAITSFIELD, AND RECORDED AS SLIDE #9 OF THE CITY OF MONTPELIER LAND RECORDS.
4. PLAN ENTITLED "CITY OF MONTPELIER, PROPOSED BARRE STREET R.O.W.," FILED AS PLAN DF-43 OF THE CITY OF MONTPELIER ENGINEERS OFFICE.
5. PLAN ENTITLED "MONTPELIER AND BARRE RAILROAD, SUPPLEMENT R.O.W. SHEET," DATED JANUARY 1983, BY F. REED, P.E. AND FILED AS PLAN DF-129 OF THE CITY OF MONTPELIER ENGINEERS OFFICE.
6. PLAN ENTITLED "CALEDONIA SPIRITS, OVERALL SITE PLAN," LAST REVISED JULY 17, 2017 BY WIEMANN LAMPHERE ARCHITECTS OF COLCHESTER, AND DEWOLFE ENGINEERING ASSOCIATES OF MONTPELIER, AND PROVIDED BY SAME.
7. LOT LINE REVISION PLAN, NO TITLE, NO DATE, AND NO SURVEYOR, DEPICTING THE PROPERTIES OF MONTPELIER PROPERTIES NOW BUTLER, AND VERMONT PETROLEUM, NOW DEVOS, FILED AS PLAN #DA-467 OF THE CITY OF MONTPELIER ENGINEERS OFFICE.
8. PLAN ENTITLED "PLAN OF LAND IN MONTPELIER, WASHINGTON COUNTY, VERMONT," DATED JUNE 27, 1972 BY JOSEPH LEGIN OF WAITSFIELD, AND FILED AS PLAN #DA-326 OF THE CITY OF MONTPELIER ENGINEERS OFFICE.
10. AN AGREEMENT BETWEEN FANNIE S. AND WALLACE G. ANDREWS, LAURA S. FERRIN, JESSIE M. SABIN, AND CENTRAL VERMONT RAILWAY COMPANY, DATED DECEMBER 22, 1921, AND RECORDED IN BOOK 37, PAGE 357 OF THE CITY OF MONTPELIER LAND RECORDS.
11. "PRIVATE CROSSING AGREEMENT BETWEEN STATE OF VERMONT, JOINED BY WASHINGTON COUNTY RAILROAD COMPANY, AND CITY OF MONTPELIER, PRIVATE CROSSING AT FORMER CENTRAL VERMONT RAILWAY COMPANY, VALUATION STATION 135+50, SOUTHERLY SIDE OF BARRE STREET (TH-10) DATED MAY 29, 2018, SIGNED SEALED AND TO BE FILED IN THE CITY OF MONTPELIER LAND RECORDS.

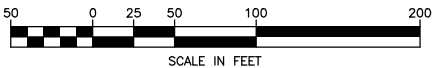
NOTES

1. BEARINGS ARE BASED ON STATE PLANE GRID DERIVED FROM GPS OBSERVATIONS TAKEN AT THE TIME OF THIS SURVEY.
2. NO ENCROACHMENTS WERE OBSERVED.
3. THE PURPOSE OF THIS PLAN IS TO DEPICT THE NEW EASEMENTS CREATED TO DEVELOP THIS PARCEL OR OTHER CONSTRUCTION IN THE AREA. THE WATER LINE EASEMENTS SHOWN WILL REPLACE THE EXISTING EASEMENTS.

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE
C1	175.00	51.44'	16°50'34"
C2	225.00	52.92'	13°28'34"
C3	213.00	42.91'	11°33'52"
C4	225.00	66.14'	16°50'34"
C5	175.00	37.30'	12°12'50"
C6	187.00	38.80'	12°11'36"



LOCUS
NOT TO SCALE



LEGEND

---	PROPERTY LINE
---	EASEMENT OR PARCEL LINE
⊠	UTILITY POLE
---	GUY WIRE
⊕	HYDRANT
⊙	SEWER MANHOLE
⊠ S.M.F.	STONE MONUMENT FOUND
⊙ I.R.F.	IRON ROD FOUND
● I.R.S.	IRON ROD SET
⊙ I.P.F.	IRON PIPE FOUND

CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE PARCEL BOUNDARIES DETERMINED AS NOTED HEREON AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS PERFORMED WITH ELECTRONIC TOTAL STATION SURVEY EQUIPMENT, WITH A POSITIONAL TOLERANCE CONFIDENCE LEVEL ABOVE 95%. I FURTHER CERTIFY THAT THIS PLAT MEETS ALL THE REQUIREMENTS OF TITLE 27 V.S.A. SECTION 1403.

DATED _____ RICHARD W. BELL L.S. #638 VT.

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PROJ. #191223

DATE: MAY 2019

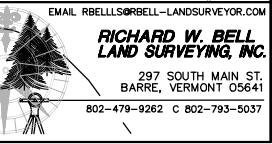
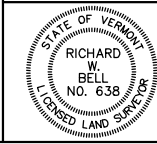
SCALE: 1"=50'

SURVEYED BY: MLC/DRJ

CHECKED BY: RWB

SHEET 1 OF 1

DWG. # S-1223



EASEMENT AGREEMENT

This Easement Agreement (the “Agreement”) is made and entered into this _____ day of _____, 2019 by and between **The Lineage Realty Group, LLC**, a Vermont limited liability company with its principal place of business in St. Johnsbury, Vermont (“LRG”) and the **City of Montpelier**, a Vermont municipality in the County of Washington and State of Vermont (“the City”) (each a “Party” and collectively the “Parties”).

Background

A. LRG owns the real property (the “Property”) known as and numbered 116 Gin Lane, Montpelier, Vermont, which LRG acquired (1) by Warranty Deed from Antonio Aja and Virginia D. Aja, Trustees of The Aja Family Living Trust dated February 9, 2011, and Angeles A. Zorzi, Trustee of The Angeles A. Zorzi Living Trust dated May 30, 1996, dated July 14, 2017 and recorded in Volume 681 at Pages 184-188 of the City of Montpelier Land Records, and (2) by Quitclaim Deed from the City of Montpelier dated July 14, 2017 and recorded in Volume 681 at Page 170 of the City of Montpelier Land Records (the “City to LRG Deed”).

B. The portion of the Property that LRG acquired by the City to LRG Deed is described as being all and the same land and premises conveyed to the City of Montpelier by Quitclaim Deed of Angeles A. Zorzi, Trustee of the Angeles A. Zorzi Trust, et al., dated July 14, 2017 and recorded in Volume 681 at Page 157-164 of the City of Montpelier Land Records (the “Zorzi/Aja to City Deed”), and the City to LRG Deed further contains the following language: “EXCEPTING AND RESERVING from the operation of this deed are the Grantor's rights and interests with respect to a public thoroughfare to be constructed and maintained by Grantor on a portion of the above-described land and premises.”

C. The Zorzi/Aja to City Deed contains certain covenants and reservations, which are partially excerpted below (reference is made to the Zorzi/Aja to City Deed for a more complete description), as follows:

“BY ITS ACCEPTANCE OF THESE PRESENTS, the GRANTEE creates and dedicates a portion of the herein conveyed land and premises, fifty (50) feet in width at all points, as a public highway, the northerly boundary of which is the southerly boundary of Barre Street, the westerly boundary being the easterly boundary of lands now or formerly owned by Ibey, extended to the centerline of the Washington County Railroad, the southerly boundary being the centerline of the Washington County Railroad, and the easterly boundary being a line extending from the centerline of the Washington County Railroad in a northerly direction to the southerly right-of-way limits of Barre Street, the approximate center line of said dedicated parcel being a line approximately 160 feet in length extending from the midpoint of the above-described northerly boundary to the above-described southerly boundary, the exact location to be fixed by survey upon the design and construction of the highway improvements referred to in Section 1 below.”

“1. The GRANTEE shall be responsible for constructing a public street over the above-described dedicated parcel of land, including a crossing over the Washington County

Railroad line consistent with applicable Federal Rail Administration standards. This condition shall become operative only in the event approved commercial development is undertaken on lands currently or formerly owned by GRANTORS located between the southerly boundary of the land and premises herein conveyed and the Winooski River.”

“3. The public street dedicated and established as provided herein shall be named in perpetuity "Gin Lane".”

“4. No above-grade structure shall be erected upon the herein conveyed land and premises. This prohibition shall not apply to the erection and maintenance of highway, traffic, directory and directional signs erected by the GRANTEE or the GRANTORS, their successors and assigns, solely for the benefit of lands located southerly of and abutting the herein conveyed and premises.”

D. Reference is made to a Development Agreement made by and between Caledonia Spirits, Inc. (“Caledonia”) and the City of Montpelier dated July 7, 2017 and recorded in Volume 681 at Page 175-183 of the City of Montpelier Land Records (the “Development Agreement”). LRG acquired the Property subject to the Development Agreement, and is the successor-in-interest to Caledonia with respect to the rights and obligations set forth in the Development Agreement.

E. LRG and the City desire to enter into this Agreement to effect and memorialize LRG’s satisfaction of certain of its obligations contained in the Development Agreement.

NOW THEREFORE, in consideration of these mutual premises and covenants herein contained, and other good and valuable consideration, the Parties covenant and agree as follows:

1. Roadway Easement. LRG and the City hereby confirm and agree that the location of the roadway easement for Gin Lane that was established in the Zorzi/Aja to City Deed (described and excerpted above) (the “Roadway Easement”) is identified as “GIN LANE” and as “50' WIDE ACCESS EASEMENT TO CITY OF MONTPELIER” on a plan entitled “EASEMENT PLAN FOR CITY OF MONTPELIER BARRE STREET MONTPELIER, VERMONT”, dated May 2019, prepared by Richard W. Bell Land Surveying, Inc. as Project No. 191223, a copy of which is being recorded contemporaneously herewith (the “Easement Plan”). Notwithstanding the description of the Roadway Easement in the Zorzi/Aja to City Deed as measuring approximately 160 feet in length, as depicted on the Easement Plan the Roadway Easement extends for approximately 149 feet in length. The Roadway Easement is granted to the City for the purpose of constructing, maintaining, patrolling, repairing, and replacing a public roadway, including sidewalks, roadway improvements, landscaping improvements, utilities and utility improvements and other improvements typically built within public roadway rights-of-way, within the 50 foot wide roadway easement area.

2. Turnaround Easement. Pursuant to and in satisfaction of the obligation established by Section 6 of the Development Agreement, LRG hereby grants to the City a non-exclusive easement to turn vehicles around on that portion of the Property identified on the Easement Plan as “90' x 90' TURN-AROUND EASEMENT TO CITY OF MONTPELIER” (the “Turnaround Easement”). The Turnaround Easement may be used by the City, including by municipal snow-plows and other

maintenance vehicles, to turn-around after plowing Gin Lane or otherwise using or maintaining Gin Lane, and may be used by members of the general public to circulate on the Property after accessing the Property via Gin Lane, to have and to hold, with the appurtenances thereof, to their own use and behoof forever, provided that any use of the Property by or through the City shall be subject to compliance with the Terms of Usage set forth below.

3. Waterline Easement. LRG hereby grants to the City a non-exclusive easement to install, maintain, repair and replace an underground waterline on that portion of the Property identified on the Easement Plan as “10' WIDE EASEMENT FOR 6" WATER MAIN, WITH 20' WIDE ACCESS EASEMENT TO CITY OF MONTPELIER” and as “10' WIDE EASEMENT FOR 16" WATER MAIN, WITH 20' WIDE ACCESS EASEMENT TO CITY OF MONTPELIER” (the “Waterline Easement”), to have and to hold, with the appurtenances thereof, to their own use and behoof forever, provided that any use of the Property by or through the City shall be subject to compliance with the Terms of Usage set forth below.

4. Wastewater Sampling Easement. LRG hereby grants to the City a non-exclusive easement to enter upon the Property in a non-intrusive and non-disruptive manner to sample the wastewater discharged by the distillery located on the Property, and to reasonably inspect wastewater holding tanks, piping, fittings and other equipment related to wastewater collection and transmission, all to determine compliance with the terms and conditions of the Pretreatment Discharge Permit Determination made by the Vermont Department of Environmental Conservation on July 10, 2018 in connection with Caledonia’s operation of a distillery from the Property (the “Wastewater Sampling Easement”), to have and to hold, with the appurtenances thereof, to their own use and behoof forever, provided that any use of the Property by or through the City shall be subject to compliance with the Terms of Usage set forth below.

5. River Access Easement; Parking.

(a) Pursuant to and in satisfaction of the obligation established by Section 6 of the Development Agreement, LRG hereby grants to the City a non-exclusive easement for pedestrian public access to the Winooski River over that portion of the Property identified on the Easement Plan as “EASEMENT TO CITY OF MONTPELIER FOR RIVER ACCESS AND RECREATIONAL USE” including the area identified on the Easement Plan as “5' WIDE EASEMENT FOR PATH EXACT LOCATION TO BE DETERMINED BY CONSTRUCTION” (the “River Access Easement”). The River Access Easement may be used by the City and by members of the general public to access the Winooski River by pedestrian means for non-motorized, recreational purposes only, to have and to hold, with the appurtenances thereof, to their own use and behoof forever, provided that any use of the Property by or through the City shall be subject to compliance with the Terms of Usage set forth below. The River Access Easement may not be used for gatherings, parties, picnics, loitering, sunbathing, or any activities other than as a temporary point of access (ingress and egress) for non-motorized, recreational uses of the Winooski River, such as swimming, canoeing, kayaking, and paddle-boarding.

(b) Members of the general public shall have the non-exclusive right to use up to four parking spaces on the Property in connection with their use of the River Access Easement,

provided that such parking rights shall only extend to specific parking spaces designated by LRG for such purposes.

6. No Gate. The portions of the Property encumbered by the Turnaround Easement, by the River Access Easement, by the Waterline Easement, and by the Wastewater Sampling Easement are referred to herein as the “Easement Areas”. LRG will not gate those portions of the Property necessary to allow the Easement Areas to be used for the purposes set forth above in this Agreement.

7. Terms of Usage. The City agrees, for itself and its successors and assigns, that:

(a) Any portions of the Property lying outside the Easement Areas that are disturbed or affected by the City's exercise of the rights granted hereunder shall be restored as nearly as reasonably practical to their condition prior to such entry at the City's own cost and within a reasonable time.

(b) Any construction undertaken by the City (or through the City's rights hereunder) shall be diligently performed in a good and workmanlike manner. The City shall promptly pay all suppliers of labor or materials for the improvements and promptly discharge any lien that may be filed against LRG or against the Property in connection with the construction of the permitted improvements. The City shall not permit any claim, lien, or other encumbrance arising from any construction or the City's use of the Easement Areas to accrue against or attach to the Easement Areas or the interest of LRG in the Property.

(c) To the extent of insurance coverage actually in place and carried by the City, the City hereby undertakes and agrees to indemnify, defend and hold harmless LRG and its members, managers, and tenants (the “Indemnitees”), from and against any and all claims, damages, liability, responsibility, expenses and costs, including without limitation attorneys' fees, incurred by the Indemnitees and which arise out of or are in any manner attributed to the use of the Easement Area by or through the City, except to the extent caused by or arising out of the negligence or willful misconduct of an Indemnitee.

(d) LRG and its successors and assigns shall have the right to make use of the surface of the Easement Areas in a manner that is not inconsistent with the City's use of the Easement Areas, but specifically shall place no structures within the Easement Areas which shall prevent or interfere with the City's ability to use the Easement Areas for the purposes conveyed herein.

8. Rights of Successors and Assigns. This Agreement creates mutual benefits and servitudes running with the Property. In addition, this Agreement, including the obligations, rights and easements granted hereby, shall bind and inure to the benefit of the Parties and their respective successors and assigns.

9. Amendments. No amendments or modification to this Agreement shall be effective without a written amendment to this Agreement executed by the Parties or their successors and assigns and recorded in the City of Montpelier Land Records.

10. Entire Agreement. This Agreement embodies the entire agreement and understanding between the Parties with respect to the subject matter hereof, and supersedes any prior agreements or understandings, whether oral or written, between the Parties pertaining to the subject matter hereof.

Signature Page to Follow

IN WITNESS WHEREOF, the Parties, as evidenced by the signatures of their Authorized Agents, do hereby execute this Agreement as of the date first set forth above.

The Lineage Realty Group, LLC

By: _____
Name: Aminta K. Conant
Title: Member and Authorized Agent

STATE OF VERMONT
WASHINGTON COUNTY, SS

At the City of Montpelier this ____ day of _____, 2019, personally appeared Aminta K. Conant, Member and Authorized Agent of The Lineage Realty Group, LLC, and she/he acknowledged the foregoing instrument, by her/him subscribed, to be her/his free act and deed individually and as Member and Authorized Agent of The Lineage Realty Group, LLC.

Before me, _____
Notary Public
My Commission Expires: 1.31.21

City of Montpelier

By: _____
Name:
Title:

STATE OF VERMONT
WASHINGTON COUNTY, SS

At the City of Montpelier this ____ day of _____, 2019, personally appeared _____, _____ and authorized agent of the City of Montpelier, and she/he acknowledged the foregoing instrument, by her/him subscribed, to be her/his free act and deed individually and as _____ of the City of Montpelier.

