

**CITY OF MONTPELIER
CAPITAL CITY OF VERMONT**

City Manager's Weekly Report – 03/11/2016

UPCOMING MEETINGS ...

<i>Saturday, March 12</i>	<i>Planning Commission Meeting, 9:00 A.M. to 12:00 noon in the City Council Chambers</i>
Monday, March 14	Planning Commission, 5:30 P.M. in the City Council Chambers
Tuesday, March 15	Montpelier Energy Advisory Committee, 7:00 P.M. in the Memorial Room
Thursday, March 17	Montpelier Senior Advisory Council, 1:00 P.M. in the MSAC Resource Room Housing Task Force, 5:15 P.M. in the Memorial Room “Friends of the Winooski”, 6:00 P.M. in the City Manager’s Conference Room
Friday, March 18	Cemetery Commissioners, 12:00 noon in the City Manager’s Conference Room

You can also click on the following link for a listing of the Montpelier Senior Activity Center’s upcoming events: <http://www.montpelier-vt.org/calendar.aspx?CID=30,36>

FOR YOUR CALENDARS ...

- ✓ City Council Retreat (with Facilitator) on Saturday, March 26th, from 9:00 A.M. to 12:00 noon in the Library at Montpelier High School.

ATTACHMENTS ...

-  CSO Draft Rule Memo
-  DPW CSO Control Policy Comments 3-9-16
-  RFP: Sale by City of Montpelier of Real Property at 55 Barre Street
-  Press Release: City Announces Key Milestone in 1 Taylor Street Redevelopment Project; Secures an Additional \$850,000 for the Project
-  Press Release: Senate Approves Leahy-Backed Comprehensive Legislation to Combat Opioid and Heroin Addiction
-  RFP: Community Services Facilitator
-  Letter re: Novus Montpelier Solar, LLC Application

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CITY MANAGER'S REPORT ...

One Taylor Street

As announced Thursday, the City received an \$850,000 grant from the Agency of Commerce and Community Development for the One Taylor Street Project.

Obviously, the receipt of this grant is big news. As a reminder, we received a \$250k grant for on-site stormwater improvements and \$128k in sales tax reallocation funds this fall. Therefore, we now have secured an additional \$1,228,000 for the project. While not quite the \$1.4M we think we need, we believe we can make this work through small changes during the design process. Or there may be additional sources of funds we come across in the next year that could fully close this gap. In the meantime, we believe we have enough funding committed to move forward.

We continue to work on securing the rights-of-way for the remaining four parcels. Jay White, trustee for the Mowatt property, was before the DRB this past Monday night for a permit to build a multi-story building on the TKS site. Assuming this moves forward, we anticipate reaching an amicable sale/swap agreement with him. We have reached agreement on the Heney easement, and it should be on the March 23rd agenda for approval. We are also in active negotiation with the Bashara's and Jacob's on the remaining two easements. For our grantors to authorize us to move forward with design and permitting, we must "clear" right-of-way or have agreements in place for all of these parcels.

We expect major construction to begin in 2017. However, some of the work that this grant funds – soil management and replacement of retaining wall – may well be done this summer. That is not scheduled yet.

In other news, we are well into the planning to improve the streetscape on Taylor Street in advance of site construction.

Our project team, D&K, DEW, gbA, and Redstone are meeting today to map out the next steps given the receipt of the grant below. We anticipate completing some of this work this summer and fall, although the specific schedule has not yet be set.

Goals

As discussed at this week's meeting, I will include a recommended Goals document in next Friday's report to start your discussion on the 23rd. We will have the leadership team present for that meeting. This will be followed up by the facilitated Council Retreat on the 26th. Our facilitator is named Susan Terry – she is very highly regarded in the field. She will be in touch with each of you after the 15th to meet, or at least speak by phone, to talk about how to best structure the meeting and time.

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Staff Realignment

In order to better meet Council goals and organizational needs, we have made some minor internal adjustments to be sure that we have key staff directly handling key priorities. We will, of course, continue to collaborate and use everyone's talents on all issues, but Planning Director Mike Miller will be the lead person on the zoning adoption, the Master Plan re-write, grant submissions and other similar projects. Community Development Specialist Kevin Casey will be the lead person on housing and parking, along with his grant management duties. Assistant City Manager Jessie Baker will be the lead person on Economic Development and Human Resources, along with managing the One Taylor Project and overseeing the Community Services restructuring process while taking a reduced role on the Bike Path Project and on operations oversight. Public Works Director Tom McArdle (and DPW Staff) will take the lead on the Bike Path Projects, the Taylor Street reconstruction and all their other work.

