



CITY OF MONTPELIER  
CAPITAL CITY OF VERMONT

City Manager’s Weekly Report – 12/31/2015



**UPCOMING MEETINGS ...**

Friday, January 1<sup>st</sup>, 2016

*CITY OFFICES WILL BE CLOSED*

Monday, January 4<sup>th</sup>

Design Review Committee Meeting, 5:30 P.M. in the City Council Chambers

Development Review Board Meeting, 7:00 P.M. in the City Council Chambers

Tuesday, January 5<sup>th</sup>

ADA Committee Meeting, 10:00 A.M. in the City Manager’s Conference Room

Wednesday, January 6<sup>th</sup>

Special City Council Meeting, 6:30 P.M. in the City Council Chambers

**FOR YOUR CALENDARS ...**

- ✓ Thursday, January 28, 2016 Welcome Legislators Reception, Capitol Plaza (Governor’s Ballroom), 5:00 – 7:00 P.M.

**ATTACHMENTS ...**

-  Press Release: Decision on Gwendolyn Hallsmith Hearing
-  DPW Director Memo: Town Forest – Montpelier Watershed Protection Property Notice of Forestry Practices – Timber Harvest

**CITY MANAGER’S REPORT ...**

**Winter Parking Ban**

With the snow/ice storm on Tuesday, we issued the first winter parking ban of the season this week. Starting last year and continuing this year, overnight winter parking is allowed on many city streets except when the City Manager calls for a Winter Parking Ban due to weather or snow removal activities (City ordinance Sec. 10-713.) When a Winter Parking Ban is in effect, parking is prohibited between the hours of 1:00 AM and 7:00 A.M. on all city streets. During these bans, if cars are not moved they may be ticketed and towed.

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There are several ways to be notified if there is a winter parking ban in place:

- **VT Alerts** phone calls, emails, and text messages to subscribers. To register for alerts, go to [www.vtalert.gov](http://www.vtalert.gov). Be sure to select notices for Montpelier.
- Front Porch Forum
- Alerts on the City's website and Facebook pages. With the new City website, we place a header at the top of each page whenever a winter parking ban is in effect.
- Call the Winter Parking Ban phone line at (802) 262-6200.

For a map of where you can park overnight, please visit this site:

<http://www.montpelier-vt.org/DocumentCenter/View/3201>

Winter parking bans are in effect until lifted.

Due to the narrow nature of some of our streets, overnight winter parking between November 15<sup>th</sup> and April 1<sup>st</sup> is always prohibited on these streets:

- Those portions of Memorial Drive, Northfield Street and Berlin Street lying within the radius of one hundred feet from the point of intersection of said streets
- Cedar Street for its entire length
- Chapman Road for its entire length
- Charles Street for its entire length
- Cherry Avenue for its entire length
- Cliff Street for its entire length
- Court Street between its intersection with Elm Street and the intersection with Governor Aiken Avenue
- Downing Street for its entire length
- East State Street on its northerly side from Main Street to Cedar Street and on its southerly side from 89 East State Street to West Street
- Elm Street on both sides from State Street to Spring Street
- Langdon Street on both sides for its entire length
- Liberty Street from Main to Hubbard
- Nelson Street for its entire length

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- Pleasantview Street for its entire length
- Prospect Street for its entire length
- School Street on both sides between Elm Street and Main Street
- School Street from the intersection of School and Main Streets easterly to the intersection with Loomis Street
- Spring Street on both sides from its intersection with Elm Street easterly to its intersection with Keck Circle
- Taylor Street on both sides from State Street to Taylor Street Bridge

Thank you for your cooperation. Moving cars from the street allow our Public Works crews to most efficiently clear the roads and allow for public safety vehicles to pass.

### Legal

*VCFA vs. City, Tax Appeal.* – Oral argument on cross motions for Summary Judgment is scheduled for hearing at Washington Superior Court on Tuesday, January 12<sup>th</sup>, 2016 at 1:00 P.M. Represented by Robert Fletcher

*Illuzzi vs. City, Law, Motyka, Renaud Bros.* – Motions have been filed; going into mediation. Represented by Constance Tryon Bell through VLCT

*Hallsmith Grievance Hearing* - Press Release issued (see attached) on December 28, 2015, stating that “Independent Hearing Officer Michael J. Marks issued his decision on the post termination appeal of Gwendolyn Hallsmith concerning the termination of her employment by the City of Montpelier. In this decision, Mr. Marks denied Ms. Hallsmith.” The City considers this matter concluded.

