



Agenda

City Council Meeting

City Council Chambers, City Hall
Thursday, January 23, 2020
6:00 P.M.

1. Call To Order By The Mayor
2. 20-031. Review and Approve Agenda
3. 20-032. City Council Appointment
4. 20-033. General Business and Appearances
5. 20-034. Consideration of the Consent Agenda
 - a. Approve minutes from 1/8 meeting
 - b. Assistant City Treasurer Appointment
 - c. Set date and time for Annual City Meeting
 - d. Authorization to Receive Business License Fees
 - e. 2019 Certificate of Highway Mileage (FY 2020)
 - f. Payroll & Bills
6. 20-035. ADA Advisory Committee Appointment
7. 20-036. Budget Public Hearing
8. 20-037. Warning Public Hearing
9. 20-038. Petitions for Ballot
10. 20-039. Water Resource Recovery Facility phase 2
11. 20-040. Dog Ordinance, 2nd Public Hearing
12. 20-041. Legislative Agenda

13. 20-042. Other Business
14. 20-043. Council Reports
15. 20-044. Mayor's Report
16. 20-045. City Clerk's Report
17. 20-046. City Manager's Report
18. Adjournment



CITY COUNCIL Agenda Item #20-032

Date: January 23, 2020

Consent ☐ Discussion ☒

SUBJECT: Appointment to District 3 Vacant City Council Seat

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Review applications and consider appointment

STRATEGIC OUTCOME: Responsive and Responsible Government

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: According to the City of Montpelier Charter § 303. VACANCY IN OFFICE OF COUNCIL MEMBER. A vacancy on the City Council shall occur upon the death, removal from the district, inability to serve, or resignation of a Council member. A vacancy in the office of Council member with more than 90 days of unexpired term remaining shall be filled by the remaining members of the City Council. At the next annual meeting of the City, the unexpired term of the office shall be filled by election for the balance of the unexpired term. The Council may remove a Council member who has unexcused absences at four or more consecutive Council meetings upon approval of two-thirds of the Council.

BACKGROUND INFORMATION: Ashley Hill has stepped down from her seat on the Montpelier City Council. Staff received applications and letters of interest from Brent Householder, Zachary Hughes, Eugene Leon, Daniel Richardson and Bruce Sargent.

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.

Jhasmine Lamb

From: noreply@civicplus.com
Sent: Wednesday, January 15, 2020 2:57 PM
To: Jhasmine Lamb
Subject: Online Form Submittal: City of Montpelier Boards & Commissions Application

Follow Up Flag: Follow up
Flag Status: Flagged

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.

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Name	Brent Householder
Email Address	[REDACTED]
Address	[REDACTED]
City	Montpelier
State	VT
Zip Code	05403
Phone Number	[REDACTED]
Occupation	Director of Finance & Administration
Are you 18 years of age or older?	Yes
Are you a registered voter in the City of Montpelier?	Yes

Are you a resident of the City of Montpelier?	Yes
How long have you been a resident of the City of Montpelier?	2 Years
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)	District 3 City Council Vacancy
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:	Education: Bachelor of Arts, History & Political Science, Bluffton University (Bluffton, OH) Master of Public Administration, Public Budgeting Concentration, Ohio University (Athens, OH) Master of Business Administration, Certified Management Accountant Track, University of Findlay (Findlay, OH) Certifications: Six Sigma Greenbelt, American Society for Quality (ASQ)
Professional activities that relate to this board/committee:	My entire professional life has centered around serving the public and helping others. When I graduated with my MPA degree, I received an offer of employment from the Ohio Auditor of State's Office in Columbus, Ohio for a Senior Performance Analyst position. As part of the Ohio Performance Team, I was tasked with analyzing all aspects of operation for municipalities, school districts, and state agencies to ensure

that taxpayer funds were being used efficiently and effectively. During my four years with the Ohio Auditor's Office I learned that government entities function far differently than private or non-profit entities. As an auditor, I was continuously reminded of the complex funding mechanisms in place to generate revenue for the operation of core public services. Further, I also worked as Budget and Performance Coordinator for the City of Gahanna, Ohio, a town of approximately 33,000 citizens. Thus, I would bring advanced level knowledge about government operations to the Montpelier City Council.

I also believe that my experience in the non-profit sector makes me uniquely qualified to fill the city council vacancy. Currently, I am the Director of Finance and Administration at the Humane Society of Chittenden County. In this role, I am tasked with completing all finance, human resources, and technology functions for the humane society so that we can fulfill our mission of fostering compassionate treatment of animals and preventing animal suffering; strengthening the human-animal bond; and furthering the cause of responsible animal ownership through education and public awareness. Prior to my time at the humane society, I was Director of Finance at Wabash Valley Habitat for Humanity in Terre Haute, Indiana. In this role, I was tasked with completing all of the organization's financial tasks and acting as program manager for the home ownership program. In this role, I also guided families through the home ownership process and empowered them to realize their dream of home ownership. I believe that these experiences show a dedication to public service and helping others.

Community activities that relate to this board/committee:

I have been involved with many community functions that would aid in being an effective city council member. First, I have been involved with Central Vermont Habitat for Humanity and served as a board member and board treasurer. I find this work to be very fulfilling, as I am a proponent of safe, decent, affordable housing for everyone. Further, I believe that becoming a homeowner is a great way to build wealth for community members and promotes a more diverse population. This type of experience will inform my decisions as a city council member.

Most importantly, I believe that being present in the community and being accessible to community members is imperative in order to be an effective council member. My wife and I always enjoy interacting with people in the community and routinely shop at local businesses. I have lived in several different states, including Ohio, Indiana, Colorado, and now Vermont,

and I am continuously impressed with the level of support for small businesses in this state. Further, my wife and I love to stroll downtown Montpelier with our two Spaniels Darwin and Winston.

Why are you interested in serving on this board/committee?

I moved to Vermont in early 2018 after vacationing here during the summer. As previously stated, I was impressed with the level of community support for the well-being of others. This includes focusing on small businesses, familial health and wellness, as well as larger issues such as climate change. I feel that Montpelier (and Vermont in general) reflects my values to "treat others the way you would like to be treated." Since moving to Vermont I have tried to become active in the community by participating with various non-profit organizations, supporting community members and small businesses, and advocating for larger social justice issues. Given my past experiences, credentials, and alignment to the city's goals, I believe that I could make a tremendous impact on the City Council so that Montpelier can continue to progress forward.

What talents or experience would you bring to the board/committee?

Please refer to my above comments.

Any other comments or information you wish to provide to the Mayor and City Councilors?

Field not completed.

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,

Brent Householder

omissions or falsifications
on this application.

1/15/2020

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.](#)

January 16, 2020

City of Montpelier
39 Main Street
Montpelier, VT 05602

Re: Letter of Interest – Third District Council Seat

To the Honorable Mayor and Members of the City Council,

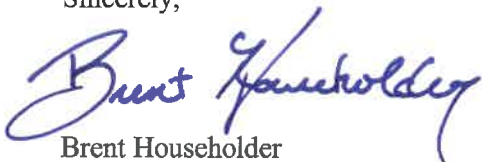
I am honored to apply for appointment to the vacant third district city council seat for the City of Montpelier. I believe that my experience working with various municipalities, as well as my focus on public service, would benefit the City of Montpelier until another councilor is elected on town meeting day.

Throughout my career in public service I have focused primarily on building relationships with citizens and elected officials to ensure that the use of municipal resources align with its strategic plan. As a Senior Performance Auditor with the Ohio Auditor of State's Office I had the privilege of assisting municipalities across the state of Ohio achieve their strategic goals. This performance audit process included completing extensive due diligence by examining plans and documents, speaking with elected officials, department staff, and citizens, and making objective recommendations related to efficiency and effectiveness. This position, as well as my position working as a senior auditor with the Vermont State Auditor's Office, has prepared me to be an objective city councilor.

While I have focused the majority of my career in public service, I also have significant experience in the nonprofit sector working with Habitat for Humanity and the Humane Society of Chittenden County. My work for these amazing organizations has shown me how important it is to build relationships and serve others. At the end of the day, I know I am making a difference in this world by helping a family realize their dream of homeownership or helping a homeless animal find its new home. Serving others is something I am passionate about, and I believe it makes our world a better place.

In short, I am seeking appointment to the vacant third district city council seat to continue advocating for those living or working in Montpelier, as well as those that come to visit our bustling downtown, attend a statehouse rally, or take in a Vermont Mountaineers baseball game. Please let me know of any questions you have and I will do my best to answer them.

Sincerely,



Brent Householder

Jhasmine Lamb

From: noreply@civicplus.com
Sent: Friday, January 17, 2020 1:58 PM
To: Jhasmine Lamb
Subject: Online Form Submittal: City of Montpelier Boards & Commissions Application

City of Montpelier Boards & Commissions Application

APPLICATION FORM MONTPELIER CITY BOARDS AND COMMITTEES

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Name	Zachary Hughes
Email Address	[REDACTED]
Address	[REDACTED]
City	Montpelier
State	Vermont
Zip Code	05602
Phone Number	[REDACTED]
Occupation	Peer Support Worker Assistant Team Leader.
Are you 18 years of age or older?	Yes
Are you a registered voter in the City of Montpelier?	Yes
Are you a resident of the City of Montpelier?	Yes

How long have you been a resident of the City of Montpelier?	22 Years.
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)	Distinct 3 seat vacancy.
Are you currently serving or have you served on any City board or committee? If so, please list and give approximate dates.	Yes The Montpelier Homelessness Task Force 9-19 Current. Montpelier Taser Committee May 2011 to December 2011.

Please answer each question in as much detail as possible.

Education/Credentials:	Montpelier High School Class of 1998. Barre Vocational Center at Spaulding High School. General Business class. September 1998 to June 1999. Community Leadership course hosted by the Vermont Children's Forum. January 2003 to June 2003. Board Governance Training. June 2005
Professional activities that relate to this board/committee:	I am employed part time as a Peer Support Worker and Assistant Team Leader. My work consist of working at an area Peer Crises bed at

Washington County Mental Health.
In addition I work on side projects in the peer support world.

Community activities that relate to this board/committee:	I do a lot of volunteer work that benefit the citizens of Montpelier. Much of this work centers around Peer Support and Homeless Outreach.
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I serve on the following boards
Vermont Psychiatric Survivors. (Board President)
Vermont Center For Independent Living.

Why are you interested in serving on this board/committee?	I am interested in bringing my experience to the city council in this time of questions about human services who what. I would love to bring my 20 plus years of work into shaping policy in Montpelier I am interesting in interested in outside the box approaches and collaborative connection. My city interests include: Housing/Homelessness. Accessibility Transpiration Public Safety Community life. Funding Sources.
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What talents or experience would you bring to the board/committee?	I would my ability to remain neutral and see both sides of an issue. I like to look at outside the box thinking I believe in Collaboration. My areas of interest Human Services . Peer Support. Housing/Homeless Outreach. Americans with Disabilities Act Service Animals and Emotional Support Animals. My private interest include:
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Reading.
Writing .
Traveling.
Taking Pictures.

Any other comments or information you wish to provide to the Mayor and City Councilors?

I love Montpelier because it feels like family here and everything seems connected. I hope to continue to serve the city I would value this exciting opportunity to bring a fresh perspective and learning more from each other!

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.

Zachary Hughes

1/17/2020

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.](#)

Zachary Hughes
Montpelier Vermont.

January 17,2020

Honorable Mayor Ann Watson.

Honorable City Council.

City Hall 39 Main Street.

Montpelier Vermont 05602.

Dear Mayor Watson and City Council:

I love Montpelier as it has an absolute family feel to it. Everyone one has a connection here!

I am writing to submit this letter of interest and application to fill the vacancy on City Council District 3.

I feel my skill would benefit the city across the spectrum of experience I have.

I have served the city greatly on the Taser committee and now the Homelessness Task force.

As you will see in my application I bring a broad experience human service work and more!

My application talks about what I would strive to work on together.

I look forward to continuing to work to keep Montpelier the great place it is!

Respectfully:

[Zack-H.](#)

Zachary Hughes,

District 3,



Form Center

By signing in or creating an account, some fields will auto-populate with your information and your submitted forms will be saved and accessible to you.

City of Montpelier Boards & Commissions Application



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Name*

Eugene Leon

Email Address*

[REDACTED]

Address

[REDACTED]

City

Montpelier

State

VT

Zip Code

05601

Phone Number

[REDACTED]

Occupation

Temporary city council member District 3

Are you 18 years of age or older?*

☒ Yes

☐ No

Are you a registered voter in the City of Montpelier?*

☒ Yes

☐ No

Are you a resident of the City of Montpelier?*

☒ Yes

☐ No

Are you related to any elected City Councilor (including by marriage)?*

☐ Yes

☒ No

Do you have any pending litigation against the City?*

☐ Yes

☒ No

Name of City Board or Committee: (If applying for more than one board/committee, please list order of preference)*

city council member DISTRICT 3 temporary seat vacancy

Are you currently serving or have you served on any City board or committee? If so, please list and give approximate dates.*

N/A

Please answer each question in as much detail as possible.

Education/Credentials:

3+ years community college M.D.C.C. & U of M
 Trinity School of Nutrition 1 year
 NDA CERTIFIED INSTRUCTOR / security certifications
 25 years of Scouting / Boys Scouts of America EAGLE SCOUT / VARIOUS AWARDS & HONORS / ASST SCOUT MASTER
 Ski / Snowboard technician / certifications / instructor
 VARIOUS ART & community Awards /
 Management training / real-estate / property Management business /

Professional activities that relate to this board/committee:

Local Business owner

ATTEND many city council meetings / events / openings / hearings.

CVSWD participation & collaborating member

Community activities that relate to this board/committee:

CVSWD volunteer & collaborating member

re-cycle / re-use / up-cycle program for Central VT recycling
Lost Nation Theater volunteer.

Senior center volunteer

Montpelier Ballet / Dance Academy involvement for their Dance program.

Active community member participating in various events & hearings

Dance Heritage Festival / Montpelier 4th of July parade & activities /

DI-BLOOD FEST — volunteer.

Morrisville / Stone / Wardsfield area Art member.

re-source volunteer -

coop member

Dedicated Father.