Before me, _____
Notary Public
My Commission Expires: 1.31.21



CITY COUNCIL Agenda Item #19-194(c)

Date: June 26th, 2019

Consent X Discussion

SUBJECT: Request for a Waiver of Noise Control Ordinance for Night Time Construction: Stone Cutters Way

SUBMITTING DEPARTMENT: Department of Public Works

RECOMMENDED ACTION: Consider a motion to waive the Noise Control Ordinance, Chapter 11 – Police Regulations & Offenses, Article X – Noise Control for the purpose of allowing road construction to take place on a segment of Stonecutters Way from 9:00 pm – 7:00 am for 5 days this summer. The work is anticipated to take only 3 days but DPW is asking for 5 in case of poor weather or other unforeseen circumstances.

STRATEGIC OUTCOME/PRIOR ACTION: Sustainable Infrastructure

EXPENDITURE REQUIRED: Will be associated with the FY20 Paving Contract

SOURCE OF FUNDS: CIP

LEGAL REQUIREMENTS: City Council authority to amend ordinances and waive prohibitions.

BACKGROUND INFORMATION: Waiver of Noise Ordinance: To permit the contractor and their sub-contractors to undertake road reconstruction on Stonecutters Way at a time period that will result in significantly fewer impacts to the travelling public and local business. The extent of work being performed requires a lengthy work zone that is likely to result in full closure of the one way street. By performing the work at night, the project is expected to take about three days. The extra two days of the waiver is requested as an inclement weather related contingency in the event in the event the work must be postponed and / or unanticipated delays occur.

The contractor is required to employ noise impact reduction measures such as work sequencing, shielding, equipment idling limits, and use a “white noise” back-up alarm for equipment that automatically adjusts to the ambient noise levels instead of the more common single volume beeper. Once the contractor is selected they will provide the city with a detailed schedule and minimum of 14 days before night work starts additional notices will be mailed to adjacent residents and businesses.

SUPPORTING DOCUMENTS: Letter sent out to residence informing them about DPW pursuing waiver for night work at this meeting.

INTERESTED PARTIES: Residents, businesses and property owners who may be impacted by construction noise or construction impacts in general.

CITY MANAGER’S APPROVAL:

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



America's Small Town Capital

DEPARTMENT OF PUBLIC WORKS, City Hall, 39 Main Street, Montpelier, VT 05602
Thomas J. McArdle, Director tmcardle@montpelier-vt.org
Kurt Motyka, Assistant Director/City Engineer kmotyka@montpelier-vt.org

June 17th, 2019

Attention: Residents and Business Owners on Barre Street & Stonecutters Way

Please be advised the Department of Public Works, will be seeking City Council authorization to allow night road construction to take place on Stonecutters Way from Main Street to Granite Street. DPW will be bidding the project as night work to reduce the impact on businesses that use the one way street for access during the day time hours. It is anticipates work to be conducted over three night during the summer construction season between the hours of 9:00pm – 7:00am. Once a contractor has been awarded the contract a detail schedule will be sent out to the public to provide specific dates and times of work. DPW will be bidding the project as night work to reduce the impact on businesses that use the one way street for access during the day time hours. If night work is not approved by the council the city will work with the selected contractor to alter the original plan.

If you would like to attend the City Council meeting for discussion a hearing is scheduled on June 26th 2019 at 6:30pm, in the Council Chambers room at City Hall.

If you have any questions or concerns, please feel free to reach out to Department of Public Works @ 802-223-9508 and ask for Zach Blodgett.



SUBJECT: Recommendation of contract award for Wayfinding Signage

SUBMITTING DEPARTMENT: Public Works

RECOMMENDED ACTION: Approve award of the wayfinding signage contract contract to Viewpoint Sign and Awning in the base bid amount of \$227,018.58 and grant authorization for the City Manager to serve as the duly authorized agent.

STRATEGIC OUTCOME/PRIOR ACTION: Sustainable Infrastructure: Back to Basics - Fund and Construct Wayfinding Project

EXPENDITURE REQUIRED: \$227,018.58

SOURCE OF FUNDS: CIP, DID, Montpelier Alive, State of Vermont Downtown Transportation Fund grant

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: SurfaceMatter Design, consultant for the wayfinding signage project, developed contract documents and with assistance from DPW staff solicited bids from contractors qualified to perform wayfinding signage fabrication and installation. Three bids were received and opened (tabulation attached). Viewpoint Sign and Awning submitted the lowest bid in the amount of \$227,018.58 which was found to be responsive and in compliance with the bid requirements.

SurfaceMatter has worked with Viewpoint in the past on a number of projects with acceptable results and concluded that their bid is in compliance with the contract instructions and requirements.

The project includes the fabrication and installation of 32 vehicle directional signs, 7 pedestrian directional signs, 5 parking directional signs, 3 information kiosks, and 1 landmark sign.

SUPPORTING DOCUMENTS: Bid Tabulation

INTERESTED PARTIES: Public Works, Montpelier Alive, Downtown Businesses, General Public

CITY MANAGER'S APPROVAL:

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



Montpelier Alive
39 Main Street
Montpelier, VT 05602

Phone: 802-223-9604

Bid Tabulation for Wayfinding Signage

	DCL	VIEWPOINT	Wood and Wood
Vehicular signs	\$66,360	\$88,088.57	\$86,850-\$96,300
Pedestrian signs	\$23,315	\$24,810.61	\$26,100-\$29,000
Info Kiosks	\$20,745	\$16,443.75	\$19,600-\$21,800
Landmark	\$18,966	\$21,688.53	\$49,600-\$55,100
Total Without Install	\$164,125	\$150,972.88	\$191,295-\$212,045
Installation	\$85,055	\$75,987.12	\$82,250-\$114,000
Total With Install	\$253,444	\$227,018.58	\$273,545-\$326,045



SUBJECT: Street Closure Permit Application, United Motorcyclists of Vermont Toy Run, 8/10/19

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Review and approve request to close State Street between Taylor Street and Bailey Avenue on Saturday, August 10, 2019 from 1:00 - 3 PM for the United Motorcyclists of Vermont Toy Run for Shriner's Hospital.

STRATEGIC OUTCOME/PRIOR ACTION: Inclusive, Equitable and Engaged Community

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Requests for street closures require Council approval.

BACKGROUND INFORMATION: Following the June 12, 2019 City Council meeting, City staff held a joint meeting of representatives of the United Motorcyclists of Vermont and the Farmers Market. The Farmers Market agreed to close an hour early, and the United Motorcyclists of Vermont agreed to start the Toy Run an hour later.

SUPPORTING DOCUMENTS: Street Closure Application

INTERESTED PARTIES: Applicant; Residents; Business owners; Fire; Police and Public Works

CITY MANAGER'S APPROVAL:

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

Special Event / Street Closure Permit Application

1. Event Sponsor

Name: <i>Michael Burt</i>	Email: <i>mburt@mylanmont.net</i>
Address: [REDACTED]	
Cell Phone: [REDACTED]	Other Phone: [REDACTED]

2. Event Details

Name of Event: <i>United Motorcyclists of VT (UMV) Toy Run</i>	
General description of the event (1 to 3 sentences): <i>Motorcycles are staged at BC/BS in Berlin and leave there on airport rd continue to Rte 14 to Rte 302 to the capital where toys are placed on Sters and we have a few speakers crowd disperse and toys are placed in Shriver's vehicles</i>	
Date of Event: <i>8/10/2019</i>	Start and End Time of Event: <i>1-3 PM</i>
Street(s) to be Closed - Please attach a sketch of the event layout. <i>Traffic held at State + Main and State + Elm and State + Taylor to keep motorcycles together. State St. from Taylor to Bailey closed. (See attached)</i>	
Time Street will close (recommend up to an hour before event): <i>1 PM</i>	Time Street will reopen (recommend 30 minutes after the event ends): <i>2:15 PM</i>
Number of Staff/Volunteers on site for Event: <i>10-12 Plus a crew to park bikes</i>	
Number of people expected at event: <i>600-800</i>	Number of vendors and/or entertainers who will participate: <i>NONE</i>
Name of General liability insurance carrier - Please attach proof of insurance. (General liability insurance for Special Events in the downtown area must be obtained by the Event Sponsor.) <i>Poulos/NFP Insurance.</i> <i>copy being emailed to Jamie</i>	

Special Event / Street Closure Permit Application

3. Community Support

Is this a reoccurring event in Montpelier? <i>Yes</i>	If no, do you have experience elsewhere with such events? Please explain.
How does this event benefit the public (as outlined in the Street Closure Policy)? <i>Event is intended to help Shriners Hospital however local restaurants, pubs, gas stations etc do benefit from participants</i>	

4. Public Safety and Public Health

Please describe any discussions or arrangements that the Event Sponsor has made with public safety or public works professionals in Montpelier. <i>Local law enforcement covers all intersections</i>
What arrangements have been made for food, water, and toilet facilities (if applicable)? <i>We don't furnish any food however a hotdog vendor sometimes is there. A few people do use capital building toilets</i>
What arrangements have been made to assure that litter will be cleaned up and disposed of and that trash and recycling containers will be provided? <i>Shriners and our members pick up any trash left.</i>
If additional law enforcement officials will be hired for your event, please list:
Please note any other unique aspects of this event:
Will noise levels or hours exceed the city's noise ordinance? If so, will this event require a request for variance from the noise ordinance? <i>NO</i>

Special Event / Street Closure Permit Application

5. Accessibility

As this event will take place on public property, I, as the Event Sponsor, attest that this event and all related programming and facilities meet the Americans with Disabilities Act accessibility requirements. These requirements are available at the City's website.

 Michael Burt 4/4/2019
Signature Printed Name Date

6. Signature

I, the undersigned, certify that the information provided above is valid and I will abide by any additional provisions note by Officials below. I acknowledge that I have read and understand the Montpelier Street Closure policy and that I am responsible for compliance with all requirements contained in that policy. I also agree to be onsite for the duration of the above mentioned street closure.

 Michael Burt 4/4/2019
Signature Printed Name Date

Notice Documentation

Name of Event:	
Date of Event: <u>8/10/2019</u>	Start and End Time of Event: <u>12:45 PM - 3:00 PM 2 hrs</u>
Street(s) to be Closed:	
Time Street will close (recommend up to an hour before event): <u>11:30 AM to 2:00 PM</u>	Time Street will reopen (recommend 30 minutes after the event ends): <u>2:15 / 2:30 PM</u>
Date of City Council Meeting to consider permit request:	
Describe Efforts made to notify residents and businesses along the street to be closed. Notification must include both the date/time of the proposed event and the date/time of the City Council meeting where the street closure will be considered.	

Special Event / Street Closure Permit Application

FOR OFFICIAL USE ONLY

The following parties have reviewed and approved:

POLICE	
Reviewed by: <u>Anthony J. Facos</u> Print Name <u>[Signature]</u> Signature <u>05/29/2019</u> Date	☐ Reviewed – recommend approval with no conditions ☒ Reviewed – recommend approval with conditions: <i>Patrol to control intersections and one hour delay start time.</i> ☐ Reviewed – do not recommend approval
PUBLIC WORKS	
Reviewed by: <u>Tom McArdle</u> Print Name <u>[Signature]</u> Signature <u>5/29/19</u> Date	☒ Reviewed – recommend approval with no conditions ☐ Reviewed – recommend approval with conditions: ☐ Reviewed – do not recommend approval
FIRE DEPARTMENT	
Reviewed by: <u>Robert Gowers</u> Print Name <u>[Signature]</u> Signature <u>5-29-19</u> Date	☐ Reviewed – recommend approval with no conditions ☒ Reviewed – recommend approval with conditions: <i>Maintain Emergency Vehicle Access</i> ☐ Reviewed – do not recommend approval

Special Event / Street Closure Permit Application

MONTPELIER ALIVE	
Reviewed by: <u>Dan Groberg</u> Print Name <u>[Signature]</u> Signature <u>5/29/19</u> Date	☒ Reviewed – recommend approval with no conditions ☐ Reviewed – recommend approval with conditions: ☐ Reviewed – do not recommend approval
OTHER	
Reviewed by: _____ Print Name _____ Signature _____ Date	☐ Reviewed – recommend approval with no conditions ☐ Reviewed – recommend approval with conditions: ☐ Reviewed – do not recommend approval

This permit request was reviewed at the _____ City Council meeting.
(MONTH/DAY/YEAR)

This permit request was: APPROVED _____ DENIED _____

Jamie Granfield

From: NEIL MARTEL
Sent: Thursday, May 30, 2019 10:36 AM
To: Jamie Granfield; Anthony Facos; L-PD_SUPER
Subject: RE: Toy Run

They come in on Route 302, travel River St to Berlin St then right turn on Main St and then left onto State Street (through downtown) and end up in front of State House. We close State Street from Taylor St to Bailey Ave. We hold traffic at the other intersections so the motorcycles can stay together. Usually the street is closed in front of the SH for about 1 hour after they all arrive and drop off stuffed animals at the SH then leave .

From the start time at BCBS it usually takes them about 30 -45 minutes to begin to make it into Montpelier. So to be safe I would say that our part of State St will be closed from 1:30 – 3 PM in front of the State House.

Neil



CITY COUNCIL Agenda Item #19-194(f)

Date: June 26, 2019

Consent X Discussion ____

SUBJECT: Resolution to Commit Funds as of June 30, 2019 for future use

SUBMITTING DEPARTMENT: Finance and City Manager

RECOMMENDED ACTION: Approve Fund Balance Resolution to set aside funds for their specific purpose as of June, 30 2019

RELATED STRATEGIC OUTCOME: All

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: The Fund Balance policy and GASB Statement 54 require the passage of a resolution prior to June 30 of each year stating the amount and purpose of Committed Fund Balances.

BACKGROUND INFORMATION: Committed funds represent the amounts of money designated by City Council for specific purposes. The June 30, 2018 balances of these funds can be found on page 49 of the 2018 audited financial statements.

SUPPORTING DOCUMENTS: Resolution to Commit Funds

INTERESTED PARTIES: City Council, Residents

CITY MANAGER'S APPROVAL:

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



City of Montpelier
RESOLUTION to Commit Funds – June 30, 2019

WHEREAS, the City of Montpelier, in accordance with its Fund Balance Policy, has determined that certain amounts should be set aside for specific purposes and presented as Committed Fund Balances in the City's financial statements.

NOW THEREFORE, be it resolved that the following amounts are set aside as of June 30, 2019 for the purposes noted:

Unless otherwise noted, actual amounts of funds to set aside ("committed funds") will be calculated using last year's balance plus FY19 allocations, plus FY19 revenue, less FY19 expenditures:

General Fund:

- Fire Revenue Reserve for Fire/EMS equipment purchase \$1,782
- Conservation Commission Reserve, (\$8,743 balance from FY18 less any budget overages in FY19) is committed for future Conservation Commission projects as requested by the Conservation Commission.
- Health Reimbursement Arrangement Reserve \$119,700 (continued from FY 18) for future HRA/Health Insurance Program needs
- Unrestricted balance at year-end to be committed to the City's unrestricted fund balance target of 15% of budgeted expenditures-See Fund Balance Policy
- Community Justice Center Revolving Loan Fund \$4,632 to be committed for future loans to clients participating in the Re-entry Program.
- Ash Borer \$4,000 to be committed for future expenses incurred in removing hazardous Ash Trees impacted the Emerald Ash Borer.
- Public Works, Pavement Marking Allocation, \$17,000

Community Development Fund:

- Montpelier Business Loan Program for loan activities
- Housing Preservation Grant Program for housing preservation activities
- Unrestricted balance – Community Development for community development activities

Capital Projects & Equipment Plan Fund:

- Equipment Plan Fund for equipment purchases
- Capital Projects Fund for future capital projects
- Capital Projects contingency Fund \$250,000 (continued from FY13) to provide additional funds to capital projects in FY20
- Flood Mitigation-Phase II Project for flood mitigation study

Special Revenue Funds:

- Montpelier Park Commission for park activities
- Montpelier Events Fund for Montpelier events activities
- Conservation Fund for conservation activities
- Montpelier Housing Trust Fund for affordable housing activities
- Montpelier Senior Citizens Fund
- Montpelier Recreation Center Fund

Approved and adopted at a regular meeting of the City Council of the City of Montpelier held on the 26th day of June, 2019

ATTEST: _____
John Odum, City Clerk



CITY COUNCIL Agenda Item #19-194(g)

Date: June 26, 2019

Consent X Discussion ____ Time Sensitive

SUBJECT: Fiscal Year 2020 Tax Anticipation Note (TAN), Grant Anticipation Note (GAN) and Bond Anticipation Note (BAN) documents.

SUBMITTING DEPARTMENT: Finance

RECOMMENDED ACTION: Approve and sign the loan documents from Community Bank, N.A., Community National Bank and Union Bank for FY20 short-term borrowing requirements. Signatures of a majority of City Council and the City Clerk are required on each set of loan documents.

RELATED COUNCIL GOAL/PRIOR ACTION: Responsive and Responsible Government; Community Prosperity; Sustainable Infrastructure

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: City Council is required to approve all borrowing.

BACKGROUND INFORMATION: Each year, the City establishes a TAN line of credit to bridge the gaps in time between expenses and tax receipts throughout the year. Finance Staff submitted a Request for Proposal to 8 Financial Institutions for lending rates on a TAN and BAN for FY20. An Existing GAN to support construction period financing of the Transit Center and related path needs to be renewed. As each of the borrowing options can be issued independently, the most favorable proposals are from three different financial institutions. The lender with the most favorable terms for the TAN was Union Bank. Under the terms of the note, Union Bank, N.A., will lend the City \$2.4M on or near July 1, 2019. They will charge a lending rate of 2.30% and execute an Insured Cash Sweep account where idle funds will earn interest at a rate of 2.65%. The City will use the funds as needed for cash flow and return them to the deposit account when not needed in order to earn interest income and reduce the cost to borrow.