### **WEEKLY UPDATES FROM DEPARTMENT HEADS ...**

*None*

### **TOPICS FOR UPCOMING CITY COUNCIL MEETINGS ...**

January 6, 2016

Budget Workshop

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1<sup>st</sup> Public Hearing on Budget  
1<sup>st</sup> Public Hearing on Warning  
Public Hearing on Charter Changes  
(Berlin Pond and Local Options Tax)  
Necessity Resolution for Bond  
Bond Public Hearing  
Kiosks – Smart Meters  
Transportation Committee Role  
Community Fund Board Report  
Bicycle Advisory Committee Appointments  
Montpelier Foundation Appointments  
Conservation Commission Appointment

January 21 (Thursday)

2<sup>nd</sup> Public Hearing on Budget & Adoption  
2<sup>nd</sup> Public Hearing on Warning & Adoption  
Deadline for Petitioned Items  
Bond Public Hearing  
Audit Report  
Pedestrian Advisory Committee Appointments

February 10<sup>th</sup>

CVSWMD Presentation



A handwritten signature in blue ink that reads "Jessie C. Baker".

Jessie C. Baker  
Assistant City Manager



America's Small Town Capital

Mayor John Hollar

William Fraser  
City Manager

City Council Members:

Dona Bate  
Jessica Edgerly Walsh  
Tom Golonka  
Jean Olson  
Justin Turcotte  
Anne Watson

Jessie Baker  
Assistant City Manager

## **PRESS RELEASE**

### **Independent Hearing Officer Issues Decision Upholding the City's Decision to Terminate Gwendolyn Hallsmith December 28, 2015**

Today, Independent Hearing Officer Michael J. Marks issued his decision on the post termination appeal of Gwendolyn Hallsmith concerning the termination of her employment by the City of Montpelier. In this decision, Mr. Marks denied Ms. Hallsmith's appeal and found that the City had justifiable cause to terminate Ms. Hallsmith. As part of her appeal, Ms. Hallsmith asserted that she was terminated in retaliation for speaking out about public banking. The Hearing Officer found that Ms. Hallsmith's speech relating to public banking did not play any role in her termination. Rather, the Hearing Officer found that Ms. Hallsmith, by her actions, violated numerous policies set forth in the City's Personnel Plan and therefore the City Manager had justifiable cause for her termination.

The Hearing Officer's decision was rendered after two full days of hearings and consideration of lengthy and detailed written submissions by the City and Ms. Hallsmith. The hearings relating to Ms. Hallsmith's appeal were open to the public at her request.

The City appreciates the Hearing Officer's thoughtful decision and now considers this matter to be concluded.

DEPARTMENT OF PUBLIC WORKS, City Hall, 39 Main Street, Montpelier, VT 05602  
Thomas J. McArdle, Director [tmcardle@montpelier-vt.org](mailto:tmcardle@montpelier-vt.org)  
Kurt S. Motyka, PE, City Engineer [kmotyka@montpelier-vt.org](mailto:kmotyka@montpelier-vt.org)

**To:** Montpelier City Council  
Berlin Select Board  
Northfield Select Board  
Montpelier Tree Board  
Montpelier Conservation Commission  
Town of Berlin Conservation Commission  
Northfield Conservation Commission

**From:** Thomas McArdle, Director of Public Works 

**Date:** December 24, 2015

**Subject:** Town Forest – Montpelier Watershed Protection Property  
Notice of Forestry Practices – Timber Harvest

This memorandum is issued to provide notice about the City of Montpelier's intentions to proceed with the harvesting of timber within the lands of the Montpelier Town Forest located in the towns of Berlin and Northfield. The City's forestlands are enrolled in Vermont's Current Use Program. To be eligible for the program, the property owner must hire a consulting forester and develop a management plan complete with a map of the property, which then must be approved by the County Forester. A property enrolled in the program is subject to a Current Use lien. Taxes are then based on the Use Value rather than Market Value.