Why are you interested in serving on this board/committee?

concerns regarding our community / residents interests /
 passionate about my community & its well being / safety / growth.
 our district should not be without a vote, a leader and
 valid hard working representative.
 to be a voice for my neighborhood & district.
 a community duty & obligation -
 community support.
 Honor: - Love: -
 public interest
 Developments / Future —

What talents or experience would you bring to the board/committee?

Leadership / passion / openness / teamwork / compassion / honesty
 business / art / construction / management experience.
 family values / community understanding / local connections

Any other comments or information you wish to provide to the Mayor and City Councilors?

In recent communication with Daniel Richardson, understanding he will be running Also for District 3 ^{possibly, the} ~~year~~ year term, it would make sense if he submits application to allow the temporary council seat to go the the 1 year term candidate, so he may possibly later continue the position if is voted for on March 3 town meeting day. Although I am open and available if no other applicants apply.

Sincerely —

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? *

- ☐ Yes
☒ No

ACKNOWLEDGMENT*

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

By checking this box, I acknowledge that regular attendance (not missing more than 3 consecutive meetings or 1/3 of all meetings), active participation and contribution to the group's goals and mission, as well as adherence to open meeting laws and public record laws are requirements of me as a committee member. I acknowledge that if I do not meet the requirements stated above, that my appointment may be reconsidered.

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

Submitted on:*

Signature:





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.

☒ Receive an email copy of this form.

Email address

This field is not part of the form submission.

City of Montpelier

Formal letter of interest; City Council District 3 temporary vacant seat.

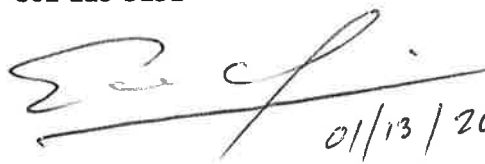
Due to the recent departure of Ashley Hill City Council member for district 3, our district is without representation, as expressed in the most recent city council public hearing the city council will be temporary filling this seat until town meeting day on March 3 on which district voters will get a chance to vote for the one year vacant position.

I Gene Leon am running for the 2 year term and have submitted my ballot along with 40 signatures of support. If necessary I would be willing to volunteer my services to the city to fill the temporary vacancy for the remainder of the period until the town meeting voting day.

I am currently reading the city councils handbook and will do my very best to serve with Montpelier's City Council accordingly and be the representing member for my district.

Sincerely;

Gene Leon
265 Berlin St.
802-229-5151



01/13/2020

Jhasmine Lamb

From: noreply@civicplus.com
Sent: Thursday, January 16, 2020 8:22 PM
To: Jhasmine Lamb
Subject: Online Form Submittal: City of Montpelier Boards & Commissions Application

City of Montpelier Boards & Commissions Application

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Name	Daniel Richardson
Email Address	[REDACTED]
Address	[REDACTED]
City	Montpelier
State	VT
Zip Code	05602
Phone Number	[REDACTED]
Occupation	Attorney
Are you 18 years of age or older?	Yes
Are you a registered voter in the City of Montpelier?	Yes
Are you a resident of the City of Montpelier?	Yes

How long have you been a resident of the City of Montpelier?	20 years
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)	City Council, Ward 3
Are you currently serving or have you served on any City board or committee? If so, please list and give approximate dates.	Development Review Board 2007 to Present, Vice Chair 2016-2018, Chair 2018 to Present; Design Review Committee 2005 to 2007; Green Mount Cemetery Commissioner 2007 to 2013.

Please answer each question in as much detail as possible.

Education/Credentials:	Juris Doctor, MagnaCumLaude, Vermont Law School (2003) (Editor-in-Chief, Vermont Law Review) Harvard University (1998-99) (Coursework: Logic, Nursery Selection, Pruning Technique, Propagation, and Plant Nomenclature). Bachelor of Arts, SummaCumLaude, Ohio Wesleyan University (1996) (English Literature, Philosophy, Writing) (Phi Beta Kappa)
Professional activities that relate to this board/committee:	Vermont Law School Adjunct Professor of Law (Municipal Law) 2011–2019. Vermont Bar Association: President, September 2014–15 Member, Board of Bar Managers, March 2007–September 2007 Chair, Young Lawyer’s Division, March 2007–March 2010 Co-Chair, VBA Committee on the Judiciary, August 2009–June 2010 Chair, Court Process Committee, September 2014–15 Chair, Joint Commission on the Future of the Profession,

September 2014–Present

Vermont Bar Foundation:

President, September 2016–October 2017

Vice-President, September 2015–September 2016

Director, September 2011–September 2019

Vermont Supreme Court:

Plain English Civil Jury Instruction Committee, September 2003–December 2007

Acting Judge, Washington County Small Claims Court, August 2011–Present

Special Master, In re Ambassador Insurance Co., Washington Superior Court, January 2013–Present

Access to Justice Coalition:

Member, September 2016–Present

Washington County Bar Association:

Chair, Committee on Pro Bono/Low Bono Project, September 2011–December 2012

Washington County Probate Court

Volunteer Attorney for Involuntary Guardianship Petitions, September 2005–Present

Community activities that relate to this board/committee:

Green Mountain Council, BSA:

Executive Vice President, April 2019–April 2020.

Executive Committee Member, September 2015–Present

Vice President of Administration, April 2018–April 2019

Pack Committee Member Pack 777, September 2018–Present

Merit Badge Councilor: Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Communications, Law, and Public Speaking

Why are you interested in serving on this board/committee?

The impact of Local Government is difficult to accurately measure. Unlike decisions made at the state, federal, or even the international level, local government decisions can seem small or even picayune, but the decisions made by local government affect all of us on a daily, if not hourly basis. From the morning snow plows that ensure we can leave our house safely to the community development program that has helped a small retailer stay open and sell you your morning coffee to the bike path you walk at lunch to the police that clear an accident on the evening commute to the street lights that illuminate the street as you walk the dog before bed, local government decisions directly affect the quality of our daily

lives. As a longtime student, advocate, and participant in local government structures and issues, For the past 15 years, I have continuously held a position of service with the City, and it has been my good fortune to be able to give back to Montpelier. At this point, my obligations have shifted such that I feel comfortable increasing my service to the City and stepping up into the broader role of City Council. The City faces several challenges over the next few years. As we have seen in the last year, retail and dining establishments can close or falter with little notice. A robust downtown can become riddled with empty storefronts. At the same time, proactive work and planning by the City Council can support businesses and residents. Montpelier has a great deal of growth, and in the next few years, the challenge will be to capitalize on these steps and this growth. To bring new families to city, to ensure that the City remains affordable. To retain our character that has won national recognition but not to become a museum. I am deeply excited to work on these issues and to work with the other City Councilors, Mayor, Manager, and staff, many of whom I have long-established working relationships.

What talents or experience would you bring to the board/committee?

For the past fifteen years, a good portion of my legal practice has involved municipalities. I have represented some of the largest towns in Vermont, and I have represented the smallest (one having only 67 residents). I have taught municipal law at the graduate level, and I have worked with scouts to teach them the basics of local government. While there are mentors and peers who I greatly admire for their greater acumen, I think it is accurate to say that I have broad and deep substantive knowledge of how city government works and how it finds solutions to issues that face it, whether those issues are legal, political, or internal.

In addition to substantive knowledge, I have a number of experiences serving and working on boards composed of volunteers and professionals. I have learned how to conduct and participate in meetings where not everyone agrees on an issue but where everyone has an opportunity to participate and discuss. I have also participated and chaired hundreds of hours of public meetings and worked with the public to review issues and projects in a manner that respected the process, the public's participation, and the underlying stakeholders.

My role in Montpelier City government has exposed me to many of the issues that the Council has to address. Our Board has reviewed every major public and private development project in the City. We have had to examine issues, work with applicants, public, and develop decisions that were consistent

with the facts and the law and the goals of the City.

I have also had extensive experiences working with the press and communicating to the public through media. I am the founder of the SCOV Law blog that summarized Vermont Supreme Court decisions. I have become a regular legal commentator on WCAX and the Dave Gram show on WDEV. These experiences have taught me the power of clear, straightforward explanations to help people understand difficult or controversial issues.

Any other comments or information you wish to provide to the Mayor and City Councilors?

I will submit a separate letter of intent with this application, but I thank you for considering my application.

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.

Daniel Richardson

1/15/2020

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.](#)

Daniel Richardson
[REDACTED]
Montpelier, Vermont 05602

January 17, 2020

Via e-mail: WFraser@montpelier-vt.org

Anne Watson, Mayor and
Montpelier City Council
39 Main Street
Montpelier, Vermont 05602

Letter of Intent for Appointment to Ward 3 City Council Seat

Dear Mayor Watson and City Council Members,

Please consider this letter and the accompanying on-line application that I filed as my notice and letter of intent to seek appointment of the currently open Ward 3 seat on City Council.

I have spoken with many Montpelier residents over the past few days since I announced my intent to run for a seat on City Council from Ward 3. I have listened to their concerns and their questions, and I have engaged them in discussions that have lasted well-beyond the “five minutes” that they asked if I had to talk. I feel passionately about Montpelier. It has been my home for 20 years, and I would not live anywhere else. It is clear from these conversations that I am far from alone in that sentiment. They prove the truth in what Lewis Mumford, the early 20th century sociologist of urban development, once observed that “The city is a fact in nature, like a cave, a run of mackerel or an ant-heap. But it is also a conscious work of art, and it holds within its communal framework many simpler and more personal forms of art.”

Talking about local government in all its forms and intricacies is a privilege that I have had throughout my career. But it is the act of governing that drives my present appeal to you for this appointment. I am requesting the opportunity to serve alongside you for the next few weeks because I believe that I can contribute in a meaningful and thoughtful manner to the budget process and to the remainder of the Council’s business before Town Meeting Day. I base this request on three qualities that I bring to the appointment.

First, I bring a wealth of experience. I have been volunteering for the City for fifteen years and sometimes in multiple positions. I have gone through the budget process before, and I have followed this year’s budget as it has been developed. I am also familiar with the various city departments. From my position as chair of the Development Review Board, I have been able to closely follow the City’s projects and the larger picture of development. When the Council considers, for example, the concept of what to do with the \$143,000 debt used to

purchase Mowatt lot, I will be prepared to discuss some of the observations that I have gleaned from the series of hearings that I chaired on the various development proposals for this lot. From its potential role as a gateway to downtown retail, to the challenges that it poses for neighboring buildings to the potential to add it to the new confluence park project, I am well versed in the background of this discussion.

Additionally, I bring a substantive knowledge of city government and legal process. I have represented municipalities throughout my career. I have taught municipal law at Vermont Law School for nearly a decade, and I have lectured and presented statewide on municipal issues with the Vermont Bar Association, the Vermont League of Cities and Towns, and the Town Officer Education Conferences run by UVM. This background has given me a base of knowledge that is unique and could be beneficial to the City. I am excited to share it in my role on the Council.

Second, I am a known quantity for both the Council and the City. As a long-serving member of both the Development Review Board and Design Review Committee, I have interacted with hundreds of city residents. I have also served as a city-wide elected official in the offices of Green Mount Cemetery Commissioner and Justice of the Peace. During this time, I have sought to establish a reputation for diligence, fairness, and dedication to serving the City and its residents. I have worked with other city officers and city staff in a cooperative and collaborative way. My process has been to seek consensus where available, to understand differences where they exist, and to be respectful throughout. We do not always agree, and there comes a point where a decision must be made. But I have always sought to make sure that we vetted the issues and that we gave each stakeholder an opportunity to express their position and reasoning.

In addition to this work, I have, through my practice, served on several high-profile matters that have brought me into engagement with residents. As an example, my work representing Eat More Kale in its trademark fight with Chick Fil-A brought me into contact with a wide array of residents who either wanted to express support for Bo Moore or wanted to know how to help in this David and Goliath fight. Through these matters, I am both a known entity and a known quantity. By appointing me, the Council would be appointing someone who works well on a Board, who knows the issues, who is used to asking thoughtful questions, and who understands how to conduct and participate in a public meeting. There should be no surprises either in my approach or attitude.

Third, I am excited to bring new perspectives to the table. I have worked with a variety of municipalities facing similar issues to Montpelier. We are a small city, but we carry an outsized burden. Our population swells each day, particularly this time of year, to double or triple its more modest residential population. In some ways, this is a boon. It enables us to have retail and restaurants that we could not support on our own. But it also means that we effectively subsidize the services for a much larger city. We wrestle with traffic and parking issues that we would not generate on our own. In particular, I believe that we as a City need to grow our inter-

municipal and state and local partnerships. For example, I think the Council is correct in pressing the Montpelier Development Corporation on its use of funds, and it should be encouraging the MDC to work with other Development Corporations in the area for opportunities that would benefit the City.

I appreciate your time and thoughtfulness through this process. I look forward to discussing this position with you, and I respectfully request your consideration for the appointment.

Thank you.

Sincerely,

/s

Daniel Richardson



**APPLICATION FORM
MONTPELIER CITY BOARDS AND COMMITTEES**

Please use this form to express your interest in serving on a particular board/committee or commission. You may attach additional material if you wish. For information on vacancies and board/committees, please visit <https://www.montpelier-vt.org/154/Boards-Commissions>. 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 Bruce Wm Sargent

Home Address: [REDACTED], Montpelier VT 05602

Phone: [REDACTED]

Occupation: Writer

E-Mail Address: [REDACTED]

Are you a registered voter in the City of Montpelier?	☒ YES	☐ NO
Are you a resident of the City of Montpelier, and if so, for how long?	☒ YES	☐ NO Years <u>12</u>
Are you related to any elected City Councilor (including by marriage)?	☐ YES	☒ NO
Do you have any pending litigation against the City?	☐ YES	☒ NO

Name of City Board or Committee: If applying for more than one board/committee, please list order of preference:

- 1) Ashley Hill
- 2) _____
- 3) _____

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:

Boston State College MEd Administration
Boston University B.S. Biology
Yale University BA History

Professional activities that relate to this board/committee:

Educator / Principal / School Founder, Board of Directors
Phoenix School, Salem MA - Founding Teacher
Maple Street School, Manchester VT - John Irving
Founder Janet Irving Souder

Community activities that relate to this board/committee:

Why are you interested in serving on this board/committee?