The GAN will be a non-revolving line of credit at a fixed rate of 2.40% of the amount outstanding. This note is currently held with Community Bank, N.A. and is renewing for the new fiscal year to aid cash flow through completion of the 1 Taylor Street Transit Center and related path. These funds may be repaid at any time during the year without penalty. Repayment of amounts borrowed will coincide with closing of the underlying grants.

The BAN is needed in FY20 to support construction of the WRRF project. We are still working with USDA RD for possible funding options but the underwriting process is not likely to be completed until July. If USDA RD funding is available, the City will still need to finance the construction costs until the full loan approval amount has been reached and then request payoff of the balance at project end or the designated percentage of completion. In the event we are unsuccessful in this process, this BAN will be

repaid from proceeds of permanent financing issued through the Vermont Municipal Bond Bank. The winter bond pool application process will begin in January of 2020. Internal Revenue Code requirements make lending above the \$10m threshold cumbersome for financial institutions. This BAN is being processed at a level below total project costs but remains within the lending limits to receive favorable rates. It is possible the City will need to issue another BAN in early calendar 2020 to support this project until permanent financing is in place.

Community National Bank provided the most favorable terms for the BAN with a lending rate of 2.85% for the full disbursement of \$7.6m. They will execute an Insured Cash Sweep account where idle funds will earn interest at a rate of 3.35%. This funding structure is advantageous to the City as idle funds can earn income until needed to offset the total cost of borrowing.

SUPPORTING DOCUMENTS: Loan Documents

INTERESTED PARTIES: City Council, Residents

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read 'W. Hoffman', is written over the City Manager's Approval line.

**CITY OF MONTPELIER
CITY HALL 39 MAIN STREET
MONTPELIER VT 05602**

NON-ARBITRAGE CERTIFICATE

BOND ANTICIPATION BORROWING

We, the Treasurer and at least a majority of the City Council of the City of Montpelier, Vermont (the "Issuer"), hereby certify and represent as follows with respect to the \$7,600,000.00 Bond Anticipation Note Number 11141241-50 of the Issuer (the "Note"), which Note is dated July 1, 2019, payable as therein set forth:

1. The Issuer is issuing and delivering the Note simultaneously with the delivery of this Certificate.
2. We are the Officers of the Issuer charged by law with the responsibility for issuing the Note. The certifications and expectations set forth herein are being given pursuant to Section 1.148-2(b)(2)(i) of the Treasury Regulations.
3. The Note is being issued for the purpose of making water resource recovery facility improvements.
4. The entire amount borrowed by the issuance of the Note, together with all of such, if any, amounts previously raised or borrowed for the same purpose, does not exceed the estimated total cost of such project less all other funds available for the purpose, and all of the proceeds of the Note have been or are expected to be needed and expended for project cost in a manner and over a period so that the Note will not be classified as an "arbitrage bond" within the meaning of the Internal Revenue Code of 1986, as amended.
5. Work on the acquisition, construction or accomplishment of the project being financed by the Note has proceeded and is expected to proceed hereafter with due diligence to completion. The proceeds derived from the sale of the Note or any obligation replaced or refunded by the note will be or have been expended in conformance with the provisions of 26C.F.R. §§1.148.7, 1.148-8 or 1.148-9 so as to maintain the interest paid on the Note excludable from the gross income of the recipient thereof.
6. This Note is not being issued to refund a note previously issued for the same purpose described in paragraph (3).
7. Any real and personal property, acquisition of which has been financed by the Note, has not been and is not expected during the life of the Note to be sold or otherwise disposed of for consideration.
8. It is expected that any earnings or net profit derived from investment or deposit of the proceeds of the Note, including transferred proceeds, any accrued interest received upon sale

of the Note, and any premium received on the delivery thereof, will be expended for project cost within the period stated in paragraph (4) above to the extent such funds are not commingled for accounting purposes in the general funds of the issuer with tax and other substantial operating revenues.

9. The Issuer has not created and does not expect to create or establish any debt service funds, bond payment reserve, sinking fund, or other similar fund pledged to the payment of the Note or from which it is expected that payment of the Note would be made.
10. Substantial binding obligations to commence the project being financed by the Note have been made, consisting of at least a binding obligation for engineering services obligating the issuer to expend more than five percent (5%) of the total cost of said project being financed by the Note.
11. To the best of our knowledge, information and belief, the above expectations are reasonable.
12. The Issuer has not been notified of any action by the Commissioner of Internal Revenue to disqualify it as an issuer whose arbitrage certificates may be relied upon.
13. No part of the proceeds derived from the issuance and sale of the Note, nor the expenditures financed by the proceeds of the Note, shall be:
 - A. Used, loaned or otherwise made available to any person or other entity, other than the Issuer or a governmental body, so as to cause the Note to be classified as a "private activity bond", as that term is defined under the Internal Revenue Code of 1986;
 - B. Used directly or indirectly in a trade or business by any person other than the Issuer or another governmental entity;
 - C. Loaned to any person directly or indirectly other than the Issuer;
 - D. The subject of any contract, lease or agreement of any sort having a term of one year or more and calling for the payment by the Issuer of consideration other than a flat fee;
 - E. Expended to finance the construction, alteration or renovation of any improvement the use, occupancy, availability or beneficial enjoyment of which shall be restricted among public users thereof or for which preferential, different or unique fees, rates, assessments or charges shall be levied;
 - F. Invested in such a manner or for such a period or at a yield to result in the rebate of interest earnings thereon to the United States under any public law now or hereafter in effect.
14. The Issuer shall create and maintain records and books of account with respect to the Note and the expenditures financed by the proceeds thereof, which accounts shall detail and provide at a minimum the following.

- (a) Amount, net interest cost and term of Note;
 - (b) Cost associated with the issuance of the Note;
 - (c) Identity of all investments made with the proceeds of the Note, including interest and rate and term;
 - (d) Identify and date of all expenditures, regardless of source of funds;
 - (e) Such other financial information as may be required by law from time to time during the period of time the Notes shall remain outstanding.
15. The Issuer shall furnish to the United States, or any agency, department or instrumentality thereof, in a timely fashion, such information as may be required by law with respect to all evidences of debt now or hereafter issued by the Issuer.
16. Neither the proceeds of the Note, nor the earnings derived from the investment thereof, shall be expended for the purpose of paying any costs associated with the issuance of the Note(s).
17. The Note will not be refunded or otherwise paid, defeased or secured by the proceeds of any form of debt issued by the Issuer, unless the manner of such payment, refunding or security does not result in the characterization of the Note as an essential function bond under the Internal Revenue Code of 1986.
18. The proceeds of the Note shall not be invested for a period or at a yield so as to render the interest payable on the Note includable in the gross income of the holder(s) thereof.
19. The proceeds of the Note will not be used in a manner that will cause the Note to be an “arbitrage bond” or “private activity bond” within the meaning of Sections 103©, and 141 and 148(a) of the Internal Revenue Code of 1986, as amended, and the Regulations promulgated there under.

20. The Issuer hereby designates the Note as a “qualified tax exempt obligation” under Section 265(b) of the Internal Revenue Code of 1986, as amended.

Dated: July 1, 2019

City of Montpelier By:

Treasurer

City Council or a
Majority Thereof

**CITY OF MONTPELIER
CITY HALL 39 MAIN STREET
MONTPELIER VT 05602**

TAX CERTIFICATE

BOND ANTICIPATION BORROWING

We, the Mayor and City Treasurer of the City of Montpelier, Vermont (the “Issuer”), hereby certify and represent as follows with respect to the \$7,600,000.00 Bond Anticipation Note Number 11141241-50 of the Issuer (the “Note”), which Note is dated July 1, 2019, payable as therein set forth:

1. The Issuer is issuing and delivering the Note simultaneously with the delivery of this Certificate.
2. We are the Officers of the Issuer charged by law with the responsibility for issuing the Note. The certifications and expectations set forth herein are being given pursuant to Section 1.148-2(b)(2)(i) of the Treasury Regulations.
3. The Note is being issued for the purpose of making water resource recovery facility improvements authorized by the Issuer at a special meeting thereof held on November 6, 2018.
4. The entire amount borrowed by the issuance of the Note, together with all of such, if any, amounts previously raised or borrowed for the same purpose, does not exceed the estimated total cost of such project less all other funds available for the purpose, and all of the proceeds of the Note have been or are expected to be needed and expended for project cost in a manner and over a period so that the Note will not be classified as a “private activity bond” or an “arbitrage bond” within the meaning of the Sections 141 and 148, respectively, of the Internal Revenue Code of 1986, as amended, and the Regulations promulgated thereunder (collectively the “Code”).
5. Work on the acquisition, construction or accomplishment of the project being financed by the Note has proceeded and is expected to proceed hereafter with due diligence to completion. The proceeds derived from the sale of the Note or any obligation replaced or refunded by the note will be or have been expended in conformance with the provisions of Code Sections 141 and 148 so as to maintain the interest paid on the Note excludable from the gross income of the recipient thereof.
6. This Note is not being issued to refund a note previously issued for the same purpose described in paragraph (3).
7. Any real and personal property, acquisition of which has been financed by the Note, has not been and is not expected during the life of the Note to be sold or otherwise disposed of for consideration.

8. It is expected that any earnings or net profit derived from investment or deposit of the proceeds of the Note, including transferred proceeds, any accrued interest received upon sale of the Note, and any premium received on the delivery thereof, will be expended for project cost within the period stated in paragraph (4) above to the extent such funds are not commingled for accounting purposes in the general funds of the issuer with tax and other substantial operating revenues.
9. The Issuer has not created and does not expect to create or establish any debt service funds, bond payment reserve, sinking fund, or other similar fund pledged to the payment of the Note or from which it is expected that payment of the Note would be made.
10. Substantial binding obligations to commence the project being financed by the Note have been made, consisting of at least a binding obligation for engineering services obligating the issuer to expend more than five percent (5%) of the total cost of said project being financed by the Note.
11. To the best of our knowledge, information and belief, the above expectations are reasonable.
12. The Issuer has not been notified of any action by the Commissioner of Internal Revenue to disqualify it as an issuer whose arbitrage certificates may be relied upon.
13. No part of the proceeds derived from the issuance and sale of the Note, nor the expenditures financed by the proceeds of the Note, shall be:
 - A. Used, loaned or otherwise made available to any person or other entity, other than the Issuer or a governmental body;
 - B. Used directly or indirectly in a trade or business by any person other than the Issuer or another governmental entity;
 - C. Loaned to any person directly or indirectly other than the Issuer;
 - D. The subject of any contract, lease or agreement of any sort having a term of one year or more and calling for the payment by the Issuer of consideration other than a flat fee;
 - E. Expended to finance the construction, alteration or renovation of any improvement the use, occupancy, availability or beneficial enjoyment of which shall be restricted among public users thereof or for which preferential, different or unique fees, rates, assessments or charges shall be levied;
 - F. Invested in such a manner or for such a period or at a yield to result in the rebate of interest earnings thereon to the United States under any public law now or hereafter in effect.

14. The Issuer shall create and maintain records and books of account with respect to the Note and the expenditures financed by the proceeds thereof, which accounts shall detail and provide at a minimum the following.
- (a) Amount, net interest cost and term of Note;
 - (b) Cost associated with the issuance of the Note;
 - (c) Identity of all investments made with the proceeds of the Note, including interest and rate and term;
 - (d) Identify and date of all expenditures, regardless of source of funds;
 - (e) Such other financial information as may be required by law from time to time during the period of time the Note shall remain outstanding.
15. The Issuer shall furnish to the United States, or any agency, department or instrumentality thereof, in a timely fashion, such information as may be required by law with respect to all evidences of debt now or hereafter issued by the Issuer.
16. Neither the proceeds of the Note, nor the earnings derived from the investment thereof, shall be expended for the purpose of paying any costs associated with the issuance of the Note.
17. The Note will not be refunded or otherwise paid, defeased or secured by the proceeds of any form of debt issued by the Issuer, unless the manner of such payment, refunding or security results in the continued characterization of the Note as an essential function bond under the Code.
18. The proceeds of the Note shall not be invested for a period or at a yield so as to render the interest payable on the Note includable in the gross income of the holder(s) thereof.
19. The Issuer hereby designates the Note as a “bank qualified obligation” under Section 265(b) of the Code.

Dated: July 1, 2019

City of Montpelier

By: _____
Mayor

City Treasurer

**CITY OF MONTPELIER
CITY HALL 39 MAIN STREET
MONTPELIER VT 05602**

RESOLUTION

BOND ANTICIPATION BORROWING

WHEREAS, at a regular meeting of the City Council of the City of Montpelier at which at least a majority of the Council was present and voting, which meeting was duly noticed, called and held on October 3, 2018, it was unanimously found and determined that the public interest and necessity required certain public sewer system improvements hereafter described, and it was further found and determined that the cost of completing said improvements would be too great to be paid out of the ordinary annual income and revenue of the City of Montpelier, and that a proposal to provide such improvements and incur debt for the City of Montpelier to pay for the same should be submitted to the legal voters at a meeting thereof to be called and held on November 6, 2018, and it was so ordered, all of which action is hereby ratified and confirmed; and

WHEREAS, pursuant to the foregoing action, the City Council caused to be issued a Warning for a meeting of the City of Montpelier to be held November 6, 2018, to consider a certain proposal described in Article 2, which Warning is duly recorded in the records of the City of Montpelier; and

WHEREAS, said Warnings were duly recorded, published and posted; and

WHEREAS, said meeting was duly held on the date, at the place and the time appointed, and a certain proposal to make improvements and incur debt therefor was voted in the affirmative; and

WHEREAS, the City Council has been and is now carrying forward the authorized improvements to completion and funds are needed to meet accruing costs of the same; and

WHEREAS, following a request for proposals, the City Council has negotiated a temporary loan with Community National Bank, for \$7,600,000.00 at 2.85% to be evidenced by a single promissory note as hereinafter set forth;

THEREFORE, BE IT RESOLVED, that the City Council and the Treasurer proceed forthwith to complete said transaction and issue said evidence of indebtedness to cover the same; and

BE IT FURTHER RESOLVED, that said evidence of debt when issued and delivered pursuant to this Resolution shall be a valid and binding general obligation of the City of Montpelier payable according to the terms and tenor thereof from unlimited ad valorem taxes duly assessed on the grand list of taxable property in said City of Montpelier, as established, apportioned and assessed by law; and

BE IT FURTHER RESOLVED, that all acts and things heretofore done by the lawfully constituted officers of the City of Montpelier and its City Council in, about, or concerning the improvements or the contracting of loans in the connection therewith are hereby ratified and confirmed; and

We, the City Council of the City of Montpelier, hereby certify that Mayor and City Treasurer, as such officers duly authorized, have signed the single \$7,600,000.00 face amount bond anticipation note, number 11141241-50, dated July 1, 2019, of the following denominations and maturities in the form hereto attached and made part hereof:

Number	Denomination	Maturity date
11141241-50	\$7,600,000.00	June 30, 2020

We, the City Council of the City of Montpelier, hereby certify that the above-described note is issued under and pursuant to vote of the City of Montpelier on November 6, 2018, and this resolution adopted at a duly noticed and warned meeting of the City Council of the City of Montpelier held June 26, 2019.

We the said City Council of the City of Montpelier, hereby certify that the Mayor and City Treasurer whose signatures appear on the note we are the duly chosen, qualified and acting officers as indicated, that the note is issued pursuant to authority, that no proceeding relating thereto has been taken other than as shown in the foregoing recital, that no such authority or action has been amended or repealed, and that there is no litigation threatened or pending in any state of federal court of competent jurisdiction seeking to enjoin either the issuance of the above-described note or the expenditures being financed by the proceeds of the same.

We further certify that no litigation is pending or threatened affecting the validity of the Note or the apportionment and assessment of taxes, if necessary, to pay the same when due, that neither the corporate existence nor the boundaries of the Town of Derby, nor the title of any of us to our respective offices, is being questioned or contested.

We further certify that all acts relating to the acts and actions described herein have been taken in full compliance with all public meeting, public records, solicitation and procurement laws, ordinances and policies.

We further certify to and covenant with the COMMUNITY NATIONAL BANK, its successors and assigns, including specifically the transferees, assigns, holders, and owners of the above-described Note(s), that:

1. No proceeds of the Note (including investment proceeds thereof) will be used (directly and indirectly) in any trade or business carried on by any person other than the City of Montpelier, nor used to make or finance loans to any person.
2. During the current calendar year, neither the City of Montpelier nor any subordinate agency thereof will issue debt of any sort aggregating \$10,000,000.00 or more.

3. The City of Montpelier will file when and as required with the Treasury Department or Internal Revenue Service information returns relating to the issuance of the Note and all other obligations of the City of Montpelier.
4. The City of Montpelier will comply with, perform, maintain and keep each and every covenant, representation, certification and undertaking in the accompanying Tax Certificate, execution and delivery of which is hereby authorized.

Adopted at a regular meeting of the Montpelier City Council held on June 26, 2019

ATTEST:

Clerk

**CITY OF MONTPELIER \$7,600,000 GENERAL OBLIGATION
BOND ANTICIPATION NOTE DATED JULY 1, 2019**

CERTIFICATE OF REGISTRATION

It is hereby certified that this note is a fully registered note, payable only to the holder of record as appears of record in the office of the Treasurer of the City of Montpelier. This note may be transferred by presentation of the same with an assignment in writing signed by the registered holder. Presentation shall be made to the office of the Treasurer who shall record such transfer in the records of the City and on the note. The name and address of the original registered owner of this note is Community National Bank, 4811 US Route 5, Newport, VT 05855.