To develop the management plan, the City engaged Fountains America, dba Fountains Forestry, Inc., which has an office in Montpelier. A "Forestry Services Agreement" was negotiated with Fountains, and a copy of the project understanding is attached together relevant maps. The attached description of the timber harvest plan provided by Fountains makes specific reference to that portion of the forest located in the town of Northfield because this work will be done first. The description is also generic with regard to the entire inventory of forest lands, including the parcels located within the town of Berlin. The work in Berlin is planned for 2017.

If there are any questions or concerns, please feel free to contact me. If the question requires input from the consulting forester, I will be happy to put you in touch with the appropriate individual.

Attachments: Project Understanding & Maps  
C: William J. Fraser, City Manager  
Kurt S. Motyka, PE, City Engineer  
Steve Twombly, City Assessor  
Geoff Wilson, Chief Operator, WTP

## City of Montpelier, Timber Harvest, Winter 2016 Northfield, Vermont

### PROJECT SUMMARY

The City of Montpelier owns forestland in the town of Northfield, Vermont, and this forestland is enrolled in Vermont's Use Value Appraisal (UVA) Program. The UVA program provides a benefit to enrolled landowners in the form of lowered taxable assessments, for local property tax, in exchange for commitments to practice forestry to accepted standards, and to withhold the land from development. The program requires that participants have and follow a Forest Management Plan for active forest management.

Fountains Forestry prepared a Forest Management Plan for the City, and harvesting is prescribed in that plan for several stands. The harvesting is intended to allow uneven aged stand structures to develop in several stands of native northern hardwood species and mixed composition stands, and to begin the process of regeneration in a non-native Norway spruce plantation. The work is scheduled to occur by the end of 2017.

The project will occur as a harvest of timber during the winter months of 2016. Fountains will mark the timber to be harvested, and a logging contractor will cut the trees, bring them to a landing, process them, and ship them to appropriate markets and mills. Final restoration of trails and landings will occur before July 15, 2016. A map of the project is included at the end of this description.

### LOW IMPACT CONTEXT

The City has expressed an objective that the harvesting occurs in a "low-impact context." To meet this objective, Fountains Forestry has only solicited bids from skilled logging contractors who are able to minimize residual stand damage, and who have a track record of following detailed instructions regarding trail use and restoration, protection of significant resources (such as wildlife resources and cultural artifacts), and suspension of work during periods of poor (wet) ground conditions. The project is scheduled to occur under frozen conditions to decrease impacts, and Fountains Forestry will be laying out main skid trails, which research has shown is an effective way to minimize stand damage and unintended ground disturbance.

### PLANNING PROCESS

Fountains Forestry conducted an inventory of the forest in the fall of 2010. The results of the inventory were used to prepare a full Forest Management Plan. That plan was approved by the City, and by the Washington County Forester as compliant with the requirements of the UVA program.

### SILVICULTURE

In all native stands to be treated, the objective of the current harvest is twofold: first, to harvest trees in small groups to allow conditions under which regeneration can become established, while maintaining a matrix of canopy cover between the groups; and second, to tend the stand between the groups to provide more growing space for better quality trees.

In a non-native plantation, the objective is to reduce the density of the stand, to allow space for regeneration to become established between the residual trees. We expect that most of this regeneration will be native species, but some Norway spruce regeneration will likely also occur.

#### **WATER QUALITY PROTECTION AND OTHER ENVIRONMENTAL PRACTICES**

All harvesting will be conducted in compliance with the management plan, and with regulations related to forest operations. The most important of these regulations is the required compliance with practices known as *Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont* (AMP's). The AMP's cover such practices as the installation of waterbars to prevent erosion on skid trails, the restoration of stream crossings, and the establishment of Protective Strips (or buffers) adjacent to streams and other water bodies. These practices are obligatory for lands enrolled in UVA and are contractual obligations for the timber buyer in the Timber Sale Contract. Fountains Forestry is responsible for supervision of the logging job, identification and notice of any non-compliance, and layout of certain AMP's (such as stream buffers and the spacing of waterbars).