These slight changes allow us to give dedicated attention to planning, parking, housing, economic development and HR using existing staff resources.

New Staff Member

We are pleased to announce that we have hired Jamie Granfield as our part-time Office Assistant for the Clerk-Treasurer's Office. We had well over 50 applicants for this position! Jamie lives in Montpelier and comes to us with great customer service and office experience. Her work schedule will be 10 AM to 2 PM, Monday through Friday. We expect her to join us on Thursday, March 24th. Please introduce yourself to Jamie when you stop by the Clerk-Treasurer's Office.

Bike Path Extension

We have received authorization from VTTrans to begin negotiating with property owners along the bike path extension corridor for the needed rights-of-way. This is a significant step on moving the project forward. Additionally, we will be providing a project update to the Bike Committee on April 5th at their regular meeting.

Legal

VCFA vs. City, Tax Appeal. – Awaiting decision. Oral argument on cross motions for Summary Judgment was held at Washington Superior Court on Tuesday, January 12th. Represented by Robert Fletcher

Illuzzi vs. City, Law, Motyka, Renaud Bros. – Motion for summary judgment was filed this week; discovery continues. Represented by Constance Tryon Bell through VLCT

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WEEKLY UPDATES FROM DEPARTMENT HEADS ...

Department of Public Works

The department has been actively following the development of an Environmental Protection Rule Combined Sewer Overflow Rule proposed by the VT Agency of Natural Resources, Department of Environmental Conservation (DEC). This rule is intended to supersede the CSO Control Policy dated 1990. While actively engaged in the draft review process through the presentation of written comments and preparation of updated comments for the next public hearing scheduled on March 24th, DPW staff was made aware of two new developments. First, a Bill was presented to the Legislature (H.674) regarding public notice of CSO event discharges. The Director and City Engineer presented oral and written testimony questioning the need for Legislative action and the implementation of more stringent notification standards than being recommended in the rules as proposed by the DEC. The City does not object to providing public notice under the proposed conditions presented in the rule, as stipulated in our Water Resource Recovery Facility permit to operate, and in accordance with the technology available. Second, in the amended version of the draft CSO Rules dated December, 2015, we became aware that DEC added the prohibition of all new sewer connections to any Combined Sewer System (CSS) which have CSO outfalls. Given that much of Montpelier's sewer system passes through CSO equipped sewer mains, the affect would have been crippling for our town and many others around the state. Today, March 11th, DEC issued the following notice that they are deleting this prohibition from the proposed rules: *Based upon preliminary feedback and comments received, the Agency is proposing the attached revision of the proposed CSO Rule. Of note, the Minimum Control #10 (Section XX-402) has been eliminated, and language has been added to the description of the Long Term Control Plan requirements (Section XX-403). Rather than waiting to address this issue after the public meeting and end of the public comment period, the Agency is choosing to provide stakeholders the new proposed language now in order to allow for the greatest degree of public input.*

Also – as you may be aware – a bill regarding public notification of sewer overflows (H.674) is currently under consideration by the legislature. The notification requirements of Minimum Control #8 in the proposed CSO Rule may change depending on the outcome of H.674; in the meantime, it remains as is in the attached revision.

*And finally, don't forget that we are holding a public meeting regarding the proposed CSO Rule on **March 24th**, 3:00 PM thru 5:00 PM, at the Pavilion in Montpelier. Written public comments on the proposed CSO rule are invited and must be received on or before the close of business day (4:30 pm) **March 31, 2016.***

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Parks Report

Given recent numerous swings in temperatures, we spent a substantial amount of time unplugging culverts (frozen solid) to prevent trail and road damage from water running over the trails.

We worked with a U-32 based VYCC group three days this week to repair two observation blinds, manage invasive species and take spring-related measures to make sure trails are shedding water properly to avoid erosion and trail damage.

Mud season in the park has officially begun, record early. While the park is closed to vehicles, park visitors can still walk in the park. The park roads are considered especially enjoyable to walk when cars are not using them.

TOPICS FOR UPCOMING CITY COUNCIL MEETINGS ...

March 23 rd	2016-17 Goals/Priorities Appointment of City rep to CVSWMD Re-visit Committee Assignments Parking/Smart Meters/Kiosks
April 13	Zoning? Parking Advisory Committee Appointments Community Services Facilitator Contract
April 27	Master Plan Contract
May 11	Rec Building



William J. Fraser
City Manager

City of Montpelier
Department of Public Works
Memorandum

To: William J. Fraser, City Manager

From: Thomas McArdle, Director
Kurt Motyka, P.E., City Engineer / Assistant Director

Date: March 11, 2016

Subject: Vermont Agency of Natural Resources,
Department of Environmental Conservation (DEC):
Environmental Protection Rule
Draft Combined Sewer Overflow (CSO) Rule
Proposed City of Montpelier Position Statement

The DEC issued a draft CSO Control Policy in September, 2015 which, when fully adopted, is intended to replace the 1990 Policy. The Public Works Department staff submitted written comments in October and attended a public hearing during which other towns with CSO systems also provided oral & written statements. The DEC subsequently altered the policy to a proposed rule.