To bring needed change to City Hall

What talents or experience would you bring to the board/committee?

Honesty, Courage, Persistence - A commitment to
doing things justly & to could give a much
needed seminar on due process for
people who work in City Hall

Any other comments or information you wish to provide to the Mayor and City Commissioners?

See cover letter.

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? YES (NO)

If yes, please explain:

IS particular issues came up I would
recuse - again a failure by a current/ past
official

☒ By checking this box, I acknowledge that regular attendance (not missing more than 3 consecutive meetings or 1/3 of all meetings), active participation and contribution to the group's goals and mission, as well as adherence to open meeting laws and public record laws are requirements of me as a committee member. I acknowledge that if I do not meet the requirements stated above, that my appointment may be reconsidered.

I certify that there are no misrepresentations, omissions or falsifications on this application and by signing this application

Bounce Wm Sargent
Signature

January 15, 2020
Date

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.

January 15, 2020

Dear Mayor and Council:

Construction graft across the globe, annually costs citizens \$6,000.000,000 or 10% to 30% of total cost of construction. Unfortunately, I've heard, seen and experienced clear evidence, that the City of Montpelier is not immune from this form of bad behavior. Montpelier has participated fully in this global scandal.

The City of Montpelier is in need of radical change in this area of its governance. I would hope, that you, our current council and mayor, would join me in my effort to change what has been and likely, still is. If this issue is not addressed, it is a tolerance of corrupt behavior.

We all in this city could profit from an increased municipal integrity, resulting from greater awareness and accountability. And if you were to seriously join me in my efforts for greater municipal integrity, you would, perhaps, consider me for filling Ashley Hill's term ending in March, next.

The changes, for which I advocate, could save tax payers in the coming years, 10% to 30% on construction costs and create a fairer and more reasonable decision making atmosphere and process in serving those, who are "outside the loop," and who, after all, are a majority of Council's and Mayor's paying customers or clientele.

Regards,

A handwritten signature in dark ink, reading "Bruce Wm Sargent". The signature is written in a cursive, slightly slanted style.

Bruce Wm Sargent



Bruce Sargent

Minutes of the Montpelier City Council Meeting
January 8, 2020 6:30pm
City Council Chambers

In attendance: Mayor Anne Watson (Chair), Councilors Dona Bate, Conor Casey, Glen Hutcheson, Jack McCullough, and Lauren Hierl. City Clerk John Odum acted as secretary.

The Mayor called the meeting to order at 6:30.

- 20-001. The proposed agenda was approved by unanimous consent.
- 20-002. Laura Rose Abbott expressed concerns regarding the open councilor seat appointment. City Manager Fraser announced the “Above and Beyond Award” to Doug Jasmin of the Fire Department. Mr. Jasmin and Fire Chief Gowans spoke. Mr. Fraser also acknowledged the Assistant City Manager.
- 20-003. Councilor McCullough moved approval of the consent agenda. Councilor Hutcheson seconded and the motion carried unanimously (5-0).
- 20-004. After brief discussion, Councilor Casey moved J. Dayton Crites be appointed to the Complete Streets Committee. Councilor Bate seconded and the motion carried unanimously.
- 20-005. A Community Fund update was given by Michael Sherman, Ron Wild, Christine Zachai, and Judy Stermer. Following discussion, Councilor Bate moved to approve funding for the Montpelier Community Fund for \$130,150 as requested to those listed. Councilor Hutcheson seconded after more discussion and the vote passed unanimously.
- 20-008. The Winter Parking Ban Ordinance Amendment, 2nd Public Hearing opened at 7:00. Fire Chief Gowans and Public Works Director Barlow Casey came forward. Adding comments were Heather Corey, Thomas Moore, and Stephen Cohen. Police Chief Facos participated

A recess was called at 7:10. The meeting reconvened at 7:18.

Councilor Hierl moved to amend ordinance Sec. 10-714. from “Prospect Street except on the southerly side beginning at a point 200 feet easterly of the intersection with Cherry Avenue and proceeding easterly a distance of 325 feet. Said area is from #35 Prospect Street to #51 Prospect Street” to “Prospect Street except **between Northfield Street and School Avenue and** on the southerly side beginning at a point 200 feet easterly of the intersection with Cherry Avenue and proceeding easterly a distance of 325 feet. Said area is from #35 Prospect Street to #51 Prospect Street.” Councilor Bate seconded and the motion carried unanimously. The public hearing was closed at 7:20.

- 20-006. The Council received a Confluence Park/Vermont River Conservancy report from. Richarda Ericson. No formal action taken.
- 20-011. A discussion on the process for the City Council appointment was opened. Offering comments were Laura Rose Abbott, Morgan Brown, and Gene Leon. Councilor McCullough moved we (the Council) appoint the council member to fill the time between now and Town Meeting Day, we require all applicants to send a letter of interest and the city's board application form to the city offices by Friday January 17. We will take up the applications and consider the application on the meeting to be held January 23. We will invite the applicants to address the council and will go into executive session to make a decision. Councilor Casey seconded and the motion carried unanimously. Further discussion followed
- 20-007. The Interim River Hazard Map amendment Public Hearing opened at 8:04. Public Works Director Mike Miller opened discussion. Comments were offered by Laura Rose Abbott. Councilor McCullough moved to approve the proposed interim zoning with the addition of the following amendment to section (3) c.: "The new structure is of low-value (i.e. less than \$10,000), is used for storage of low-value contents, and is not used for storage of chemicals, explosives, flammable liquids, or other hazardous or toxic materials;) . Councilor Bate seconded and the motion carried 4-1 (Councilor Hierl voting nay).
- 20-009. The Mayor opened a Dog Ordinance discussion. Assistant City Manager Niedermayer participated. Councilor Bate moved to have a public hearing to adopt the change in this ordinance as proposed for the next Council meeting. Councilor Hutcheson seconded and the motion carried unanimously.

The Mayor called a recess at 8:35. The meeting reconvened at 8:43.

- 20-010. The budget discussion opened. Participating were Parks Director Ellsworth, Morgan Brown, Police Chief Facos, Dawn Little, and Laura Rose Abbott. Councilor Hutcheson moved to approve the preliminary budget and Councilor Bate seconded. The motion carried unanimously.
- 20-013. Councilor Hutcheson noted his weekly constituent meetings and offered reports on the Wood Gallery and Another Way. Councilor McCullough praised Police Chief Facos in light of the news of his pending retirement. Councilor Hierl encouraged citizens to consider filling a vacancy in the Solid Waste Management District.
- 20-014. The Mayor's also thanked Chief Facos and gave a report on the recent Recreation Center public meeting.
- 20-016. The City Manager acknowledged Chief Facos's service and noted that Geoff Beyer and Tom McArdle were now officially retired. He welcomed Jhasmine Lamb and Kelly Murphy onto staff and thanked Jamie Carroll and Todd Provencher with their assistance.

Without objection, the meeting was adjourned at 11:03 by unanimous consent.



CITY COUNCIL Agenda Item # 20-034b

Date: January 23, 2020

Consent ☒ Discussion ☐

SUBJECT: Assistant City Treasurer Appointment

SUBMITTING DEPARTMENT: Finance Department

RECOMMENDED ACTION: Appoint the Finance Director as Assistant City Treasurer.

RELATED COUNCIL GOAL/PRIOR ACTION:

- A: Community prosperity
- B: Environmental Stewardship
- C: Inclusive, Equitable and Welcoming Community
- D: Sustainable Infrastructure
- E: Thoughtfully planned built environment
- F: More housing
- G: Public Health and Safety
- H: Responsive & Responsible Government

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: The Finance Department is seeking approval from the City Council to appoint Kelly Murphy, Director of Finance as Assistant City Treasurer to serve the role formerly held by Todd Provencher outgoing Director of Finance.

SUPPORTING DOCUMENTS: N/A

INTERESTED PARTIES: City Council, Voters, City Staff

CITY MANAGER'S APPROVAL:

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



CITY COUNCIL Agenda Item # 20-034c

Date: January 23, 2020

Consent ☐ Discussion X ☒

SUBJECT: Set date and time for Annual City Meeting

SUBMITTING DEPARTMENT: Manager's Office

RECOMMENDED ACTION: Set the date for the Annual City Meeting as Tuesday March 3, 2020 from 7:00 A.M. To 7:00 P.M. in the City Hall Auditorium

RELATED COUNCIL GOAL/PRIOR ACTION: Responsive and Responsible Government

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: City Charter § 501. CITY MEETINGS (a)(l) On the first Tuesday of March in each year, a meeting of the voters of the City shall be held as designated on the warning for such meeting, at a place or places to be appointed by the City Council, and a warning shall be posted in accordance with State statute.

BACKGROUND INFORMATION: Council sets the time and place for the Annual City Meeting.

SUPPORTING DOCUMENTS: None

INTERESTED PARTIES: City Council, Voters, City Staff

CITY MANAGER'S APPROVAL:

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



CITY COUNCIL Agenda Item # 20-034d

Date: January 23, 2020

Consent X Discussion

SUBJECT: Authorization to Receive Business License Fees

SUBMITTING DEPARTMENT: Finance Department

RECOMMENDED ACTION: Approve use of non interest checking account with Community Bank NA for deposit of business license fees.

RELATED COUNCIL GOAL/PRIOR ACTION:

- A: Community prosperity
- B: Environmental Stewardship
- C: Inclusive, Equitable and Welcoming Community
- D: Sustainable Infrastructure
- E: Thoughtfully planned built environment
- F: More housing
- G: Public Health and Safety
- H: Responsive & Responsible Government

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: See Corporate Authorization Resolution.

SUPPORTING DOCUMENTS: Corporate Authorization Resolution.

INTERESTED PARTIES: City Council, Voters, City Staff

CITY MANAGER'S APPROVAL:

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

CORPORATE AUTHORIZATION RESOLUTION

COMMUNITY BANK NA
BARRE (455)
361 NORTH MAIN STREET
BARRE, VT 05641-0000

By: CITY OF MONTPELIER
39 MAIN ST SUITE 6
MONTPELIER, VT 05602

Referred to in this document as "Financial Institution"

Referred to in this document as "Corporation"

I, JOHN ODUM, certify that I am Secretary (clerk) of the above named corporation organized under the laws of VERMONT, Federal Employer I.D. Number 03-6000579, engaged in business under the trade name of CITY OF MONTPELIER, and that the resolutions on this document are a correct copy of the resolutions adopted at a meeting of the Board of Directors of the Corporation duly and properly called and held on _____ (date). These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

AGENTS Any Agent listed below, subject to any written limitations, is authorized to exercise the powers granted as indicated below:

Name and Title or Position	Signature	Facsimile Signature (if used)
A. <u>CHARLOTTE HOYT, AUTH SIGNER</u>	X <u><i>Charlotte Hoyt</i></u>	X
B. <u>KELLY M MURPHY, AUTH SIGNER</u>	X	X
C. _____	X	X
D. _____	X	X
E. _____	X	X
F. _____	X	X

POWERS GRANTED (Attach one or more Agents to each power by placing the letter corresponding to their name in the area before each power. Following each power indicate the number of Agent signatures required to exercise the power.)

Indicate A, B, C, D, E, and/or F	Description of Power	Indicate number of signatures required
<u>A, B</u>	(1) Exercise all of the powers listed in this resolution.	<u>01</u>
	(2) Open any deposit or share account(s) in the name of the Corporation.	
	(3) Endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this Financial Institution.	<u>1</u>
	(4) Borrow money on behalf and in the name of the Corporation, sign, execute and deliver promissory notes or other evidences of indebtedness.	
	(5) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the Corporation as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment.	
	(6) Enter into a written lease for the purpose of renting, maintaining, accessing and terminating a Safe Deposit Box in this Financial Institution.	
	(7) Other _____	

LIMITATIONS ON POWERS The following are the Corporation's express limitations on the powers granted under this resolution. N/A

EFFECT ON PREVIOUS RESOLUTIONS This resolution supersedes resolution dated All Prior. If not completed, all resolutions remain in effect.

CERTIFICATION OF AUTHORITY

I further certify that the Board of Directors of the Corporation has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the resolutions on page 2 and to confer the powers granted above to the persons named who have full power and lawful authority to exercise the same. (Apply seal below where appropriate.)

☐ If checked, the Corporation is a non-profit corporation.

In Witness Whereof, I have subscribed my name to this document and affixed the seal of the Corporation on _____ (date).

Attest by One Other Officer

Secretary

RESOLUTIONS

The Corporation named on this resolution resolves that,

- (1) The Financial Institution is designated as a depository for the funds of the Corporation and to provide other financial accommodations indicated in this resolution.
- (2) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any and all prior resolutions adopted by the Board of Directors of the Corporation and certified to the Financial Institution as governing the operation of this corporation's account(s), are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification or replacement. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for the changes.
- (3) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Corporation. Any Agent, so long as they act in a representative capacity as an Agent of the Corporation, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing.
- (4) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Corporation with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
- (5) The Corporation agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Corporation. The Corporation authorizes the Financial Institution, at any time, to charge the Corporation for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the required number of signatures for this purpose.
- (6) The Corporation acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Corporation to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM), and debit cards.
- (7) The Corporation acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), and digital signatures. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Corporation with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Corporation authorizes each Agent to have custody of the Corporation's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.

Pennsylvania. The designation of an Agent does not create a power of attorney; therefore, Agents are not subject to the provisions of 20 Pa.C.S.A. Section 5601 et seq. (Chapter 56; Decedents, Estates and Fiduciaries Code) unless the agency was created by a separate power of attorney. Any provision that assigns Financial Institution rights to act on behalf of any person or entity is not subject to the provisions of 20 Pa.C.S.A. Section 5601 et seq. (Chapter 56; Decedents, Estates and Fiduciaries Code).

FOR FINANCIAL INSTITUTION USE ONLY

Acknowledged and received on 01/08/2020 (date) by HUPMA (initials) ☐ This resolution is superseded by resolution dated N/A

Comments:

State/Commonwealth of VERMONT

County of WASHINGTON

On this _____ day of _____ in the year _____ before me, the undersigned, a Notary Public in and for said State, personally appeared _____ personally known to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that he/her/their signature(s) acted, executed the instrument.

