

Minutes of the Montpelier City Council Meeting
April 9, 2014
Montpelier City Hall Council Chambers

In attendance: Mayor John Hollar (presiding), City Councilors Thierry Guerlain, Tom Golonka, Justin Turcotte, Dona Bate, Anne Watson and City Manager Bill Fraser. City Clerk John Odum acted as Secretary of the meeting. Councilor Jessica Edgerly Walsh was absent.

14-093. Don Wells, President of DEW Properties, rose to ask that the previous meeting's vote approving the Redstone company as the development partner for the Carr Lot project be rescinded. He restated his objections to the process.

Councilor Guerlain responded, detailing his own discomfort with the Carr Lot Committee's decision-making process.

Councilor Golonka objected to the notion that his recusal resulted in a different decision that otherwise would have occurred on the vote. He took issue with the Mayor's approach to his decision making vote, indicating it would have impacted his decision to recuse himself. The Mayor felt that conflict of interest questions exist independently of other factors.

Councilor Guerlain asked that one of the yea votes from the Redstone-approval motion in the previous meeting move to reopen the matter, as per Robert's Rules of Order.

Mayor Hollar, while indicating his personal preference for the DEW proposal, took a moment to defend the Carr Lot Committee's process from Councilor Guerlain's charges.

Councilor Watson refuted the suggestion that councilors could have been confused by the process, indicating that she, as a Redstone "yea" vote, was clear.

Jay Ancel, a design partner with DEW, rose to object to the committee's decision making process, asking that the City Council look at the proposals "de novo" and reopen the process.

Jay White, an architect unaffiliated with DEW or Redstone, rose to advocate that the process be reopened.

John Snell of the Carr Lot Committee rose to defend the committee's decision making process, specifically responding to Councilor Guerlain's objections.

Councilor Bate asked that the vote be reconsidered for the sake of a fair process, not in service of any specific outcome.

Councilor Guerlain renewed his objection to the committee's scoresheet/checklist construction and prioritization, and urged that Councilor Turcotte or Watson move to revisit the process.

At the Mayor's request, City Manager Fraser explained the genesis of the scoring sheet (that it was cut and pasted directly from different sections of the RFP). Mr. Fraser also noted that any reconsideration of the decision could initiate comparable complaints from the "other" side (Redstone), and that there could be problematic implications for future development projects.

Don Wells returned to the microphone, specifically calling on the City Manager to defend the scoresheet. The City Manager responded, noting again that the criteria for selection and the goals – both from the RFP – were used on the sheet in question. He indicated that all factors were considered during the committee's deliberation.

Pamela Miroux, DEW counsel, rose to object to the process, citing the words of Councilor Edgerly Walsh for particular criticism. She also took legal objection to the membership and the existence of the council. Finally, she expressed the opinion that any councilor can move to rescind the decision.

14-094. Councilor Bate moved approval of the consent agenda, and was seconded by Councilor Turcotte. The motion carried unanimously at 7:16 PM.

14-096. State Representative Warren Kitzmiller addressed the Council regarding his letter addressing concerns about potential building on Berlin Pond while two petitions about the status of the pond are being reviewed.

14-097. Representative Kitzmiller also addressed options to protect Berlin Pond as laid out by Luke Martland, Director and Chief Counsel of Vermont Legislative Council. He noted that Mr. Martland indicated that the options did not constitute a formal legal opinion. Rep. Kitzmiller also expressed his own opinion that the options as laid out were accurate.

Mayor Hollar and Rep. Kitzmiller noted the support in the legislature for a moratorium on construction until the final disposition of the Pond can be sorted out.

Councilor Guerlain suggested the city build a covered bridge over the access road currently owned by Berlin, basing the structure on land owned by Montpelier.

City Manager Fraser discussed the dynamics of the issue, including questions over a disputed right-of-way that could provide the town of Berlin with direct access to the Pond for a watercraft landing.