The harvesting is intended to occur under frozen conditions to protect the trails and forest floor from unintentional disturbance.

One practice deserves special mention: per the Timber Sale Contract, the final restoration of skid trails is required by July 15, 2016. This work involves the construction of waterbars along skid trails to divert water off the trails, which can only be done after the trails thaw and dry out in the spring. Therefore there will be a period of time after the conclusion of harvesting and before the installation of final waterbars, as is a standard industry practice. Temporary waterbars may be installed to the degree possible in late winter, should Fountains Forestry deem they are necessary and will be effective.

Finally, certain wildlife resources are typically identified and protected by Fountains Forestry during timber sale layout, although protection of these resources is not a specific contract term. Nevertheless, Fountains Forestry believes that good stewardship involves such practices as protection of such resources as snags and cavity trees, wild apple trees, and beech trees showing signs of bear use. Vernal pools and other wetlands are protected by the implementation of AMP's as described above.

#### **SCHEDULE**

The planned schedule for the work is as follows:

1. December 2015: Timber sale showing and contract negotiation
2. Approximately January 1, 2016: Final contract to City, for approval
3. Mid January 2016: Harvest operation begins
4. Mid March 2016: Harvest operation concluded
5. Early Summer 2016: Final restoration of site, including skid trails and landings

Logging can occur only under appropriate frozen ground conditions, so wet and warm weather may affect this schedule.

#### **CONTRACT RESPONSIBILITIES**

The City of Montpelier contracted Fountains Forestry to administer timber harvest projects in Northfield, and on other City lands in the town of Berlin, under a Forestry Services

Agreement. (The Berlin project will likely occur during the winter of 2016.) These harvest projects will occur as a sale of timber to an appropriate buyer (a logger or mill), under certain conditions specified in a Timber Sale Contract. Therefore there are responsibilities assigned for Fountains, under the Forestry Services Agreement, and other responsibilities assigned to the buyer under the Timber Sale Contract. Both are summarized below.

Fountains' responsibilities include the following:

- Acting as an agent of the City in the administration of the project,
- Marking the timber to be harvested based on sound forestry and the city's objectives,
- Layout of skid trails, buffers, and boundaries,
- Drafting a contract, with specifications for the operation,
- Negotiations with buyer,
- Collecting and holding a performance deposit on the contract from the logger,
- Verifying the contractor's insurance coverage,
- Administration of the contract throughout the project, including supervision of the cutting, product utilization, and restoration,
- Maintaining a record of products shipped to mills from the operation,
- Collection of stumpage payments from the contractor, verification, cross referencing with Fountains Forestry's records and disbursement of payments to the City,
- Summary information at the conclusion of the operation.

The Buyer's responsibilities include the following:

- Purchase of all timber specified by Fountains,
- Full accounting of all products shipped from the lands of the City of Montpelier, and payment for those shipments, will full documentation, within a schedule specified in the Timber Sale Contract,
- Conducting all operations in compliance with laws and regulations related to safety and the environment,
- Compliance specifically with the AMP's, including restoration of trails, stream crossings, and landings,
- Complete all work within the term of the contract.