The certificate for a proof of execution by a subscribing witness, within this state, of a conveyance or other instrument made by any person in respect to real property situate in the state must conform substantially with the following form, the blanks being property filled:

Notary Public



CITY COUNCIL Agenda Item # 20-034c

Date: January 23, 2020

Consent ☐ Discussion X ☒

SUBJECT: Set date and time for Annual City Meeting

SUBMITTING DEPARTMENT: Manager's Office

RECOMMENDED ACTION: Set the date for the Annual City Meeting as Tuesday March 3, 2020 from 7:00 A.M. To 7:00 P.M. in the City Hall Auditorium

RELATED COUNCIL GOAL/PRIOR ACTION: Responsive and Responsible Government

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: City Charter § 501. CITY MEETINGS (a)(l) On the first Tuesday of March in each year, a meeting of the voters of the City shall be held as designated on the warning for such meeting, at a place or places to be appointed by the City Council, and a warning shall be posted in accordance with State statute.

BACKGROUND INFORMATION: Council sets the time and place for the Annual City Meeting.

SUPPORTING DOCUMENTS: None

INTERESTED PARTIES: City Council, Voters, City Staff

CITY MANAGER'S APPROVAL:

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



CITY COUNCIL Agenda Item #20-035

Date: January 23, 2020

Consent ____ Discussion X

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

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Review application from Priscilla Fox 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 Priscilla Fox.**

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.

Jhasmine Lamb

From: noreply@civicplus.com
Sent: Monday, January 13, 2020 3:19 PM
To: Jhasmine Lamb
Subject: Online Form Submittal: City of Montpelier Boards & Commissions Application

Follow Up Flag: Follow up
Flag Status: Flagged

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	Priscilla Fox
Email Address	[REDACTED]
Address	[REDACTED]
City	Montpelier
State	VT
Zip Code	05602-8475
Phone Number	[REDACTED]
Occupation	self employed legal consultant
Are you 18 years of age or older?	Yes
Are you a registered voter in the City of Montpelier?	Yes

Are you a resident of the City of Montpelier?	Yes
How long have you been a resident of the City of Montpelier?	24 years
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)	ADA 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:	B.A., Wellesley College J.D., Stanford Law School I practiced law for many years, primarily as a public health attorney. I have worked in the areas of emergency preparedness (including for special populations such as the disabled), infectious disease control, and food regulation among others. I have drafted legislation and many regulations, and am very familiar with the workings of government agencies. I worked for the Massachusetts Department of Public Health for over 25 years. Although I am now primarily retired, I do a small amount of legal consulting in the public health area.
Professional activities that relate to this board/committee:	I taught at Vermont Law School as both an Assistant Professor of Legal Writing and an Adjunct Professor. As Assistant Professor of Legal Writing, I taught a unit involving the Rehabilitation Act, forerunner of the ADA.

For a time I served as Director of the Municipal Law Center at the Vermont League of Cities and Towns. In that role, I organized training programs on many topics, including the ADA. From time to time I also advised municipal officials on their responsibilities under the ADA.

In general in my work over the years, I have found a need to have a basic familiarity with the provisions of the ADA.

Community activities that relate to this board/committee:

I have served on various committees of the Unitarian Church of Montpelier (UCM), during some of which there has been discussion of ADA issues. Even though the ADA does not apply to churches, UCM desires to be in compliance with it to the extent possible.

Why are you interested in serving on this board/committee?

Compliance with the ADA is of great importance for cities and towns, and I would like to be part of ensuring that Montpelier does its best in that regard.

What talents or experience would you bring to the board/committee?

General legal knowledge and experience, plus specific knowledge about the ADA.

Any other comments or information you wish to provide to the Mayor and City Councilors?

Field not completed.

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.

Priscilla Fox

1/13/2020

Submitted on:

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CITY COUNCIL Agenda Item #20-036

Date: January 23, 2020

Consent ☐ Discussion ☒

SUBJECT: FY21 Budget 2nd Public Hearing

SUBMITTING DEPARTMENT: City Manager

RECOMMENDED ACTION: Conduct the second public hearing on the proposed FY21 budget.

STRATEGIC OUTCOME: All

LEGAL REQUIREMENTS: City Charter § 903. COUNCIL ACTION ON THE BUDGET The City Council shall review the annual City budget as submitted by the City Manager at budget meetings established by the Council. The meetings of the City Council upon the budget shall be open to the public. During its review of the proposed budget, the City Council may add or increase budget programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for fixed debt service requirements.

BACKGROUND INFORMATION: The City Council received a preliminary budget in proposed by the City Manager December. This public hearing is the budget proposed by City Council.

SUPPORTING DOCUMENTS: FY21 budget books provided to council, budget documents are available at <https://www.montpelier-vt.org/DocumentCenter/View/6455/FY2021-Proposed-Budget>

INTERESTED PARTIES: City Council, Voters, City Staff

CITY MANAGER'S APPROVAL:

A handwritten signature in black ink, appearing to read "W. Hoffman".



CITY COUNCIL Agenda Item # 20-037

Date: January 23, 2020

Consent _X_ Discussion ___

SUBJECT: Draft Annual City Meeting Warning

SUBMITTING DEPARTMENT: Manager's Office

RECOMMENDED ACTION: Review the first draft of Annual City Meeting Warning.

RELATED COUNCIL GOAL/PRIOR ACTION:

- A: Community prosperity
- B: Environmental Stewardship
- C: Inclusive, Equitable and Welcoming Community
- D: Sustainable Infrastructure
- E: Thoughtfully planned built environment
- F: More housing
- G: Public Health and Safety
- H: Responsive & Responsible Government

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: City Charter § 501. CITY MEETINGS (b) The warning for annual and special City meetings shall, by separate articles, specifically indicate the business to be transacted, including the offices and the questions to be voted upon. The warning also shall contain any legally binding article or articles requested by 10 percent of the registered voters of the City. The warning shall also include any non-legally binding articles, including matters of State, national, or international importance requested by five percent of the voters. Petitions requesting that an article be placed on the warning shall be filed with the City Clerk not fewer than 40 days before the day of the meeting.

BACKGROUND INFORMATION: Council approves the warning for presentation to the voters.

SUPPORTING DOCUMENTS: Draft warning for the Annual City Meeting on March 3, 2020

INTERESTED PARTIES: City Council, Voters, City Staff

CITY MANAGER'S APPROVAL:

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CITY MEETING WARNING FOR MARCH 3, 2020

The legal voters of the City of Montpelier, in City Meeting in Montpelier, in the County of Washington and the State of Vermont, are hereby warned to meet in the City Hall Auditorium, in said Montpelier, on the first Tuesday in March, March 3, 2020, at seven o'clock in the forenoon, and there and then to cast their ballot for the election of officers, matters that by law must be determined by ballot, and other matters as directed by the Council. The polls will be opened at 7:00 A.M. and shall be closed and the voting machine sealed at 7:00 P.M.

The legal voters of the Montpelier Roxbury School District are hereby warned of voting for all Australian ballot articles to be held on Tuesday, March 3, 2020. The legal voters of Montpelier may vote at Montpelier City Hall from 7:00 A.M. to 7:00 P.M. The legal voters of Roxbury may vote at the Roxbury Town Hall from 10:00 A.M. to 7:00 P.M.

ARTICLE 1. To elect one commissioner for the Green Mount Cemetery for a term of five years; one park commissioner for a term of five years; one park commissioner to fill out the remainder of a term of five years, to expire in two years; one council member from each district, for a term of two years.

ARTICLE 2. To elect one School District Moderator, one School District Clerk and one School District Treasurer to serve from their election and qualification for one year or until the election and qualification of their successors. (Requested by the School Board)

ARTICLE 3. To elect three Montpelier School Directors, each for a three year term; one Montpelier School Director for one year remaining on a three year term; and one Roxbury School Director for two years remaining on a three year term. (Requested by the School Board)

ARTICLE 4. To elect one at-large Board Member to serve on the Central Vermont Public Safety Authority Board for a three-year term commencing March, 2020.

ARTICLE 5. Shall the voters appropriate the sum of \$9,939,719 for the payment of debts and current expenses of the City for carrying out any of the purposes of the Charter, plus payment of all state and county taxes and obligations imposed upon the City by law to finance the fiscal year July 1, 2020 to June 30, 2021? (Requested by the City Council)

ARTICLE 6, Shall the voters of the school district adopt a budget of \$25,054,900 which is the amount the school board has determined to be necessary for the ensuing fiscal year? It is estimated that this proposed budget, if approved, will result in education spending of \$16,751.56 per equalized pupil. This projected spending per equalized pupil is 2.45% higher than spending for the current year. (Requested by the School Board)

ARTICLE 7. Shall the voters of the school district appropriate \$270,000 necessary to supplement the Capital Reserve Fund in support of the District? It is estimated that this proposed budget, if approved, will result in education spending of \$16,967.24 per equalized pupil. This projected spending per equalized pupil is 3.77% higher than spending for the current year. (Requested by the School Board)

ARTICLE 8. Shall the voters appropriate the sum of \$4,000 as compensation to the Mayor for services for the fiscal year July 1, 2020 to June 30, 2021? (Requested by the City Council)

ARTICLE 9. Shall the voters appropriate the sum of \$12,000 (\$2,000 each) as compensation to the Council Members for their services for the fiscal year July 1, 2020 to June 30, 2021? (Requested by the City Council)

ARTICLE 10. Shall the voters appropriate the sum of \$9,700 (Chair \$1,500; Vice Chair \$1,200; others \$1,000 each) as compensation to the School Directors for their services for the fiscal year July 1, 2020, to June 30, 2021? (Requested by the School Board)

ARTICLE 11. Shall the voters authorize the Board of School Directors to hold any audited fund balance as of June 30, 2020 in a reserve (assigned) fund to be expended under the control and direction of the Board of School Directors for the purpose of operating the school? (Requested by the School Board)

ARTICLE 12. Shall the voters authorize the City to levy a special assessment of \$0.0515 per \$100 of appraisal value on properties within Montpelier’s Designated Downtown not used entirely for residential purposes? The assessment shall be apportioned according to the listed value of such properties except that the assessment for any property also used for residential purposes shall be reduced by the proportion that heated residential floor space bears to heated floor space for such property. Funds raised by the assessment shall be used to improve the downtown streetscape and to market the downtown. (Requested by the City Council)

ARTICLE 13. Shall the voters appropriate the sum of \$350,471 to be used by the Kellogg-Hubbard Library for the fiscal year July 1, 2020 to June 30, 2021? (This amount is in addition to the \$25,365 for the library bond payment included in the City General Fund Budget, ARTICLE 5)

ARTICLE 14. Shall the voters of the Central Vermont Public Safety Authority (CVPSA) appropriate the sum of \$50,000 (\$23,500 from the City of Montpelier and \$26,500 from Barre City) for the operating budget of CVPSA for fiscal year July 1, 2020 and June 30, 2021.

ARTICLE 15. Petition?

ARTICLE 16. Petition?

Dated this 23rd day of January, 2020

Signed: _____
Anne Watson, Mayor

Members of the City Council:

_____	_____
_____	_____
_____	_____

CITY SEAL:

ATTEST:

John Odum, City Clerk



SUBJECT: Receive, review and approve any Petitions filed for inclusion on the March 3, 2020 Annual City Meeting Warning

SUBMITTING DEPARTMENT: City Clerk

RECOMMENDED ACTION: Pass motion to approve any Petitions as part of the motion to approve March 3, 2020 Annual City Meeting Warning

RELATED COUNCIL GOAL/PRIOR ACTION: Annual pre-City Meeting action

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: Statutory requirement that this document be finalized and approved 40 days prior to Town Meeting

BACKGROUND INFORMATION: First Draft of the Warning was presented on January 15, 2020.

SUPPORTING DOCUMENTS: List of proposed petitioned ballot items; Petitions will be presented at meeting by Clerk, if there are any further Petitions filed beyond what was included on the first draft of the warning.

INTERESTED PARTIES: City Council, City staff and voters

CITY MANAGER'S APPROVAL:

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CITY COUNCIL Agenda Item # 20-039

Date: January 23, 2020

Consent Discussion X

SUBJECT: Discussion of Phase 2 of the Water Resource Recovery Facility (WRRF) Organics to Energy Project. The Phase 2 project consists primarily of the utilization of the Biogas produced from the new high strength organics waste.

SUBMITTING DEPARTMENT: Department of Public Works

RECOMMENDED ACTION: Select Combined Heat and Power (CHP) as the preferred alternative for Biogas Utilization at the WRRF. Authorize the Department of Public Works to enter into negotiations with Energy Systems Group for a Project Development Agreement to advance the Phase 2 CHP project.

STRATEGIC OUTCOME/PRIOR ACTION: Sustainable Infrastructure

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: On November 5, 2018 Montpelier residents approved a \$16.75 Million bond for an infrastructure and efficiency upgrade of the City's WRRF. The upgrade, named the Aging Infrastructure/Organics-to-Energy (AI-OE) Project, is being implemented under an Energy Performance Contract with Energy Systems Group (ESG), the contractor selected by the City in 2017. The project is being implemented in two phases. Phase 1, which is approximately 50% complete, comprises the upgrade of aging equipment and systems, including renovations to the WRRF's anaerobic digesters that will improve the facility ability to co-digest organic waste and sludge. This process will significantly increase the amount of methane gas (biogas) generated. This biogas, which is currently flared to the atmosphere when not utilized for heating, can be converted to usable forms of renewable energy that generate new revenue, reduce greenhouse gas emissions, and minimize gas flaring.

Phase 2 of the AI-OE performance contract would include design and construction of a renewable energy conversion system that delivers financial and environmental benefits. Upon Council's approval of the contract in December 2018, DPW committed to the evaluation and recommendation of a biogas conversion approach (Phase 2) for Council consideration. DPW, MEAC and ESG have completed a detailed screening of three biogas conversion alternatives. The screening provides a comparative evaluation of the financial and environmental benefits associated with the potential alternatives. The next steps for Phase 2 will include the negotiation of an amendment of the Project Development Agreement with ESG to be presented at a future Council meeting.