Dated as of July 1, 2019.

Treasurer

Community Bank, N.A.

Note No. 1 of 1

\$4,000,000

City of Montpelier GRANT ANTICIPATION NOTE

City of Montpelier, Vermont

June 28, 2019

On June 26, 2020 for value received, the City of Montpelier promises to pay to COMMUNITY BANK, N.A., or order, the principal sum of:

FOUR MILLION DOLLARS \$4,000,000

with interest at the rate of 2.40% per annum, calculated on the basis of an actual 365 day year from the date of original delivery of this note, with principal and interest payable in lawful money of the United States at the Main Office of Community Bank, N.A., in the City of Olean, New York. Principal and interest may be prepaid in whole or in part prior to the above maturity date.

This Grant Anticipation Note (the "Note") evidences a straight line of credit. Once the total amount of principal has been advanced, the Issuer is not entitled to further loan advances. Advances under this Note may be requested either orally or in writing by the Issuer or as provided in this paragraph. Lender may, but need not, require that all oral requests be confirmed in writing. All communications, instructions, or directions by telephone or otherwise to Lender are to be directed to Lender's office shown above. The following person or persons are authorized to request advances and authorize payments under the line of credit until Lender receives from the Issuer, at Lender's address shown above, written notice of revocation of such authority: Charlotte Hoyt, Treasurer or Todd Provencher, Finance Director. The Issuer agrees to be liable for all sums either: (A) advanced in accordance with the instructions of an authorized person or (B) credited to any of Issuer's accounts with Lender. The unpaid principal balance owing on this Note at any time may be evidenced by endorsements on this Note or by Lender's internal records, including daily computer print-outs. Lender will have no obligation to advance funds under this Note if: (A) Issuer is in default under the terms of this Note or any agreement that the Issuer has with Lender, including any agreement made in connection with the signing of this Note; (B) Issuer ceases doing business or is insolvent; (C) Issuer has applied funds provided pursuant to this Note for purposes other than those authorized by Lender.

This Note issued in anticipation of receipts of grants-in aid for the purpose of financing certain capital improvements, and pursuant to a resolution adopted by the City Council of said City of Montpelier at a meeting thereof duly noticed, called and held on June 26, 2019. This Note shall be paid from such grants-in-aid, upon receipt thereof.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the issuance of this Note have been done, have happened and have been performed in regular and due form as required by law and that the full faith and credit of the said City of Montpelier are hereby irrevocably pledged for the payment of this note.

City of Montpelier

By: _____

Treasurer

City Council Or a Majority Thereof

City of Montpelier
RESOLUTION
GRANT ANTICIPATION BORROWING

WHEREAS, the City Council is authorized and empowered to borrow money on the credit of the City of Montpelier in anticipation of receipt of grants-in-aid for the construction of certain capital improvements; and

WHEREAS, the said City Council finds it expedient and in the best interests of the City of Montpelier to borrow the sum of \$4,000,000 in anticipation of the said grants-in-aid; and

WHEREAS, grants-in-aid in anticipation of which this borrowing is undertaken have been awarded and authorized by appropriate federal and/or state agencies; and

WHEREAS, the City Council has been and is now proceeding to construct the improvements authorized at said meeting and funds are needed to defray the cost thereof; and

WHEREAS, in order to have funds available to defray the cost of making said improvements as aforesaid, the City Council has arranged to borrow \$4,000,000 from COMMUNITY BANK, N.A., with such borrowing evidenced by a single promissory Grant Anticipation Note (the "Note"), which Note does refund and replace any obligation previously issued for the same purpose.

THEREFORE, BE IT RESOLVED, that the City Council and the Treasurer proceed forthwith to complete said transaction and issue said evidence of indebtedness to cover the same; and

BE IT FURTHER RESOLVED, that the Note, when issued and delivered pursuant to this Resolution, shall be a valid and binding general obligation of the City of Montpelier, payable according to the terms and tenor thereof from unlimited ad valorem taxes duly assessed on the grand list of taxable property in said City of Montpelier, as established by law; and

BE IT FURTHER RESOLVED, that all acts and things heretofore done by the lawfully constituted officers of the City of Montpelier and its City Council in, about, or concerning the expenditure of proceeds of the Note evidencing the borrowing and the issuance thereof are hereby ratified and confirmed; and

BE IT FURTHER RESOLVED, that to the extent proceeds of the Note will be used to reimburse the City of Montpelier for capital expenditures previously made for the improvements described herein, this Resolution shall serve as a declaration of official intent under Section 1.150-2 of the Treasury Regulations (or a republication of any previously made declaration of official intent) to effect a reimbursement in an amount not to exceed the total of all previous capital improvement advances; and

We, the undersigned City Council and Treasurer, hereby certify that we as such officers have signed the Note, numbered 1, dated June 28, 2019 and due June 26, 2020 with an interest rate of 2.40%, payable as therein set forth and further certify that the Note is issued under and pursuant to this Resolution adopted at a duly noticed and warned meeting of the City Council of the City of Montpelier held on June 26, 2019.

We, the said City Council and Treasurer of the City of Montpelier, hereby certify that we are the duly chosen, qualified and acting officers as undersigned, that the Note is issued pursuant to authority, that no proceeding relating thereto has been taken other than as shown in the foregoing recital, that no such authority or action has been amended or repealed, and that there is no litigation threatened or pending in any state or federal court of competent jurisdiction seeking to enjoin either the issuance of the Note or the expenditures being financed by the proceeds of the same.

We also certify that there has been full and timely compliance with all public procurement, solicitation and bidding laws, ordinances and regulations with respect to each of the transactions embodied in this Resolution.

We certify also that no litigation is pending or threatened affecting the validity of the Note or the apportionment and assessment of taxes, if necessary, to pay the same when due, that neither the corporate existence nor the boundaries of the City of Montpelier, nor the title of any of us to our respective offices, is being questioned or contested.

Further, we hereby certify to and covenant with COMMUNITY BANK, N.A., its successors and assigns, including specifically the transferees, assigns, holders and owners of the Note that:

1. No proceeds of the Note (including investment proceeds thereof) will be used (directly or indirectly) in any trade or business carried on by any person other than the City of Montpelier nor used to make or finance loans to any person.
2. During the current calendar year, the City of Montpelier will not issue debt of any sort aggregating \$10,000,000.00 or more.
3. The City of Montpelier will file when and as required with the Treasury Department or Internal Revenue Service information returns relating to the issuance of the Note and all other obligations of the City of Montpelier.
4. The City of Montpelier will comply with, perform, maintain and keep each and every covenant, representation, certification and undertaking in the accompanying Tax Certificate, execution and delivery of which is hereby authorized.

City of Montpelier

By: _____

Treasurer

City Council Or a Majority Thereof

City of Montpelier
TAX CERTIFICATE
GRANT ANTICIPATION BORROWING

We, the Treasurer and at least a majority of the City Council of the City of Montpelier, Vermont (the "Issuer"), hereby certify and represent as follows with respect to the \$4,000,000 Note numbered 1 of the Issuer (the "Note"), which Note is dated June 28, 2019 and is payable as therein set forth:

1. The Issuer is issuing and delivering the Note simultaneously with the delivery of the Certificate.
2. We are the officers of the Issuer charged by law with the responsibility for issuing the Note.
3. The Note is being issued for the purpose of financing capital improvements approved by the Issuer per City Council resolution on June 26, 2019.
4. The entire amount borrowed by the issuance of the Note, together with all of such, if any, amounts previously raised or borrowed for the same purpose, does not exceed the total costs of the improvement less all other funds available for the purpose, and all of the proceeds of the Note have been or are expected to be needed and expended for the improvements within three (3) years from the date of the first borrowing for these expenses.
5. Substantial binding obligations to commence the improvements being financed by the Note have been made, consisting of at least a binding obligation by the Issuer to expend more than five percent of the total cost of said improvements. Work on the improvements being financed by the Note is expected to proceed hereafter with due diligence.
6. The Note is being issued to refund any obligation previously issued for the same purpose described in paragraph (3).
7. Any real and personal property, acquisition of which has been financed by the Note has not been and is not expected during the life of the Note to be sold or otherwise disposed of for consideration.
8. It is expected that any earnings or net profit derived from investment or deposit of the proceeds of the Note, including transferred proceeds, any accrued interest received upon sale of the Note and any premium received on the delivery thereof, will be expended for the improvements within the period stated in paragraph (4) above to the extent such funds are not commingled for accounting purposes in the general funds of the Issuer with tax and other substantial operating revenues.
9. The Issuer has not created and does not expect to create or establish any debt service fund, bond payment reserve, sinking fund, or other similar fund pledged to the payment of the Note or from which it is expected that payment of the Note would be made.

10. To the best of our knowledge, information and belief, the above expectations are reasonable.

11. The Issuer has not been notified of any action by the Commissioner of Internal Revenue to disqualify it as an issuer whose arbitrage certificates may be relied upon.

12. No part of the proceeds derived from the issuance and sale of the Note nor the expenditures financed by the proceeds of the Note shall be:

- a. Used, loaned or otherwise made available to any person or other entity, other than the Issuer or a governmental body, so as to cause the Note to be classified as private activity bonds or arbitrage bonds, as those terms are defined under the Internal Revenue Code of 1986, as amended by the Regulations promulgated thereunder by the U.S. Treasury (collectively the "Code").
- b. Used directly or indirectly in a trade or business by any person other than the Issuer or another municipal entity;
- c. Loaned to any person directly or indirectly other than the Issuer;
- d. The subject of any contract, lease or agreement of any sort having a term of one year or more and calling for the payment by the Issuer of consideration other than a flat fee;
- e. Expended to finance the construction, alteration or renovation of any improvement the use, occupancy, availability or beneficial enjoyment of which shall be restricted among public users thereof or for which preferential, different or unique fees, rates, assessments or charges shall be levied;
- f. Invested in such a manner or for such a period or at a yield to result in the rebate of interest earnings thereon to the United States under any public law now or hereafter in effect;

13. The Issuer shall furnish to the United States, or any agency, department or instrumentality thereof, in a timely fashion, such information as may be required by law with respect to all evidences of debt now or hereafter issued by the Issuer, including IRS Form 8038-G relating specifically to the Note, a copy of which is appended hereto as Exhibit A.

14. Neither the proceeds of the Note, nor any earnings derived from the investment thereof, shall be expended for the purpose of paying any costs associated with the issuance of the Note.

15. The Note will not be refunded or otherwise paid, defeased or secured by the proceeds of any form of debt issued by the Issuer, if the manner of such payment, refunding or security, results in the Note being classified as a "private activity bond" or an "arbitrage bond" within the meaning of Sections 103, 141 and 148 of the Code.

16. The proceeds of the Note will not be used in a manner that will cause the Note to be a "private activity bond" or an "arbitrage bond" within the meaning of Sections 103(c), 141 and 148 of the Code.

17. In addition to the record-retention requirements of Section 6011 of the code, the Issuer hereby adopts and commits to implement the procedures set forth in Exhibit B which are intended to provide the following:

(a) Assignment of tax-exempt and tax credit bond, if applicable, compliance responsibilities to appropriate departments, officers, or employees.

(b) Establishment and maintenance of books and records for each issue of obligations of the Issuer.

(c) Code Section 148 compliant procedures for the investment of gross proceeds of each issue of the Issuer's obligations.

(d) Maintenance of records relating to all allocations of expenditures of proceeds of each issue of the Issuer's obligations.

(e) Periodic monitoring of use of proceeds of each issue of the Issuer's obligations, the investment and reinvestment of proceeds from the temporary investments thereof and the use of property acquired or financed by the proceeds of such obligations.

(f) Verification of the foregoing.

18. The Note is declared to be a "qualified obligation" under Section 265(b) of the Internal Revenue Code.

19. The City Council of the City of Montpelier hereby adopts or renews those post-issuance procedures set forth in Exhibit B attached.

This Certificate is executed and is being delivered pursuant to Section 1.148(b)(2)(i) of the Regulations promulgated under Section 148 of the Code.

June 28, 2019

City of Montpelier

Treasurer

City Council Or a Majority Thereof

EXHIBIT B

TAX EXEMPT OBLIGATION POST-ISSUANCE COMPLIANCE PROCEDURES

The following procedures have been adopted by the Issuer, effective as of the date of issue of the Note. These procedures shall be implemented immediately and shall relate to the Note and all currently outstanding and future debt obligations and financing leases. These procedures are intended to assist the Issuer in complying with those provisions of the Internal Revenue Code of 1986, as amended and the regulations promulgated by the U.S. Treasury thereunder (the "Code") relating to (a) the qualified use of proceeds of the Issuer's tax-exempt and other tax advantaged bonds and notes and improvements financed by such proceeds; (b) arbitrage yield restrictions and rebate; (c) remediation of the effects of "deliberate action" of the Issuer which results in the disposition, abandonment or other change in use of property financed by the Issuer's debt obligations and (d) the resolution of matters raised in connection with an audit or examination of the Issuer's tax-exempt or tax-advantaged obligations. These procedures are intended to furnish guidance in matters of Code compliance, and are subject to revision, modifications and enlargement from time to time.

- (1) The Issuer official or employee possessing the statutory or contractual powers, functions and responsibilities of a Chief Financial Officer (to the extent the same are not exercised by the Issuer's Treasurer) shall be responsible for monitoring tax exempt obligations post-issuance compliance (the "Compliance Official").
- (2) The Compliance Official shall review and implement these procedures in the manner necessary to ensure ongoing compliance with the provisions of the Tax Certificate. In connection therewith such official will become knowledgeable or consult an advisor experienced in post issuance compliance and will review and monitor notices, advice and directives as may be received by the Issuer from its bond counsel, accountants, financial advisors, and governmental sources. At least once annually the Compliance Official will verify that it is in compliance with the terms of the Tax Certificate, including this Exhibit B.
- (3) On or before the first day of June in each year, the Compliance Official shall confirm that all Issuer property financed by the proceeds of the Issuer's obligations continues to be used in the same manner as existed when such property was first placed into service. Such confirmation shall be based upon a visual inspection and representations of the public officials under whose care, custody and control the property is placed.
- (4) For so long as the proceeds of any debt obligation of the Issuer remain unexpended, the Compliance Official shall confirm on the first day of June and the first day of December in each year that such proceeds are deposited or invested for a "temporary period" as established under Section 148 of the Code. Such confirmation shall be deemed to have occurred for so long as any proceeds of the Issuer's tax exempt or tax advantaged obligation are in the custody of a trustee, paying agent, or disbursing agent pending expenditures upon requisition thereof. Following the third anniversary of the issuance of an obligation by the

Issuer, all unexpended proceeds shall be invested so as to generate a yield no greater than the yield on the corresponding obligation.

- (5) The Compliance Official shall confirm, at least annually while there are unexpended proceeds, that the proceeds of each obligation of the Issuer shall be expended in such amounts, at such frequency, and in such intervals to ensure that the Issuer avails itself of one or more arbitrage rebate exception allowed under Section 148 of the code. Alternatively, if rebate is due, the Compliance Official will engage a consultant to prepare a report to determine any rebate due.
- (6) With respect to the acquisition and construction of capital improvements financed with the proceeds of the Issuer's debt obligations, the Issuer hereby declares that such proceeds shall be allocated to acquisition and construction expenditures prior to the expenditure and application of funds from any other public or private source. A final expenditure report accounting for the use of all proceeds and earnings of Issuer's debt obligations shall be completed no later than 18 months after the improvements financed by the Issuer's debt obligation is placed in service.
- (7) In the event there is a change of use, abandonment or disposition of property financed by the proceeds of a debt obligation of the Issuer, the Compliance Official shall immediately consult with the Issuer's bond counsel and accountants regarding remedial action. The Issuer thereafter shall endeavor to call and redeem all or a portion of outstanding debt obligations, the proceeds of which were expended to finance such property. The proceeds derived from the sale or other disposition of the financed property shall not be commingled with other funds of the Issuer, but shall be used to effect the redemption of obligations, if necessary, the proceeds of which financed such property. Pending redemption as called for in this section, such proceeds shall be invested at a yield no greater than the yield on the obligations to be redeemed.
- (8) The Compliance Official shall create and preserve records for the term of the Issuer's debt obligations and any refunding thereof plus three years documenting the procedures incident to the authorization and issuance and identifying the proceeds of each issue of the Issuer's obligations, the deposit and investment thereof, the income derived from such deposit and investment, the expenditure of such proceeds and investment income (containing at a minimum the date, amount and recipient of each expenditure), payment requisitions, and all rate, fee, charge and assessment schedules relating to property financed by the Issuer's obligations. Such records shall include copies of loan agreements, escrow agreements, tax certificates, project bid documents, construction and acquisition contracts, project invoices, project-related bank statements, and documents related to anticipatory bond financing.
- (9) The Compliance Official shall retain all contracts or arrangements with non-governmental persons relating to the use, control and management of the improvements financed by the Issuer's debt obligation.

- (10) In the event there remain on hand any excess proceeds from an Issuer debt obligation, following acquisition or completion of the improvements for which such obligation was issued, the Compliance Official shall consult with the Issuer's bond counsel regarding the use of such proceeds.