Although DEC staff considered the comments and made various amendments to the draft, we discovered that a section of the "Minimum Controls" was modified in the subsequent draft CSO Rule (dated December, 2015) in which new sewer service connections would be prohibited. On this date, DEC notified all affected towns that they have agreed to substantially alter this section which would have been crippling to the communities in terms of cost implications and impacts to the growth & housing goals of the City Council. As revised, new service connections will be addressed under the long term control plan (LTCP) which essentially means that towns must annually report progress being made on measures being taken to reduce the volume, frequency and duration of CSO events. The potential cost implications remain a serious concern and by proposed rule, a financing plan shall be submitted to design & implement the LTCP. The Public Works Department has prepared updated written comments for further consideration by the DEC.

An introduction of the policy and proposed CSO rule follows which is included in the September 30, 2015 draft:

Combined sewer collection systems were among the earliest sewers built in the United States through the mid-20th century. Combined sewer systems were designed to collect both sewage and storm water in the same pipe. Most of the time, combined sewer systems transport all of the combined sewage and storm water flow to a wastewater treatment facility prior to being discharged to a water body. However, during certain intense precipitation events, the volume of sewage and storm water entering the combined sewer system can exceed its capacity. Thus, combined sewer systems are designed to have overflow points to direct excess flow out of the system during these intense precipitation events so that the treatment facility is not overwhelmed, and to prevent backups into basements and street flooding from surcharging manholes. These overflow points, referred to as Combined Sewer Overflow (CSO) outfalls, allow for combined sewage and storm water to discharge directly to surface waters during these intense precipitation events prior to reaching the treatment facility. CSOs outfalls are point sources under the federal Clean Water Act (CWA), and therefore, are subject to state National Pollutant Discharge Elimination System (NPDES) requirements.

Controlling and eliminating CSOs is a goal of state and federal pollution control programs. The Vermont Agency of Natural Resources (Agency) first adopted a Combined Sewer Overflow Control Policy in June 1990 (1990 Policy). The purpose of the revision to the 1990 Policy is to further enhance and support the control and elimination of CSOs in Vermont and to ensure compliance with the requirements of the CWA and state law, including the Vermont Water Quality Standards (VWQS).

Through cooperative and collaborative efforts with our partners in the Agency of Natural Resources, Montpelier has undertaken a multitude of water quality initiatives beginning in the 1960s, including an 11 year storm sewer separation program that will continue this year. The City has demonstrated an ongoing commitment to water quality improvements as a matter of operational best management practices. To date we have reduced the number of active CSO structures from 25 to 6 and continue to make progress in reducing the frequency and volume of overflows at the remaining structures. We are prepared to support the new rules to the greatest extent possible utilizing all available resources and we are confident the City Council will continue to support these efforts to achieve the highest possible water quality as a matter of sound environmental policy. The storm water master plan project is yet another measure the City has embraced to demonstrate this commitment to water quality.



America's Small Town Capital

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

March 9, 2016

Agency of Natural Resources
Department of Environmental Conservation
Watershed Management Division
1 National Life Drive – Main 2
Montpelier, VT 05620-3522

RE: Comments on Draft CSO Control Policy
Revision Date: December 2, 2016

Dear DEC Staff:

The Department of Public Works staff has reviewed the Draft CSO policy and we plan to attend the next scheduled public forum on March 24th, 2016. Other City officials including Mayor Hollar may also join us and offer testimony at the forum. Thank you for considering our previous comments concerning the earlier version of the draft policy. We understand the policy has since been revised as proposed rules. We now offer these additional written comments about the revised Draft CSO rules for your further consideration.

- Section XX-402, part (6): This section requires control of solids and floatable materials and pretreatment requirements for CSO outfalls. To what standard will this treatment be held? Has the feasibility of this type of treatment been evaluated with consideration of the maintenance accessibility and the ability to supply power to these locations?
- Section XX-402, part (8B): Due to overflows currently not being metered and tell tales noted as an acceptable monitoring device in part (9A), estimated volumes should not be mandated for reporting at this time. The Website should be modified from the current configuration containing only selectable options from a drop down menu to an operator selectable manual input value or comment. The current limitations results in misleading information being conveyed to the public.