SUPPORTING DOCUMENTS: Montpelier Energy Advisory Committee (MEAC) 1- Page Summary and City Council presentation slides.

INTERESTED PARTIES: Department of Public Works / MEAC

CITY MANAGER'S APPROVAL:

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MEAC 1 Page Summary
ALTERNATIVES FOR USE OF “EXCESS” BIO GAS AFTER PHASE I WORK

Sludge Dryer-Use of biogas to dry the sludge currently being transported to Coventry.

Total projected cost... 8.6 million (+/- 15%) (does not include the cost of required sprinkler system) negative cash flow of \$430k/yr

Pros:

- Carbon savings associated with reduced transportation for sludge disposal
- Projected gas production would be sufficient to run the dryer year round
- Long terms sludge disposal cost stability

Cons:

- High Capital Cost & significant negative cash flow
- Projected gas production far exceeds need/significant flaring during summer
- Dryer should be run 24/7...possible/probable additional FTE's
- Dangers inherent in drying process (gas/combustible dust/spontaneous combustion risk associated with resultant byproduct)

Renewable Natural Gas (RNG)—“Clean” biogas for sale on open market as RNG
Total project cost... 8.5 million (+/- 15%); negative cash flow of \$660k/yr

Pros:

- Seasonal variability of production not an issue...you sell what you make

Cons:

- High Capital Cost & Significant negative cash flow
- 40-45% of the gas produced is “tail gas.” This gas must be disposed of after the cleaning process. This process takes energy (not “flareable”). There are emission/contaminant issues associated with this process as well.
- No guaranteed market; RNG might be hard to sell

Note: This option would be much more attractive if there was more production and a pipeline in close proximity.

Combined Heat & Power (CHP)-Use of excess biogas to run a generator. Power produced to be sold under a VEPPI contract (3 million Kwh/yr +/-)(assuming 400 Kw generator); co-gen heat circulated back into primary loop)

Total project cost...5.0 million +/- 15%...positive cash flow of \$80k/yr (Note: Assumes VEPPI contract award);(Note: Projection assumes 90% feedstock capacity/ESG guarantee).

Pros:

- Lower Capital Cost & positive cash flow (assuming VEPPI contract)
- Most Greenhouse Gas Reduction.

Cons:

- Seasonal variability in biogas production requires careful analysis to appropriately size turbine(s) to maximize production and minimize flaring

Note 1: “Excess” biogas if defined to mean bio gas in excess of biogas used to heat plant buildings and digesters.

Note 2: All cost estimates commensurate with “level 1” engineering analysis; equipment & machinery costs estimated at actual current book cost.

Note 3: Two (2) additional potential uses were considered and rejected several months ago as being either cost prohibitive or impractical (MHS/Dist. Heat, and CNG for Vehicle Use.)



Montpelier WRRF Organics to Energy Project – Phase 2 - Boigas Utilization

Montpelier City Council Meeting
January 23, 2020

WRRF AI/OE Project Phase 2 Update Topics

1. Phase 1 Project Status
2. Phase 2 Project Objectives & Scope
3. Biogas Production
4. Overview of Biogas Utilization Options
5. Option Screening Methods and Results
6. Phase 2 Project Recommendation
7. Next Steps

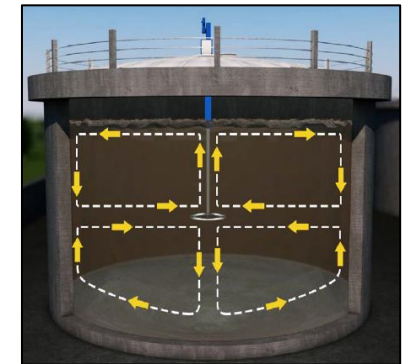
Phase 1 Project Status

- On schedule to complete by December 2020
- Major components installed to date
 - New primary clarifier internals
 - Septage and HSOW receiving system (Beast)
 - Grit classifier, washer and screw conveyor
 - New process pumps (WAS, RAS, TWAS)
 - New digested sludge storage tank
- Next major milestones
 - Install new thickening & dewatering systems
 - Digester tank upgrades (covers, mixing systems)
 - Electrical, instrumentation and controls

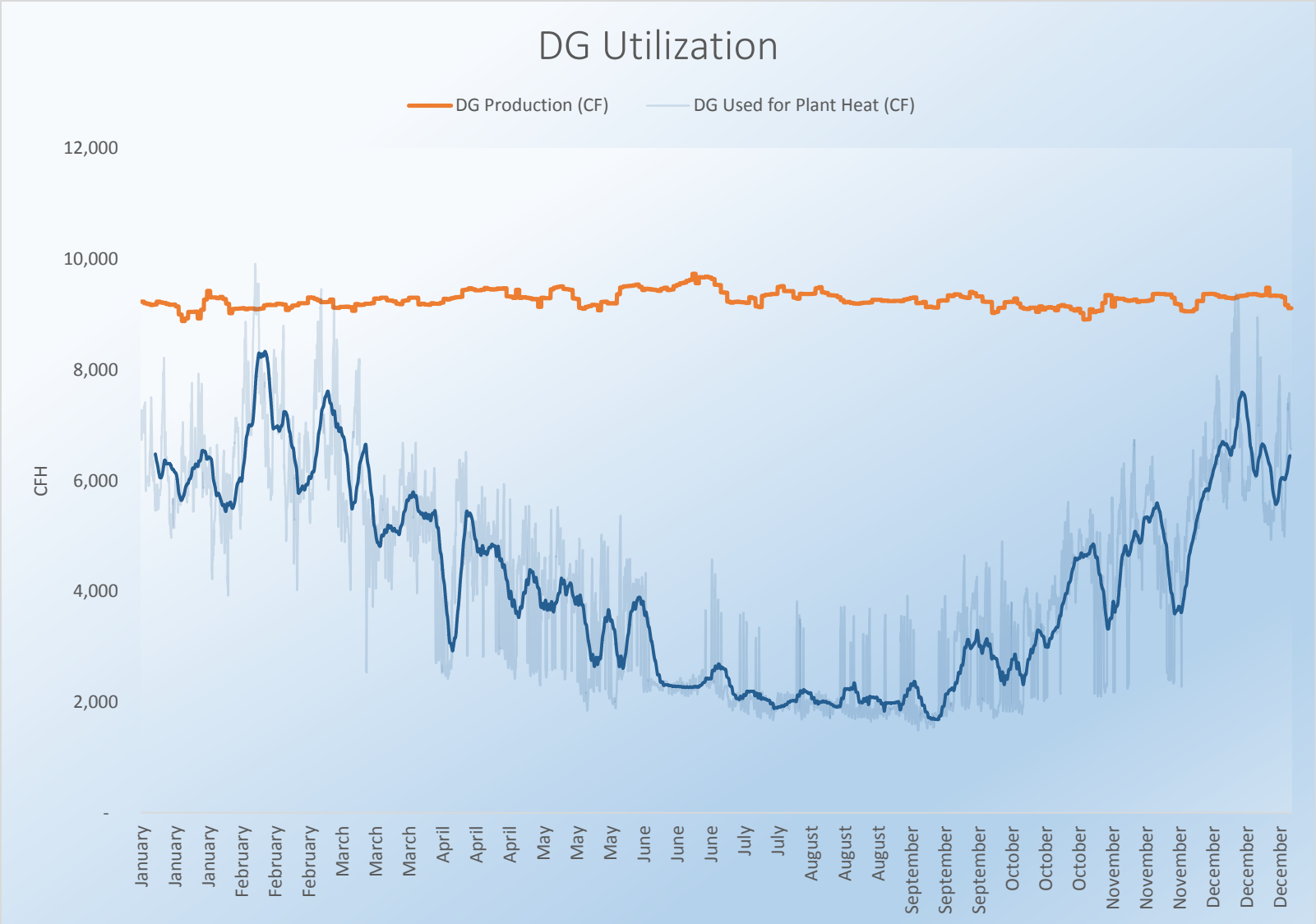


Phase 2 Project Objectives and Scope

- Objective
 - Optimize use of excess digester gas to maximize renewable attributes and revenue for the City of Montpelier
 - Minimize flaring of unused digester gas
- Scope
 - Evaluate excess future digester gas production
 - Detailed model of gas use for Phase 1 heat loop
 - Confirm range of available excess gas throughout year
 - Screen options for renewable gas uses
 - MEAC provided key evaluation criteria & guidance
 - Compared project costs, feasibility, track record, renewable benefits and revenue projections
 - Optimize design of selected option to maximize benefits



Digester Gas Production & Excess

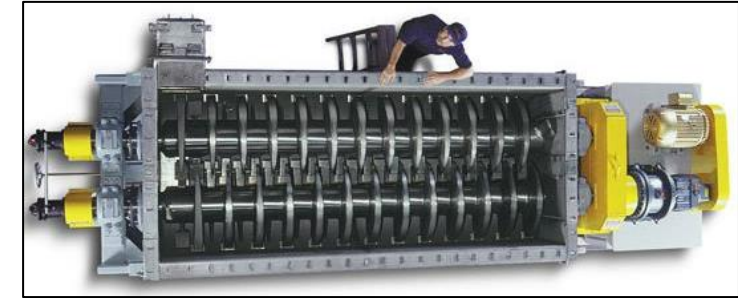


Option Screening - Methodology

- Public Works, MEAC and ESG Collaboration
- Two-phased approach
 - High-level screening of five (5) options based on feasibility and fatal flaws
 - Two options ruled out for detailed screening: District Heat; Vehicle Fuel
 - Detailed screening of three options
 - CHP, Biosolids Drying, Renewable Natural Gas (RNG) Sale
- Detailed Screening criteria:
 - Project cost and revenue/savings
 - Greenhouse Gas (GHG) offsets

Overview – Gas Use Options

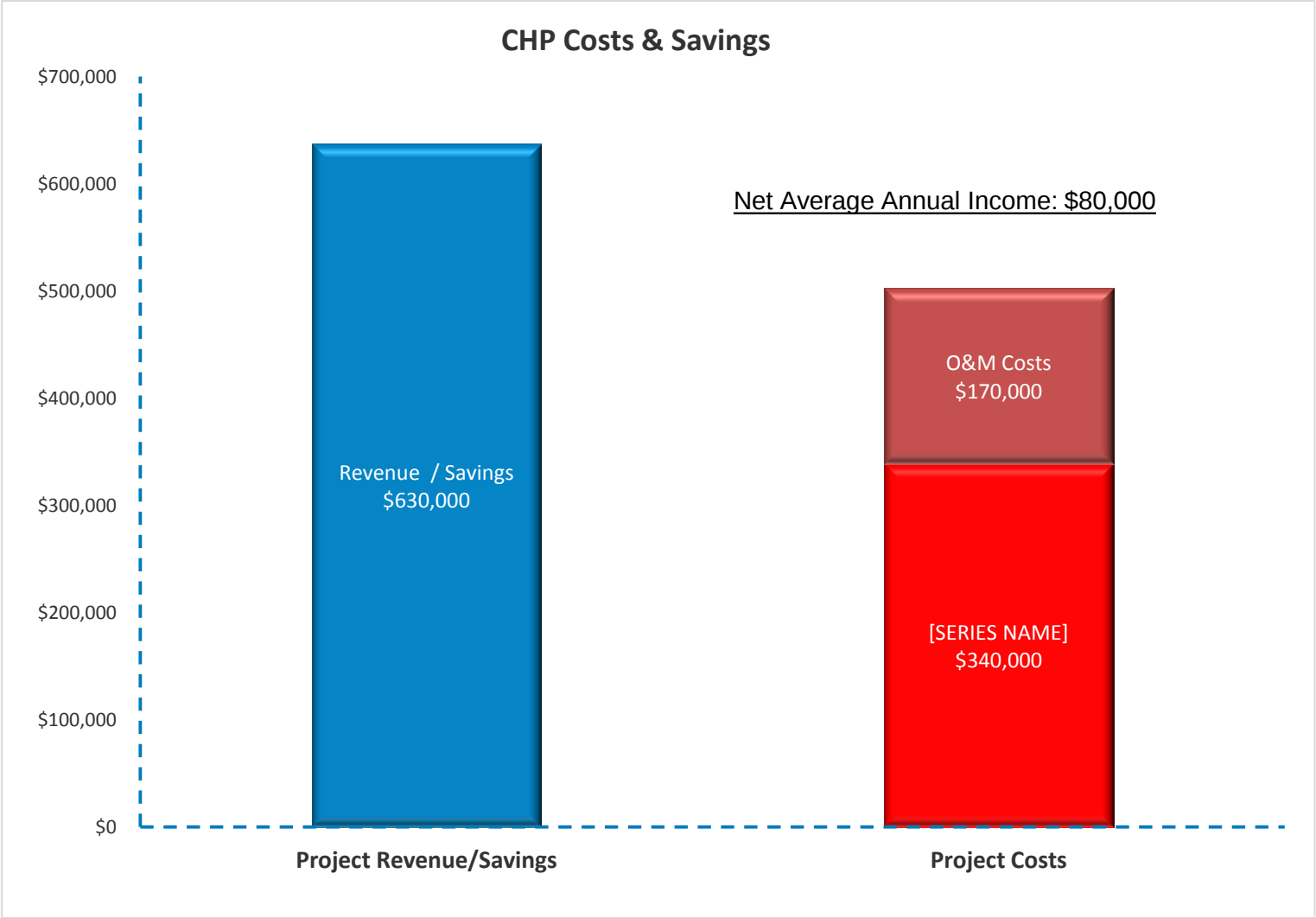
- Biosolids Dryer
 - Gas combusted solely to heat thermal fluid for use in indirect drying system
 - Reduced biosolids disposal and trucking costs
- Renewable Natural Gas (RNG)
 - Gas cleaned to concentrate CH₄ by removing CO₂ and other impurities (H₂S, H₂O, etc.)
 - Cleaned gas sold (CNG tanks, pipeline, vehicles)
 - Residual gas combusted
- Combined Heat and Power System (CHP)
 - Gas combusted in engine/generator
 - Power 100% export via VT PUC/VEPP SOP
 - Heat recovery back to WRRF primary heat loop



