

CITY COUNCIL MEETING STATED MEETING & PUBLIC HEARING AUGUST 10, 2011

On Wednesday evening, August 10, 2011, the City Council Members met in the Council Chamber.

Present: Mayor Hooper; Council Members Golonka, Hooper, Jarvis, Sherman, Timpone and Weiss; also City Manager Fraser.

Call to Order by the Mayor

Mayor Hooper called the meeting to order at 6:30 P.M.

- 11-189. Request for an Executive Session regarding a personnel issue in accordance with Title I, VSA §313, Executive Sessions, (a) (1) *“Contracts, labor relations agreements with employees, arbitration, mediation, grievances, civil actions, or prosecutions by the state, where premature general public knowledge would clearly place the state, municipality or other public body, or person involved at a substantial disadvantage.”*

Motion was made by Council Member Hooper, seconded by Council Member Jarvis to go into executive session in accordance with Title I, VSA, Sec. 313 Executive Session, (a) (1)) *“Contracts, labor relations agreements with employees, arbitration, mediation, grievances, civil actions, or prosecutions by the state, where premature general public knowledge would clearly place the state, municipality or other public body, or person involved at a substantial disadvantage.”*

Present: Mayor Hooper; Council Members Jarvis, Hooper, Sherman, Weiss, Golonka and Timpone; also City Manager Fraser.

On motion made by Council Member Jarvis, seconded by Council Member Weiss, the Council came out of executive session at 6:43 P.M., in accordance with Title I, VSA, Sec. 313, Executive Session, (a) (1)) *“Contracts, labor relations agreements with employees, arbitration, mediation, grievances, civil actions, or prosecutions by the state, where premature general public knowledge would clearly place the state, municipality or other public body, or person involved at a substantial disadvantage.”*

Mayor Hooper called the televised portion of the meeting to order at 7:00 P.M.

Motion was made by Council Member Jarvis, seconded by Council Member Weiss to authorize the City Manager to sign the settlement agreement in the Rousseau vs the City of Montpelier civil action. The vote was 6-0, motion carried unanimously.

The prepared statement was read into the record and will be made a part of the minutes.

11-190. General Business and Appearances

City Manager Fraser thanked the Council for allowing him to attend the Senior Executives in State and Local Government program at the John F. Kennedy School of Government at Harvard University.

11-191. Consideration of the Consent Agenda:

- a) Consideration of the Minutes from the July 13th, 2011 City Council Meeting. 
- b) Ratification of a poll vote taken of City Councilors on July 20th, seeking authorization for Public Works staff to accept the low bid of \$17,399 (Base Bid \$16,199 + \$1,200 Premium Care Warranty) submitted by Gateway Motors of White River Junction, Vermont, for the replacement of a 2WD pickup truck for the Water/Sewer Division; Council Members were also asked to authorize the Acting City Manager to sign the Purchase Order. 
- c) Ratification of a poll vote taken of City Councilors on August 1st, seeking authorization for Public Works staff to accept the low bid of \$83,788 submitted by Dubois Construction, Inc., for the Towne Hill Road Culvert Replacement Project. All parties wanted to get started immediately and complete as much of the work as possible prior to the influx of school-related traffic; Council Members were also asked to authorize the Acting City Manager to sign the contract. 
- d) Consideration of accepting the low bid of \$7,800 submitted by Johnson Hardware of Johnson, Vermont, for the Light Tower and Generator for the Public Works Department and authorizing the City Manager to sign the Purchase Order. 
- e) Consideration of an “Online Payment Services Contract”. In April, staff requested proposals for a three-year electronic payment service contract (credit card, debit card and electronic check) for the payment of all fees normally associated with municipal government. Staff waited until the decision was made on the Banking Services Contract (change from TD to Merchants Bank) before beginning vendor selection for the online

payment services. The City Clerk-Treasurer and Finance Director have provided a memorandum which explains the steps of this process in more detail. Staff is recommending the award of the 3-year Electronic Payment Contract to *Official Payments* and authorizing the City Manager to sign the contract and associated documents. 