- Section XX-402 (9A): This section requires installation of precipitation stations for each CSO sub-catchment area. This requirement should be removed as it will not add any significant value to CSO analysis. We feel that a single rain station at the treatment plant is sufficient and funds are better spent in working towards CSO overflow reduction / elimination.
- Section XX-403 (2): The public participation requirement is too stringent. We support public participation but requiring involvement for persons who reside downstream of CSO outfalls and those who use and enjoy downstream waters is too far reaching. We suggest revising this section to state that it “may” include these participants. Are there partners available to a municipality to assist with making such a requirement useful and will it be a valuable measure to meet the intent of DEC?
- State and federal funding is imperative to reaching the goal of this policy. Montpelier tax & utility customers are still paying for the CSO separation work that took place from 1995-2003 and are faced with mandated wastewater treatment plant and water system upgrades coupled with an aging and generally failing infrastructure.

Thank you for the opportunity to comment on this draft policy. We hope that you consider these items prior to adopting it as a new regulation (or policy). If you have any questions on any of these comments, please call the Department of Public Works at 802-223-9508.

Sincerely,

Thomas McArdle
Director of Public Works

Kurt Motyka, P.E.
City Engineer / Assistant Director



Request for Proposals

Sale by City of Montpelier of Real Property at 55 Barre Street

The City of Montpelier is exploring the potential sale and redevelopment of the real property owned by the City located at 55 Barre Street, Montpelier, VT and commonly known as the Montpelier Recreation Building. The Property includes a .30 acre parcel in Montpelier's vibrant downtown, is a one to two story armory building that was built in 1932, containing approximately 8,422 square feet, and is connected to municipal water and sewer. The City is considering selling the Property to be used as an economic development opportunity in the core downtown.

Deadline for Proposals: 4:00 PM on Friday, April 15, 2016

For more information, contact:
Jessie Baker, Assistant City Manager
jbaker@montpelier-vt.org

The full text of the RFP is available here: <http://www.montpelier-vt.org/857/Recreation-Building-Redevelopment>



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

City Announces Key Milestone in 1 Taylor Street Redevelopment Project; Secures an Additional \$850,000 for the Project

March 10, 2016

Today, the Vermont Agency of Commerce and Community Development announced the award of \$850,000 to the One Taylor Street Redevelopment project. This marks a key milestone in moving this important downtown redevelopment project forward.

With preliminary plans completed last summer, DEW, the City's Construction Manager, performed a full construction cost estimate. This cost estimate found that an additional \$1.4M was needed to build the project as designed. Over the fall the City secured additional funds through the State's Sales Tax Reallocation program and the Ecosystem Restoration Program. With the additional \$850,000 announced today, the City has closed this funding gap and is poised to move forward.

"This is an exciting day for a project that will provide better transportation options in our community and offer much-needed new housing, as well as improve a key entry to our downtown," said Mayor John Hollar this morning. "With the funds in place to redevelop this parcel, the only obstacle left is securing the final rights of way for the proposed shared use path. We began talks with the two remaining property owners in December and are hopeful that we will reach agreements with them soon."

"This project, many years in the making, has received significant support from federal and state funding partners" said City Manager William Fraser. "Today we are thankful

to the Department of Housing and Community Development and the Vermont Community Development Program for this competitive award that allows the project to move forward.”

The One Taylor Street Redevelopment project includes the construction of a Transit Center and privately owned rental housing on the site formerly known as the “Carr Lot,” as well as a new shared used path that will stretch from Taylor Street, across the North Branch of the Winooski River on a new pedestrian bridge, to Main Street. Key partners in this project are Gossens Bachman Architects, DuBois & King, DEW Construction Corp, and Redstone.

Media Contact:

William Fraser

City Manager

39 Main Street

Montpelier, VT 05602

(802) 223-9502

wfraser@montpelier-vt.org

Senate Approves Leahy-Backed Comprehensive Legislation To Combat Opioid & Heroin Addiction

Leahy: “This bill is historic because it marks the first time that we are treating addiction like the public health crisis that it is.”

WASHINGTON (THURSDAY, March 10, 2016) – The U.S. Senate Thursday overwhelmingly, in a vote of 94 to 1, approved major legislation backed by Sen. Patrick Leahy (D-Vt.) that addresses the opioid/heroin crisis that has gripped Vermont and states across the nation.