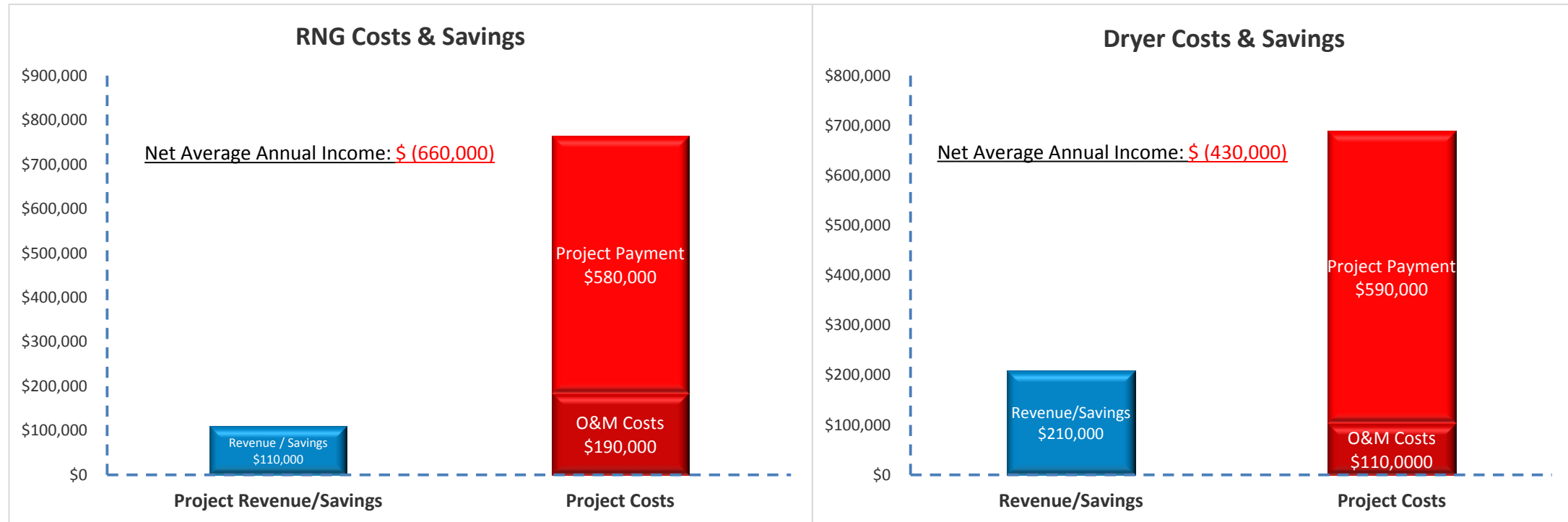
Biogas Use Screening Results

Screening Results			
<i>Alternative</i>	<i>Capital Cost</i>	<i>Annual Budget Impact</i>	<i>Annual GHG Reduction (Metric Tons)</i>
CHP	\$5.0M	\$80,000 (Export Revenue)	6,700
Biosolids Drying	\$8.6M	\$(430,000) (sludge disposal savings)	1,700
RNG Sale	\$8.5M	\$(660,000) (gas sale)	16

Cost Evaluation Results - CHP System

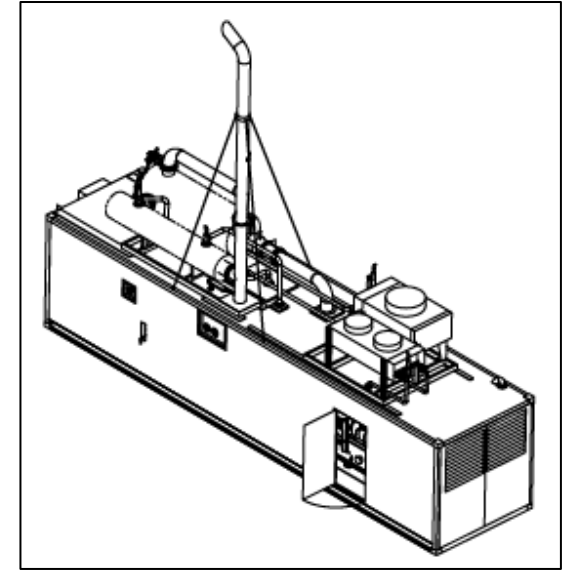


Cost Evaluation Results - Dryer & RNG Systems

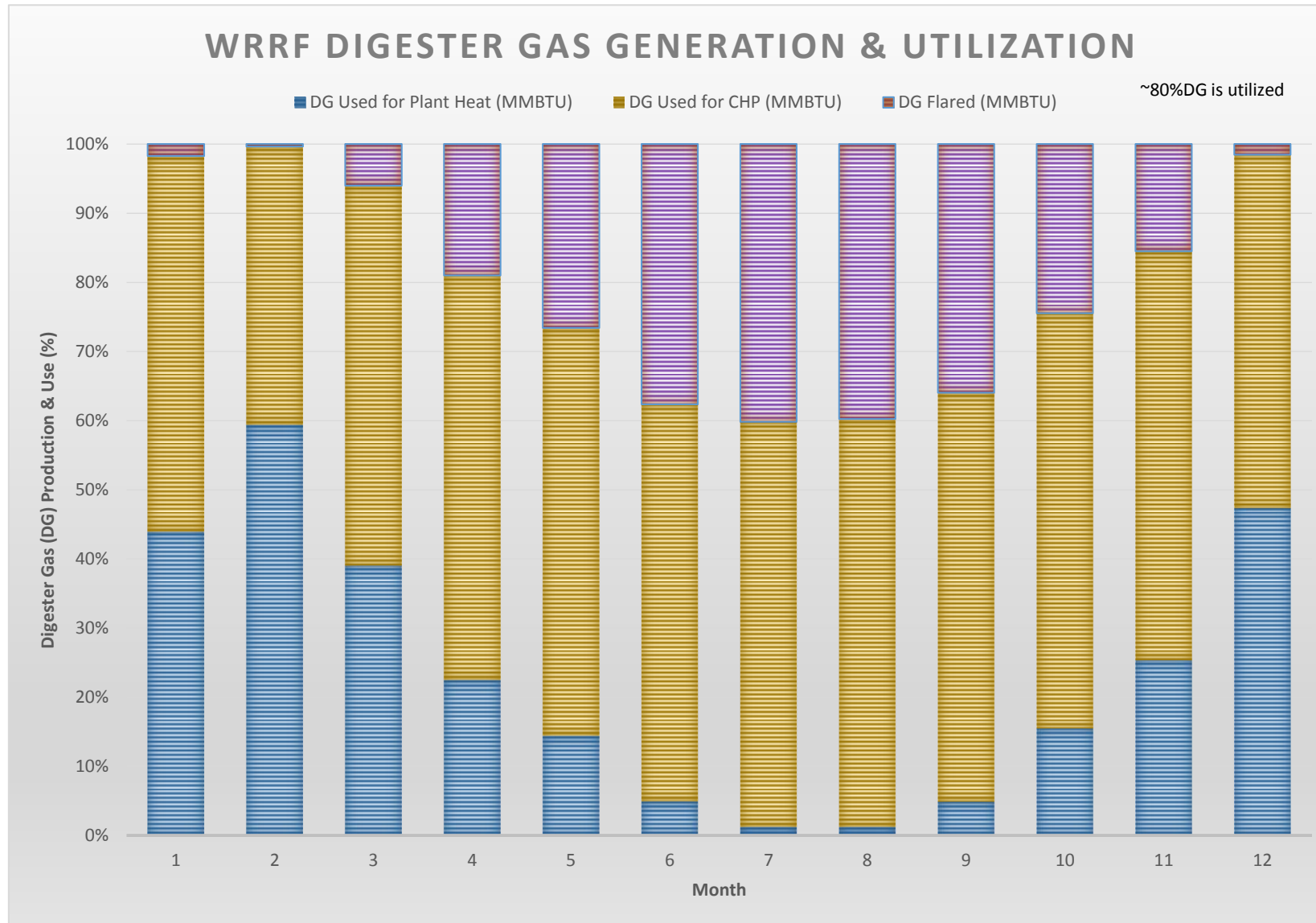


Recommendation– CHP System

- By far the best renewable and revenue option
 - Most environmentally friendly option
 - Only cash-flow positive option
 - Renewable power and heat generation
 - Relies on VT PUC's Standard Offer Program (SOP)
- Engine-generator system
 - Biogas cleaned to fuel an internal combustion engine which generates power from generator
 - Heat from engine recovered and used at WWTP
- Design process to focus on improving economics and minimizing flaring
 - Seasonal variations in gas availability impact engine size (currently 400 kW, evaluating up to 800 kW)
 - Engineers to optimize system capacity and number of engines to minimize unused gas



CHP Option – Gas Balance (400 kW)



Next Steps - 2020

- Project Development Agreement (PDA) Amendment
 - \$200,000 engineering/project development
 - Council consideration/approval – Tentatively February 26th, 2020.
- VEPPi Standard Offer and Interconnect
 - Proposal Submission - April, 2020
 - Award to the City - August, 2020
 - Project Completion – 1 year from execution of GMP Interconnect Agreement
- Performance Contract Amendment (Phase 2 addition)
 - DPW/Administration approval – TBD
 - Council consideration/approval – TBD
- Funding Approval

Questions & Discussion

Thank you!





CITY COUNCIL Agenda Item # 20-040

Date: January 23, 2020

Consent Discussion X

SUBJECT: Dog Ordinance Second Public Hearing

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Receive the recommended amendment to the Article II. Dog and Animal Control Ordinance and hold the second public hearing on the changes.

STRATEGIC OUTCOME/PRIOR ACTION: Councilor Bate introduced a discussion on the Dog and Animal Control Ordinance at the November 13th, 2019 Council Meeting. Council asked for staff to present recommendations for Council to then discuss. Recommended ordinance language was presented at the January 8, 2020 Council Meeting, and Council opted to hold a public hearing. The first public hearing was held January 15, 2020, and no edits to the recommended amendment were proposed.

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: As directed, staff has benchmarked local and regional Ordinances that address the definition of nuisance dogs. Recommended amendment language makes the dog ordinance less specific regarding time-frames, and allows its language to match our Chapter 11 Article 10 Noise Control Ordinance section on nuisance animals.

SUPPORTING DOCUMENTS: Attached are the proposed amended language to the Chapter 8 Article 2 Dog Ordinance- changes are in red and are on the second page of the document. Also attached is the Chapter 11 Article 10 Noise Control Ordinance for comparison.

INTERESTED PARTIES: Council, City Manager's Office

CITY MANAGER'S APPROVAL:

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ARTICLE X. NOISE CONTROL

Sec. 11-1000. PROTECTING PUBLIC TRANQUILITY

Purpose: In order to preserve the peace and promote civility and to prevent hearing loss, sleep loss and a general reduction in the quality of life, Montpelier will protect the public tranquility.

Sec. 11-1001. PROHIBITIONS.

General Prohibitions: No person shall make or continue any excessive, unnecessary, unreasonably loud noise or disturbance, or any noise or disturbance which disturbs, destroys, or endangers the comfort, quiet, repose, health, peace, or safety of others within the immediate vicinity of the noise or disturbance. Without limitations, the commission of one or more of the following acts, if done in such manner, shall be deemed a violation of this Article:

- (a) Mobile, Portable or Outdoor Electronic Sound-producing Devices. The playing or use of a mobile, portable or outdoor electronic sound-producing device in such manner or with such volume at any time and place so as to disturb, destroy or endanger the comfort, repose, or peace of persons. Evidence of such disturbance shall be the use of electronic sound producing devices that are operated in such a manner to be plainly audible at a distance of 50 feet in any direction from the operator.
- (b) Vocal Disturbances. Yelling, shouting, whistling, singing or making any other loud vocal disturbance so as to disturb, destroy, or endanger the comfort, quiet, repose or peace of persons in the immediate vicinity of the noise or disturbance. This section shall not be construed to prohibit a vocal disturbance, whether or not it is electronically amplified, by spectators or participants in an athletic event or assembly sponsored by a public or private school conducted on city or school property with proper permission by city or school officials.
- (c) Devices to Attract Attention. The use of any drum, musical instrument, loud speaker, amplifier, or other instrument or device for the purpose of attracting attention. This section shall not be construed to prohibit the playing of musical instruments by students practicing or performing in a school band or orchestra, or other persons participating in an authorized parade or assembly in a public place, nor shall this section be construed to prohibit the sounding of any signaling device under the control of the City, a church or a school.
- (d) Dogs, Cats and Other Animals. The keeping of any dog, cat or other animal which shall become a nuisance to another person in the vicinity where such dog, cat or other animal is kept, by frequent or continued barking, howling, yelping or screaming.
- (e) Construction and Maintenance Sounds: The excavation, erection, demolition, alteration, or repair of any buildings, structure, property or street between the hours of 9:00 P.M. and 7:00 A.M., except for necessary emergency construction and maintenance [see Sec. 11-1006 (f)] to protect property or persons.
- (f) Trash Removal. The removal of household and commercial trash by authorized commercial trash haulers utilizing mechanized conveyances within 500 feet from a residential receiver between the hours of 9:00 P.M. and 6:00 A.M.
- (g) Compression Brakes: The non-emergency use of compression brakes (also known as Jacob's brakes) by the trucks after 9:00 P.M. and before 6:00 A.M..
- (h) General Property Line Standard: This general property line standard is a numerical standard for

determining whether the sound from a particular source is a violation of this Article. The sound pressure level is measured at or within the property lines of a receiving property. When a sound exceeds the dBA sound level specified in Table A, it is a violation of this Article.

	TABLE A	
	<i>Time of Day</i>	<i>Time of Day</i>
<i>Receiving Property</i>	<i>6:00 AM to 9:00 PM</i>	<i>9:00 PM to 6:00 AM</i>
	<i>dBA</i>	<i>dBA</i>
Residential	60	55
Commercial/Industrial	65	65

Sec. 11-1002. EVIDENCE OF VIOLATION.

For the purposes of subsections (a), (b), (c), (d) and (e) of Section 11-1000, a noise or disturbance of such magnitude so as to be plainly audible in another building or in another dwelling unit located in the same building, shall be deemed prima facie evidence of a violation of this Article.