\$2,400,000.00

FOR VALUE RECEIVED, the City of Montpelier, a municipal corporation, (the Borrower) promises to pay to the order of the Union Bank or its registered assigns at its place of business in Morristown, Vermont the principal sum of

With interest at the rate of 2.30% per annum, calculated on an actual/365 day basis from the date hereof, with principal and interest payable in lawful money of the United States at the Main Office of UNION BANK, in the Town of Morristown, Vermont on or before June 30, 2020.

This note is issued in anticipation of the receipt of taxes and other revenues and is authorized by resolution of the Select Board duly adopted on June 26, 2019, the terms of which are incorporated herein by reference thereto.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the issuance of this note have been done, have happened and have been performed in regular and due form as required by law, and that the full faith and credit of the said City of Montpelier are hereby irrevocably pledged for payment of this note, as well as the interest at the above-specified rate.

Its Legislative Branch or a Majority Thereof

CITY OF MONTPELIER
RESOLUTION
TAX/REVENUE ANTICIPATION BORROWING

WHEREAS, the Select Board is authorized and empowered to borrow money on the credit of the City of Montpelier in anticipation of the collection of taxes and the receipt of other revenues; and

WHEREAS, the said Select Board finds it expedient and in the best interests of the City of Montpelier to borrow funds in anticipation of the collection of taxes and receipt of other revenues for the year 2020; and

WHEREAS, the Select Board has been and is now providing essential governmental services and funds are needed to meet expenses relating to the delivery of said essential governmental services; and

WHEREAS, in order to have funds to meet expenses as aforesaid, the Select Board has arranged to borrow \$2,400,000.00 from UNION BANK with such borrowing evidenced by promissory note(s) as hereinafter set forth, which note(s) do not refund and replace any previously issued note(s).

THEREFORE, BE IT RESOLVED, that the Select Board and the Treasurer proceed forthwith to complete said transaction and issue said evidence of indebtedness to cover the same; and

BE IT FURTHER RESOLVED, that said evidence of debt when issued and delivered pursuant to this Resolution shall be a valid and binding general obligation of the City of Montpelier payable according to the terms and tenor thereof from unlimited ad valorem taxes duly assessed on the grand list of taxable property in said City of Montpelier, as established by law; and

BE IT FURTHER RESOLVED, that all acts and things heretofore done by the lawfully constituted officers of the City of Montpelier in, about, or concerning the expenditure of proceeds of the Note(s) are hereby ratified and confirmed; and

We, the undersigned Select Board and Treasurer of the City of Montpelier hereby certify that we are the duly chosen, qualified and acting officers as undersigned, that the Note(s) is issued pursuant to authority, that no proceeding relating thereto has been taken other than as shown in the foregoing recital, that no such authority or action has been amended or repealed, and that there is no litigation threatened or pending in any state or federal court of competent jurisdiction seeking to enjoin either the issuance of the above-described Note(s) or the expenditures being financed by the proceeds of the same.

We certify also that no litigation is pending or threatened affecting the validity of the Note(s) or the apportionment and assessment of taxes, if necessary, to pay the same when due, that neither the corporate existence nor the boundaries of the City of Montpelier, nor the title of any of us to our respective offices, is being questioned or contested.

Further, we hereby certify to and covenant with UNION BANK, its successors and assigns, including specifically the transferees, assigns, holders and owners of the above-described Note(s) that:

- 1. The aggregate principal amount of said Note(s) does not exceed the maximum cumulative cash flow deficit of the City of Montpelier for the term of said Note(s), from date of issue to and including date of maturity, as computed under Sections 103 and 148 of the Internal Revenue Code of 1986, as amended, or under the Regulations promulgated thereunder.
- 2. No proceeds of the Note(s) (including investment proceeds thereof) will be used (directly or indirectly) in any trade or business carried on by any person other than the City of Montpelier nor used to make or finance loans to any person.
- 3. During the current calendar year, neither the City of Montpelier nor any subordinate agency thereof will issue debt of any sort aggregating \$10,000,000 or more.
- 4. The City of Montpelier will file when and as required with the Treasury Department or Internal Revenue Service information returns relating to the issuance of the Note(s) and all other obligations of the City of Montpelier.
- 5. The City of Montpelier will comply with, perform, maintain and keep each and every covenant, representation, certification, and undertaking in the accompanying Tax Certificate, execution and delivery of which is hereby authorized.
- 6. The amount borrowed in anticipation of taxes does not exceed 90% of taxes levied or to be levied for the current year.

Dated this 26th day of June, 2020.

CITY OF MONTPELIER

Treasurer

ATTEST:

Clerk

Its Legislative Branch or a Majority Thereof

CITY OF MONTPELIER
TAX CERTIFICATE
TAX ANTICIPATION BORROWING

We, the Treasurer and at least a majority of the Select Board (the "legislative body") of the City of Montpelier, Vermont (the "Issuer"), hereby certify and represent as follows with respect to the \$2,400,000.00 Tax Anticipation Note (the "Note"), which Note is dated July 1, 2019 and is payable as therein set forth:

1. The Issuer is issuing and delivering the Note simultaneously with the delivery of the Certificate.
2. We are the officers of the Issuer charged by law with the responsibility for issuing the Note.
3. The Note is being issued in anticipation of the collection and receipt of taxes levied and assessed for the current fiscal year, and the receipt of other revenues during such period.
4. The entire amount borrowed by the issuance of the Note, together with all of such, if any, amounts previously raised or borrowed for the same purpose, does not exceed the total approved budget expenditures of the Issuer and is less than 90% of the taxes assessed or to be assessed for the current fiscal year.
5. Payment of the expenses financed by the Note is expected to proceed hereafter with due diligence and in accordance with the schedule of expenditures set forth on the attached Cash Flow Certificate.
6. The Note is not being issued to refund an obligation previously issued for the same purpose described in paragraph (3).
7. Any real and personal property, acquisition of which has been financed by the Note has not been and is not expected during the life of the Note to be sold or otherwise disposed of for consideration.
8. It is expected that any earnings or net profit derived from investment or deposit of the proceeds of the Note, including transferred proceeds, any accrued interest received upon sale of the Note and any premium received on the delivery thereof, will be expended during the term of the Note for essential governmental purposes to the extent that such funds are not commingled for accounting purposes in the general funds of the Issuer with tax and other substantial operating revenues.

9. The Issuer has not created and does not expect to create or establish any debt service fund, bond payment reserve, sinking fund, or other similar fund pledged to the payment of the Note or from which it is expected that payment of the Note would be made.

10. To the best of our knowledge, information and belief, the above expectations are reasonable.

11. The Issuer has not been notified of any action by the Commissioner of Internal Revenue to disqualify it as an issuer whose tax certificates may be relied upon.

12. No part of the proceeds derived from the issuance and sale of the Note nor the expenditures financed by the proceeds of the Note shall be:

- a. Used, loaned or otherwise made available to any person or other entity, other than the Issuer or a governmental body, so as to cause the Note to be classified as a private activity bond or arbitrage bond, as those terms are defined under the Internal Revenue Code of 1986.
- b. Used directly or indirectly in a trade or business by any person other than the Issuer or another municipal entity;
- c. Loaned to any person directly or indirectly other than the Issuer;
- d. The subject of any contract, lease or agreement of any sort having a term of one year or more and calling for the payment by the Issuer of consideration other than a flat fee;
- e. Expended to finance the construction, alteration or renovation of any improvement the use, occupancy, availability or beneficial enjoyment of which shall be restricted among public users thereof or for which preferential, different or unique fees, rates, assessments or charges shall be levied;
- f. Invested in such a manner or for such a period or at a yield to result in the rebate of interest earnings thereon to the United States under any public law now or hereafter in effect;

13. The Issuer shall furnish to the United States, or any agency, department or instrumentality thereof, in a timely fashion, such information as may be required by law with respect to all evidences of debt now or hereafter issued by the Issuer.

14. Neither the proceeds of the Note, nor any earnings derived from the investment thereof, shall be expended for the purpose of paying any costs associated with the issuance of the Note.

15. The Note will not be refunded or otherwise paid, defeased or secured by the proceeds of any form of debt issued by the Issuer, if the manner of such payment, refunding or

security, results in the Note being classified as a “private activity bond” or an “arbitrage bond” within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986.

16. The proceeds of the Note will not be used in a manner that will cause the Note to be an “arbitrage bond” or “private activity bond” within the meaning of Sections 103(c), 141 and 148 of the Internal Revenue Code of 1986, and the Regulations promulgated thereunder.

17. The aggregate principal amount of the note is not greater than the maximum anticipated cumulative cash flow deficit which has been computed in accordance with the Regulations promulgated under the Code Sections 103(c) and 148, which computation is shown on the accompanying Cash Flow Certificate dated June 10, 2019.

18. In addition to the record-retention requirements of Section 6001 of the Code, and the Regulations now or hereafter promulgated thereunder, the Issuer hereby adopts and commits to implement the procedures set forth in Schedule D which are intended to provide the following:

- (a) Assignment of tax-exempt and tax credit bond, if applicable, compliance responsibilities to appropriate departments, officers, or employees.
- (b) Establishment and maintenance of books and records for each issue of obligations of the Issuer.
- (c) Establishment of Code Section 148 compliant procedures for the investment of gross proceeds for each issue of the Issuer’s obligations.
- (d) Maintenance of records relating to all allocations of expenditures of proceeds of each issue of the Issuer’s obligations.
- (e) Periodic monitoring of use of proceeds of each issue of the Issuer’s obligations, the investment and reinvestment of proceeds from the temporary investments thereof and the use of property acquired or financed by the proceeds of such obligations.
- (f) Verification of the foregoing.

19. The Note is declared to be a “qualified obligation” under Section 265 of the Internal Revenue Code.

This Certificate is executed and is being delivered pursuant to Section 1.148(b)(2)(i) of the Regulations promulgated under Section 148 of the Internal Revenue Code of 1986.

CITY OF MONTPELIER

Treasurer

Its Legislative Branch
or a Majority Thereof

SCHEDULE D

MUNICIPAL BOND POST-ISSUANCE COMPLIANCE PROCEDURES

The following procedures have been adopted by the Issuer, effective as of the date of issue of the Note. These procedures shall be implemented immediately and shall relate to the Note and all currently outstanding and future debt obligations and financing leases. These procedures are intended to assist the Issuer in complying with those provisions of the Internal Revenue Code of 1986, as amended (the "Code") relating to (a) the qualified use of proceeds of the Issuer's tax-exempt and other tax advantaged bonds and notes and improvements financed by such proceeds; (b) arbitrage yield restrictions and rebate; (c) remediation of the effects of "deliberate action" of the Issuer which results in the disposition, abandonment or other change in use of property financed by the Issuer's debt obligation; and (d) the resolution of matters raised in connection with an audit or examination of the Issuer's tax-exempt or tax-advantaged obligations. These procedures are intended to furnish guidance in matters of Code compliance, and are subject to revision, modifications and enlargement from time to time.

- (1) The municipal official or employee possessing the statutory or contractual powers, functions and responsibilities of a Chief Financial Officer (to the extent the same are not exercised by the Treasurer) shall be responsible for monitoring Note post-issuance compliance (the "Compliance Official").
- (2) The Compliance Official shall review and implement these procedures in the manner necessary to ensure ongoing compliance with the provisions of the Tax Certificate. In connection therewith such official will become knowledgeable or consult an advisor experienced in post issuance compliance and will review and monitor notices, advice and directives as may be received by the Issuer from its bond counsel, accountants, financial advisors, and governmental sources.
- (3) On or before the first day of June in each year, the Compliance Official shall confirm that all Issuer property financed by the proceeds of the Issuer's obligations continues to be used in the same manner as existed when such property was first placed into service. Such confirmation shall be based upon a visual inspection and representations of the public officials under whose care, custody and control the property is placed.

- (4) For so long as the proceeds of any debt obligation of the Issuer remains unexpended, the Compliance Official shall confirm on the first day of June and the first day of December in each year that such proceeds are deposited or invested for a “temporary period” as established under Section 148 of the Code, and the Regulations thereunder. Following the third anniversary of the issuance of an Issuer obligation, all unexpended proceeds shall be invested so as to generate a yield no greater than the yield on the corresponding obligation.
- (5) The Compliance Official shall confirm, at least annually while there are unexpended proceeds, that the proceeds of each Issuer obligation shall be expended in such amounts, at such frequency, and in such intervals to ensure that the Issuer avails itself of one or more arbitrage rebate exception allowed under Section 148 of the Code, and the Regulations promulgated thereunder. Alternatively, if rebate is due, the Compliance Official will engage a consultant to prepare a Report to determine any rebate due.
- (6) With respect to the acquisition and construction of capital improvements financed with the proceeds of the Issuer’s debt obligations, the Issuer hereby declares that such proceeds shall be allocated to acquisition and construction expenditures prior to the expenditure and application of funds from any other public or private source. A final expenditure report accounting for the use of all Issuer obligation proceeds and earnings shall be completed no later than 18 months after the Project(s) financed by the Issuer obligation is placed in service.
- (7) In the event there is a change of use, abandonment or disposition of property financed by the proceeds of an Issuer obligation, the Compliance Official shall immediately consult with the Issuer’s bond counsel and accountants regarding remedial action. The Issuer thereafter shall endeavor to call and redeem all or a portion of outstanding debt obligations, the proceeds of which were expended to finance such property. The proceeds derived from the sale or other disposition of the financed property shall not be commingled with other funds of the Issuer, but shall be used to effect the redemption of obligations, if necessary, the proceeds of which financed such property. Pending redemption as called for in this section, such proceeds shall be invested at a yield no greater than the yield on the obligations to be redeemed.

- (8) The Compliance Official shall create and preserve records for the term of all Issuer obligation and any refunding thereof plus three years documenting the procedures incident to the authorization and issuance and identifying the proceeds of each issue of the Issuer's obligations, the deposit and investment thereof, the income derived from such deposit and investment, the expenditure of such proceeds and investment income (containing at a minimum the date, amount and recipient of each expenditure), payment requisitions, and all rate, fee, charge and assessment schedules relating to property financed by the Issuer's obligations. Such records shall include copies of loan agreements, escrow agreements, tax certificates, project bid documents, construction and acquisition contracts, project invoices, project-related bank statements, and documents related to anticipatory bond financing.
- (9) The Compliance Official shall retain all contracts or arrangements with non-governmental persons relating to the use, control and management of the Project(s) financed an Issuer obligation.
- (10) In the event there remain on hand any excess proceeds from an Issuer obligation, following acquisition or completion of the improvements for which such obligation was issued, the Compliance Official shall consult with the Issuer's bond counsel regarding the use of such proceeds.



**Addendum to Agenda
for
City Council Meeting**

June 26, 2019

19-194(i). Street Closure Request: Langdon Street July 3rd celebration

19-194(j). Approve “Pancakes for the People” vendor



SUBJECT: Street Closure Permit Application, July 3rd Langdon Street Party

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Review and approve request from Brad Lamell of Langdon Street Tavern to close Langdon Street on Wednesday, July 3rd for the July 3rd Langdon Street Party

STRATEGIC OUTCOME/PRIOR ACTION: Inclusive, Equitable and Engaged Community

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Requests for street closures require Council approval.

BACKGROUND INFORMATION: This is an annual event. The City Manager and Montpelier Alive have specifically required that this event not block access to the take-out window of Down Home Kitchen.

SUPPORTING DOCUMENTS: Street Closure Application

INTERESTED PARTIES: Applicant; Residents; Business owners; Fire; Police and Public Works

CITY MANAGER'S APPROVAL:

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

1. Event Sponsor

Name: <i>Brad Larnell Langdon Street Party</i>	Email: [REDACTED]
Address: <i>14 Langdon Street Montpelier VT</i>	
Cell Phone: [REDACTED]	Other Phone: [REDACTED]

2. Event Details

Name of Event: <i>annual 3rd July celebrations</i>	
General description of the event (1 to 3 sentences): <i>Annual 3rd July Street Party Celebration. We will be having of free music outside on the street.</i>	
Date of Event: <i>July 3</i>	Start and End Time of Event: <i>2pm - 1am</i>
Street(s) to be Closed - Please attach a sketch of the event layout. <i>Langdon</i> 	
Time Street will close (recommend up to an hour before event): <i>2pm</i>	Time Street will reopen (recommend 30 minutes after the event ends): <i>1am</i>
Number of Staff/Volunteers on site for Event:	
Number of people expected at event: <i>200-300 for-</i>	Number of vendors and/or entertainers who will participate: <i>1</i>
Name of General liability insurance carrier - Please attach proof of insurance. (General liability insurance for Special Events in the downtown area must be obtained by the Event Sponsor.) <i>Noyle Johnson Gray IS our Insurance Carrier</i>	

3. Community Support

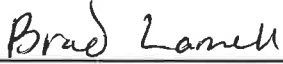
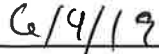
Is this a reoccurring event in Montpelier? <i>Yes</i>	If no, do you have experience elsewhere with such events? Please explain.
How does this event benefit the public (as outlined in the Street Closure Policy)? <i>Free event at Family to enjoy music outside at the 3rd July</i>	

4. Public Safety and Public Health

Please describe any discussions or arrangements that the Event Sponsor has made with public safety or public works professionals in Montpelier. <i>N/A</i>
What arrangements have been made for food, water, and toilet facilities (if applicable)? <i>We will provide these</i>
What arrangements have been made to assure that litter will be cleaned up and disposed of and that trash and recycling containers will be provided? <i>We Clean up the street after the event</i>
If additional law enforcement officials will be hired for your event, please list: <i>N/A</i>
Please note any other unique aspects of this event: <i>None</i>
Will noise levels or hours exceed the city's noise ordinance? If so, will this event require a request for variance from the noise ordinance? <i>The ban will be done before 11pm</i>

5. Accessibility

As this event will take place on public property, I, as the Event Sponsor, attest that this event and all related programming and facilities meet the Americans with Disabilities Act accessibility requirements. These requirements are available at the City's website.