Leahy on Thursday praised the Senate’s passage of the Comprehensive Addiction and Recovery Act (CARA), a bill which aims to tackle opioid and heroin addiction through the same kind of community-based approach that has made significant improvements in Vermont. “Vermont’s experience and Vermont’s solutions have informed the writing of this bill,” Leahy said. As Ranking Member of the Senate Judiciary Committee, Leahy helped shepherd the legislation through the Judiciary Committee and through the Senate.

Leahy, a former prosecutor, continued: “I am proud to be a cosponsor of CARA, and I am glad to see the Senate pass this bill. **This bill is historic because it marks the first time that we are treating addiction like the public health crisis that it is.** We are not imposing harsh and arbitrary mandatory minimum sentences on those who abuse drugs. We are not condemning the poor and sick among us to be warehoused in our nation’s jails. **Today I am hopeful that we have finally learned our lesson from the failed war on drugs.**”

The bill includes key provisions for rural communities. It authorizes a grant program Leahy helped to create that expands access to Medication Assisted Treatment programs. And importantly for Vermont, and at Leahy’s urging, the bill also includes specific language to help rural communities obtain the overdose-reversing drug Naloxone.

As Leahy noted, however, the bill does not include additional — and desperately needed — funding for states to tackle opioid and heroin addiction. Leahy said he would continue pushing for the Senate to pass additional funding.

“The Senate missed an opportunity to provide real funding for this effort when Republicans blocked Senator Shaheen’s amendment that would have provided for emergency supplemental appropriations,” Leahy said. “So we need to keep fighting to ensure that we provide the necessary resources to support implementation of this bill. **In Vermont and across this country, there are few issues more pressing than opioid and heroin addiction, and I will not stop working with people throughout our state to help fight this epidemic.**”

Leahy has long championed efforts to treat addiction. In recent years, he has held four Judiciary Committee field hearings in Vermont to examine the growing problem of drug addiction in rural

communities. At those hearings, Leahy heard from local leaders, state officials, and organizations like Project VISION and the Boys & Girls Club who are all working together to address the opioid crisis.

A leading member also of the Appropriations Committee, Leahy also worked on that panel to help establish the Anti-Heroin Task Force to combat illicit trafficking in communities across Vermont and the nation. The Vermont Drug Task Force received \$1.4 million from the first round of grants for this program in September 2015, resulting in the addition of five troopers to focus on heroin trafficking. The program will receive \$7 million in funding in FY16. CARA authorizes this grant program as well.

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**Request for Proposals
Community Services Facilitator**

The City of Montpelier is seeking a qualified professional facilitator to guide stakeholders and staff through a process to develop an intergenerational community services department. Currently similar services are provided by the Montpelier Senior Activity Center, the Recreation Department, the Parks Department, and, to some extent, the Cemetery.

Deadline for Proposals: 4:00 PM on Friday, March 25, 2016

For more information, contact:
Jessie Baker, Assistant City Manager
jbaker@montpelier-vt.org

The full text of the RFP is available here: <http://www.montpelier-vt.org/859/Community-Services-Department>

March 4, 2016

To: Montpelier City Council and Adjoining Landowners to proposed Novus Montpelier Solar Project

Re: Application of Novus Montpelier Solar, LLC for a certificate of public good, pursuant to 30 V.S.A. §§ 219a and 248 to install and operate a 500 kW group net-metered solar electric facility to be located off of Log Road in Montpelier, Vermont.

Dear City Council Members and Adjoining Landowners:

The purpose of this letter is to provide you notice that Novus Montpelier Solar, LLC (“Novus”) has submitted an Application to the Vermont Public Service Board (“PSB”) for approval of a net-metered solar energy project to be located off of Log Road in Montpelier, Vermont. An electronic copy of the Application may be obtained by contacting Novus at the address below:

Alex Bravakis
Novus Montpelier Solar, LLC
2 Spring Street
Montpelier, VT 05602
alex@novusenergydev.com
(347) 891 0296

The PSB will review the Application and will decide whether to issue a certificate of public good for the Project. Under PSB Rule 5.100, individuals have 21 days to submit comments on the Application, request a hearing, and/or seek to intervene in the proceeding. Any questions concerning the PSB process for reviewing net metering applications under PSB Rule 5.100 may be directed to the Clerk of the PSB at the following address:

Judith Whitney, Acting Clerk
Vermont Public Service Board
112 State Street
Montpelier, VT 05620-2701
Psb.clerk@state.vt.us
(802) 828 2358

Thank you for your attention to this matter.

Sincerely,



Andrew N. Raubvogel, Esq.
Victoria M. Westgate, Esq.
Dunkiel Saunders Elliott Raubvogel & Hand, PLLC
On behalf of Novus Montpelier Solar, LLC