Sec. 11-1003. MUFFLERS.

A motor vehicle, including a motorcycle, moped, snowmobile, all-terrain vehicle, or other vehicle equipped with and propelled by engine, whether operated on a public street or on private property, shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. A person shall not remove, destroy or damage any of the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass or similar device upon any such vehicle. Such vehicle shall at all times be equipped with a properly operating exhaust system which shall include a tail pipe and a resonator on a vehicle where the original design included a tail pipe and a resonator.

Sec. 11-1004. ENFORCEMENT.

(a) No owner or occupier of premises, or any person who has been given lawful permission to use or control any premises, shall knowingly permit a violation of this Article by another person on such premises.

(b) Any person violating the provisions of this Article shall be punished as provided in Section 1-9 of the Code. Notwithstanding, persons found in violation of Section 11-1000(f) may, within ten days from the date of such violation, admit the violation and waive the issuance of any process in a trial by court or by jury or hearing, by voluntarily paying to the City \$100 or by satisfying other conditions as may be imposed. The penalty after the expiration of the said ten-day period, but within thirty days from the date of such violation, shall be \$150, or by satisfying other conditions as may be imposed. After thirty days from the date of such violation, the penalty shall be established in Section 1-9.

Sec. 11-1005. VARIANCES.

Any person may apply to the City council for a variance from the requirements of this Chapter prior to doing those acts. The applicant shall provide a certified list of property owners within two hundred fifty (250) feet of the site(s) where the activity is to occur. Ten (10) days advance written notice of the Council meeting shall be provided to the property owners and residents appearing on the list. For good cause shown, the City Council may, in its sole discretion, either grant or deny the variance. If the variance is granted, the council may impose reasonable conditions to it.

Sec. 11-1006. EXEMPTIONS.

Sounds from the following sources shall be exempt from the prohibitions specified herein and shall not be included in any measurements performed to determine compliance with Table A of Section 11-1001(a):

- a. All safety signals and warning devices or any other device used to alert persons to any emergency or used during the conduct of emergency work including but not limited to police, fire and medical/rescue vehicle sirens.
- b. The repair and maintenance of municipal facilities, services or public utilities when such work must be accomplished outside of daytime hours.
- c. Snow removal equipment operated within the manufacturer's specifications and in proper operating condition.
- d. Musical, recreational and athletic events conducted by and on the site of a school or education institution and municipal institutions.
- e. Events conducted by or permitted by the City. Persons operating an event under the authority of an entertainment permit, parade, street event, or special use permit shall comply with all conditions of such permits with respect to noise control issues.
- f. Construction or repair work which must be done to address an emergency health or safety concern and that can not be accomplished during daytime hours and which is not work which includes normal maintenance and repair.
- g. Equipment for maintenance of lawns and grounds during the hours of 7:00 A.M. to 9:00 P.M. (including but not limited to lawn mowers, hedge trimmers, weed whackers, chain saws and leaf blowers).
- h. Vehicles that meet state standards on the public right-of-way.

Sec. 11-1007. NOTIFICATION BY PROPERTY OWNERS OF RENTAL HOUSING.

Owners of rental housing shall be required to provide a copy of this ordinance to a tenant at the start of the tenancy. However, the failure of an owner to provide a copy of the ordinance shall not be a defense to a violation of this section.

Sec. 11-1008. DEFINITIONS.

- a. Plainly Audible: Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of the song, specific words or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.
- b. Residential Property or Receiver: Property used for human habitation or sleeping.
- c. Commercial/Industrial Property or Receiver: All other property, e.g. restaurants schools, churches.

- d. Background Level: The composite of all sounds exclusive of the sound under evaluation.
- e. dBA: The sound pressure level measured using the A weighting network as prescribed by the American National Standards Institute.
- f. Receiving Property: The location that is receiving the sound in question.
- g. Emergency: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.
- h. Emergency Work: Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
- i. Noise: Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Sections 11-1009 to 11-1099. Reserved.

Enacted August 10, 1983.

Amendment enacted August 22, 1990 [Sec. 11-1000, Subsection (f) added; Sec. 11-1004, Subsection (b) rewritten]. Date of Publication: 8/30/90. Effective Date: 9/5/90.

Amendment enacted March 11, 1998 [Sec. 11-1000, Subsection (g) added; Sec. 11-1002, ACTS NOT SPECIFICALLY PROHIBITED, deleted; and Sec's. 11-005. VARIANCES, 11-006. EXEMPTIONS and 11-1007. NOTIFICATION BY PROPERTY OWNERS OF RENTAL HOUSING added.] Date of Publication: 3/23/98. Effective Date: 3/29/98.

Amendment enacted December 11, 2002 [Entire ordinance rewritten]. Date of Publication: 12/19/02. Effective Date: 12/25/02.

ARTICLE II. DOG AND ANIMAL CONTROL ORDINANCE

Sec. 8-200. ORDINANCE INDEX.

8-201.	Authority and Purpose
8-202.	Definitions
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8-216.	Investigation of Dogs or Domestic Pets which have Bitten or Seriously Injured a Person
8-217.	Penalties for Dangerous Dogs and Bites Requiring Medical Attention
8-218.	Waste Removal
8-219.	Penalties for Failure to Remove Waste
8-220.	Management and Impoundment of Animals Exposed to Rabies or Suspected of Being Infected
8-221.	Repeal of Conflicting Ordinances
8-222.	Separability of Provisions
8-223.	Effective Date

Sec. 8-201. AUTHORITY AND PURPOSE.

The ordinance is adopted by the City Council of the City of Montpelier under authority granted pursuant to 20 V.S.A. §§ 3546, 3549, 24 V.S.A. §§ 2291(10), (14), (15), and (21), 24 V.S.A. Chapter 59, 24 App. V.S.A. § ch. 5, §§ 301(b)(2), (5), and (8), 24 App. V.S.A. §§ ch. 5, § 701, 702, 705, and 707.

Purpose. The purpose of this ordinance is to protect the health, safety, and welfare of the public, domestic animals, and dogs of the City of Montpelier by regulating dogs and domestic animals, public nuisances, and to protect the quiet enjoyment of its residents' homes and property.

Sec. 8-202. DEFINITIONS.

1. "Animal Control Committee" or "ACC" shall mean a Committee appointed by the City Council for the purpose of determining a recommended course of remedial action for dogs and owners with violations after sufficient police investigation in order to maintain public safety consistent with provisions of this ordinance. The ACC shall be composed of 5 individuals: the Health Officer, the Police Chief or designee, 2 qualified volunteers (i.e., veterinarian, veterinary behaviorist, or certified animal behaviorist), and 1 other appointee. In the event that qualified volunteers are not available, the City will contract with professionals to fill the qualified volunteer appointments.
2. "Dangerous" shall mean any dog who, when unprovoked:
 - a. inflicts a serious injury on, or kills a domestic animal; or
 - b. inflicts an injury on a person which requires medical attention.
 - c. on two separate occasions within a twelve (12) month period, is in violation of this ordinance as a "potentially dangerous" dog, as defined in this ordinance.

This definition shall not apply if the dog was protecting or defending itself, was in reaction to pain or an injury, protecting its offspring, another domestic animal or a person, or protecting its owner's property from attack or assault, or the person attacked or threatened by the dog was engaged in teasing,

tormenting, battering, assaulting, injuring, or otherwise provoking the dog.

3. "Dog" shall mean any member of the canine species or "wolf-hybrid" as defined in this ordinance. For purposes of this ordinance, this term, whenever used, shall also include "working farm dogs" except where specifically exempted.
4. "Domestic animal" shall mean any "domestic pet" as defined in this ordinance, cattle, sheep, goats, equines, deer, American bison, swine, poultry, pheasant, partridge, Coturnix quail, psittacine birds, ferret, camelids, ratites, and water buffalo, and cultured trout propagated by commercial trout farms.
5. "Domestic pet" or "pet" shall mean any dog, cat, or ferret. The term shall also include such other domestic animals as the State of Vermont establishes by rule.
6. "Enforcement Officer" shall mean any police officer, animal control officer, or any other person designated as Enforcement Officer by the City Council.
7. "Montpelier Community Justice Center" or "MCJC" shall mean the department of the City of Montpelier known as the Montpelier Community Justice Center that operates programs and provides services that build and support the community's capacity to be accountable to one another and respond to destructive behavior in ways that help repair harm.
8. "Nuisance" shall mean any dog ~~or domestic pet~~ that:
 - a. chronically disturbs the quiet, comfort, and repose of others ~~by frequent or continued barking, howling, yelping or screaming barking, whining, calling, or howling for a continuous period of twenty (20) minutes or more.~~ This definition shall not apply to: (1) dogs in a kennel/boarding facility which has received a zoning permit under the City's Zoning Regulations; or (2) "working farm dogs" barking in order to herd or to protect livestock or poultry or to protect crops.
 - b. causes damage to property.
9. "Owner" shall mean any person or persons, firm, association, or corporation owning, keeping, or harboring a dog; or any person or persons, firm, association, or corporation who has actual or constructive possession of a dog.
10. "Potentially Dangerous" shall mean any dog who when unprovoked:
 - a. chases, threatens to attack, or attacks another domestic animal;
 - b. chases, threatens to attack, or attacks another person;
 - c. causes a person to reasonably fear attack or bodily injury from such dog;
 - d. inflicts an injury on a person that does not require medical attention; or
 - e. causes damage to personal property as a result of aggressive behavior.For purposes of this definition, vocalization or barking, alone, shall not cause a dog to be deemed potentially dangerous. This definition shall not apply if the dog was protecting or defending itself, was in reaction to pain or an injury, protecting its offspring, another domestic animal or a person, or protecting its owner's property from attack or assault, or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring, or otherwise provoking the dog.
11. "Rabies Suspect" means a dog or domestic animal that:
 - a. is suspected of having been exposed to rabies;
 - b. is believed to have been attacked by another animal which may be rabid;
 - c. has been attacked by a wild animal; or
 - e. has an unknown rabies vaccination history.
12. "Running at large" or "run at large" shall mean any dog that is off the premises of the owner and not:
 - a. on a leash if on a City street, sidewalk, or bike/recreation path;
 - b. clearly under the verbal or non-verbal control and in sight of the owner who has a leash in

- c. their possession, when not on a City street, sidewalk or bike/recreation path;
in a vehicle;
- d. on the premises of another person with that person's permission; or
- e. hunting with the owner.

This definition shall not apply to “working farm dogs” running at large in order to herd or protect livestock or poultry or to protect crops. This definition shall not apply to Hubbard Park if dogs are in compliance with the Hubbard Park Canine Code of Conduct (CCC) as promulgated by the Parks Commission.

- 13. “Wolf-hybrid” shall mean an animal that is the progeny of a dog and a wolf (*Canis lupus* or *Canis rufus*); an animal that is advertised or otherwise described or represented to be a wolf hybrid; or an animal that exhibits primary physical and/or behavioral wolf characteristics.
- 14. “Working farm dog” shall mean a dog that is bred or trained to herd or protect livestock or poultry or to protect crops and that is used for those purposes and that is registered as a working farm dog pursuant to State law.

Sec. 8-203. CALCULATION OF OFFENSES.

For purposes of calculating sequence of offenses of any violation of this ordinance, second, third, and fourth offenses shall be those that occur within a 12-month period of the anniversary day of the first offense. Any offense occurring after this 12-month period shall be considered a new first offense, unless specifically noted otherwise. Offenses shall be counted against the owner.

Sec. 8-204. LICENSING.

No dog shall be kept within the limits of the City of Montpelier, County of Washington, State of Vermont, unless such dog is licensed in accordance with the statutes of the State of Vermont. Dog license fees shall be set at \$5 above the amount set by the State of Vermont.

Sec. 8-205. PENALTIES FOR FAILURE TO LICENSE.

The penalties for violating Section 8-204 of this ordinance (failure to license a dog) shall be as follows:

- | | |
|--|--------------------------------------|
| 1 st Offense: | Formal warning. |
| 2 nd Offense: | Fine of \$100. Waiver fine of \$50. |
| 3 rd Offense: | Fine of \$200. Waiver fine of \$100. |
| 4 th and Subsequent Offenses: | Fine of \$500. Waiver fine of \$250. |

Sec. 8-206. ENFORCEMENT.

Any violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau in Washington County Superior Court at the election of the Chief of Police or Enforcement Officer. In addition to, or alternatively, the Chief of Police or Enforcement Officer may refer violators of this ordinance to complete a restorative process with the Montpelier Community Justice Center.

Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. 1974a and 1977 et seq. For purposes of enforcement in Judicial Bureau, any Enforcement Officer shall have authority to issue tickets and represent the City at any hearing.

Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The City of Montpelier may pursue all appropriate injunctive relief.

Sec. 8-207. RUNNING AT LARGE PROHIBITED.

It shall be unlawful for the owner of any dog to permit such dog to “run at large” as defined in this ordinance.

Sec. 8-208. PENALTIES FOR RUNNING AT LARGE.

The penalties for violation of Section 8-207 (“running at large”) shall be as follows:

1 st Offense:	Formal warning.
2 nd Offense:	Fine of \$250. Waiver fine of \$125. No fine shall be levied if the owner completes a restorative process with the Montpelier Community Justice Center and completion of restorative process is certified by the MCJC.
3 rd Offense:	Fine of \$450. Waiver fine of \$225. The fine shall be reduced to \$150 if the owner completes a restorative process with the MCJC and completion of restorative process is certified by the MCJC.
4 th and Subsequent Offenses:	Fine of \$500. Waiver fine of \$250. In addition, violators shall participate in meetings of the Animal Control Committee and follow the Committee’s recommendations.

Sec. 8-209. DUTIES OF ENFORCEMENT OFFICERS AND PERSONS HAVING CONTROL OF IMPOUNDMENT.

Any Enforcement Officer within the City of Montpelier shall have the authority to seize, impound, or restrain any dog in violation of this ordinance and deliver such dog to the person or organization duly authorized or contracted to have control of impounding. If the owner of such dog is known or can be located with reasonable diligence, then the Enforcement Officer who impounds a dog shall give notice to the owner, either personally, by telephone call, or by written notice at the owner’s dwelling, within twenty-four (24) hours of the receipt of such dog.