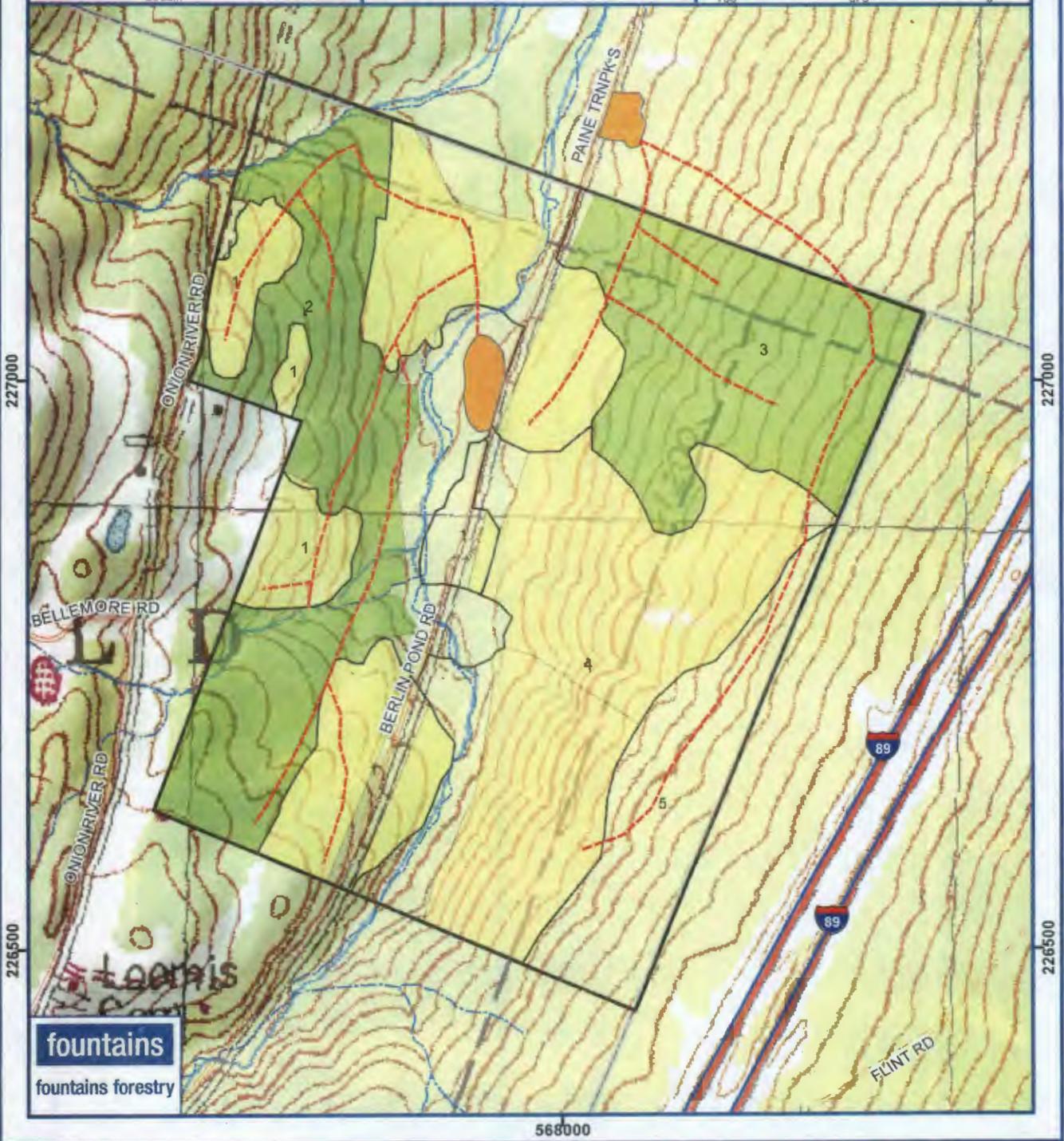
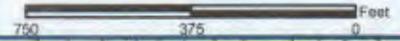
**Legend**

-  Stand Boundary
-  Landing
-  Property Boundary
-  OSR (Or Amendment: Thin)
-  Shelterwood
-  Single Tree/Groups
-  Thinning
-  Town Boundary
-  Skid Trails
-  Stream

Stand	Type	Acres	Treatment
1	SF4C	32	Shelterwood
2	NH3A	35	Thinning
3	SM3B	29	Thinning
4	MW3B	39	Single Tree/ Group Selections
<b>TOTAL</b>		<b>135</b>	

**Harvest Map**  
**Northfield-Berlin Pond**  
 Owned By: City of Montpelier  
 135 Harvest Acres  
 Northfield, Vermont

December, 2015



# Harvest Map City of Montpelier Forest

672 Town Listed Acres  
Berlin, Vermont

June, 2015



## Legend

- Property Boundary
- Stand Boundary
- Landing
- OSR (Or Amendment: Thin)
- Shelterwood
- Single Tree/Groups
- Thinning



**fountains**  
fountains forestry