Councilor Bate move that the Council direct the City Manager to draft a letter on behalf of the Council to call for a moratorium until the petitions that are pending before the Agency are resolved. Councilor Guerlain seconded.

Bob Green of the Citizens to Protect Berlin Pond reported to the council on a recent conversation detailing the permitting process that would lie before Berlin should they proceed with construction of a launch. He also noted distinctions between the pending petitions.

Maxine Leary rose to indicate that she wanted clean drinking water.

The motion carried unanimously at 7:32. Councilor Bate had questions about the follow-up process moving forward.

Jay White rose to suggest that the council support the petitions to restrict access to protect Berlin Pond before ANR.

Councilor Bate moved council to support the petition submitted by Citizens to Protect Berlin Pond to limit all access to the Pond. Councilor Guerlain seconded. Councilors Turcotte and Golonka indicated they would prefer time to review the issue. Councilor Turcotte also noted that Councilor Edgerly Walsh might want to weigh in.

Councilor Guerlain withdrew his second to the motion.

The Mayor called for a minute recess at 7:38 PM. The Council returned at 7:47PM.

- 14-095. Public Works Director Todd Law (joined by Kurt Motyka and Zach Blodgett, also of the DPW) offered a power point presentation on the FY '15 - FY '19 Paving Plan, as well as discussion of the Capital Improvement Projects Funding Plan. Councilors had several questions about the process, particularly regarding specific street prioritization, being able to keep streets from degrading as badly as they have going into the future, and grants to support paving on Class I and Class II roads.

After the presentation, Mayor Hollar and Councilor Guerlain asked about the proposed timeframe against the context of the “steady state” road funding discussions of two years past. Councilors expressed concerns about the pace of the plan. A detailed discussion followed.

The Mayor suggested the Capital Improvement Committee look at the information more closely and return to the full Council.

- 14-098. Mr. Law introduced the discussion regarding the reclassification of a Town Highway (City Dump Road) and answered questions. Councilor Guerlain moved that the council direct the city staff to start whatever steps are necessary to reclassify the City Dump Road and to include a name change. Councilor Bate seconded. The motion carried unanimously at 9:04.

- 14-099. Councilor Golonka noted the upcoming honoring of Alan Weiss at the Montpelier Rotary. He then reported on the recent meeting of the Boosters Club, and noted that the Green Mountain Film Festival banners were still up and should come down.

Councilor Bate noted that Alan Weiss was going to be honored at an upcoming Lost Nation Theater performance.

Councilor Guerlain expressed his desire to return to the discussion of removing excess utility poles. He also noted the relatively new sidewalk on East State Street had deteriorated, presumably due to heavy salt application and asked why sand couldn't be

used instead of salt. Mr. Law countered that he did not believe excess salt was the issue, and was likely connected to poor sidewalk quality (he indicated he would investigate).

Councilor Turcotte thanked the city clerk for the detailed minutes. He went on to report on a constituent contact regarding NetZero goals.

- 14-100. The Mayor reported on discussions regarding the creation of a new connective bike bridge, funding for which was defeated in the Senate. He suggested private fundraising would be called for.
- 14-101. The City Clerk made note of the April 15 Special City Meeting, the voter registration deadline, and early voting hours on the upcoming Saturday.
- 14-102. The City Manager noted the upcoming tour of the district heating plant. He reported on the summit that he and Assistant Manager Jessie Baker recently attended.
- 14-102(a)(b) For purposes of receiving an update on Vermont College of Fine Arts Litigation and on the Planning Director search process, Councilor Guerlain moved the Council enter into executive session and include the City Manager and Assistant City Manager, and was seconded by Councilor Turcotte. The motion carried unanimously at 9:15PM. The council took a 5 minute recess before convening in closed session.

Councilor Bate moved the Council return to open session and adjourn. Councilor Turcotte seconded. The vote carried unanimously at 9:50.