- f) Consideration of approving a “Validation Resolution” prepared by the City’s Bond Counsel Paul Giuliani; this document is needed in order to fix a small glitch in the bond election process for the District Heat Project. The last Warning publication date is supposed to be between five and ten days from the date of the vote; the June 2nd publication is fourteen days from the vote. Council is being asked to authorize the dating and signing of the “Validation Resolution” by the City Clerk. 
- g) Consideration of a request from Sarah Jarvis for a one-time waiver of the City’s Noise Ordinance for a party her family is hosting on Friday, August 19th. They will be showing a movie outdoors beginning at approximately 8:30 P.M. and ending by 11:00 P.M.; the noise level may exceed the maximum noise level permitted at the property line after 9:00 P.M.. (A copy of the letter they sent to neighbors is attached.) 
- h) Consideration of authorizing the City Manager to sign a Main Service Agreement, Rental Terms of Service Agreement and Music on Hold Agreement with Sovernet Communications. The budget for 2011 contains funds to allow for the replacement and upgrade of a telephone system in City Hall. This project was put out for proposals from two separate groups because it was a substantial change in the type of phone service for City Hall and not simply a contract renewal. Those presenting proposals were: Sovernet Communications (Bellows Falls and Colchester) and; PAETEC Communications (South Burlington). Both firms presented a remote “hosted” system and both firms have a corporate presence in Vermont, also having local technical support as needed. The two bids are similar in contract period (36 month), re-occurring cost and non-recurring costs. The main benefit would be staying with the current supplier, Sovernet, when considering the continuity of service at switchover and the ability to switch back the service if there are any problems with a particular line. 
- i) Consideration of authorizing the Department of Public Works to award the contract to the lowest responsible bidder and to authorize the City

Manager to execute the contract documents for the FEMA Flood Mitigation Project. (Competitive sealed bids will be opened on Monday, August 8th, at 3:30 P.M.; a tabulation of the bids will be prepared following the bid opening and provided to the Council.) 

- j) Consideration of becoming the Liquor Control Commission for the purpose of acting on the following:

Ratification of a poll vote taken on July 15th for the issuance of a Catering Permit to Vermont Hospitality Management, d/b/a New England Culinary Institute, for a Reception/Dance scheduled to be held on Wednesday, July 20th, from 5:00 to 9:00 P.M. at National Life. 

Ratification of a poll vote taken on July 21st, for the issuance of two Catering Permits to The Skinny Pancake, Inc., for their monthly “Green Beer” event (where beer and wine is served): the first event is scheduled to be held on Tuesday, August 9th; and the second on Tuesday, September 13th from 6:00 to 8:00 P.M. in the City Center Lobby. 

Ratification of a poll vote taken on July 28th for the issuance of a Catering Permit to Vermont Hospitality Management, d/b/a New England Culinary Institute, for a “Dinner BBQ” scheduled to be on Friday, August 5th, from 5:00 to 9:00 P.M. at the National Life Guest House. 

Ratification of a poll vote taken on August 1st for the issuance of a Catering Permit to Valley Bowl, Inc., from Randolph, for a Fine Arts Dance scheduled to be held Friday, August 5th, from 8:00 P.M. to 1:30 A.M. at Noble Hall on the campus of Vermont College of Fine Arts. 

Additional Catering Permits:

Consideration of two catering permits received from Vermont Hospitality Management d/b/a New England Culinary Institute as follows:

Reception & Dinner at National Life Guest House, National Life Drive, on Monday, August 15th from 5:00 P.M. to 9:00 P.M.

Reception & Dinner on the National Life Patio, National Life Drive, on Sunday, August 21st from 5:00 P.M. to 8:00 P.M.

k) Payroll and Bills

General Fund Warrant dated July 8, 2011, in the amount of \$318,605.50.

General Fund Warrant dated July 13, 2011, in the amount of \$26,562.42 and \$273,287.79.

General Fund Warrant dated July 14, 2011, in the amount of \$166,742.87.

General Fund Warrant dated July 15, 2011, in the amount of \$495.00.

Payroll Warrant dated July 21, 2011, in the amount of \$125,510.35 and \$33,427.01.

General Fund Warrant dated July 27, 2011, in the amount of \$238,017.70.

General Fund Warrant dated July 28, 2011, in the amount of \$53,143.27.

Payroll Warrant dated August 4, 2011, in the amount of \$118,715.31 and \$24,497.02.

Consideration of Item (i) the FEMA Flood Mitigation Project was removed from the consent agenda for this evening.

Council Member Weiss requested that Item (f) be considered separately.

Motion was made by Council Member Sherman, seconded by Council Member Golonka to approve the consent agenda with the additions and removals.

Council Member Jarvis recused herself from voting on (g).

Mayor Hooper called for a vote on the motion. Motion carried unanimously.