If the owner of such dog is not known or cannot be located with reasonable diligence, then the Enforcement Officer who impounds a dog shall post, within twenty-four (24) hours, public notice. Notification shall be posted for at least a ten (10) day period. Notification shall be posted in the City Clerk’s Office, other usual places in City Hall, and on the City’s website. Notification shall include a description and photo image of the dog, stating where it is impounded, and declare that unless the owner claims the dog, and takes all necessary action pursuant to Section 8-210 “Conditions of Release from Impoundment” within ten (10) days following the posting, the City may place the dog in an adoptive home, transfer it to a humane society or rescue organization, or dispose of it through euthanasia.

The Enforcement Officer having control of impounding shall keep a record of every dog disposed of by sale, adoption, transfer, or otherwise. Such record shall include (a) a description including a photo image which identifies the dog with reasonable certainty; (b) the manner of disposing of the dog; and (c) if the dog was transferred or adopted by another person or organization the name and address of the transferee. In addition, the transferee must sign a statement giving his/her name, address, and the date of delivery or receipt of the dog.

Any Enforcement Officer may order a dog impounded or kept within the owner’s residence pending: (1) an order of the City Council pursuant to an investigation under Section 8-216; or (2) a determination of a recommendation by an Animal Control Committee referral.

Sec. 8-210. CONDITIONS OF RELEASE FROM IMPOUNDMENT.

Before an impounded dog may be released to the owner or transferred to another person or organization, the following requirements must be met: (a) such dog shall be vaccinated with anti-rabies vaccine, unless there is proof of vaccination within the previous year; (b) such dog must be licensed in accordance with the statutes of the State of Vermont; and (c) the owner or transferee shall pay to the City Treasurer of Montpelier the sum of the following charges:

1. \$150.00 transportation charge;
2. Vaccination charge, if applicable;

3. License fee, if applicable;
4. Penalties and Fines, if applicable; and
5. Impoundment costs.

In addition to the above conditions of this Section, completion of remedial action as ordered by the City Council pursuant to Section 8-216, or the Animal Control Committee, where applicable, may be required prior to release of an impounded dog to such owner or transferee.

Sec. 8-211. DOGS AS A NUISANCE.

The owner of a dog shall not allow their dog to be or create a “nuisance” as defined in this ordinance.

Sec. 8-212. PENALTIES FOR NUISANCE DOGS.

The penalties for violation of Section 8-211 (“nuisance” dogs) shall be as follows:

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|--|--|
| 1 st Offense: | Formal warning. |
| 2 nd Offense: | Fine of \$200. Waiver fine of \$100. No fine shall be levied if the owner completes a restorative process with the Montpelier Community Justice Center and completion of restorative process is certified by the MCJC. |
| 3 rd Offense: | Fine of \$450. Waiver fine of \$225. The fine shall be reduced to \$150 if the owner completes a restorative process with the MCJC and completion of restorative process is certified by the MCJC. |
| 4 th and Subsequent Offenses: | Fine of \$500. Waiver fine of \$250. In addition, violators shall participate in meetings of the Animal Control Committee and follow the Committee’s recommendations. |

Sec. 8-213. POTENTIALLY DANGEROUS DOGS.

The owner of a dog shall not allow their dog to be “potentially dangerous” as defined in this ordinance.

Sec. 8-214. PENALTIES FOR POTENTIALLY DANGEROUS DOGS.

The penalties for violation of Section 8-213 (“potentially dangerous” dogs) shall be as follows:

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|--------------------------|--|
| 1 st Offense: | Fine of \$450. Waiver fine of \$225. The fine shall be reduced to \$150 if the owner completes a restorative process with the MCJC and completion of restorative process is certified by the MCJC. In addition, violators may be required to participate in meetings of the Animal Control Committee and follow the Committee’s recommendations. |
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Sec. 8-215. DANGEROUS DOGS.

The owner of a dog shall not allow their dog to behave in a “dangerous” manner as defined by this ordinance. A person claiming a dog is “dangerous” may file a written complaint with the City Council, Enforcement Officer, or Police Department. The complaint shall contain the time, date, and place where the alleged behavior occurred, an identification of the domestic animal or dog injured, the name and address of any person or people injured, and any other facts that may assist the investigation.

Upon receipt of a complaint of a “dangerous” dog, the City Council shall proceed as described under Section 8-216, with the exception that if the dog is found “dangerous” as a result of two separate “potentially dangerous” violations as defined in this ordinance, the City Council and/or Animal Control Committee may order any protective measures be

taken absent the dog being euthanized.

Sec. 8-216. INVESTIGATION OF DOGS OR DOMESTIC PETS WHICH HAVE BITTEN OR SERIOUSLY INJURED A PERSON.

When a dog or domestic pet has bitten a person while the dog or domestic pet is off the premises of the owner or keeper, and the person bitten requires medical attention, the person bitten may file a written complaint with the City Council, Enforcement Officer, or Police Department who shall, within seven (7) days, investigate the incident pursuant to 20 V.S.A. § 3546. The written complaint must contain the time, date, place of the incident, and any other facts that may assist the investigation.

The City Council shall hold a hearing on the matter. If the owner of the dog or domestic pet which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date, and place of the hearing and a copy of the complaint.

If the dog or domestic pet is found to have bitten, or seriously injured the victim without provocation, the dog or domestic pet shall be deemed “dangerous” and the owner shall be fined pursuant to Section 8-217 of this ordinance. In addition, the City Council shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the dog or domestic pet is disposed of in a humane way (euthanized), muzzled, or confined. The City Council may also refer the incident to the Animal Control Committee for recommendation or further remedial action.

An order for euthanasia may only be given upon the recommendation of the Animal Control Committee, and only after the Committee has consulted with a certified animal or veterinary behaviorist and that individual has determined euthanasia is the only appropriate remedy.

Any order shall be sent to the owner by certified mail, return receipt requested. The City Council may seek enforcement in Superior Court against a person who, after receiving notice, fails to comply with the terms of any order by the City Council and/or Animal Control Committee.

The procedures in this Section shall only apply if the domestic pet or dog is not a “rabies suspect” as defined in this ordinance. If the dog or domestic pet is a rabies suspect then of Section 8-220 shall apply.

Sec. 8-217. PENALTIES FOR DANGEROUS DOGS AND BITES REQUIRING MEDICAL ATTENTION.

If a dog has been deemed “dangerous,” or if a dog or domestic pet has been found to be violation of Section 8-216, the penalties shall be as follows:

1 st and Subsequent Offenses:	Fine of \$600. Waiver fine of \$300. In addition, violators shall participate in, where applicable, City Council and Animal Control Committee meetings and follow any orders and recommendations of such bodies, respectively.
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Sec. 8-218. WASTE REMOVAL.

The owner of any dog which defecates in any public area or on the private premises of another person shall remove such material immediately and dispose of it in a sanitary manner.

Sec. 8-219. PENALTIES FOR FAILURE TO REMOVE WASTE.

The penalties for violation of Section 8-218 (“waste removal”) shall be as follows:

1 st Offense:	Fine of \$75. Waiver fine of \$40.
2 nd Offense:	Fine of \$100. Waiver fine of \$50.
3 rd and Subsequent Offenses:	Fine of \$150. Waiver fine of \$75.

Sec. 8-220. MANAGEMENT AND IMPOUNDMENT OF ANIMALS EXPOSED TO RABIES OR SUSPECTED

OF BEING INFECTED.

Application. The procedures provided in this Section shall apply to an animal that is a “rabies suspect” as defined in this ordinance.

Procedure. If an Enforcement Officer determines that an animal is a rabies suspect, the City Council and Enforcement Officer shall immediately notify the Health Officer who shall proceed in accordance with the rules of the Vermont Department of Health relating to rabies. A rabies suspect shall be managed by the Health Officer or Deputy Health Officer in accordance with 20 V.S.A. 3801 and related Rules adopted by the Vermont Department of Health.

Costs. All costs associated with the impoundment and management of the rabies suspect shall be borne by the owner. If no owner is found, then the City shall be responsible for the costs, and if at a later date, the owner is found, then those costs plus interest shall be the responsibility of the owner and reimbursed to the City upon receipt of an invoice from the City.

Sec. 8-221. REPEAL OF CONFLICTING ORDINANCES.

All existing ordinances of the City of Montpelier are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

Sec. 8-222. SEPARABILITY OF PROVISIONS.

It is the intention of the City that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

Sec. 8-223. EFFECTIVE DATE.

This ordinance shall be effective 15 days after passage as per 24 App. V.S.A. ch. 5, § 702(c) of the City Charter.

See's. 8-211 to 299. Reserved.

Enacted: December 8, 1976.

Effective Date: January 1, 1977.

Amended and Corrected: March 9, 1977.

Amendment enacted October 11, 1978 [Sec. 8-202]. Date of Publication: 10/18/78. Effective Date: 10/24/78.

Amendment enacted November 9, 1988 [Sec. 8-205, PENALTIES, increased]. Date of Publication: 11/21/88.

Effective Date: 1/01/89.

Amendment enacted May 8, 1991 [Sec. 8-205, PENALTIES, increased]. Date of Publication: 5/16/91. Effective Date: 5/22/91.

Amendment enacted June 23, 1993 [Sec. 8-205, PENALTIES, increased]. Date of Publication: 7/05/93. Effective Date: 7/11/93.

Amendment enacted September 22, 1999 [Sec. 8-210, DEFECATION, added]. Date of Publication: 10/04/99.

Effective Date: 10/10/99.

Amendment enacted January 15, 2014 [Sec. 8-210, title changed to PET WASTE; (a) and (b) rewritten]. Date of Publication: 1/28/14. Effective Date: 2/03/14.)

Amendment enacted August 10, 2016 [Existing Dog Ordinance repealed; entire Article II, Dog Control Ordinance, Rewritten].

Effective Date: August 25, 2016

Amendment enacted February 14, 2018 [Date of Publication: February 20, 2018. Effective Date: March 2, 2018



CITY COUNCIL Agenda Item # 20-041

Date: January 23, 2020

Consent Discussion X

SUBJECT: Legislative Agenda Proposal

SUBMITTING DEPARTMENT: City Manager's Office

RECOMMENDED ACTION: Receive the recommended Legislative Agenda, propose any changes as needed, and then adopt the final Agenda.

STRATEGIC OUTCOME/PRIOR ACTION: Councilor Casey, at the January 8, 2020 Council Meeting proposed having a more robust Legislative presence for the City. Mayor Watson proposed creating a Legislative Agenda for each year, and Council agreed.

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

LEGAL REQUIREMENTS: N/A

BACKGROUND INFORMATION: As directed, staff has collected Departmental and Council legislative priorities, and compiled a Legislative Agenda draft for review. The draft takes into account the partnerships the City of Montpelier has already established with associations that do have a lobbying component, such as the Vermont League of Cities and Towns.

SUPPORTING DOCUMENTS: Attached is the proposed Legislative Agenda for 2020.

INTERESTED PARTIES: Council, City Manager's Office

CITY MANAGER'S APPROVAL:

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

LEGISLATIVE AGENDA GUIDING PRINCIPLES

On a whole, the City of Montpelier requests that policymakers:

- Support legislation that grants cities and towns greater flexibility.
- Support legislation that provides funding to cities and towns.
- Oppose legislation that removes authority from cities and towns.
- Oppose legislation that creates unfunded mandates or directly or indirectly shifts costs to cities and towns.

2020 CITY OF MONTPELIER LEGISLATIVE AGENDA

In order to help fulfill its commitments to its residents, the City of Montpelier calls on policymakers to:

1. Seek funding to support Microtransit opportunities
2. Support the addition of local government employees to the state health care exchange
3. Approve any pending and future recommended charter changes
4. Support funding requests and opportunities for a Social Worker to support Barre City and Montpelier's Police Departments
5. Advocate for any opportunity for additional Human Services funding for homeless services

VERMONT LEAGUE OF CITIES & TOWNS 2020 LEGISLATIVE AGENDA

In addition to the City's legislative agenda, the City works closely with the Vermont League of Cities & Towns (VLCT) to advocate for innovative governance practices. The VLCT has created 2019-2020 Municipal Priorities that align with the City of Montpelier's goals.

VLCT supports:

- decision-making at the local level that recognizes the capacity of local officials and voters to govern themselves on issues of local import, including streamlined adoption and full implementation of municipal charters
- general statutory authority to adopt local option taxes
- programs and initiatives that spur locally driven, right-sized economic growth, especially programs that provide infrastructure improvements to support that growth

VLCT opposes all unfunded mandates, cost-shifts to local governments, pre-emption of municipal programs, and regulatory overreach. VLCT supports full reimbursement of costs for any mandated program and the preparation of fiscal impact statements that show any potential shift in cost prior to action taken by the legislature or administration.

DEPARTMENTAL LEVEL SPECIFIC LEGISLATION MONITORING

HEALTH AND HUMAN SERVICES

- Supporting continued funding for Community Justice Centers
- Advocating for the introduced 2020 H.611, An Act Relating to Creating an Older Vermonters Act, to include discussion of future senior center funding.
 - Additional Advocacy:
 - Communicating with the Department for Disabilities, Aging, and Independent Living
 - Older Vermonters Caucus and Vermont Association for Senior Centers and Meal Providers (VASCAMP)
 - Advocating for Long Term Care Medicaid Waiver coverage for meals on wheels funding

PUBLIC SAFETY

- Working with the Vermont Cemetery Association to monitor H. 560 - Burial fee for Vandalism Fund, and tracking its potential impacts on the City.
- Working with the Vermont Police Association and Vermont Chiefs of Police to represent the Montpelier Police Department's interests.

ELECTIONS & PLANNING

- Monitoring any legislative interest in non-citizen voting initiatives
- Working with the Vermont Planners Association to track the following items:
 - Act 250 reform to ensure state designations are exempt
 - S.237: An Act Relating to Promoting Affordable Housing- to advocate for housing and community reinvestment
 - H.567: An Act Relating to the Regulation of Short-Term Rentals By Municipalities- to track proposed regulations around short term rentals
 - H.642: An Act Relating to Tax Increment Project Development Financing- to advocate for TIF for projects rather than needing a district