

**Minutes of the Montpelier City Council Meeting**  
**June 11, 2014**  
**Montpelier City Hall Council Chambers**

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

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

- 14-148. Melissa Perley of Citizens to Protect Berlin pond made a brief statement regarding the possibility of the City of Montpelier withdrawing its statement in regards to the organization's petition before the Agency of Natural Resources. She was concerned about the message sent.
- Ron Merkin addressed the Council regarding Duane Wells proposal for parking development that could overlap into Blanchard Park. He relayed a conversation he overheard regarding the development of the Blanchard parking lot that he felt was inconsistent with Council discussions. He further indicated he was present on behalf of Blanchard Park neighbors to determine Council intentions on the park. Mayor Hollar replied that there was no plan. Councilor Guerlain disagreed with some of Mr. Merkin's assertions.
- 14-149. The consent agenda underwent several unanimous changes before being acted upon. The City Clerk added a liquor license request for Golden Meadows Market. Councilor Turcotte pulled item n for discussion. Councilor Golonka pulled items m and g. Councilor Edgerly Walsh pulled item d. Councilor Guerlain pulled items c and e. Councilor Guerlain moved the amended consent agenda, and was seconded by Councilor Edgerly Walsh. The motion carried unanimously at 6:40.
- 14-150. The Council received a presentation by GMTA representatives Tawnya Kristen, (Community Relations Manager for Green Mountain Transit Agency) and David Armstrong (GMTA Planner) regarding the Circulator Saturday service and outreach initiatives.
- 14-151. The City Council entertained a request for an additional \$7,000 of funding to Just Basics, Inc. to support the FY14 start-up year of "FEAST" Senior Nutrition Program at the Montpelier Senior Activity Center (MSAC). MSAC Director, Janna Clar and JBI Executive Director, Theresa Murray- Clasen presented the request. Councilor Turcotte recused himself, citing conflicts of interest. Director Clar read a letter in testament to the positive impact of the program.
- Councilor Golonka asked if any extra allocation would be expected annually as part of the budget. Councilors Guerlain, Golonka and Mayor Hollar questioned the presenters

at length as to whether or not this \$7000 might benefit non-Montpelier residents, noting the Council's commitment to avoid that dynamic.

Councilor Edgerly Walsh spoke positively of the program and the request. Councilor Watson agreed, complimenting the program, and noted that she was impressed by the small amount of the ask, given the financial circumstances.

Councilor Golonka wondered about the disposition of the unallocated Community Fund money that was targeted as the source of the \$7000 ask. Finance Director Sandy Gallup addressed this, as well as other possible pulls on that unspent fund money that could arise.

Ms. Clar noted that her request was brought forward with the support of Finance Director Gallup and City Manager Fraser.

Guerlain moved the city honor the Senior Center's request and allocate a one-time request of \$7000 out of the Community Fund budget. Councilor Watson seconded. The motion carried unanimously at 7:17.

14-149(n). MSAC Director Clar remained at the table to answer questions from Councilor Golonka about consent agenda item n, which had been pulled for discussion. Councilor Turcotte remained recused.

Councilor Guerlain indicated he felt this was too complicated an item for the consent agenda. He echoed Councilor Golonka's questions regarding the impact on future budgetary commitments.

Councilor Guerlain moved the council instruct the City Manager to direct the two MOU between the city of Montpelier and the partners as described under consent agenda item n. Councilor Bate seconded. The motion carried unanimously at 7:27.

14-152. Councilor Turcotte returned to his seat. Finance Director Gallup returned to the front to introduce the Council's consideration of adopting the revised Water and Sewer Rate Resolution as recommended by the Water and Sewer Rate Committee. Gallup noted the proposal was complex, and that a July 1 implementation date was too ambitious.

Given that the committee of jurisdiction had not been able to meet, the Mayor wondered if the committee could meet before the next council meeting.

Councilor Golonka moved to approve the delay on water rates, and to approve the proposed sewer rate, and to review a recommendation next meeting. Councilor Guerlain seconded. The motion carried unanimously at 7:35.

In an addendum to the agenda, the Mayor explained the city has been asked to withdraw its petition before the Agency of Natural Resources regarding Berlin Pond restrictions, in order to create an

appearance of maximum support for the citizens' petition calling for a return to the absolute restriction on access, which the council had also supported. There was a discussion as to whether or not was appropriate for executive session. Times Argus Reporter Amy Nixon asked if there was pending litigation. Given that there was none, she did not agree with the City manager that a discussion in executive session would be consistent with open meeting law.

14-149(c). Councilor Guerlain explained his concerns surrounding consent agenda item c. He indicated that he had been a boy scout himself, but objected to Scouts' policy on gay scoutmasters, noting the recent news coverage on the issue. As such, he was not comfortable granting the Scouts request for permission to sell water during July 3.

The Mayor suggested that the Boy Scouts be given an opportunity to make their case, noting that he agreed with Councilor Guerlain's perspective.

Councilor Golonka felt the discussion was a "slippery slope" and moved approval of item c. Councilor Turcotte seconded, and went on to ask about ways the request may be amended.