- 11-138(a) Consideration of approving a "Validation Resolution" prepared by the City's Bond Counsel Paul Giuliani; this document is needed in order to fix a small glitch in the bond election process for the District Heat Project. The last Warning publication date is supposed to be between five and ten days from the date of the vote; the June 2nd publication is fourteen days from the vote. Council is being asked to authorize the dating and signing of the "Validation Resolution" by the City Clerk. 

Council Member Weiss had a question regarding the Private Activity Bond.

Motion was made by Council Member Weiss, seconded by Council Member Hooper to approve the Validation Resolution, authorizing the dating and signing of the Validation Resolution by the City Clerk. The vote was 6-0, motion carried unanimously.

11-193. Consideration of a request from Daniel Barlow, Co-founder of “Trees & Hills Comics Group” for the use of meeting rooms (and equipment) in City Hall on Saturday and Sunday, October 1-2, 2011, for the Second Annual 24-Hour Comic Challenge. 

- a) A letter from Mr. Barlow has been attached which outlines his request in greater detail.
- b) Recommendation: Receive Mr. Barlow’s request/presentation; discussion; direction to Mr. Barlow and/or staff.

Dan Barlow and Phayvanh Luekhamhan, Montpelier Alive Executive Director were present for this agenda item. Information had been provided to the council. Council member asked questions and were updated on the plans.

Motion was made by Council Member Sherman, seconded by Council Member Timpone to allow the use of city hall and to waive the fees. This was contingent upon following staff recommendations. Montpelier Alive would be the responsible party for this event.

Mayor Hooper called for a vote on the motion. The vote was 6-0, motion carried unanimously.

11-192. Ratification of a poll vote taken on July 21st which temporarily filled a vacant seat on the Development Review Board; appointment of another individual to a second vacant seat; and possibly a third appointment to this board.

It has been challenging to recruit interested citizens to serve on this board. There are currently two vacancies; Alan Blakeman’s and Sabina Haskell’s.

On July 21st, City Council voted to temporarily appoint Elizabeth Koenig to the seat vacated by Alan Blakeman with the intent to officially appoint her this evening: Elizabeth Koenig, 73 Main Street – Room 53, Montpelier.

Since July 21st, staff has received two more applications as follows: Brian M. Lane-Karnas, E.I., 16 Mountainview Street; and James M. LaMonda, 5 Summit Street.

Recommendation: Appoint Elizabeth Koenig to a 3-year term to expire in July, 2014; appoint one of the other applicants to fill Sabina Haskell's unexpired seat until July, 2013; and possibly appoint the third applicant to one of the Alternate positions (One of the current Alternates has had difficulty attending meetings since being reappointed in December).

Council Member Jarvis said this was not a ratification of a poll vote.

Motion was made by Council Member Golonka, seconded by Council Member Sherman to appoint Elizabeth Koenig to the 3 year term to expire in July, 2014, Brian M. Lane-Karnas to fill the unexpired seat until July, 2013 and James M. LaMonda to fill the alternate position on the Development Review Board. The vote was 6-0, motion carried unanimously.

11-194. Review MATRIX recommendations.

Since receiving the Final "Management Assessment" Report from the MATRIX Consulting Group, staff has begun implementing, or are at least working on, some of their recommendations.

The Fire Chief, Police Chief, Assessor and Assistant City Manager/Tax Collector are the three who will begin this process.

Recommendation: Receive reports; discussion; possible direction to staff.

Fire Chief Gowans touched on the MATRIX Report. They looked at response times for both Fire and EMS. It looked at survival rates in the EMS field, particularly cardiac arrests. They also talk about regionalization. The three

recommendations that came out of the MATRIX study are to implement a company inspection program to improve fire prevention efforts. They now have a fire inspection program that has been in place for about 12 years. They target commercial buildings, downtown buildings, stores, schools, churches, nursing homes and extended care facilities. Those are areas they need to take a look at. They are the standard high risk occupancies.

Another change they recommended was an educational program citywide and they will be starting in the elementary schools this year. They also do a lot of fire educational training in the extended care facilities and this year they would like to get into the community more and working with elderly residents living at home alone. The best way to start that would be with the CAN groups.

They talked about the elimination of one of the lieutenant positions and create a firefighter position. They based this on departments of their size throughout the country that they are a little top heavy in officers. They will be implementing that recommendation with the promotion of Lieutenant Quinn to Deputy Chief which creates a vacancy within the Lieutenant ranks. They will fill that position as a firefighter.