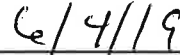




Signature Printed Name Date

6. Signature

I, the undersigned, certify that the information provided above is valid and I will abide by any additional provisions note by Officials below. I acknowledge that I have read and understand the Montpelier Street Closure policy and that I am responsible for compliance with all requirements contained in that policy. I also agree to be onsite for the duration of the above mentioned street closure.





Signature Printed Name Date

Notice Documentation

Name of Event: July 3-19 Annual 3rd July Celebration	
Date of Event: July 3	Start and End Time of Event: 4-12 am
Street(s) to be Closed: Longden	
Time Street will close (recommend up to an hour before event): 2 pm	Time Street will reopen (recommend 30 minutes after the event ends): 1 am
Date of City Council Meeting to consider permit request:	
Describe Efforts made to notify residents and businesses along the street to be closed. Notification must include both the date/time of the proposed event and the date/time of the City Council meeting where the street closure will be considered. Letter in all the mail boxes on the street.	

Special Event / Street Closure Permit Application

FOR OFFICIAL USE ONLY

The following parties have reviewed and approved:

POLICE	
Reviewed by: <u>NEIL MARTEL</u> Print Name <u>[Signature]</u> Signature <u>6/19/19</u> Date	☐ Reviewed – recommend approval with no conditions ☒ Reviewed – recommend approval with conditions: <i>Same as last years Police to Control Traffic @ all Intersections.</i> ☐ Reviewed – do not recommend approval
PUBLIC WORKS	
Reviewed by: <u>Tom McArdle</u> Print Name <u>[Signature]</u> Signature <u>6/19/19</u> Date	☐ Reviewed – recommend approval with no conditions ☒ Reviewed – recommend approval with conditions: <i>Use proper traffic control devices for closing street. Maintain a pedestrian bypass for non-participants to use the street.</i> ☐ Reviewed – do not recommend approval
FIRE DEPARTMENT	
Reviewed by: <u>Robert Gowans</u> Print Name <u>[Signature]</u> Signature <u>6.25.19</u> Date	☐ Reviewed – recommend approval with no conditions ☒ Reviewed – recommend approval with conditions: <i>MUST Maintain Emergency Vehicle Access</i> ☐ Reviewed – do not recommend approval

Special Event / Street Closure Permit Application

MONTPELIER ALIVE	
Reviewed by: <u>Dan Groberg</u> Print Name <u>DS</u> Signature <u>6/19/19</u> Date	☐ Reviewed – recommend approval with no conditions ☒ Reviewed – recommend approval with conditions: must provide access to Down Home takeout window from both ends of parking ☐ Reviewed – do not recommend approval
OTHER	
Reviewed by: <u>Bill Frass, Jr.</u> Print Name <u>[Signature]</u> Signature <u>6/24/19</u> Date	☐ Reviewed – recommend approval with no conditions ☒ Reviewed – recommend approval with conditions: No business entrances to be blocked without permission of owner. Including Down Home take out store window. ☐ Reviewed – do not recommend approval

This permit request was reviewed at the _____ City Council meeting.
(MONTH/DAY/YEAR)

This permit request was: APPROVED _____ DENIED _____



**Addendum to Agenda
for
City Council Meeting**

June 26, 2019

- 19-194(i). Street Closure Request: Langdon Street July 3rd celebration
- 19-194(j). Approve “Pancakes for the People” vendor



CITY COUNCIL Agenda Item #19-194(j)

Date: June 26, 2019

Consent X Discussion ____

SUBJECT: "Pancakes for the People" – Eli Mutino

SUBMITTING DEPARTMENT: City Clerk

RECOMMENDED ACTION: Approve request from Eli Mutino to serve free pancakes in front of City Hall once a week for 4 consecutive weeks from 7-10 AM.

STRATEGIC OUTCOME/INITIATIVE: Inclusive, Equitable & Engaged Community

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Health officer inspection

BACKGROUND INFORMATION: The City Clerk received a request from Eli Mutino to serve food in front of City Hall. From Mr. Mutino: "My intention is to serve food on the street for free to the public. For 4 consecutive weeks, once a week, from 7am-10am ... I will cook a variety of pancakes, including savory, and a gluten and dairy-free recipe. I would not accept any money for the food or my time. For me, this is a practice of food-based generosity education. And I have a relationship with local growers and farmers who will donate ingredients."

SUPPORTING DOCUMENTS: None

INTERESTED PARTIES: General public

CITY MANAGER'S APPROVAL:

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



CITY COUNCIL Agenda Item #19-195

Date: June 26, 2019

Consent ____ Discussion X

SUBJECT: Appointment to the Montpelier Americans with Disabilities Act (ADA) Advisory Committee

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Review application from Linda Lyles and consider appointment to the ADA Committee

STRATEGIC OUTCOME/INITIATIVE: Responsible & Responsive Government; Inclusive, Equitable and Engaged Community; Public Health & Safety; Thoughtfully Planned Built Environment

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS:

BACKGROUND INFORMATION: The ADA Committee's continuing mission is to coordinate and monitor City ADA compliance; provide guidance and evaluate efforts to improve access to City facilities and programs; develop procedures to identify and correct access deficiencies, including access to communications; advise the City Council regarding compliance-related issues and recommend appropriate remedial actions; field complaints alleging the City's noncompliance with ADA; and connect the City and community to achieve greater awareness of the ADA.

There is a vacant seat on the ADA Committee. **We received an application from Linda Lyles.**

SUPPORTING DOCUMENTS: Application

INTERESTED PARTIES: City Council; ADA Committee

CITY MANAGER'S APPROVAL:

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

From: noreply@civicplus.com
Sent: Friday, June 14, 2019 11:45 AM
To: Jamie Granfield
Subject: Online Form Submittal: City of Montpelier Boards & Commissions Application

City of Montpelier Boards & Commissions Application

APPLICATION FORM MONTPELIER CITY BOARDS AND COMMITTEES

Please use this form to express your interest in serving on a particular board/committee or commission. For information on our boards and committees, please visit <https://www.montpelier-vt.org/committeevacancies>. The Montpelier City Council makes appointments to board/committees at their regular meetings as vacancies occur. Completed applications are public documents and are subject to the Vermont Public Records Act.

The Montpelier City Council is committed to seeking diversity on all boards, committees and commissions, including but not limited to geographic, racial, gender, cultural, age, socio economic diversity. Montpelier residency for applicants is preferred but not required.

Name	Linda M. Lyles
Email Address	[REDACTED]
Address	[REDACTED]
City	Montpelier
State	Vermont
Zip Code	05602
Phone Number	Field not completed.
Occupation	disabled
Are you 18 years of age or older?	Yes
Are you a registered voter in the City of Montpelier?	No
Are you a resident of the City of Montpelier?	Yes
How long have you been a resident of the City of Montpelier?	one month

Are you related to any elected City Councilor (including by marriage)?	No
Do you have any pending litigation against the City?	No
Name of City Board or Committee: (If applying for more than one board/committee, please list order of preference)	Americans with Disabilities Act Advisory Committee
Are you currently serving or have you served on any City board or committee? If so, please list and give approximate dates.	No

Please answer each question in as much detail as possible.

Education/Credentials:	G.E.D. earned in 2000 from Pasco County Florida
Professional activities that relate to this board/committee:	None
Community activities that relate to this board/committee:	None
Why are you interested in serving on this board/committee?	As someone who is disabled, I am extremely interested in serving on the ADA Advisory Committee in Montpelier to help make this lovely city more enjoyable and accessible to everyone.
What talents or experience would you bring to the board/committee?	As someone who suffers from a disability, I have daily first-hand experience to the difficulties that the disabled must contend with. I enjoy research and seeking solutions to fix problems. I am a pro-active, determined individual. I am interested in being part of a team who share my concerns for this important matter and giving my input and assistance to work together to make Montpelier a better place for all residents and visitors.
Any other comments or information you wish to provide to the Mayor and City Councilors?	My husband and I have recently relocated to Montpelier from the Tampa Bay area of Florida. Montpelier is a beautiful, fun city with welcoming residents. I would like to do my part to make sure every person living or visiting here is able to enjoy everything Montpelier has to offer.

Are you involved in any personal, professional or business pursuit that would affect your ability to make fair and impartial recommendations as a member of a City advisory board or committee?

No

ACKNOWLEDGMENT

I have read and accept the terms of board/committee appointment.

By e-signing this application, I certify that there are no misrepresentations, omissions or falsifications on this application.

Linda Lyles

6/14/2019

Submitted on:

Thank you for your interest in serving the City of Montpelier as a volunteer board or committee member. Your willingness to serve is greatly appreciated.

Email not displaying correctly? [View it in your browser.](#)



SUBJECT: Consideration of an engineering and traffic investigation to determine the appropriate posted speed limit of Berlin Street from Granite Street – Berlin / Montpelier corporate boundary.

SUBMITTING DEPARTMENT: Department of Public Works

RECOMMENDED ACTION: Conduct the 2nd public reading. Reduce posted speed limit on Berlin Street from 35 mph to 30 mph.

STRATEGIC OUTCOME/PRIOR ACTION: Inclusive, Equitable and Welcoming Community. Thoughtfully Planned Built Environment. (Advance complete streets initiatives)

EXPENDITURE REQUIRED: Less than \$500

SOURCE OF FUNDS: General Fund – DPW Operating

LEGAL REQUIREMENTS: State law and the Manual on Uniform Traffic Control Devices (MUTCD) regulate and establish guidance in the procedure for the establishment on an effective and enforceable speed limit on a public highway. Title 23, V.S.A. §1007 authorize the local governing body to establish and post speed limits on town-owned highways.

BACKGROUND INFORMATION: The Department of Public Works conducted an Engineering & Traffic Investigation of Berlin Street for the determination of a reasonable and safe speed limit. The investigation provides guidance from which to make informed judgements and conclusions based on a factual analysis of the roadway characteristics, conflicts and typical uses including pedestrians and bicyclists. The investigation is required to establish and enforce a speed limit of less than 35 mph for any public highway.

SUPPORTING DOCUMENTS: Memorandum to W. J. Fraser dated June 19, 2019 entitled "Berlin Street Speed Limit Follow-up Information"

INTERESTED PARTIES: Berlin Street Residents, Police Department, Montpelier Transportation Infrastructure Committee

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to be "W. J. Fraser", written over a horizontal line.

**City of Montpelier
Department of Public Works
Memorandum**

To: Hon. Mayor Watson & City Council
William J. Fraser, City Manager
From: Thomas McArdle, Director
Date: June 19, 2019
Subject: Berlin Street Speed Limit
Follow-up Information

This memorandum is presented as a follow-up to some of the questions and comments raised at the first public hearing held on June 12, 2019.

Setting Speed Limits:

The City Council may be interested in a publication prepared by the Vermont Local Roads Program by using the link to the website or we can provide a paper copy upon request.

In response to the suggestion that a town wide speed limit should be established, see page 15 for frequently asked questions and answers and pasted below:

Q. Can a single speed limit, for example 35 MPH, be established for all the roads in town and posted at each highway entering the town?

A. It is doubtful that an engineering and traffic study would indicate that any one speed limit would be proper for all highways in a town. Signing only at the town line does not fulfill the mandate of the law for posting speed limits.

As to the question about setting the limit based on a request made by a majority of Berlin Street residents, the following Q&A is included in the questions & answers section:

Q. What if the selectmen receive a petition from a significant number of residents demanding a speed limit in a certain area?

A. The law states that the speed limit must be based on an engineering and traffic study. A petition may result in a survey, but the decision to establish a speed limit must be based on the results of the study, not the opinion of the petitioners.

<https://localroads.vermont.gov/sites/localroads/files/files/resources/materials/Setting%20Speed%20Limits%20Guide%20Update%20August%202016.pdf>

Does the Council have discretion in setting a speed limit not supported by the study?

I spoke with the city attorney, Joe McLean about this question and he believes the answer is not entirely clear or well established through precedence. He provided the italicized paragraphs printed below.

In one instance, the Selectboard in a Chittenden County town set the speed limit on a local highway lower (35 mph) than the speed recommended by a traffic study (50 mph), relying on testimony from the police chief regarding accidents/traffic safety to do so. Upon challenge by a defendant, the hearing officer dismissed the speeding ticket at issue and held that the Selectboard's action in ignoring the traffic study in favor of the Chief's recommendation was arbitrary and capricious; the hearing officer invalidated the local speed limit. The District Court ultimately upheld dismissal of the ticket and invalidation of the speed limit established by the Selectboard.

In another case, the traffic study recommended a speed limit of 50 mph and the Selectboard, overruling the traffic study on the basis of its knowledge of local "influencing factors," recommended setting the speed limit on all involved roads at 35 mph. The Judicial Bureau hearing officer held that "the Selectboard may have better met its responsibilities to its constituency by superimposing its own judgment onto the consultant's recommendations." In that case, the ticket was upheld.

Given the above, it appears there are circumstances where a local legislative body may deviate from the recommendations in a traffic and engineering study when setting a local speed limit. When doing so, however, the legislative body should set forth, on the record, as clearly and comprehensively as possible, the reasons that it is deviating from the recommended speed, including any and all local influencing factors, such as knowledge of pedestrian and bike traffic, road conditions, curb cuts, sight lines, children living in the area, etc. The more thoroughly the members of the legislative body can demonstrate knowledge of "the intricacies of their geography," the more likely any speed limit that deviates from the traffic and engineering study recommendations will be upheld.

The above referenced guide for setting speed limits includes the paragraph pasted below on page 5. See also the "Enforcement" section on page 20.

".....to effectively enforce a law, the public must believe that the law is reasonable. Local officials should not set a uniform speed limit for all roads and streets, nor should they succumb to pressure by residents to lower speed limits. The random installation of signs and speed limits can be detrimental to safety by breeding disrespect for all speed limits. The majority of motorists will drive at a speed that they perceive to be safe. In the absence of a study identifying that speed limit, setting a speed limit too low merely punishes motorists who otherwise obey the law. Studies indicate that the measured average speed that most drivers perceive safe is at or very close to the speed limit established by a traffic engineering study."

Pedestrian & Bicyclist Volumes

Some folks may have misunderstood the Factor 5 of comments about relatively low pedestrian & bicycle traffic using Berlin Street. To clarify, the point of the observation was to indicate the average travel speed recorded on the street and the excessive traffic volume may be discouraging some people from using alternative means of transportation or for exercise & recreation. We question whether there is a safety concern or if there are other factors influencing walking and biking choices or a combination of factors. This point contributed to the recommendation to lower the limit.

Advance signage

With regard to the posting of signs, the MUTCD recommends posting a “reduced speed limit ahead” to inform motorists they are approaching a speed zone where the speed limit is reduced by 10 mph or more. In this case, the advance warning will be installed on the approach from the Town of Berlin.

As to the Welcome to Montpelier sign, we agree this would be a good idea and could help inform motorists that they are entering a neighborhood setting. The advance speed reduction sign will compliment a welcome sign. This matter will be discussed with other staff. Be advised that unless the sign conforms to the MUTCD, it cannot be located in the highway ROW. Consequently, there is a process involved in the use of artistic style welcome signs.

Physical alterations vs design speed

Questions were raised about the design speed of the street and whether physical alterations would be helpful and / or needed to encourage a lower prevailing speed. Essentially, the geometric conditions of a street or highway greatly influence the speed at which the majority of drivers will travel. The principles of traffic calming address this topic and studies have shown there are several strategies available including physical alterations that can be employed to encourage lower speeds and which are far more effective and longer lasting than aggressive enforcement. Route 2 passing through Danville is a modern example of an effective use of traffic calming measures on a state highway system implemented as part of a reconstruction project.

At the time Berlin Street was reconstructed in the early 1980s, it’s functional classification as a minor arterial facility and connecting route served as the basis of design under FHWA guidelines in place at the time. The Vermont state standards were revised in 1997 & approved by FHWA for a variety of reasons intended to reduce impacts on resources (built & natural) and permitting greater flexibility for the design of highways in a manner more appropriate for the existing conditions. The challenge here is effectively achieving a lower speed limit with the greatest possible amount of voluntary compliance on a facility having a higher design speed.

Sidewalks:

The issue of a sidewalk extension on Berlin Street from Hebert Road to Sherwood Drive was mentioned at the hearing and has been an identified need for quite some time. Staff agrees that the sidewalk is warranted and was identified as a "Gap" in the Montpelier In Motion bike & pedestrian master plan. A grant application was submitted for funding through the VTrans alternative transportation program but unfortunately it was denied. This is a very popular program so the number of applications usually exceeds available funds. Staff is considering an in-house design & construction project which may be advanced in phases over the next few construction seasons. When we've confirmed the timing of this project, we will meet with adjacent property owners to identify and remedy any possible constraints and concerns. More to follow on this in the future.