Councilor Golonka asked if the Council intended to scrutinize all groups making similar requests. Councilor Bate felt that the Council should.

Councilor Guerlain suggested that having scouts come defend themselves before the Council might place them in a bad position.

Councilor Watson moved to table the item until next meeting. Councilor Edgerly Walsh seconded the motion to table, which carried 5-1 (Councilor Golonka opposed).

Mayor Hollar indicated the Boy Scouts would be invited to make their case next meeting. Councilor Edgerly Walsh hoped the invitation could be sent with the message that the City Council did not want to cause problems for any trip that the selling of water was intended to fund.

14-149(d). After a brief discussion, Councilor Edgerly Walsh moved approval of item d from the consent agenda. Councilor Turcotte seconded. The motion carried unanimously at 7:52.

14-149(e). Councilor Guerlain explained his concern about item e, where it appeared that the lowest bid had not been accepted. Mr. Fraser wasn't certain of the details, but speculated that the other bid was likely inadequate in some way. The council opted to return to the item later.

14-149(g). Councilor Guerlain explained his concern about consent agenda item g. He suggested there may be more cost effective solutions. Mayor Hollar had questions about the wording and the way the pay was to be allocated. Councilor Golonka indicated he wouldn't stand in the way of its approval, but would support an effort to examine alternative approaches to getting the work done. Councilor Guerlain moved approval of

consent agenda item g, and was seconded by Councilor Watson. The motion carried unanimously at 7:59.

- 14-149(m). Councilor Golonka explained his concerns regarding consent agenda item m, feeling that the nature of the item required a more complete public airing. City Manager Fraser took a moment to provide background. Councilor Turcotte asked for detail about what portion of the overall process would be approved with the passage of this item.

After discussion, Councilor Golonka moved approval of the consent agenda item. Councilor Bate seconded. The motion carried unanimously at 8:08.

The Mayor called a five minute recess. At 8:19, the meeting was called back to order. He then returned the discussion to a question of how to proceed on the Berlin Pond matter added late to the agenda. He felt that the statute did allow for discussion in closed session from the perspective of attorney-client privilege.

Councilors Golonka and Guerlain asked if the petitions before the ANR could be merged or altered in some way to agree. The Mayor and City Manager suggested that was unlikely.

Councilor Bate moved that the Council go into executive session to discuss the City Attorney's opinion, given that premature general public knowledge would place the city at a competitive disadvantage. Councilor Turcotte seconded the motion, which passed unanimously at 8:23.

Councilor Guerlain moved the Council return to open session. Councilor Watson seconded. The motion carried unanimously at 8:33.

The Mayor and Council reviewed the concerns and discussed the request to withdraw the petition, given the unanimous support for both within the body. A discussion followed as to what would be the most effective way forward. No action was taken to withdraw the petition.

- 14-153. Councilor Bate noted that it had been a busy week, and thanked citizens for their work in support of Berlin Pond,

Councilor Guerlain passed on constituent concerns about what was characterized as inconsistent upkeep of city landscaping, making specific note of Stonecutter's Way. City Manager Fraser explained the system, noting that all such landscaping will be taken care of. Councilor Guerlain suggested that citizen clubs could provide upkeep.

Again citing constituent feedback, Councilor Guerlain asked about obsolete signage removal, noting that an Ariel's Café sign was still up, as well as the Black Door sign. Mr. Fraser indicated he would look into it, noting that the Black Door sign was on a private building.

Councilor Turcotte shared a story about a Senior Center volunteer who was injured and not assisted by passersby, suggesting that Montpelier citizens should look out for each

other. He further relayed a story about a discussion held within the new parklet regarding the lack of parking, noting that he appreciated that the parklet provided a venue for such discussions. After speaking positively about the 1 Taylor Street public engagement process, he asked about the status of the Council Goals process.

Councilor Watson had questions for the City manager about the 1 Taylor Street process, including the timetable. She similarly asked about the stormwater planning process and timeline.

Councilor Edgerly-Walsh passed on a reminder to drivers to slow down during construction season, and thanked drivers for their patience.

- 14-154. The Mayor reported on the ribbon cutting for the new parklet and responded to concerns about parking. He also thanked those who turned out for the 1 Taylor Street discussion.
- 14-155. The City Clerk noted the primary election filing deadline, and the upcoming deadline for water-sewer payments.
- 14-156. City Manager Fraser noted the previous Friday's emergency readiness training exercise. He also reminded councilors to try and let his office know in advance if they have issues with consent agenda items, so staff can be ready to respond to any questions.
- 14-157. Mayor Hollar noted that there were updates regarding the dispute with the Vermont College of Fine Arts over the extent to which lease payments from a tenant are taxable. Councilor Guerlain moved the Council enter executive session due to the fact that that premature public discovery of legal matters would place the city at a substantial disadvantage. Councilor Bate seconded. The motion carried unanimously at 8:55.

Councilor Guerlain moved to come out of executive session and adjourn the meeting. Councilor Watson seconded. The motion carried unanimously at 9:35.