They recommended they continue to explore regional opportunities and that is ongoing. He said there is no question they give more than they receive with mutual aid and the record speaks for itself. How they equalize that he isn't sure. They give more to the City of Barre for mutual aid but also receive a lot from Barre in mutual aid.

Council Member Golonka voiced his concerns about communities that don't have full time departments and is the city enabling them to make their budgets artificially low in those areas. The one sticking point with regionalization is going to be Barre Town.

Council Member Weiss said it is recommended the Fire Department develop standards of service for the emergency and medical services. Have they thought about it?

Chief Gowans reported it goes back to the regionalization piece.

Building Permitting & Inspection:

They recommended moving this function into Planning. Chief Gowans said he didn't disagree with that. They agree that would improve service but the problem is the limitations of space. . The Building Department should have its own separate phone line and they have implemented that.

Police Department:

Police Chief Facos said one of the preliminary reports from their perspective was heavily flawed and he did address that in writing to the MATRIX team. Some of the data they had was clearly inaccurate. The recommendations are more just fine tuning. Where he was a little stubborn is because their expectations are a little higher of their officers in terms of having a broad knowledge base and background to do a lot of different things. Staffing levels in general are okay. He spoke about the utilization of their one detective, their staffing allocation and how they provide community policing services to Montpelier. He also spoke about the relationship with the school system and continuing the SRO Program.

The areas he didn't disagree regarding flexibility are with how they handle proactive time. They do that on an as needed basis. They can't wait to get a full time bike unit in operation. That is certainly a priority as well as a promise to the Council and the community and with 17 officers they can certainly afford to do that.

Another area of concern was whether they were too flat an organization. Neil Martell has been a supervisor longer than the Chief and he is always the number two in command. How do they formalize that and how can they afford to do that? A great opportunity became available in the Leadership and Policeman's Organization Training and the Academy wants someone from Montpelier attending. It is a three-week program with the help of the League of Cities and Towns and free tuition. Sargent Martell was accepted into the program.

Some other things that are happening in terms of community policing, a member from the State Police, Sheriff Hill and he met with an organization about providing a new partnership with the Senior Citizens as a triad. They were looking at a model from Rutland County to basically formalizing interaction between the police and the senior citizens community.

The other area is their records management system. A couple of years ago they were fortunate enough to receive a JAG grant to upgrade their records management system, the crime track system. At some point the department will have to maintain two systems.

Assessor:

Assessor Twombly said the report raises three main points. The biggest change and recommendation they have is to go to a five-year cyclical reappraisal system. He believes they are erroneous in their thinking. They seem to think that Vermont requires a five-year cycle for reappraisals, which is not the case. If you go to a five-year cycle you reassess 20 percent of the parcels each year. He doesn't believe that Vermont law would allow you to reassess 20 percent, or any small percent, in any given year. The law says you assess at market value and secondly comparable properties have to be assessed comparably so there is equity. You can't reasonably and legally raise your assessments this year and someone else's another year because you start creating different levels of assessment that way. Under the current system any new homes, additions, improvements, decks, etc. are all run through the same system that was established for the reappraisal. The thinking behind the current statute is that once your values drop below 80 percent of current market there is a dispersion which looks at how far away from market value are the sales. They are both looking at the threshold at which inequities are large enough to force you to do a reappraisal.

Councilors asked Assessor Twombly if he believed the Assessor position should be full time.

Assessor Twombly replied he certainly scrambles to do everything he does in three days a week. He tends to save time for the busier times of the year so he has more hours in the spring. He wouldn't object to more hours.

Secondly, in the MATRIX Report they recommended they expand the web site, which he agrees with and supports. That certainly helped the whole reappraisal process and the mapping was a great resource, not only for the public but for Public Works and Planning. He also strongly supports the concept of streamlining and integrates the building permitting process. Part of his job is to try to look at all of the properties that get building permits each year, and at this point he has no access to any of that data. He just gets a paper copy of a listing of all the permits which have been issued. He has no access to what Glenn is

doing and he is looking at the projects as the work is going on. It would expedite his work in the spring if he could look at the data base to see if the work has been started, underway or if it has been finished. Presently he has to do independent contact with homeowners.