Regarding sidewalks on Sherwood Dr, staff shares the resident's perspective that a sidewalk on at least one side of the street is an important future need and it too is identified as a "Gap" in the master plan. To create the space for the sidewalk, the drainage systems and curbing were relocated during the recent street resurfacing project. There are no immediate plans to build the sidewalk until a funding source is identified & secured.

C: Sue Allen, Assistant City Manager
Anthony Facos, Chief of Police
Corey Line, DPW Project Management Director



CITY COUNCIL Agenda Item #19-197

Date: June 26, 2019

Consent ☐ Discussion ☒

SUBJECT: Downtown Improvement District (DID) Report and FY20 Budget

SUBMITTING DEPARTMENT: Montpelier Alive

RECOMMENDED ACTION: Receive report, approve DID FY20 budget

STRATEGIC OUTCOME/INITIATIVE: Community Prosperity, Sustainable Infrastructure, Thoughtfully Planned Built Environment

EXPENDITURE REQUIRED: \$60,091

SOURCE OF FUNDS: Downtown Improvement District

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: Montpelier Alive manages the Downtown Improvement District funds on behalf of the City. Each year, Montpelier Alive must report on the prior year's activities and receive approval for a budget plan for the new year.

SUPPORTING DOCUMENTS: Report on FY19 activities and FY20 request

INTERESTED PARTIES: Downtown Improvement District taxpayers, general public, Department of Public Works

CITY MANAGER'S APPROVAL:

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downtown
Montpelier

Downtown Improvement District Report

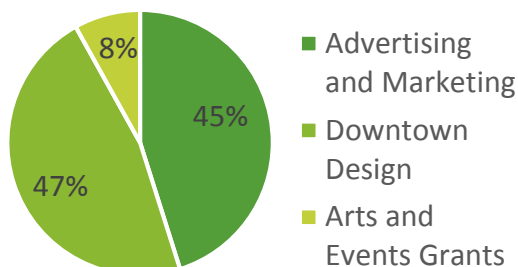
Fiscal Year 2019

Montpelier
ALIVE

JUNE 26, 2019

FISCAL YEAR 2019 REPORT

FY 2019 Budget by Category



The goals of the Downtown Improvement District established by City Council are

- to capitalize on the charm of our downtown by improving the downtown

streetscape and make it attractive to residents, visitors, and shoppers;

- to increase the marketing of downtown Montpelier to both tourists and Central Vermont residents;
- to market Montpelier as a unique destination for tourism and business;
- and to promote a climate which will strengthen our existing businesses while attracting new businesses to the city.

Key Engagement Metrics

f 5,872 Facebook likes, up 27.3% YOY

globe 43,453 website visits, up 28.9% YOY, 1m 38s average duration

envelope 4,860 newsletter subscribers up 97% YOY

ADVERTISING AND MARKETING (\$25,960)

This work serves the goal of increasing the marketing of downtown Montpelier to both tourists and Central Vermont residents and marketing Montpelier as a unique destination for tourism and business. Our advertising and marketing funding supported in-state advertising (\$10,000), out-of-state advertising (\$9,000), materials (\$2,500), photography and videography (\$2,460) and our tourism-focused website (\$2,000).

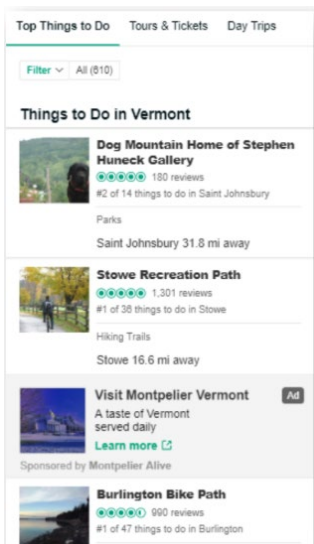
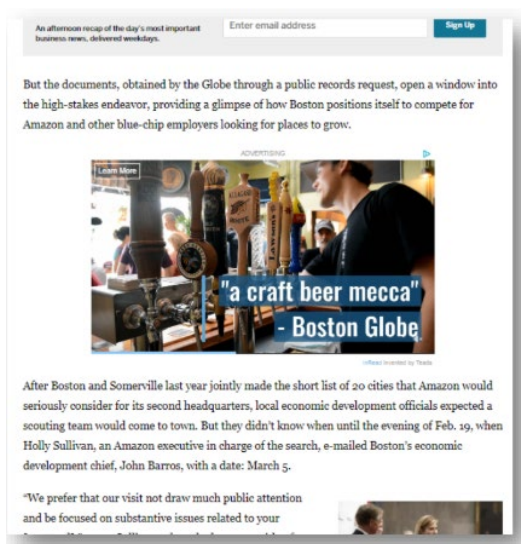
\$10,000 IN-STATE ADVERTISING

Montpelier Alive used these dollars for the promotion of Downtown Montpelier, including events and local tourism, within Vermont. The marketing costs were all direct advertising costs used for radio, print, and social media campaigns. This includes event advertising for MayFest, Moonlight Madness, Art Walk, ArtsFest and other Montpelier events in local newspapers, on



Facebook, in Seven Days e-newsletters, and more. It also includes ads based on Montpelier's branding campaign promoting Montpelier as a destination in Best of Central Vermont magazine and other venues. We continue to do innovative and eye-catching ad campaigns, such as our cabin shaped post-it note on the front of an issue of The Bridge promoting the Cabin Fever sale. Cooperative advertising and Montpelier Alive funds are frequently leveraged to expand campaigns. For example, we supplemented \$979 in DID funds with nearly \$7,500 in funds from businesses to conduct an \$8,400 holiday shopping campaign on local radio, VTDigger, and in The Bridge.

\$9,000 OUT-OF-STATE ADVERTISING



These dollars are spent to attract visitors from outside of Vermont to visit Montpelier. Funds were spent on a comprehensive marketing campaign in winter 2019 with the Vermont Department of Tourism and Marketing (VDTM) and targeted digital promotions on Facebook, Instagram, and Waze.

VDTM provided \$10,000 in matching funds to create a \$25,000 campaign on the

Boston Globe website, TripAdvisor, and Facebook. This campaign yielded more than 1.4 million impressions. The Boston Globe campaign allowed us to reach a key demographic for Montpelier tourism, and the Trip Advisor campaign reached people at the point of trip planning. The Trip Advisor campaign performed at twice the average click through rate.

\$2,500 MATERIALS

Funds were spent on the creation and initial distribution of the new Experience Montpelier tourism brochure. Carry-over funds from the previous fiscal year were also used. This 48-page document contains businesses listings, a map, and other valuable information for visitors to Montpelier. We printed 30,000 copies and will distribute them at more than 150 locations including several State Welcome Centers. We leveraged DID assets by selling advertising to allow us to print more copies and expand distribution further than we would have otherwise.



\$2,000 WEBSITE

These funds support the hosting and maintenance of our tourism-focused website, as per our MOU with the City. We have continued to build new content in our Discover Montpelier itinerary series and expand our business directory. We intend to launch a new services section in the coming months. A portion of these funds went toward contractors to create content and make web design improvements. We also continued our popular weekly email newsletter, “Vermont, served daily,” which highlights downtown businesses, upcoming events, and city news. Funds supported the costs of the email marketing client used.

\$2,460 PHOTOGRAPHY AND VIDEOGRAPHY

“I THINK [THE] LOVE LETTER SERIES IS BEAUTIFUL AND REFRESHING. I HAVE FALLEN IN LOVE WITH MONTPELIER’S CHARM ALL OVER AGAIN! WE LIVE IN A PRETTY SPECIAL CITY!” –PREYA HOLLAND

These funds were spent on building our photographic library for promotional purposes, including event and general downtown photography, and on creating the #MontpLove series of videos about Montpelier. We worked with local filmmakers Well Told Films on a way to showcase the authentic Montpelier through stories rather than just another glossy promotional video. The series has already received more than 20,000 views across various platforms.

DOWNTOWN DESIGN (\$29,000)



This work serves the goal of improving the downtown streetscape and making it attractive to residents, visitors, and shoppers. Our Downtown Design program supported wayfinding signage (\$14,000), holiday decorations (\$6,000), planting and maintenance (\$7,000) and streetscape (\$2,000).

\$14,000 WAYFINDING SIGNAGE

A portion of these funds were paid to Surface Matters Design, the consultant designing and implementing the Wayfinding Plan. Additional funds were reserved for project execution in 2019.

\$6,000 HOLIDAY DECORATIONS

These funds were used to beautify Montpelier and create a festive atmosphere during the holiday season. Funds

were spent on garland, wreaths, lights, and installation by a local contractor. Funds were also spent on engineering studies to redesign the wire that holds decorations across the State/Main intersection, which is failing.

\$7,000 PLANTINGS AND MAINTENANCE

These funds supported downtown flower barrels and hanging baskets, a new landscape design and planting for City Hall Plaza (designed by Montpelier landscape architect Didi Brush), and watering and maintenance for these items. We also contributed \$500 toward the planting of the Langdon Street Flower Bridge.

\$2,000 STREETScape

Our primary project this year was the installation of a street mural in the 60 State Street parking lot. The design was completed pro-bono by local artist Rob Hitzig, and the work was installed using volunteer labor and supplies purchased locally. Funds also supported the purchase of an additional set of traffic control devices to be used by the Capital City Farmers Market and other downtown events.

COMMUNITY EVENT GRANTS (\$5,000)

One objective of the Downtown Improvement District funds is to capitalize on existing community events and programs and maximize the diversity of events. The Community Event Grant awards, which are annually administered by Montpelier Alive and leveraged Montpelier Alive's technical and promotional assistance, supported unique events that bring visitors to Montpelier and enhance our brand as an exciting cultural hub.

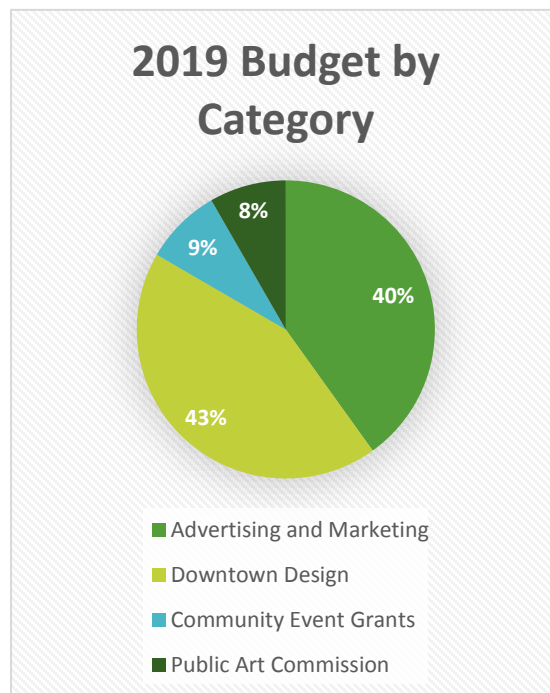
The grant opportunity was publicly advertised and awardees were selected a review committee in consultation with the Montpelier Alive Board of Directors.

In 2019, DID funds supported eight Community Arts and Events awardees, each of which will work to leverage and strengthen existing community assets as they carry out their events later this year. We had additional funds to award because one 2018 awardee returned funds after cancelling their event. The 2019 awardees were:

- \$650 for Montpelier Chamber Orchestra's Ahmal and the Night Visitors
- \$1,100 for the Vermont Arts Council/Big Heavy World's Make Music Day
- \$2,000 for Feast of Fools
- \$1,000 for Spice on Snow
- \$500 for Center for Arts and Learning's grand re-opening celebration during September Art Walk
- \$500 for New Music Uncaged During September Art Walk
- \$250 for Art Resource Association Workshops
- \$1,000 for Scrag Mountain Music's Musical Scavenger Hunt

FISCAL YEAR 2019 PLAN

2019 Proposed Budget	
Advertising and Marketing	\$24,091
In-State	\$7,500
Out-of-State	\$7,500
Tourism Brochure	\$5,000
Website	\$2,000
Photography and Videography	\$2,091
Downtown Design	\$26,000
Wayfinding Signage	\$12,000
Holiday Decorations	\$6,000
Plantings and Maintenance	\$7,000
Streetscape	\$1,000
Public Art Commission	\$5,000
Community Event Grants	\$5,000
	\$60,091



MAJOR PRIORITIES FOR 2019

OUT-OF-STATE MARKETING WITH STATE MATCH

We look forward to continuing work with the State Department of Tourism and Marketing to reach key out-of-state markets. We plan to repeat our successful Discover Montpelier fall giveaway campaign that yielded many additional email addresses for our list while raising awareness of Montpelier during the fall tourism season.

TOURISM BROCHURE

We will continue distribution of our new Experience Montpelier Tourism Brochure and reserve funds for reprinting as necessary.

PHOTOGRAPHY AND VIDEOGRAPHY

We will work with local photographers to continue adding to our library of Montpelier photographs, including photos of events and downtown businesses. These creative assets are used frequently in newspaper articles, advertisements, event materials, etc.

WAYFINDING

COUNCIL OUTCOME: SUSTAINABLE INFRASTRUCTURE

INITIATIVE: FUND AND CONSTRUCT WAYFINDING PROJECT

We plan to complete the wayfinding project in 2019. This will require an additional outlay of funds to Surface Matters Design for project management, and to the fabricator for project execution. We have received a \$100,000 grant from the State of Vermont Downtown Transportation Fund toward this project. Total project costs are approximately \$230,000. Along with additional grant funds, Montpelier Alive funds, 2019 DID funds, and CIP funds, this outlay will allow for project completion.

PUBLIC ART COMMISSION

COUNCIL OUTCOME: THOUGHTFULLY PLANNED BUILT ENVIRONMENT

We committed \$5,000 annually to the Public Art Commission to fund their work to bring additional public art to Montpelier. Public Art contributes dramatically to the vibrancy of a downtown, and we look forward to seeing new pieces in our downtown. Montpelier Alive has a representative on the Public Art Commission to ensure that a portion of the Commission's work takes place downtown.



CITY COUNCIL Agenda Item #19-198

Date: June 26, 2019

Consent ☐ Discussion ☒

SUBJECT: First discussion of the proposed permanent zoning fixes

SUBMITTING DEPARTMENT: Planning & Community Development

RECOMMENDED ACTION: Council should review the proposal, ask questions of staff, and take public testimony. When ready to adopt, Council should make a motion to set a date for a hearing to adopt the proposed zoning amendment.

STRATEGIC OUTCOME/INITIATIVE: Thoughtfully planned built environment.

PRIOR ACTION: Council had previously adopted interim zoning for some fixes. Those will now be made permanent.

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Permanent zoning changes are adopted under 24 V.S.A. 4442.

BACKGROUND INFORMATION: The Planning Commission has reviewed about 100 changes (many small) to the recently adopted zoning. These changes were discovered as the zoning was being used - some areas were unclear while other rules simply didn't work. The Council voted on March 28th to adopt the interim changes for some critical issues. This is now the complete set of clarifications and typos including the previously approved interim changes.

SUPPORTING DOCUMENTS: [Click on this link](#) to view the slightly revised strike out copy of zoning changes is attached along with the punch list used by the Planning Commission to review the changes. The most recent strikeout copy only has a limited number of changes to sections 1203 to 1206 based on input from the City Attorney regarding regulating non-conformities (grandfather structures and uses).

INTERESTED PARTIES: Planning Commission

CITY MANAGER'S APPROVAL:

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CITY COUNCIL Agenda Item #19-199

Date: June 26, 2019

Consent_ Discussion X

SUBJECT: Ordinance Amendments, Chapter 5, 1st public reading

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Conduct 1st Public Reading of the proposed amendments to Chapter 5, Fire Department, of the Code of Ordinances. Provide an opportunity for comments from neighbors and interested citizens. Approve proposed amendments.

STRATEGIC OUTCOME/PRIOR ACTION: Responsive and Responsible Government; Inclusive, Equitable and Engaged Community; Public Health & Safety

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: A complete review of the City's Code of Ordinances was noted as a priority initiative of the City Council at their last Strategic Planning retreat. The purpose of this review is to amend or repeal outdated ordinances and those with lack of resources to enforce; add gender inclusive language (staff researched and reached out to Outright Vermont for assistance); where possible, add restorative processes option in the event of violation; undergo a legal review; and a general clean-up.

SUPPORTING DOCUMENTS: Chapter 5 of the Code of Ordinances with proposed amendments

INTERESTED PARTIES: City Council, residents, staff

CITY MANAGER'S APPROVAL:

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

CHAPTER 5
FIRE DEPARTMENT
ARTICLE I. FIRE REGULATIONS

Sec. 5-1. CONTROL OF STREETS DURING FIRE.

During the continuance of any fire, the ~~chief engineer~~Incident Commander, or in ~~his~~their absence the officer then in command, shall have absolute and exclusive control of the streets and public places adjacent to the location of such fire, and ~~he~~they may blockade the same and forbid passage therein; ~~he~~they may require those present to stand back to any reasonable distance; ~~he~~they may command the assistance of any police officer or other person present at such fire in extinguishing the same or in preventing its spread or in saving and securing property. In addition to the powers given in the Charter, ~~he~~they shall have the power, at any fire, to cut and remove, or cause the same to be done, any electric, telephone, telegraph or other wire, stay, cable, or any pole or other support thereof, or any other obstacle to the efficient extinguishment or control of such fire; and to require the cutting out of any electric current which may interfere therewith.

Sec. 5-2. REFUSAL TO OBEY AUTHORIZED ORDER AT FIRE.