Tax Collector and Assistant City Manager:

Her positions are contained in other recommendations. The duties associated with the collection of delinquent accounts should be performed by staff performing Treasurer's functions. As she transitions towards part-time or full-time retirement the tax collecting will no longer be a function of the Assistant Manager's position. By the city charter the assistant manager appoints the tax collector. In that process that describes going to the Treasurer's Office a lot of that is going to be dependent upon the consolidation of the Treasurer and Finance Department. Right now to free up more time to do more of the administrative duties you see under the City Manager's piece it says the duties allocated to the Assistant City Manager should be modified in the future to provide a greater focus on conducting analysis, report writing and general management to the City Manager. She agrees with that and sees it as a good move. As part of the initial transition what she calls the regular monthly and quarterly billings that happen for delinquencies she has already started training one of the clerks in Charlotte's Office to do a lot of that. She also used to spend a lot of time doing adjustments for water and sewer. They are in the process of training the staff accountant in Sandy Gallup's Office to do those adjustments. She still will be handling the more aggressive collection pieces. Until this transition is fully done she really enjoys the tax collecting piece. She enjoys working with the people and has been able to work our accounts down to where they are manageable. Her one big concern is that it doesn't happen like in some other big cities in our state where the person doing the tax collecting piece isn't comfortable doing collections or it doesn't become a priority.

Another recommendation was to consolidate the Montpelier Senior Activity Center and Recreation Department into a community service department reporting to the Assistant Manager. She sees this all happening within the next few years.

Council Member Weiss said this is to him the most important recommendation in the MATRIX Report. The component that interests him the most is the position she holds beginning to have some of the directors in other areas

reporting to that position. He hopes that can be achieved as soon as possible. What authority would the position have, and how would it correlate with the work of the Manager?

11-195. Discussion regarding holding meetings in Districts.

Mayor Hooper requested that this item be included on this agenda.

Recommendation: Discussion; no voting action.

Mayor Hooper explained that she was interested in holding some meetings in each district. Her suggestion was that the Council Members from that district along with the Mayor would meet to update the citizens of that district on what was happening in the city. They would also answer questions, look for feedback and concerns from the citizens in that district.

Consensus of the Council was to hold a meeting this Fall and another meeting in the Spring in each District.

11-196. Reports by City Council

Council Member Sherman reported there was talk about supporting Council Members who might incur costs for attending meetings. Specifically they were talking about child care. If there is a barrier for people to run for Council or to attend Council meetings they should make it clear that if there are expenses you incur in order to attend a meeting there should be a way to file those with the city and be remunerated.

Council Member Timpone said maybe younger folks are left out because of child care and if there was some sort of child care reimbursement process it might offset costs and get more folks involved.

Council Member Golonka reported they have their regional meeting tomorrow. They had their debt and fund policy meeting today with Sandy and it went well. She did a great job putting together some sample policies and they will report to the Council in early September.

Council Member Jarvis attended a meeting of the Farmer's Market Board on Saturday and two members from the Board of Montpelier Alive talking about what might happen downtown if and when the Farmer's Market does move. It was exciting talking about ideas like creating different markets in different parts of town with transportation in between them. The Farmer's Market Board is very aware that the move up to the College is contingent upon a lot of things such as funding, permitting, etc. so it isn't a done deal. They are willing and interested in having conversations with the city and Montpelier Alive about what the possibilities are for the future. A group did a bunch of weeding on Main Street last Friday in the areas around the trees and curbs, and it was a lot of fun. They are doing it again this Friday in front of City Hall.

Council Member Timpone said they wrapped up their flood relief fund and awarded \$29,808.40 to 20 businesses and two businesses received a \$250 award for an alert monitoring system. That committee has been dissolved with no money left in the account.

Council Member Sherman said the Housing Barriers Committee is meeting tomorrow at 5:30 P.M.

11-197. Mayor's Report

She had asked Council Members if they would be interested in taking her place on the Arts Grant Committee and she hasn't heard back from anybody. The Infrastructure Committee is meeting regularly and they have been relying heavily on the MATRIX recommendations.

11-198. Report by City Clerk-Treasurer

City Clerk-Treasurer Hoyt reminded everyone that the first installment of property taxes is due on Monday, August 15th.

11-199. Status Reports by the City Manager

City Manager Fraser reported the City has also been looking for an auto call out system primarily for emergency alerts.

11-200. Agenda Reports by the City Manager.

None.

Adjournment.

Motion was made by Council Member Hooper, seconded by Council Member Sherman to adjourn the Council Meeting at 9:08 P.M. Motion carried unanimously.

Transcribed by Joan Clack

Attest:

City Clerk