No person shall unreasonably neglect or refuse to obey any authorized order, requirement or request of any officer of the fire department at any fire within the city; and upon such neglect or refusal, it shall be the duty of such officer to report ~~the same to the City Council within five days thereafter~~immediately to the Police.

~~CROSS REFERENCE: Obedience to fire department officers, see Section 10-4 this Code.~~

~~**Sec. 5-3. NO CITIZEN AUTHORITY AT FIRE.**~~

~~———— No person, not a member of the fire department, being present at a fire shall assume without authority to exercise control over any member of the department in respect to duty, or shall willfully or unnecessarily make outcries or other loud noises, or shall be guilty of disorderly conduct, or promote or encourage disorderly conduct in others then present.~~

~~**Sec. 5-4. UNAUTHORIZED ENTRANCE INTO FIRE AREA.**~~

~~———— No person not a member of the City Council or of the fire department or of the police department shall, at a fire, without the authority of a member of the City Council or of an officer of one of said departments, enter upon any part of a street or public place that is by authority blockaded, roped off, barricaded, or plainly designated in any way as set apart for use of the fire department in extinguishing such fire or for securing or protecting property or for the protection of persons at such fire.~~

Sec. 5-5. USE OF APPARATUS BEYOND CITY.

No truck or any part of the apparatus of the ~~fire~~Fire departmentDepartment shall be taken from the City, at any time, except for the purpose of having the same repaired ; ~~provided, or in response to a mutual aid compact request for assistance however, that or~~ in case of a fire in a neighboring town or city,

~~the chief engineer with the consent of the mayor or city manager or, in case either of them~~

~~cannot be found, with the consent of one of the alderman, may order not more than one-half of such fire apparatus accompanied by not more than one-half of the members of said department, to be taken to such town or city for the purpose of assisting in extinguishing such fire.~~

~~CHARTER REFERENCE: Use of fire apparatus outside city, T.10, Sec. 38, 1955 Charter.~~

Sec. 5-6. REPORT OF FIRE HYDRANT USE.

After the use by the ~~fire~~Fire department~~Department~~ of any hydrant, the ~~chief engineer~~duty officer shall immediately report the fact to the water commissioner.

~~CROSS REFERENCE: Permission to draw water from hydrant, see Sec. 3-330 this Code.~~

Sec. 5-7. DESTRUCTION OR INTERFERENCE WITH DEPARTMENT APPARATUS OR EQUIPMENT.

No person shall destroy, deface, or in any way injure the apparatus of the ~~fire~~Fire department~~Department~~ or the fire alarm telegraph, or any part or appurtenance thereof, or interfere with or do anything to the same so as to prevent or delay the proper or timely use thereof, or hinder or obstruct the extinguishment or control of fire or the protection of persons or property at a fire.

Sec. 5-8. FALSE ALARMS.

No person shall knowingly cry out or ring in or cause to be given a false alarm of fire, or after an alarm of fire has been given maliciously and falsely proclaim the fire to be extinguished or under control.

~~**Sec. 5-9. NAME AND ADDRESS OF THOSE TURNING IN AN ALARM.**~~

~~——— A person giving an alarm of fire shall forthwith give his name and address to the chief engineer of the fire department, who shall place the same on file in office.~~

Sec. 5-10. FIRE DEPARTMENT RULES AND REGULATIONS.

All rules, regulations and penalties made, established, fixed or prescribed by the ~~chief engineer~~Fire Chief of the ~~fire~~Fire department~~Department~~ under the Charter, shall be promulgated in writing, shall be dated and signed by the ~~chief engineer, and shall be filed and recorded in the office of the city clerk;~~Fire Chief; and a copy thereof shall be furnished each member of the ~~fire~~Fire department~~Department~~ and shall at all times be conspicuously displayed at the fire station.

~~**Sec. 5-11. STREET FIRES WITHOUT PERMIT.**~~

~~——— No person shall make a fire in or upon a street or public place, except by permission of the chief of police and chief of the fire department.~~

~~**Sec. 5-12. LEAF BURNING; PERMIT.**~~

~~——— No person shall set fire to paper, shavings, leaves, brush, or other waste material, in a street or public place, except to make a fire under permission granted as provided in the~~

~~preceding section.~~

Sec. 5-13. OUTDOOR BURNING.

The Montpelier Fire Department shall regulate and monitor burning in the City and shall prohibit any burning deemed to be potentially a nuisance, unsafe or noxious. The Fire Department will issue permits for fires as required under this ordinance. The Fire Department has the authority to order changes or extinguishment, if necessary, to remove a nuisance or unsafe condition.

Outdoor burning is classified in two groups: *recreation fires and disposal fires.*

Disposal fires are only permitted for approved materials gathered on the property where the burn is taking place, or with property owner agreement, from adjacent properties. Material from other locations shall not be burned in disposal fires. All disposal fires require permits.

Recreational fires shall only burn untreated, clean wood or other approved fuel. A small recreational fire is one where a person can comfortably and safely be within a few feet of the fire, such as a campfire. Small recreational fires require the approval of the property owner or other person with legal right to the property. Small recreational fires do not require a permit from the Fire Department.

~~Large recreational fires, such as a bonfire, require a permit.~~

~~A \$200 fine shall be charged for any disposal fire or large recreational fire without a permit. A \$200 fine shall be charged for any recreational or disposal fire the Fire Department has to extinguish, or which is not managed in accord with the Fire Department requirements. The fine shall be waived for a first time offense. A violation of this ordinance shall be deemed a civil offense, punishable as provided in this Code of Ordinances.~~

~~Sec's. 5-14 to 5-199. Reserved.~~

~~Enacted October 25, 1972.~~

~~Amendment enacted July 11, 2007 [Sec. 5-13, **OPEN FIRES AND INCINERATORS**, rewritten in its entirety; re-titled **OUTDOOR BURNING**]. Date of Publication: 7/19/07. Effective Date: 7/25/07.~~

~~CHAPTER 5
FIRE DEPARTMENT
ARTICLE III. — MONTPELIER FIRE PREVENTION CODE~~

~~Sec. 5-300. — NECESSITY FOR CODE.~~

~~———— It is hereby ordained by the City Council of the City of Montpelier as follows: that a FIRE PREVENTION CODE prescribing regulations consistent with nationally recognized good practice for the standards for safeguarding, to a reasonable degree, of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises, is necessary.~~

~~Sec. 5-301. — ADOPTION BY REFERENCE.~~

~~———— Now, therefore, it is Hereby Ordained by the City Council of the City of Montpelier that the 1966 Edition of the Building Officials Conference of America, Inc., Basic Fire Prevention Code, is hereby adopted by reference and shall be known as the Montpelier Fire Prevention Code.~~

~~CHARTER REFERENCES: ————— Composition of Department, T.10, Sec. 1 through 7; Demotion of Officers, T. 10, Sec. 8 through 13; Personnel Policies, T. 10, Sec. 14 through 19, see also Sec. 2-70 et seq. This Code Call Force, Fire Police, T. 10, Sec. 20 through 22; Authority of Chief, etc., T. 10, Sec. 23 and 24; Inspections, Investigations, T. 10, Sec. 25 through 29; Hazard Elimination, T. 10, Sec. 30 through 32; General Provisions, T. 10, Sec. 33 through 39, 1955 Charter.~~

~~Regulate the Manufacture and Keeping of Explosive Materials, T. 3, Sec. 17 (XIV); Regulate the Use of Rockets, Fireworks, T. 3, Sec. 17 (XXV), 1955 Charter.~~

~~STATE LAW REFERENCES: Investigation of Fires, V.S.A. T. 20, Sec. 2831 et seq.; Rules and Regulations of State Fire Marshall, V.S.A. T. 20, Sec's. 2721, 2791, 3021; Explosives and Fireworks, V.S.A. T. 20, Sec. 3021 et seq., Sec. 3131 et seq.; Removal of Fire Hazards, V.S.A. T. 20, Sec. 2791 et seq.~~

~~Enacted October 25, 1972.~~

CHAPTER 5
FIRE DEPARTMENT
ARTICLE II. FIRE DISTRICTS

Sec. 5-200.—OUTER FIRE DISTRICT.

—The territory within the following described limits and not included within the inner fire district hereinafter described, is hereby established as the outer fire district, to wit:

—Commencing at the intersection of Hubbard and Barre Streets; thence southeasterly in the center line of Barre Street to the Pioneer Bridge, so called; thence southerly across said Pioneer Bridge and along the center line of Pioneer Street to River Street; thence westerly and northwesterly in the center lines of River and Berlin Streets to a point opposite the northwesterly line of property of William O. and Edith R. Comstock; thence southwesterly in said Comstock's northwesterly line to Prospect Street; thence northwesterly to the center line of Prospect Street to the southeasterly line of property of the City of Montpelier; thence southwesterly on the southeasterly line of said property of the City of Montpelier, and northwesterly on its southwesterly line to Northfield Street to the southwesterly line of property of George M. Stewart at a point nearly opposite Prospect Street; thence northwesterly in the southwesterly line of said Stewart's property and said line extended to a point two hundred feet from Northfield Street; thence northeasterly in a line two hundred feet northwesterly of Northfield Street to a point two hundred feet southwesterly of Winooski Avenue; then northwesterly in a line two hundred feet southwesterly of Winooski Avenue to a point in line with the center of Taylor Street; thence northeasterly in line with the center line of Taylor Street to the center line of the Winooski River; thence northwesterly down the center line of the Winooski River to the northwesterly line of property of Calvin L. Parmenter known as the "Riverside Annex"; thence northeasterly in the northwesterly line of said Parmenter's land to the center line of State Street; thence southeasterly in the center line of State Street to the southeasterly line of property of the State of Vermont; thence northeasterly in said southeasterly line of the property of the State of Vermont to the northeasterly line of the property of the Roman Catholic Diocese and occupied by the Parochial School and Rectory; thence in said northeasterly line of said Roman Catholic Diocese to Witt Place; thence southwesterly in the center line of Witt Place to the northeasterly line of property of Catherine Barnes; thence southeasterly in the northeasterly lines of the properties of said Catherine Barnes; thence southeasterly in northeasterly lines of the properties of said Catherine Barnes, Frank A. and Louise S. Barrett, Arthur W. and Bessie Cook, Ella M. Kidder, Ernestine Chapin and Louis Neveax, Michael Pembroke, Clementine H. Foster, and Ellen P. Smilie to Hillside Avenue; thence northerly and northeasterly in the center line of Hillside Avenue and Cliff Street to the northeasterly line of property of Florence L. Shipman and Charlotte A. Benjamin; thence southeasterly in said Shipman's and Benjamin's northeasterly line to Elm Street; thence northeasterly in the center line of Elm Street to Vine Street; thence southeasterly in the center line of Vine Street to the southeasterly bank of the North Branch; thence northeasterly along said bank of the North Branch to the northeasterly line of property of the Lane Manufacturing Company; thence southeasterly on said Lane Manufacturing Company's line to North Franklin Street; thence southwesterly in the center line of North Franklin Street to Mechanic Street; thence southeasterly in the center line of Mechanic Street to North Street; thence southwesterly in the center line of North Street to Main Street; thence westerly in the center line of Main Street to Liberty Street; thence southerly and southeasterly in the center line of Liberty Street to Hubbard Street; thence southwesterly in the center line of Hubbard Street to the place of beginning; also one other tract of land on Seminary Hill, being the land now owned by the Montpelier Seminary.

~~Sec. 5-201. INNER FIRE DISTRICT.~~

~~———The territory included within the following described limits is hereby established as the inner fire district to wit:~~

~~———Commencing in the center line of State Street at a point in line with the northwesterly line of land of the Pavilion Hotel; thence northeasterly to and along said line to a point three hundred feet from State Street; thence turning and running southeasterly parallel to State Street to a point two hundred feet, at right angles thereto, from the northwesterly side of Elm Street; thence turning and running northeasterly and parallel to Elm Street, and along the center line of School Street, crossing Main Street, to a point three hundred feet from the southeasterly side of Main Street; thence turning and running southwesterly and parallel to Main Street to the easterly bank of Winooski River; thence down said bank to the center line of Main Street; thence turning and running southwesterly along said center line, over Main Street bridge, and through the street beyond to a point opposite the center line of Winooski Avenue; thence turning and running northerly and northwesterly to and along said center line to a point opposite the center line of Taylor Street bridge; thence turning and running northeasterly to and along said center line to the easterly bank of Winooski River; thence down said bank to the line of land of Fred A. Howland; thence turning and running northeasterly along said line to the center line of State Street; thence turning and running southeasterly along said center line to the place of beginning.~~

~~Sec. 5-202. RECONSTRUCTION AFTER FIRE IN INNER FIRE DISTRICT.~~

~~———Within the inner fire district, no person shall construct a new building, or repair a building by making an enlargement thereof, or repair or rebuild a building which in the judgment of the building inspector and fire chief shall have been destroyed by fire or otherwise to an extent of fifty per cent, or more of the value of the building exclusive of the value of the foundations, unless such building so newly constructed, repaired, or rebuilt shall have solid outer walls of stone, brick or other non-combustible materials and a roof of slate, metal or other non-combustible materials, or unless such building so newly constructed, repaired, or rebuilt is fully protected by a sprinkler system when constructed of wood or other combustible material.~~

~~Sec. 5-203. ADDITIONS TO BUILDINGS IN INNER FIRE DISTRICT.~~

~~No addition shall be made to a building in the inner fire district unless such addition shall have solid outer walls of stone, brick or other non-combustible materials, and a roof of slate, metal, or other noncombustible materials; provided, however, that the building inspector and fire chief may, in their discretion, grant permission to make an addition with outer walls of material other than herein specified when such addition or additions do not enlarge the ground dimensions of such building more than twenty percent of itself, or in the judgment of the building inspector and fire chief do not increase the fire hazard to any other building or to the building itself from any other building.~~

~~Sec. 5-204. MOVING HOUSE INTO INNER FIRE DISTRICT.~~

~~———No person shall move a building, the exterior walls of which are constructed wholly or partly of wood, into said inner fire district, or from one place to another within said five district unless it conforms to the requirements of a newly constructed building as set out in Sec. 5-202. No person shall repair or rebuild a building or any portion thereof, now standing within the limits of said inner fire district, to an extent exceeding forty percent of the entire building, in any manner other than is herein provided for the construction of a new building therein. But this section shall not affect the moving of~~

~~a building through a street or streets under and in accordance with the provisions of the ordinance relating thereto.~~

~~CROSS REFERENCE: House Moving on Public Way, see Sec. 11-310, this Code.~~

~~**Sec. 5-205. CONSTRUCTION REGULATIONS IN OUTER FIRE DISTRICTS.**~~

~~Within the outer fire district, no person shall construct a new building, or rebuild any building to an extent exceeding forty percent of the entire building, or make an enlargement of any building, or any addition thereto, or recover the roof of any building, unless such building, so constructed, rebuilt, or repaired, or such enlargement or addition, shall have a roof of slate, metal or other noncombustible materials; provided, however, that the building inspector and fire chief may in their discretion grant permission to construct, rebuild, or recover the roof of such building, or make such enlargement or addition, if used or to be used only as or in connection with residential property, with a roof of material other than that herein specified, if such building, so to be constructed, rebuilt, or repaired, or such enlargement or addition, does not, in the judgment of the building inspector and fire chief increase the fire hazard to any other building or to the building itself from any other building.~~

~~CROSS REFERENCE: General Building Regulations, see Chapter 4, this Code.~~

~~Sec's. 5-206 to 5-299. Reserved.~~

~~Enacted October 25, 1972.~~

~~Amendment enacted April 13, 1994 [Sec's. 5-202, 5-203, 5-204, and 5-205 rewritten]. Date of~~

~~Publication: 5/09/94. Effective Date: 5/15/94.~~

CHAPTER 5
FIRE DEPARTMENT
ARTICLE IV. FIREWORKS

Sec. 5-400. DEFINITIONS.

The term "fireworks" means any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, including blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons that are propelled by explosives, firecrackers, torpedoes, sky rockets, Roman candles, cherry bombs, or other items of like construction and any such items containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except sparklers. The term "fireworks" does not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing 0.25 grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for use, and toy pistol paper caps that contain less than 0.2 grains.

Sec. 5-401. FIREWORKS SAFETY.

No person shall endanger the life, health, or safety of any person or property by the ignition, discharge, or use of consumer fireworks.

Sec. 5-402. REGULATIONS FOR DISPLAY OF CONSUMER FIREWORKS.

Fireworks shall not be discharged within one hundred fifty feet (150') of any building, street, or public area unless directly supervised by a person holding a permit issued pursuant to 20 V.S.A. §3132(c).

Fireworks shall not be discharged in such a manner so that debris can land on another person's property.

Any person using fireworks shall be at least twenty-one (21) years old.

All fireworks displays shall be completed prior to 10:00 P.M.

A Fireworks Display Permit application must be filed at least fifteen (15) days in advance of the display.

An on-site inspection by the Fire Department shall be completed before a permit is issued.

Sec. 5-403. PENALTY.

A violation of this ordinance may result in an Administrative Order for the immediate termination of the event. A civil penalty of up to \$500.00 and the loss of privilege for future permits may also be imposed.

~~REFERENCE: Vermont Statutes, T.20, Internal Security and Public Safety,
Chapter 177, Sub Chapter 3: Fireworks.~~

~~Sec. 5-404 to 5-499. Reserved.~~

~~Enacted May 28, 2014 [New Fireworks Ordinance]. Effective Date: June 12, 2014 (fifteen days after
passage).~~